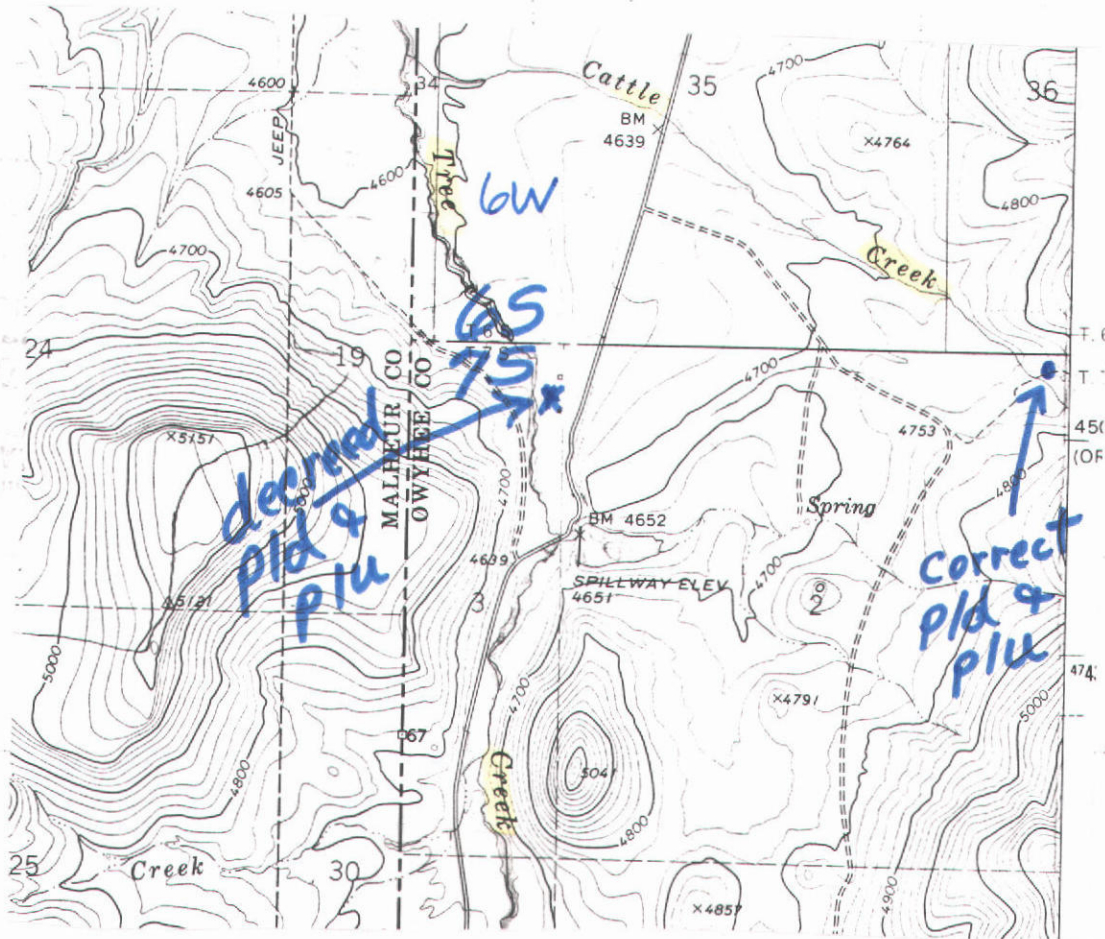


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- 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.



T75
R6W
NENE
Gov't
MICROFILMED
OCT 27 1998

The Owyhee Avalanche

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

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

RECEIVED

MAY 13 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):

May 6 and 13, 1998

Signed

Subscribed and sworn to me this 13th day of May A.D., 19 98

Jan Roeberry
Notary Public in and for the State of Idaho
Residing at Homedale, Idaho
Commission expires 05/04/2004

NOTICE OF PROPOSED CHANGE OF WATER RIGHT, TRANSFER NO. 5253

Notice is given that MELVIN EDWARD &/OR WILLIAM GARRETT SEEBECK of PO Box 8, Clarksburg CA 95612 have applied to the Department of Water Resources to change a Point of Diversion and Place of Use pursuant to I.C. § 42-222 for the following surface water decree in T7S R6W, Owyhee County:

55-13475, priority 12/31/1944, .06 cfs, diverted and used for domestic and stockwater from spring in NENE S3 tributary to Lone Tree Creek.

PROPOSED CHANGE

Correct spring's tributary to Cattle Creek and historical place of diversion and use to NENE S2.

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 May 26, 1998. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director
5/6&13/98

MICROFILMED
OCT 27 1998

429-143

100-60

35

af

65

75

11

14

OCT 27 1998



PHOTOGRAPHER: KAY WALKER

DATE OF PHOTOS 8/1/96

FILE NO(S) . _____



MICROFILMED
OCT 27 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5253
WATER RIGHT NO. 55-13475

This is to certify that: **MELVIN EDWARD SEEBECK JR**
WILLIAM GARRETT SEEBECK
PO BOX 8
CLARKSBURG CA 95612

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.02 CFS	1.3 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF
	Totals	0.06 CFS	2.5 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
SPRING	CATTLE CREEK

Priority: 12/31/1944

LOCATION OF POINT(S) OF DIVERSION: Lot 1(NENENE), Sec. 2, Township 07S, Range 06W
OWYHEE County

PLACE OF USE: STOCKWATER
TWN RGE SEC
07S 06W 2 Lot 1(NENE)

PLACE OF USE: DOMESTIC, same as STOCKWATER use

CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

MICROFILMED

TRANSFER NO. 5253
WATER RIGHT NO. 55-13475

CONDITIONS OF APPROVAL AND REMARKS

3. The quantity of water decreed for Right 55-13475 is not a determination of historical beneficial use.
4. The quantity of water under Right 55-13475 shall not exceed 13,000 gallons per day.

Dated this 14th day of October, 1998.


Chief, Water Allocation Bureau

RECORDED

INDEXED

Page 1 of 6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5253

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED
JUN 19 1998

Name of applicant Melvin Edward &/or William Carrett Seebuck Phone (916) 665-1773
Post Office address P.O. Box 8, Clarksburg CA 95613

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 _____
2. Describe the reason for the proposed changes Right was recommended to SRBA court in error. This right was to cover "Cattle Creek" domestic spring.

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
55-13475 12/31/1944 0.02 stockwater 1-1 to 12-31
" " 0.04 domestic 1-1 to 12-31

2. Total amount of water being transferred 0.06 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water spring tributary to Lone Tree Creek
4. Point(s) of Diversion: Cattle Creek

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
<u>1</u>	<u>NE</u>	<u>NE</u>	<u>NE</u>	<u>2</u>	<u>7S</u>	<u>6W</u>	<u>Owyhee</u>	<u>Cattle Creek Spring</u>

5. 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	
<u>7S</u>	<u>6W</u>	<u>2</u>	<u>D/S</u>																

Total acres _____

PART 1**6 General Information:**

a. Description of diversion system Spring in form of hand dug
Artesian well between 4 large trees, 12" casing
located to enclose spring.
13.5 FF. long

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.

Agent completed claim form, sent to
claimant for signature - Agent errored
in legal descriptions on claim
form. Making correction with this
d. Remarks: application.

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____.

MICHAEL MED

AJ5809NP
No. 55-13475

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/03/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MELVIN EDWARD SEEBECK JR	12/31/1944	STOCKWATER	01-01 12-31	0.02 CFS	
C	WILLIAM GARRETT SEEBECK PO BOX 8 CLARKSBURG CA 95612 (916) 665-1712		DOMESTIC	01-01 12-31	0.04 CFS	
					TOTAL DIVERSION:	0.06 CFS

Water Source: SPRING

Tributary to: LONE TREE CREEK

Stage: DECREED

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

OWYHEE County

Place of use Legal Description for: STOCKWATER

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
07S 06W 3 : 01-S				:	:	:	:	:	:	:	:	:	:	:	:

Place of use Legal Description for: DOMESTIC

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
07S 06W 3 : 01-D				:	:	:	:	:	:	:	:	:	:	:	:

POU County: OWYHEE

Non-Irrigation Uses: 1 HOME

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP STOCKWATER, 100 RANGE CATTLE

Dates: Exam Made Date: Verified Date: 07/16/1997 Objection Filed Date:

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

MICROFILMED
JUL 17 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. 55-13475 Decreed to Seebecks
in case of SABA
dated 1/30/1998 in _____ county of Twin Falls
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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 _____

3. Source of water Spring tributary to Lone Tree Creek

4. Date or priority 12/31/1944

5. Water is used for the following purpose:

amount Domestic for _____ purposes from _____ to _____
(cfs/ac-ft) 0.02 for Stockwater purposes from 1-1 to 12-31
(cfs/ac-ft) 0.04 for Domestic purposes from 1-1 to 12-31
(cfs/ac-ft)

6. Total amount of water under right 0.06 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion: None

Lot	1/4	1/4	1/4	Sec	Twp.	Rge.	County	Local name for diversion
<u>1</u>	<u>NE</u>	<u>NE</u>	<u>NE</u>	<u>3</u>	<u>7S</u>	<u>6W</u>	<u>Dwyhee</u>	

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	
<u>7S</u>	<u>6W</u>	<u>3</u>	<u>D/S</u>																
			<u>4.1</u>																

Total acres _____

9. Describe any other water rights used for the same purpose as described above None

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

3. 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	

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

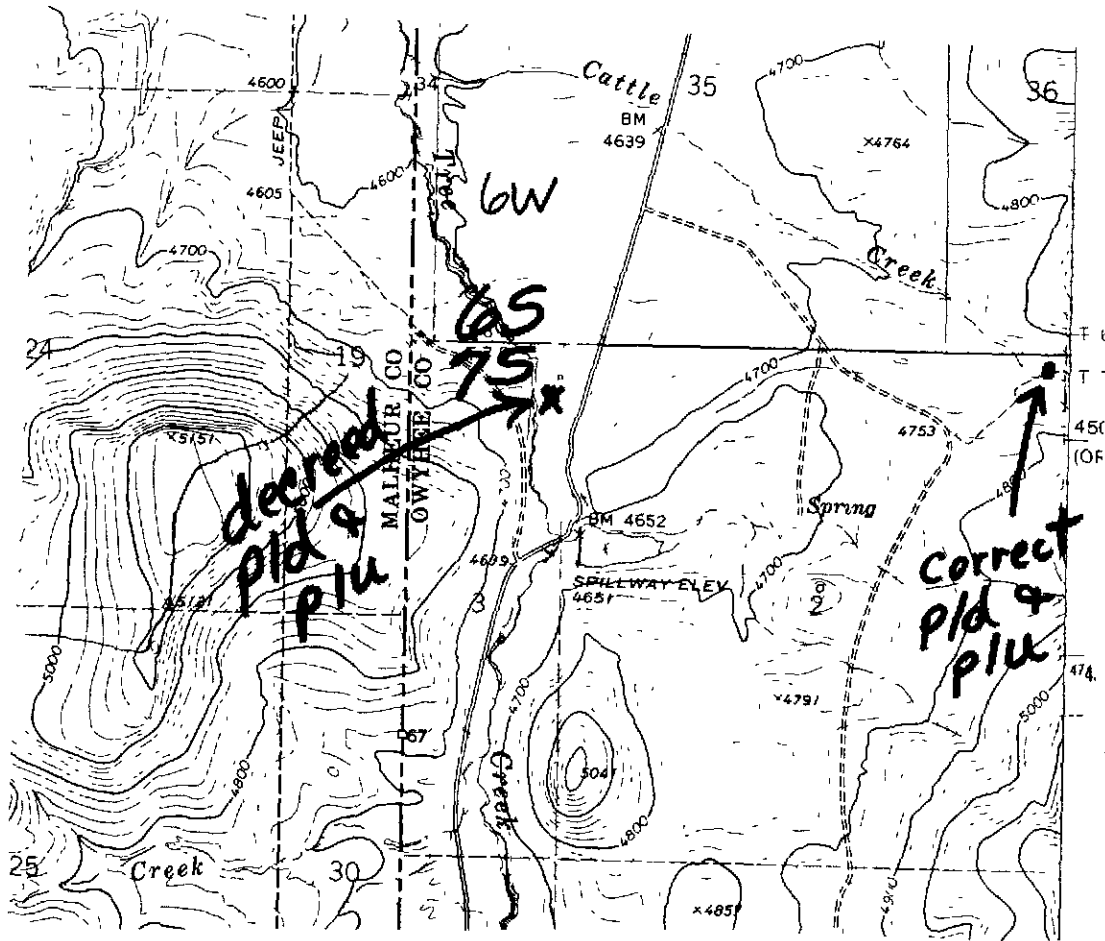
3. Lands irrigated or place of use:

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	

Total acres _____

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.



T7S
 R6W
 NENE
 Gov't

PART 3**B. CHANGES IN NATURE OF USE**

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.

Mr. Edward Sebeck Jr.

(Signature of Applicant)

Subscribed and sworn to before me this 3rd day of April, 1998.

Kathleen A. Walker

(Notary Public)

My commission expires 3-14-1999**FOR DEPARTMENT USE ONLY**

Transfer contains 6 pages and 1 attachments A1 + A2

Received by Kui Date 4/2/98 Protest filed by _____

Prelim. check by g Fee \$100.

Received by Kui Date 4/2/98 # W033656

Published in Owyhee Avalanche Copies of protest forwarded by _____

Pub dates 5-6 + 13 - 1998 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd _____ by _____

Copy of transfer sent to lien holder _____

MICHAEL

SPECIAL WARRANTY DEED

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

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

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

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

CIRCLE BAR RANCHES, INC.

By: [Signature]
Vice President

STATE OF IDAHO

:SS

County of Malheur

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

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

[Signature]
Notary Public for Idaho
Residing at: _____
Commission expires: _____
NOTARY PUBLIC - OR. GON
MY COMMISSION EXPIRES 11-20-91

MICROFILMED

SEP 29 1992

SPECIAL WARRANTY DEED - 1

EXHIBIT "A"

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

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

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

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

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

204655

FILED-RECORDED

MAR 13 2 10 PM '91

BARBARA A. CO
OWYHEE COUNTY RECORDER
BY *Le. Schumann*
DEPUTY

REQUEST OF

O.T.C.

FILE *6:00*

INDEXED

MICROFILMED

Recorded
3/13/91

RECORDED
3/13/91

SRBA

SUBCASE SUMMARY REPORT 55-13475

[Return to SRBA Home Page](#)

SRBA
08-28-1998

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 55-13475 FILE#: 00000
CLAIMANT: SEEBECK JR, MELVIN EDWARD
STATUS: PD ISSUED
WATER SOURCE: SPRING, LONE TREE CREEK

**** PARTIES INVOLVED ****

MELVIN EDWARD SEEBECK JR	PRO SE
WILLIAM GARRETT SEEBECK	PRO SE

**** ROA ENTRIES ****

01-30-1998	PARTIAL DECREE FILED	01-30-1998
01-30-1998	CERTIFICATE OF MAILING - PARTIAL DECREE	

[Return to SRBA Home Page](#)

Friday, August 28, 1998

9.0 AM

RECEIVED

AUG 31 1998

Department of Water Resources

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A55-13475
Date Received: 12/ 3/1993
Receipt No: W016997
Received By: DE-KW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

AND/OR

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

2. Date of Priority: DEC 31, 1944

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

4. Point of Diversion:

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

5. Description of diverting works:
SPRING IN FORM OF HAND DUG WELL (ARTESIAN) TO SMALL POOL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.020		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 1 HOME; STOCKWATER, 100 HEAD

MICROFILMED

DEC 21 1998

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	06W	3	NE	NE	1	STOCK	
			NE	NE	1	DOMEST	

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED

001 2 / 1998

Received 4/18/93

Domestic Spring

RECEIVED

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

DEC 03 1993

WATER RESOURCES
WESTERN REGIONIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. A55-13475Date Received 12-3-93Receipt Number W016997

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW For Domestic and/or Stockwater Purposes Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

"Cattle Creek
Domestic Spring"Paid 25⁰⁰
L.P. CK # 820
10/11/93
made 11/29/93

Please type or print clearly

1. Name of Claimant (s) Melvin Edward Seebeck, Jr. &/or
William Garrett Seebeck Phone (916) 665-1712Mailing Address P.O. Box 8, Clarksburg, CA Zip 956122. Date of Priority (Only one per claim) 1994 Month/Day/Year3. Source of water supply (Check one) () Groundwater or Other (X) (a) spring
which is tributary to (b) Lone Tree Creek
Name or kind of source4. Location of point of diversion is: Township 07S Range 06W
Section 03 NE 1/4 of NE 1/4 of NE 1/4, Govt Lot 01, BM.,
County of Owyhee

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. spring in the form of a hand dug well
(artesian flow) to small pool located between
4 large trees.

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For Domestic purposes from 1-1 Month/Day to 12-31 Month/Day amount 0.04 (cfs)For Stockwater purposes from 1-1 (Both dates are inclusive) to 12-31 amount 0.027. Total quantity claimed 0.06 (cfs)

MICROFILMED

8. Total consumptive use claimed is de minimus

OCT 27 1998

9. Non-irrigation uses Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) Domestic, 1 home; Stockwater, 100 head

DEC 03 1988

WESTERN REGION
WATER RESOURCESHOW YOU WILL RECEIVE NOTICES IN THE
SNAKE RIVER BASIN ADJUDICATION

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

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

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

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

ALL-PURPOSE ACKNOWLEDGMENT

NO 209

State of CALIFORNIACounty of SACRAMENTOOn 11/29/93 before me, Katy A. Tingtella, Notary Public

DATE

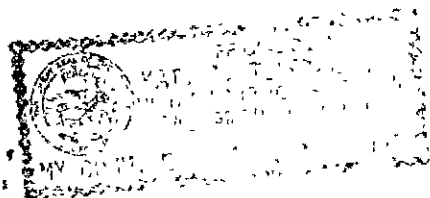
NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared Melvin Edward Seebeck, Jr. & William Garrett Seebeck

NAME(S) OF SIGNER(S)

☒ personally known to me - **OR** - ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument

Witness my hand and official seal



Katy A. Tingtella
SIGNATURE OF NOTARY

CAPACITY CLAIMED BY SIGNER☐ INDIVIDUAL(S)☐ CORPORATE

OFFICER(S)

TITLE(S)

☐ PARTNER(S)☐ ATTORNEY-IN-FACT☐ TRUSTEE(S)☐ SUBSCRIBING WITNESS☐ GUARDIAN/CONSERVATOR☐ OTHER**SIGNER IS REPRESENTING:**

NAME OF PERSON(S) OR ENTITY(IES)

MICROFILMED**OCT 27 1998****ATTENTION NOTARY:** Although the information requested below is **OPTIONAL**, it could prevent fraudulent attachment of this certificate to unauthorized document

THIS CERTIFICATE
MUST BE ATTACHED
TO THE DOCUMENT
DESCRIBED AT RIGHT

Title or Type of Document Notice of claim to a water rightNumber of Pages _____ Date of Document 11/29/93

Signer(s) Other Than Named Above _____

10. Place of use is: Township: 7S Range 6W
Section 3, NE 1/4 of NE 1/4, Govt. Lot 01, B.M.,
for (Circle One) Domestic Stock Domestic and Stock
Additional places of use, if any _____

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.
() None or _____

14. Remarks: _____

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree
Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

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

Number of Attachments _____

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

Signature of Claimant (s) Melvin Edward Seebach Jr. Date 11/29/93
William Barnett Seebach Date 11/29/93

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

of _____ Title _____, that I have signed the foregoing
document in the space below as _____ Organization
Title _____ of _____ Organization

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

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or _____)

County of _____)

SS.

NOTARIZATION REQUIRED FOR EACH CLAIM

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

SEAL

Notary Public _____

Residing at _____ MICROFILMED

My Commission Expires _____ OCT 27 1998

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

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

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

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

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

October 16, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MELVIN EDWARD SEEBECK JR
WILLIAM GARRETT SEEBECK
PO BOX 8
CLARKSBURG CA 95612

RE: Water Right 55-13475 (Transfer 5253)

Dear Water Right Holder(s):

Enclosed is the copy of your approved Transfer of Water Right for the above referenced water right (Transfer 5253). Please be sure to thoroughly read the Conditions and Remarks listed on the transfer. Also, please be advised that the accompanying transfer approval should be considered and treated as a **preliminary order** of the department issued pursuant to section 67-5243, Idaho Code. Enclosed are instructions for responding to **Preliminary Orders** if you are in disagreement with the approved transfer.

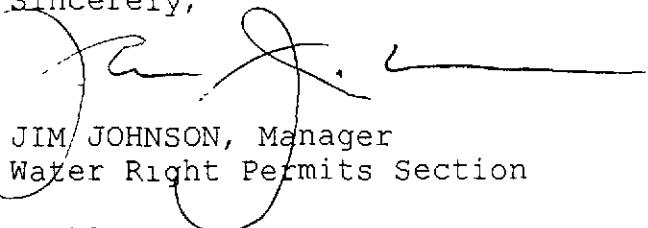
As of July 1, 1996, all water right owners are required to report any change in water right ownership and any change of mailing address to the department.

If you have acquired any other water right or have changed your mailing address **PRIOR TO** July 1, 1996, you have until July 30, 1998, to record the ownership and/or address change with the department.

If you acquired other water rights or changed your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes in a timely manner could result in a \$100 late filing fee. You can contact any office of the department for more information. If you have any questions concerning your water right listed above you can contact me at (208) 327-7947.

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt
Enclosures

MICROFILMED

OCT 27 1998

CERTIFICATE OF MAILING

I hereby certify that on the 16th day of October, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing **TRANSFER APPROVAL** to the person(s) listed below:

WATER RIGHT 55-13475 (Transfer 5253)

MELVIN EDWARD SEEBECK JR
WILLIAM GARRETT SEEBECK
PO BOX 8
CLARKSBURG CA 94612


Kari Lynn Townsend
Secretary

MICROFILMED
OCT 27 1998

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

MICROFILMED

OCT 27 1998

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED

OCT 27 1998

AJ5519

IDAHO DEPARTMENT OF WATER RESOURCES
DECREEED WATER RIGHT UPDATE REPORTDATE: 10/15/98
TIME: 08:50:32
PAGE: 1

PROCESS REQUEST: WATER DISTRICT NUMBER: REGION:

AJ DECREEED RIGHT REPLACE WR RIGHT RENUMBER TO DELETE WR RIGHTS(S)

55-13475

-

-

-

-

-

AJ DECREEED NUMBER	WR REPLACE NUMBER	RENUMBER TO THIS NUMBER	DESCRIPTION OF ACTION TAKEN
-----------------------	----------------------	----------------------------	-----------------------------

55-13475

Water Right Successfully Added to WR Master

Bev Lindsey 10-15-98

MICROFILMED
OCT 27 1998

MEMORANDUM

TO: File 55-13475

FROM: Pam Skaggs^{PS}/State Office

SUBJECT: 5253

DATE: August 28, 1998 ^{pk}

Transfer 5253 changes the point of diversion, place of use and the tributary under Right 55-13475. The right was recommended and decreed incorrectly. The transfer will correct the legal descriptions and the tributary to describe the right as historically used. No physical change in use of this right will occur.

Standard domestic and stockwater volumes were identified. Recommended conditions include quantity limitations and standard transfer conditions.

MICROFILMED

OCT 27 1998

TRANSFER REVIEW SHEET

(07-98)

Transfer # 5253

Date Reviewed 8-28-98

Right(s) 55-13475 SRBA Decree

☒ WRQ/Split Summary ☒ Decreed SRBA Status NA ☒ DOM/STOCK Run POU Comparison Report

B:Change P/D C:Add P/D

D:Change P/U

E:Change Nature of Use

F:Change Period of Use

G:Other

H:Change P/D & Add P/D

☒ I:Change P/D & P/U

J:Add P/D & Change P/U

Proof of Ownership SRBA Decree 1-30-98 Warranty Deed '91

Transfer ☒ All of Right ☐ Portion of Right

Resulting Split(s) NONE

Check Transfer Against Recorded Right

Season/Vol. NA

(1) ☒ Priority (2) ☐ Use (3) ☒ Season (4) ☒ Rate (5) ☐ Volume

(6) ☒ Source (7) ☐ P/D (8) ☐ P/U (9) ☐ Proof/Owner (10) ☒ Map

(11) NA Water District (12) Yes Pertinent Conditions (13) No Expansion

(5) Standard DOM = 1.2 cfs 160 x 12 gpd x 365 days = 1.3 cfs = 2.5 cfs total

(6) Correct Tributary to Cattle Creek

(7) Correct P/D from Sec 3 to sec 2

(8) Correct P/U " " " " "

Correct SRBA Decree record to reflect historical use. No physical change.

Transfer Remarks ^{AJ} (N11) (N13)

Conditions T07, T08, T09
Decreed.

Database/Processing Notes

Standard ☒

Non-Standard ☐

Bring Decreed right to WR Database/Replace w/ T file when approved ☒

"T" Files Update Complete ☒

Approval Form ☒

Transfer Memo ☒

Database Updated Following Approval ☒

Memo/Form Files Deleted ☒

28 10-15-98

SPLIT RIGHT SUMMARY
08-28-98
TRANSFER 5253

SD-0611-2 Basin: 55 Starting Water Right: 13475

S	Water	Name	O	Priority	STG/	Use	S
E	Right No.	Last, First	W	Date	STS	Desc	Y
L			N		Source		S
-	T55-13475			12/31/1944	D/	SPRING	STOCK WR
-						DOMEST	
-	55-13475	SEEBECK JR, MELVIN E	C	12/31/1944	D/	SPRING	P DECR AJ
-		SEEBECK, WILLIAM GAR	C				
-	A55-13475	SEEBECK JR, MELVIN E	C	12/31/1944	J/	SPRING	STOCK AJ
-		SEEBECK, WILLIAM GAR	C			DOMEST	

RECEIVED

JUN 1 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

TRANSFER ANALYSIS SHEET

APPLICANT Melvin Edward & William Barnett Seebeck TRANSFER NO. 5253

INITIAL ALLOCATION REVIEW BY LG DATE 4/15/98
SRBA SUPERVISOR REVIEW BY N/A DATE _____

1. Right number(s) SS-13475

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 Source ☐ 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. ☒ Reviewer's analysis memo completed (always include)
- 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. N/A Expansion in use of right - Comments: _____

T5253

j. / Existing rights from same source, on land water is being transferred to; right number(s): _____

k. / SRBA claim(s) - Comments (NOTE! Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain) Decreed in SRBA (Dunghell City)

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 Gang _____ Date 6/17/98

FILE FORWARDING

1. Copies made for Region file (see attached supplemental page)? / Yes

2. File forwarded to S.O.: by AT _____ date 6-18-98

The Owyhee Avalanche

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

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) SS
COUNTY OF OWYHEE)

RECEIVED

MAY 13 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.

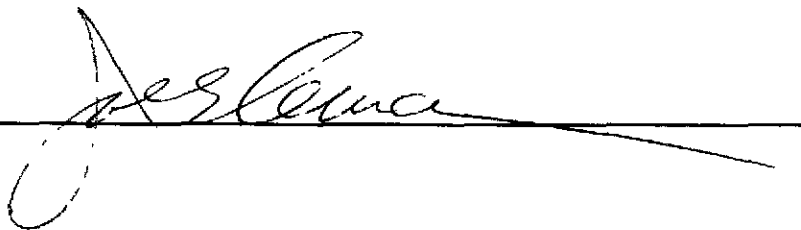
4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in

said newspaper, in Two (2)

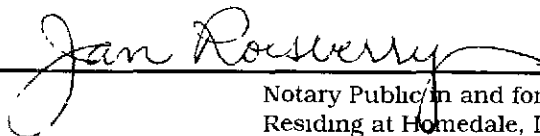
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s)

May 6 and 13, 1998

Signed



Subscribed and sworn to me this 13th day of May A.D., 19 98



Notary Public in and for the State of Idaho
Residing at Homedale, Idaho
Commission expires 05/04/2004

NOTICE OF PROPOSED CHANGE OF WATER RIGHT, TRANSFER NO. 5253

Notice is given that MELVIN EDWARD &/OR WILLIAM GARRETT SEEBECK of PO Box 8, Clarksburg CA 95612 have applied to the Department of Water Resources to change a Point of Diversion and Place of Use pursuant to I.C. § 42-222 for the following surface water decree in T7S, R6W, Owyhee County:

55-13475, priority 12/31/1944, .06 cfs, diverted and used for domestic and stockwater from spring in NENE S3 tributary to Lone Tree Creek.

PROPOSED CHANGE

Correct spring's tributary to Cattle Creek and historical place of diversion and use to NENE S2.

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 May 26, 1998. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director
5/6&13/98

MICROFILMED

001 27 1998

MEMO

DATE: 4/15/1998

FROM: Lori Graves

TO: File

RE: Application For Transfer 55-13475

During the SRBA review for Owyhee County, recommendations for this claim were submitted in error. Because the objection period for Owyhee County dom/stock claims is over, the transfer process is the only way to correct the decreed right.

The purpose of this transfer is to change the p/d and p/u from NENE S2 to the NENE S3 and to change the tributary from Lone Tree Creek to Cattle Creek.

No water right overlaps were found.

I recommend this transfer be approved as filed.

MICROFILMED

OCT 27 1998

**NOTICE OF PROPOSED CHANGE OF WATER
RIGHT, TRANSFER NO. 5253**

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Karl J. Dreher, Director

Published in the Owyhee Avalanche on May 6 and 13, 1998.

MICROFILMED
JUL 27 1998

RECEIVED

AUG 31 1998

MEMORANDUM

Department of Water Resources

April 6, 1998

TO: FILE 55-13475

FROM: KAY WALKER *KW*

RE: TRANSFER APPLICATION

When I was out in the field conducting my field examinations for the Seebeck's I was asked to prepare a domestic claim form for them and mail it to them for completion. I did this, however, I put the wrong domestic location on the form. I had put the location of the "Deary" Ranch on the form thinking that was where the spring they were talking about was located. During notice of error period on their irrigation rights, I discussed this right with the Seebecks and found that the spring they were wanting to claim was the one at their Cattle Creek place. The Seebecks had not reviewed the legal descriptions on the domestic claim prior to signing and submitting it. In order to clear up this mess, on the decreed domestic right, I had the Seebeck's file an application for transfer to "change" the legal descriptions from the Deary place to the Cattle Creek place.

In our discussion I found that the domestic water for the Deary Ranch comes from the spring that fills the reservoir under A55-04081. There is not currently a claim for this domestic use but since it was developed prior to 1971 they have a grandfathered right. They plan to develop a well for the domestic use in the future at this location.

MICROFILMED

OCT 27 1998



EAGLE POINT ORCHARDS
Eagle Point Pear Juice

P. O. Box 8
Clarksburg, CA 95612

RECEIVED

MAR 25 1998

**WATER RESOURCES
WESTERN REGION**

Kay Walker

Idaho Dept Water Resources
Western Region

2735 Airport Way

Boise, Idaho 83705-5082

3/23/98

Dear Kay,

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

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

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

MICROFILMED

OCT 27 1998

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

Sincerely M.S. Seelbach Jr. (800)



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 27, 1996

RE: Notice of Claims to Water Rights

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

Gentlemen:

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

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

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

MICROFILMED

2002 1998

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

Sincerely,

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

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:k

MICROFILMED
OCT 27 1978

MEMORANDUM

August 5, 1996

TO: ROB WHITNEY

FROM: KAY WALKER *KW*

RE: WELL IN OWYHEE COUNTY

Rob: While out conducting a field exam in Jordan Valley, I found that my claimants (who are well drillers in California) may have drilled a well on their property. I searched our drilling permits and could not locate a permit to drill this well. The cement around the casing has my claimant's names and June, 1992, etched into it. This well is located in the NWNW, Sec. 1, Twp. 7S, Rge. 6W as far as I could tell.

It appears to me that this well is used for domestic purposes at the claimant's campsite - a large camp trailer with a shelter built over it. It appeared there was a pipe from the well to the camp trailer. They have also plumbed in a septic system from what we could tell. We were out there without the claimant's so we could not ask them any questions about it.

Attached is a copy of NAPP photo AA52 NE which shows where we found this well to be located. The claimants also have a diversion from Cattle Creek which is just south and east of the well. I have taken some photos of the well in question but have not gotten them developed yet.

The claimants names are:
Melvin &/or William Seebeck
P.O. Box 8
Clarksburg, CA 95612
(916) 665-1712

What do you do in a situation like this? I would like to know what you are going to do, beforehand, in case they call me. I don't think they are licensed to drill in Idaho and as said above, I could not locate a drill permit for this well. What if they just modified an old existing well? Kay

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SEP 27 1996



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

DATE: 07/16/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MELVIN EDWARD SEEBECK JR	12/31/1944	STOCKWATER	01-01 12-31	0.02 CFS	
C	WILLIAM GARRETT SEEBECK		DOMESTIC	01-01 12-31	0.04 CFS	
	PO BOX 8					
	CLARKSBURG CA 95612					
	(916) 665-1712			TOTAL DIVERSION:	0.06 CFS	

Water Source: SPRING

Tributary to: LONE TREE CREEK

Stage: BENEFICIAL USE

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

OWYHEE County

Place of use Legal Description for: STOCKWATER

	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
07S 06W 3	: 01-S															

Place of use Legal Description for: DOMESTIC

	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
07S 06W 3	: 01-D															

POU County: OWYHEE

Non-Irrigation Uses: 1 HOME

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A55-13475

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP STOCKWATER, 100 RANGE CATTLE

Dates: Exam Made Date: Verified Date: 07/16/1997 Objection Filed Date:

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

Audit: 07/16/97 MMINICUC

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AJ0749NP
No. R55-13475

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

DATE: 04/30/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MELVIN EDWARD SEEBECK JR	12/31/1944	STOCKWATER	01-01 12-31	0.02 CFS	
C	WILLIAM GARRETT SEEBECK		DOMESTIC	01-01 12-31	0.04 CFS	
	PO BOX 8					
	CLARKSBURG CA 95612					
	(916) 665-1712			TOTAL DIVERSION:	0.06 CFS	

Water Source: SPRING

Tributary to: LONE TREE CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion:

T07S R06W S03 Lot01(NENENE)

OWYHEE County

Place of use Legal Description for: STOCKWATER

				NE				NW				SW				SE			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
07S	06W	3	:	01-S															

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
07S	06W	3	:	01-D															

POU County: OWYHEE

Non-Irrigation Uses: DOMESTIC, 1 HOME; STOCKWATER, 100 HEAD

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A55-13475

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Audit: 00/00/00

add N11, N13
Parent No. =

00727008
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SMALL DOMESTIC AND STOCK FIELD VERIFICATION

Claim No.: A55-13475

OWNERSHIP

- [] Record is correct; claimant is owner of the property.
- [] Record is incorrect; new owner and/or mailing address is:

- [] Change of ownership form given to new owner.

LOCATION

- [✓] Legal description is correct; home or stock found as claimed.
- [] Legal description incorrect; correct legal description is:

For domestic use - Twp.____, Rng.____, Sec.____, ____1/4 ____1/4.

For stockwater use - Twp.____, Rng.____, Sec.____, ____1/4 ____1/4.

Twp.____, Rng.____, Sec.____, ____1/4 ____1/4.

- [✓] Domestic and/or stockwater use found as claimed.
- [] Additional or different use found:

Use _____ From _____ To _____ Amount _____ cfs _____ af

Use _____ From _____ To _____ Amount _____ cfs _____ af

Domestic, _____ homes; Stockwater, _____ head

=====

Date of verification: 6-25-92, 8-1-96 Verification Method: Field review

Signature of Examiner: Ray Walker

MICROFILMED
USE

100 27 1958



PHOTOGRAPHER: KAY WALKER

DATE OF PHOTOS 8/1/96

FILE NO(S). _____



MICROFILMED
101 27 1998



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 22, 1993

RE: SRBA Claims to Water Rights in Owyhee County

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

Gentlemen:

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

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

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

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

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OCT 2 / 1998

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

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

Sincerely,

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

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

Enclosures

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OCT 27 1998

State of Idaho
Dept. of Water Resources

Kay Walker - Water Resource Agent

David Tutthill JR. - Manager, Western Region office

2735 Airport way

Boise, Idaho 83705-5082

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

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DEC 03 1993

WATER RESOURCES
WESTERN REGION

November 29, 1993

Dear Kay & David,

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

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

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

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

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

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

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

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

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

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

Includes 20 acres - do we need more \$ if more acreage??
2) \$25 Claim for Domestic Spring (Cattle Creek)
(previous use back to 1944)

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

Please let us know what else we need to do

Thanks for your help!

Sincerely,

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Nov. 2 1993 DeLark Tr.

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DEC 03 1993

WATER RESOURCES
WESTERN REGION

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

*Original
from Bill Ross
10/16/93*

Kings

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

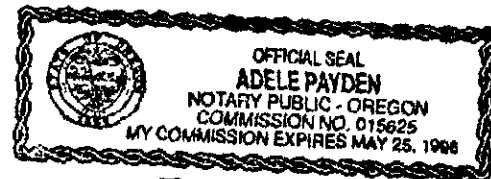
Beneficial use was made of the water rights on this property in accordance with Idaho water law throughout the time of our ownership. At no time was there a lapse of beneficial use extending for as long as three years on any of the five established claims and rights. A description of those filings and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

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

Very truly yours,

William E. Ross

William E. Ross
date



*Adele Payden 10-5-96
Notary for Oregon*

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OCT 27 1998

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

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

I owned the Deary Place from 19~~44~~⁴⁴ thru ~~1950~~ and to the best of my recollection there has never been a period of 3 years or more where water use on the Deary Place did not involve ALL of the above before mentioned water rights.

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

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

Bill Ross

9/7/93

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OCT 27 1998



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 15, 1993

RE: SRBA Claims to Water Rights in Owyhee County

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

Gentlemen:

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

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

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

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OCT 2 / 1998

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

Sincerely,

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

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

Enclosures

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OCT 27 1998

● RECEIVED
SEP 14 1993

September 10, 1993

Department of Water Resources
Western Regional Office

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

Dear Kay,

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

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

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

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

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

Sincerely,

Melvin E. (Skip) Seebeck Jr.

Melvin E. Seebeck, Jr.

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OCT 2 / 1998

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

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

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

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

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

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OCT 27 1998

1

Bill Ross
9/7/93

SEP 14 1993

Department of Water Resources
Western Regional Office

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

1. **LONE TREE CREEK** (established 4/1/1885, point of diversion TO7S RO6W SO3 LOT 4) (CLAIM #A55-04080).
2. **LONE TREE CREEK** (established 4/1/1907, point of diversion TO7S RO6W SO3 LOT 2). (CLAIM #A55-04082)
3. **SPRING SUPPLYING RESERVOIR** (CLAIM #A55-04081 DATED 4/1/1885) DIVERSION TO7S RO6W S02 SENW.
4. **CATTLE CREEK** (WATER LICENSE #55-02069 dated 10/2/1915, Alfred Feltwell, point of diversion TO7S RO6W SECTION 1 TRACT NW NW.
5. **DOMESTIC SPRING ON CATTLE CREEK**

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

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

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

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

WATER RIGHT #1 LONE TREE CREEK (established 4/1/1885, point of diversion TO7S R06W S03 LOT 4) (Claim #A55-04080).

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

WATER RIGHT #2 LONE TREE CREEK (established 4/1/1907, point of diversion TO7S R06W S03 LOT 2). (CLAIM #A55-04082)

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

WATER RIGHT #3 SPRING SUPPLYING RESERVOIR (established 4/1/1885, point of diversion TO7S R06W S02 SE NW), (Claim #A55-04081).

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

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OCT 27 1998

WATER RIGHT #4 CATTLE CREEK (WATER LICENSE #55-02069 dated 10/2/1915 point of diversion T07S R06W SECTION 1 TRACT NW NW).

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

WATER RIGHT #5 DOMESTIC SPRING ON CATTLE CREEK

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

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