

Bryce Contor

Water Resources Field Services

General Comments

This is a beneficial use claim that appeared unused when I inspected it, but I found evidence of prior irrigation in the form of ditches, a pump, and pipelines. I also found an older ditch that could have served the claimed place of use before a pump was available. The claim was filed 15 years ago and it is not unreasonable that the place was irrigated sometime in the five years before claims taking. The pump panel electrical inspection was done in 1975. There is an old ditch that comes into the high corner of the property, suggesting historical irrigation before the pump system was installed. The part of the POU south of the creek could possibly have been irrigated from the creek (by damming the creek itself; the land is very flat right there) or by a flume that may have crossed the creek where the current pipeline crosses. Evidence in the file establishes at least a 1924 priority date.

I have written to the owners asking for clarification of water use during the five years before claims taking. If they don't respond I suggest getting advice on whether to recommend forfeiture. I know it is not being irrigated now but I can't tell how long it has been since it was irrigated.

Ownership

The courthouse indicates a change in ownership to:

Charles Arthur Collins
Diane Collins
Coral Collins
Doug Convoy
323 N 300 E
Jerome ID 83338

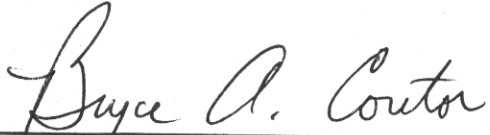
I have sent a letter and a change of ownership form.

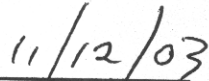
POD

The current POD is a pump from a pond just off Herman Creek, GPS waypoint 4070, 708,506 E 229,025 N IDTM. The original POD appears to have been about where the road crosses Herman Creek to the northeast of the POU. The unlabeled black and white photo in the file shows the general area where the original POD must have been. The layout has the current POD too far west, see my corrections.

A25-04070_6.jpg Pump

A25-04070_7.jpg Pond in Herman Creek with dam and dike.


Bryce A. Contor


Date

POU

The claimed POU and the layout appear to be correct.

Overlap

None noted.

Conflict

Ernie Lombard of Lombard Land and Livestock has a decreed right from this source and a POD upstream of this location. He acknowledges that he lets some stock water go down to Collins but did not mention Collins' irrigation when I asked about other users on the creek. Lombard's decree is for less total diversion rate than Lombard could put to beneficial use with the ditch and acreage he has in place. USFWS also has a claim based on the same decreed right as Lombard.

Lombard and Humphries have a dispute with USFWS about where the property line is between themselves and the refuge. This may also apply to A25-04070; the USGS maps show no public land survey section line on the south of this section.

Priority

The Melvin Gregorie letter appears to document at least a 1924 priority. He states the photo was taken in 1926 when he was eight years old and he remembers observing irrigation at the ranch from the time he was six years old, or two years earlier. Note that the photo shows a hill behind the boys that looks like the hill in photo A25-04070_3.jpg.

Quantity

The pump motor is missing and I couldn't find a pump tag. The discharge supplies an eight-inch pipe. A maximum irrigation mainline design velocity is seven feet per second (IDWR energy-efficient irrigation seminar training materials circa 1992), which is about 2.45 cfs in an eight inch pipe. This indicates adequate capacity to serve the claimed diversion rate of 1.6 cfs.

Water Use

This land is smooth and nicely sloped. Historically nearly all the claimed POU could probably have been flood irrigated.

The motor panel has an electrical inspection tag dated 1975. The power meter is a Landis and Gyr meter, serial number LA 231 A 5 1. I think a rural electrical coop out of Afton Wyoming supplies the power here. They may possibly be able to document the most recent irrigation use, but I haven't contacted them.

In a normal water year I expect Herman Creek provides a useable supply if Lombard takes no more than his decreed right. Even with Lombard diverting most of the stream for irrigation there was some water reaching the Collins property when I visited.

There weren't cattle on the place when I visited but it looks like it was used for grazing this season. I should have invited the claimants to amend the claim to include stock water, or to file a separate stock water claim. Mr. Lombard states he always tries to let some water go past his diversion for stock water uses, but a future owner may not be so courteous and these claimants may need a water right to protect the stock water flow.

List of Photos

Even if irr. must be disallowed, stockwater w/ priority 1924 can be recommended. BAC.

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| A25-04070_1.jpg | Looking west along north edge of POU from northeast corner. |
| A25-04070_2.jpg | Looking southwest at POU from northeast corner. |
| A25-04070_3.jpg | Looking up (northeast) into Herman Creek drainage along old ditch. It seems to show in the NAPP, see my sketch. This ditch enters the property just south of the northeast corner, which is the high corner of the property. The hill in the right background looks like the hill behind the boys in Mr. Gregorie's photo. |
| A25-04070_4.jpg | Eight inch riser pipe and PVC pipe on ground at the SE corner of the house lot, near the NE corner of the POU. |
| A25-04070_5.jpg | Looking south past transformer and pipe pile, with the pump in the middle ground and Herman Creek and the pump pond in the background. I don't know how well it shows in the picture but pipeline traces appear on the ground extending south beyond Herman Creek |