

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: A43-00037

Date Received: 3/21/1989

Receipt No: 5006624

Received By: AD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HAROLD A. JONES 208-645-2370
Address: SUBLETT ROUTE
MALTA, ID 83342

2. Date of Priority: JUN 01, 1881

3. Source: CLEAR CREEK Trib. to: RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
16S	27E	27	SE	SE	NE		CASSIA

5. Description of diverting works:
CHECK DAM TO EARTHEN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.400		

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

8. Total consumptive use is 1485.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	27E	34	NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0

A43-00037

Page 1

Date: 03/21/89

MAR 02 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	27E	34	SE	SW		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	280.0
16S	27E	2	NW	NW	4	IRR	38.0
			SW	NW		IRR	40.0
			NW	SW		IRR	40.0
						Section Acres	118.0
		3	NE	NE	1	IRR	38.0
	NW		NE	2	IRR	38.0	
	SW		NE		IRR	40.0	
	SE		NE		IRR	40.0	
	NE		SE		IRR	40.0	
						Section Acres	196.0
						Total Acres	594.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
A43-02401, A43-00259 & A43-00260

14. Remarks:
USE OF THIS DECREE HAS EXISTED FOR MANY YEARS ON THE LAND DESCRIBED; PRIOR TO THE DESIGNATION OF THE AREA AS A CRITICAL GROUNDWATER AREA.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

ALBION-IDAHO LAND CO.
Decree Plaintiff

vs

JOBE ADAMS ET AL
Decree Defendant

A43-00037

Page 2

Date: 03/21/89

MAR 02 1993

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1 ~~for~~ See Mrp A43-02401

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): Harold A. Jones Date: 3-21-89
Date:

State of Idaho)
County of Thur) SS.
Fall)

Subscribed and sworn (or affirmed) before me this 21st day
of March 19 89

[Signature]
Notary Public

Seal

Residing at Kimberly, ID
My Commission Expires 6/30/92

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent TARA BACKLUND

DATE November 30, 1995 2:18pm CUSTOMER LEANN-HEPWORTH

SUBJECT: ~~A43-00083~~, A43-00084, A43-00085, A43-00259, A43-00260,
A43-00286A, & A43-02401
phone call (X) walk-in (.)

LEANN FROM HEPWORTH'S OFFICE CALLED TO ASK FOR THE NOTICE OF CLAIM FOR THESE CLAIM. I ASKED IF SHE WANTED THE WHOLE FILES. SHE SAID NO, ONLY THE NOTICE OF CLAIM. I MADE COPIES AND CALLED HER TO SAY THEY WERE READY FOR PICK UP.

6/9/94

COMMUNICATION DOCUMENTATION

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IDWR Employee/Agent Kelly K Christensen

DATE CUSTOMER
October 25, 1995 2:42pm LEE ANN FROM HEPWORTH'S OFFICE

SUBJECT: WANTS CLAIM FORMS TO USE FOR AMENDMENTS
phone call (X) walk-in (.)

She indicated that a client wants to ammend the following claims and she requested claim forms for these rights. I explained the general procedure for using the forms for amendments.
claims

A43-00037✓
-00084✓
-00085✓
-00259✓
-00260✓
-02868A✓ (SIC) -00286A
-02401✓

cc ALL noted files H 10-26-1995

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A43-00037 ET AL

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IDWR Employee/Agent Frank Hitchcock

May 3, 1995 7:23am

NAME: LE ANN, HEPWORTH'S RE: A43-00037 ET
TF AT 4:03 MAY 2, 1995. PAT BROWN WANTS A CONFERENCE RE: JONES
CLAIMS AND THE SESSIONS USAGES. SET FOR NEXT WEEK BY CALLING HIS
SECRETARY. MESSAGE LEFT FOR ALLEN.

INTER-DEPARTMENT MEMO

TO: HAROLD JONES claim(s)

SUBJECT: REQUEST TO COPY

FROM: H

DATE: 05-01-95

ORIGINAL REQUEST 04-24-1995; first notice
by HERNWORTH et al - PAT BROWN.
Letter of 04-20-1995

Copies were made by Tara Badoluna and billing
prepared. All to ADM.

A copy of the reference file for CLEAR CRIMES
was copied also and put in a file jacket.

() For your information

signature

() Response required

L A W O F F I C E S

*Hepworth, Lezamiz
& Hohnhorst*

- Established 1952 -

RECEIVED

APR 21 1995

Department of Water Resources
Southern Region

TWIN FALLS OFFICE

John C. Hepworth
John T. Lezamiz
John C. Hohnhorst
Jeffrey J. Hepworth
Penelope Parker**
Eileen A. McDewitt*
Patrick D. Brown
Jeffrey A. Warr

Wm. L. Nungester
of Counsel

BOISE OFFICE

J. Charles Hepworth*
John J. Janis

*Member CA Bar
**Member UT Bar

memo:
04-24-95

April 20, 1995

Idaho Department of Water Resources
222 Shoshone St. E.
Twin Falls, ID 83301

Re: Public Writings Act Information re: Harold Jones
Our File No. 95-1-125

Dear Sir:

As you may know, I represent Harold and Ray Jones who own water rights in Basin 34, including from Round Mountain Creek, Round Mountain Springs, Kelso Springs and Clear Creek. The Jones' have been frustrated in enjoying the use of their water under those rights for two principal reasons. First, it appears that Mr. Sessions has constructed a dam (without the required permits), which I understand may be interfering with some of my clients' water. I also understand that water from Clear Creek is not being allowed to flow out of Utah, and in fact, water which is decreed for use in Idaho is being used instead in Utah. The purpose of this letter is two-fold. First, I request that under the Public Writings Act, Idaho Code Section 9-337 et seq. that you provide me with all documents or writings, as that term is defined in the statutes, which relate in any way to either the above concerns. Namely, I request that you provide all information in the possession or custody of the Department which is any way related to the Sessions dam, your inspections and considerations of the dam, water rights which may be associated with the dam, and questions with respect to my clients' use of water as it relates to the dam and damming activities. I am also requesting all information which you have with respect to any agreements or communications about the allocation of water between Idaho and Utah concerning Clear Creek and how that water has been, is being or should be used and the allocation among the various owners in Idaho or Utah. I will be happy to reimburse the Department for the costs of copying such materials.

HLH
Chartered

TWIN FALLS OFFICE

208-734-7510
Blick Building
133 Shoshone St. N.
P.O. Box 389
Twin Falls, ID 83303-0389
FAX-208-734-4115

Boise Office

208-343-7510
537 West Bannock
P.O. Box 2582
Boise, ID 83701-2582
FAX: 208-342-2927

To → Phil Rasser &

Post-It™ brand fax transmittal memo 7671

of pages ▶ 2

To <i>Norm Young</i>	From <i>Allen Merritt</i>
Co.	Co.
Dept.	Phone #
Fax #	Fax #

Department of Water Resources

Page 2

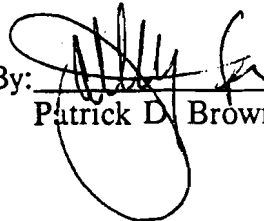
April 20, 1995

The second reason for this letter is to ask that you, Mr. Hitchcock, Mr. Jones or others from IDWR who have been involved in the above matters, contact me by phone so that we can discuss your understanding of the current situation, as well as any misunderstandings that my clients' may have.

I look forward to receiving the documents and speaking with whoever is best informed about these matters. I only ask that someone contact me soon because my clients' are not receiving water and, as you know, it is difficult to avoid or recover from damage that occurs to crops due to lack of water.

Very truly yours,

HEPWORTH, LEZAMIZ & HOHNHORST,
CHARTERED

By: 
Patrick D. Brown

PDB:llm

cc: Harold and Ray Jones

\0418AM.llm

TO: ADM
FROM: FH
DATE: 03-17-1995
SUBJ: TELEPHONE CALL FROM HAROLD JONES, NAF.

MR. JONES CALLED AT 10:00 AM TO REPORT THAT UTAH USERS OF CLEAR CREEK ARE IRRIGATING. HE WANTED TO KNOW WHAT WAS GOING TO BE DONE ABOUT THE DIVERSION IN UTAH PER OUR DISCUSSIONS REGARDING THE SITE OF THE MEASURING WEIR ON CLEAR CREEK IN UTAH. HE STATED THAT HE WOULD LIKE TO GET SOMETHING DONE (ABOUT THEM/THE IRRIGATING/CLEAR CREEK WATER).

HE ASKED ABOUT THE TUESDAY MEETING OF UTAH AND IDAHO WATER USERS. I SAID I DIDN'T KNOW OF ONE-WAS IT THE NAF IRRIGATION COMPANY THAT WAS MEETING? NO, ITS THE USERS OF BOTH STATES. RESTATED THAT I DIDN'T KNOW ANYTHING ABOUT THE MEETING.

MR. JONES ASKED IF WATERMASTERS HAD TO HAVE A BOND AND I SAID THAT I DIDN'T KNOW.

HE SAID THAT HE HAD OBSERVED THE SESSIONS DAM SITE WAS STILL FULL AND WHAT WAS GOING TO BE DONE ABOUT IT. I SAID THAT I WASN'T PART OF THE REVIEW OF THAT MATTER. I DID TELL HIM THAT YOU HAD BEEN DOWN THERE RECENTLY AND THAT I WOULD LEAVE YOU A MESSAGE THAT HE WAS INQUIRING.

HE DID NOT ASK THAT YOU CALL HIM REGARDING ANY OF HIS QUESTIONS BUT I MADE IT CLEAR TO HIM THAT YOU WOULD SEE A COPY OF THIS MEMO AND THAT I WOULD PUT A COPY IN THE ADJUDICATION CLAIMS FILES FOR HIS USAGES FROM CLEAR CREEK.

CC: HAROLD JONES SRBA CLAIM FILES SOURCING CLEAR CREEK
MEMOS-INTEROFFICE-SRBA-1995-FH.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A43-00037 et al

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955 IDWR Employee/Agent TH Date 03-03-95

Contact Person(s) RAY JONES 824-5714

Nature of Contact received letter re: SESSIONS
to drain water down...

Substance of Communication response to AAM FR call
back

from: CLEAR CR. file - in AAM office this date
cc: HAROLD JONES SRBA file (same #)

COMMUNICATION DOCUMENTATION

Claim No. A43-00037 et al

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IDWR Employee/Agent

7H

Date

02-08-95

Contact Person(s)

RAY JONES @ United PWS site

Nature of Contact

drive in to see site again...

Substance of Communication

- 1) wants to move GW Pod - discussed
forms he can request to do so.
- 2) has found water rising in several
places upstream of place where he
was back.
- 3) asked about outcome of "hearing" -
explained wasn't a formal hearing.

COMMUNICATION DOCUMENTATION

Claim No. A43-00037 et al

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IDWR Employee/Agent H/ADM Date 02-01-95
 Contact Person(s) HENRY JONES

Nature of Contact originally TT ADM: review location of KILSO SPRINGS

Substance of Communication Mr & Mrs Henry Jones came in along with attorney Dan Chisholm.

We reviewed the entire usage claimed.

A43-00259 source: KILSO SPRINGS
-00260 " "

were reviewed closely esp. P/D in decree
V. P/D claimed - discussion re: actual
location - survey always (38 years)
came down Rhonda Mtn Chisholm. - until
until upstream work.

COMMUNICATION DOCUMENTATION

Claim No. A43-00259-00260

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IDWR Employee/Agent Allen Merritt Date 01-27-95Contact Person(s) HAROLD JONESNature of Contact TF - set appt for 02-01-95
@ 10 A.M. hereSubstance of Communication for CW ADM who took
call:Mr. Jones has additional information
re: location of Keweenaw Springs to add
to his claim file.CC: A43-00259 (KEWEEAW SPRINGS) file
-00260 " " " "

TELEPHONE MEMORANDUM

☒ Incoming Call
☐ Outgoing Call
☐ Returning Call

11/15

TO: DICK SMITH - NOA 678-8382
 DATE: 11-08-1994
 FROM: JH

FILE: L+G CATTLE (02-14-08-18-1989)
 FILE NO: A43-02390, -02397, -04003A
 SUBJECT: OWNERSHIP OF POV - per BARNES
claim A43-2390A (05-10-1989)
-2397A
-4003C

REMARKS: msg, call me, re: L+G.

11/30 discuss appearance of error by L+G
 as indicated by BARNES, noting
 "own own of POV" - reviewed W. Deed
 "apartment"

NOTE:

JONES/SESSIONS asked me if any thing done yet as
 a result of having... thought
 Robin White was going to sit.
 Told him & contact with me.

ROUTING

INSTRUCTIONS:

CALENDAR

DATES:



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 13, 1995

RECEIVED

JAN 13 1995

Bob Morgan
Utah State Engineer
Utah Division of Water Rights
1636 West North Temple
Salt Lake City, UT 84116

Department of Water Resources
Southern Region

RE: Potential Delivery Problems Between Waterusers in Utah and Idaho of the Waters of
Clear Creek

Dear Bob:

As a result of this department's investigation of Snake River Basin Adjudication (SRBA) claims in the Clear Creek area we have been made aware of a potential delivery problem with regard to splitting of the water of Clear Creek between the waterusers of Utah and Idaho. As you may know, the methodology for splitting the water between Idaho and Utah was decreed by U.S. District Court, District of Utah, Northern Division in the case of Albion-Idaho Land Co. vs Naf Irrigation Co., et.al. dated 1/13/1937. My purpose in writing you about this matter is to inform you of the situation and to seek your comment and support in rectifying the current situation.

On August 22, 1994, department staff from our Southern Regional Office conducted field reviews in the Clear Creek area and met with Vern Kempton, watermaster for Clear Creek, and members of the Naf Irrigation Company. They confirmed that the gauging site specified in the decree located near the center of the SW $\frac{1}{4}$ of Sec. 1, Twp. 14N, Rge. 13W, S.L.M. had been washed out by flood. Mr. Kempton explained that presently the methodology for determining flow measurement specified by the decree for turning water to Idaho is compiled from measurements taken thru the delivery weirs of the Utah users further down the creek and that the methodology for determining flow measurement for turning water out of Idaho back to Utah is determined by using the Idaho weir located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 27, Twp. 16S, Rge. 27E, B.M.

Since the current measurement scheme uses measurement points relatively far downstream from the specified gauge site and does not account for the large losses associated with Clear Creek, the potential is that water may not be turned to Idaho as early as possible and is turned away from Idaho sooner than necessary. These concerns were discussed with Mr. Kempton and other members of the Naf Irrigation Co. on August 22, 1994, who were open to rectifying this situation by moving the site for making the critical measurement to a site near the old gauge site specified by the decree.

Bob Morgan
Page 2
January 13, 1995

I request your review of this situation and comment. Hopefully we can work together in resolving this problem before the next irrigation season.

Sincerely,


R. KEITH HIGGINSON
Director

cc: Vern Kempton

TELEPHONE MEMORANDUM

Incoming Call

✓
Outgoing Call

Returning Call

805 / 810 - 820

TO:

NORM

DATE:

08-10-94

FROM:

H

FILE:

return call - status of JAMES V. SESSIONS

FILE NO:

SUBJECT:

Session - little water - 1/3 CES
seems to be the problem - can do anything
this season?
need to set up mtg. next few
weeks.

REMARKS:

reviewed:

- 1) Can't reach HOLMGREN L+L for more
(remaining CLEAR CR. usages)
- 2) reviewed PRIMO CORP. more statement
re: usage (lack of)
- 3) site visit to former CLEAR CR. govt site
- 4) what contact made w/ VT water agency

ROUTING
INSTRUCTIONS:

reviewed ADM's reading of doc, photos made, 94 files.

CALENDAR
DATES:

CC: ADM, reviewed w/ LH.

COMMUNICATION DOCUMENTATION

Claim No. _____

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IDWR Employee/Agent 7H Date 07-22-94
 Contact Person(s) MR. NICK SMITH ESQ. PARSONS SMITH
PO BOX 910 BURLEY, ID. 83318 678-8382
 Nature of Contact per NORM YOUNG, State Office,
send memorandum and copies of all full
exhibits re: field exams of JONES, HAROLD & MERLE

Substance of Communication _____

Copies of memorandum summarizing SRBA
field exams of BASIN 43 claims in
Cassia County and all exhibits in files
were sent to Mr. Smith and Mr. Roger
Irving Esq. of Rupert. Prints from ASCS
slide of previous irrigation years were
not available at the time of the request
and a memorandum to forward same
after review was attached to each set
of materials.

Packets were sent First Class this date.

JONES, HAROLD

JONES, MERLE

A43-00037 A43-00260
 -00084 -00286A
 -00085 -02401
 -00259

A43-00045 A43-10116
 -00286B -10824
 -02061
 -02110

MR. ROGER LING ESO.
MR. DICK SMITH ESO.

INTER-DEPARTMENT MEMO

TO: _____

SUBJECT: prints from slides

FROM: F. Hitchcock

DATE: 7-22-94

Although Allen Merritt notes in the memorandum that prints from ASCS slides are attached we didn't get them back from processing in time for mailing the copies of all other exhibits.

We will forward copies to you at once when we receive them.

☒ For your information

☐ Response required

cc: SRBA files;
JONES, MERLE
JONES, HAROLD

F. Hitchcock - Agent
signature
So. Region IAR

CONVERSATION MEMO

FILE: JONES, HAROLD, MERRE
AGENT: 7H
DATE: 07-22-94

RE:

REQUEST FOR REPORT

NAME OF PARTY:

DICK SMITH ESQ. PARSONS SMITH BUREAU
PO BOX 910 83318

Per Norm Young, copies were made of all exhibits relating to the SRBA field stamp of mining in BASIN 43 filed by Harold Jones and Merrell Jones for usages in Cassia County.

A memorandum developed by Allen Merrett describing the usages as found during the SRBA field stamp was sent out with copies of maps showing the claimed usages, as well as decreed and licensed use and irrigation as reviewed.

All photographs were copied that were taken during review and a memorandum regarding ASCS slides which were not yet printed was included stating that copies would be forwarded when received and reviewed.

Copies were sent to Mr. Dick Smith Esq.; Roger Ling Esq.;* and Mr. Norm Young.+ Mailings were sent 1st class postage to the addresses of the firm for each attorney.

* PO BOX 396 Rupert, ID. 83350 + State Office

TELEPHONE MEMORANDUM

✓
Incoming Call

Outgoing Call

Returning Call

855/903

TO:

H

DATE:

07-20-94

FROM:

DICK SMITH ESQ - Ray Jones matter

FILE:

JONES, HAROLD

FILE NO:

SUBJECT:

Completion of information from
Field exam

REMARKS:

Speculated that we might have
something by 1st of next week in
the form of a draft... ADM has done
some work, I'm preparing exhibits.

Attorney is anxious to get a report
as R. Jones problems multiplying... will be
in depositions MON/TUES; please let him
know. Have we been in touch w/ Robin
Wells? - no. Wells says there has
been a increase in pumping from
well - is the well considered a
problem? - don't know @ this point.
Mr. Smith asked that his request for a report
be noted in the file.

ROUTING
INSTRUCTIONS:

CALENDAR
DATES:

TELEPHONE MEMORANDUM

Incoming Call

✓
Outgoing Call

Returning Call

245

TO:

Steve Urick

DATE:

07-12-94

FROM:

H

FILE:

JONES, HAROLD / MURKIN

FILE NO:

SUBJECT:

aerial slides - from files - 1993
or earlier.

REMARKS:

has recd. OK - said I would
see him in the AM WED.

ROUTING
INSTRUCTIONS:

CALENDAR
DATES:

TELEPHONE MEMORANDUM

✓
Incoming Call
Outgoing Call
Returning Call

2:40 pm msg taken

TO:

7

DATE:

07-07-94

FROM:

DEK SMITH, TSP.

FILE:

TONES, HEARD CLAIMS

FILE NO:

RAY TONES WITH PROBLEM

SUBJECT:

STATUS OF

REMARKS:

805
(msg) - was told last night he
returned - will be working on message
msg

ROUTING
INSTRUCTIONS:
CALENDAR
DATES:

To <u>Frank</u>		☐ AM	
Date <u>7/7/94</u> Time <u>2:40</u>		☒ PM	
WHILE YOU WERE OUT			
M. <u>Dick Smith</u>			
of _____			
Phone <u>208-678-8382</u>			
Area Code		Number	Extension
TELEPHONED	☐	PLEASE CALL	☐
CALLED TO SEE YOU	☐	WILL CALL AGAIN	☐
WANTS TO SEE YOU	☐	URGENT	☐
RETURNED YOUR CALL		☐	
Message <u>What status on Ray Tones</u>			

Operator <u>as</u>			

OFFICIAL®

009000

CONVERSATION MEMO

FILE _____

AGENT: 7DATE: 06-24-94

RE:

RAY JONES - ROBIN WELLS

NAME OF PARTY:

EDWARD K. SMITH - PARSONS SMITH 678-8382

1135 M, T, Th available - gave him my home # to
 call & stop in B4 leaving Burley -
 137 W. 12th BLK W of PARKERS.

440 W/ SMITH:
MON 10 a.m. @ the site

take letter w/

733-7352 Robin Wells

in office B4 8 AM if I could have

715 SUNDAY 06-26-94 has.
PORT RIVER FILM COPIES - office
 10 - he will be there
 suggested I call M.R. SMITH Mon a.m.
 I will call if unable to make it.

720 TT ADM - reviewed call.

MONDAY 06-27-94

12:45 TT R. SMITH - pass along Tue's mtg date.
 678-8382

From: DWR60::MERRITT 13-JUN-1994 15:06:37.61
To: HITCHCOCK, DWR03::SHAW, DWR03::YOUNG, HOLMES, JONES
CC: MERRITT
Subj: CONTINUED WATER PROBLEMS

FRANK,

ROBIN WELLS WAS IN THE OFFICE TODAY AND HE HAS BEEN WORKING WITH RAY JONES OUT NEAR BRIDGE IDAHO. HE REPORTS THAT MR. JONES AND MR. SESSIONS CONTINUE TO BE AT ODDS WITH EACH OTHER OVER WATER RIGHTS THAT ARE RELATED TO THE COMPLIANCE CONFERENCE HELD LAST MONTH ABOUT USE OF A POND. MR. JONES ALLEGES CROP DAMAGE AND THE PARTIES ARE CLOSE TO BLOWS. I STRONGLY SUGGEST THAT THESE ADJUDICATION CLAIM REVIEWS BE DONE AS SOON AS POSSIBLE.

ALLEN

*Jeff Sessions**

Harold Jones / Ray

06-21-94

*property bought last 2 yrs from father Ray.
OWN. CHARGE?*

& storage right

*hiring: Norm - draw down to rig. level until he
can get storage rt.*

Round Mtn. Spring Creek → river → now gravelly.

Pou has a pending transfer - & yet.

gravity to pivot

06-22-94

*AJQ1/WKQ1-2; per MFL: Sessions bought land
from Jones - * checked 43 Ann. Chg - &.*

MEMORANDUM

TO: Norm Young, State Office

FROM: Loren Holmes
Southern Region Mgr.

DATE: 27-Jun-1994

SUBJECT: Jeff Sessions Unauthorized Diversion

As far as current status of the investigation: Frank Hitchcock, Allen Merritt and Robin Wells are scheduled to investigate the area on June 28, 1994 and attempt to gather data sufficient to produce a claim verification report.

*74I - your
forward to
Norm Young
6/27/94*

PARSONS, SMITH, STONE & FLETCHER

WILLIAM A. PARSONS
RICHARD K. SMITH
RANDOLPH C. STONE
WM. KENT FLETCHER

ATTORNEYS AT LAW
137 WEST 13TH STREET
P. O. BOX 910
BURLEY, IDAHO 83318

TELEPHONE
(208) 678-8382
FAX NO.
(208) 678-0146

VIA CERTIFIED MAIL W/RETURN
RECEIPT REQUESTED P 850 597 023

JUN 27 1994

June 24, 1994

JUN 27 1994
Department of Water Resources
Southern Region Office

Loren Holmes
Department of Water Resources
222 Shoshone Avenue East
Twin Falls, Idaho 83301

RE: Harold and Ray Jones - Jeff Sessions
Interference with water right
Round Mountain Creek

Dear Loren:

As I attempted to convey to you by telephone this morning, Ray Jones has already sustained severe damages, as a result of Mr. Sessions' interference with the Joneses' water right.

You will recall that we contacted your office by telephone, on or about March 18, 1994, on behalf of the Joneses. In addition, it is my understanding that the Joneses also protested on several occasions by telephone to the Department. As a result of those protests, a Notice of Violation and Cease and Desist Order issued, on April 22, 1994, following investigation by the Department and a compliance hearing (of which the Joneses were not notified). Under the order, Mr. Sessions was to immediately release the water of Round Mountain Creek which had been stored without authorization.

From our conversation, it is my understanding that the Department does not yet know whether or not Mr. Sessions complied with the Cease and Desist Order, but would be investigating the matter within the next few days.

The Joneses, have been cut off from their water supply since January, and have sustained a total crop loss, both barley and hay, on over 200 acres of land which, they allege, has been irrigated for many years prior to the Sessions' violations. Their damages are already significant and it is imperative

that the basic water rights of these parties be determined at the earliest date, in order to avoid further damages.

Our client has a number of concerns, i.e.:

1. It is Mr. Jones' claim that for the past twelve (12) years, there have been about thirty miner's inches utilized on the Sessions' property. The remainder of the water from the two springs, that supply the stream to the Sessions property, flowed to the natural spring bed below the Sessions. It is the hydrologist's opinion that the stream bed supplies the ground water that feeds the Joneses' well, and flood-spring fed booster.

2. Although there was a minimal storage on the Sessions' property before Mr. Sessions purchased the property, the dam he raised and the storage pond area has been greatly increased by Mr. Sessions. In this regard it is my understanding that the pond level is not supposed to be higher than it was originally. This would seem to be a dam issue. In addition, any limitations on Sessions concerning storage in the expanded pond would seem to be a storage issue. According to our client, the spill gate on the newly expanded storage pond has been closed since January 1994, and the pond is much higher than any original pond level.

3. It is our impression, through our client, that the diversion to the original pond has been changed so that the normal historical stream flow has terminated. This would seem to be a point of diversion issue and perhaps a stream channel alteration issue.

4. It is our information that the storage pond is for irrigation. If not, we need to know how many cows, historically were run on the Sessions spread, and how many currently.

5. We do know that the recharge to the ground water below Sessions, from the stream, has been completely stopped. We need to know where the water is going.

6. There is a new pump on the Sessions' pond. It is our information that the original water diversion for the Sessions' farm was on the natural stream. The pump on the pond appears to be a change in point of diversion. Our information is that the original application for Sessions' modifications

included a change in point of diversion for the Sessions' irrigation right, at least as of the date of the "compliance hearing".

7. The Sessions' pump on the pond supplies newly constructed irrigation equipment onto expanded acres.

8. Does Sessions have a valid permit for the expanded acres?

9. Does Mr. Sessions have a "point of use" permit that is senior to Joneses' for all of the existing and expanded acres? (The twelve years of thirty miner's inches diversion should be considered, in this regard).

10. Based upon our information, if the stream above Sessions is being augmented with other water that is new to the reach of the stream of the Sessions' pond, what portion of the water reaching the pond is from the "new supply"? In other words what, and where, is the new measured volume diverted to the stream reach at the Sessions' pond, also, what would be the likely losses along the way?

11. It is our information, from our hydrologist, that the miniature ground water system under the Joneses' property is not legally or physically the same as the Snake River Aquifer problem.

12. It is believed that we can produce electric billing information that shows that Jones pumped two licensed ground water supplied diversions, which functioned throughout the 1992 water year. As you know, the 1992 water season was the end of a series of drought years that began in the fall of 1986 and peaked in severity in 1992. The drought was one of the worst, if not the most severe, on record. Our hydrology information indicates that with a recovery year like 1993 the Joneses' well should have continued to have an adequate water supply.

13. In view of the fact that irrigation licenses specify both maximum rate and total seasonal volume, our hydrologist informs us that the interruption of the Joneses' water supply, caused by Sessions, is unreasonable, whether or not the water surface path was uninterrupted by a brief reach under the surface.

Loren Holmes
June 24, 1994
Page 4

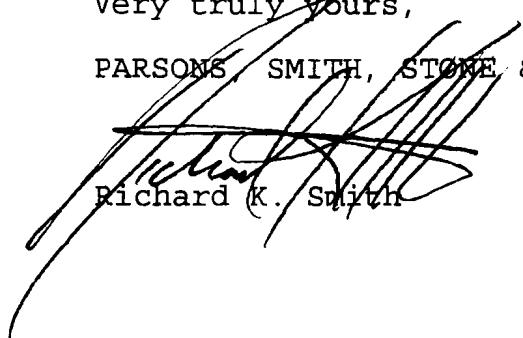
It is my understanding from our conversation this morning, that the Department is moving forward with further field investigation commencing next week. It is respectfully requested that the Department address our clients' concerns at the earliest date, and advise us accordingly.

If we can be of assistance in any way, or additional information is required from our clients, please advise.

Thank you for your consideration.

Very truly yours,

PARSONS, SMITH, STONE & FLETCHER



Richard K. Smith

RKS/st
pc: Robin Wells
Ray Jones

FROM: Allen Merritt

DATE: June 30, 1997

TO: Clear Ck File

SUBJECT: Phone conversations

This morning Jeff Sessions called and indicated that he received my 6/26/97 letter last Friday (6/27). He indicated that he had not yet been delivered water as of Monday (6/30) morning. He further indicated that delivery had also ceased to Jones and all the water was going to the users down the creek yet there appeared to be plenty of water in the creek. He said this appeared to be against the direction given in my letter and wanted to know what I was going to do. I told him I would attempt to call Sundberg but told him that based on my recent attempts I probably wouldn't catch him. I told him I would get back with him.

I immediately called Mr. Sundberg and was able to get a hold of him. I asked if he had received my letter and he indicated he had not. He indicated he was preparing a response to Ling's June 25th letter to send me. He said he had picked his mail up Friday morning but the Fridays' delivery was not in yet when he picked it up. He said he hasn't been back to the Post Office since he has been working over the weekend on a timber contract that was due. I asked what water he was delivering and he said there was about 24 cfs total in the creek and they were on the 12 day run. He said that Sessions was off and Jones was off and Jones' water was going to ???(maybe Arimo) for what Jones had turned out earlier. I told him that my letter instructed him to deliver Sessions what the flow of the creek indicated (1.7 cfs) and that he needed to get the letter for the details. I asked him to turn Sessions water as soon as possible. He said he would.

I called Sessions back and informed him that I contacted Sundberg and that he was going to deliver 1.7 cfs. Sessions asked about rotating with Jones so he would get the whole stream. I told him I understood Jones's water was going to someone else so he would get 1.7 cfs. Sessions expressed his concern of how things have been handled. We discussed if he petitioned to remove the watermaster, that IDWR would call a hearing or meeting but since the water was going back to Utah soon that it may not do any good. We then discussed the future water district meeting and his desire for Sundberg not to be watermaster. I told him it would be up to the waterusers to elect who ever and I was not going to dictate who that might be. I told him the district could vote one vote per man but if anyone demanded they would have to vote on water delivered or budgeted and paid for in prior years. In that event it appears that Holmgren could control the election.

I told Sessions that on reviewing the numbers from the watermaster that it appears to me that Sundberg up until the June 9th was attempting to do a good job and it appears the measuring devices seemed to be the problem. I told him I did not agree with him

COPY

et seq

JUL 01 1997

Department of Water Resources
Southern Region

being delivered a whole bunch of water after 6/9 and then having been shut off; that's what my 6/25 letter attempted to address. I told him I now understand he will be getting his fair share of 1.7 cfs until the creek goes back to Utah and I don't know how to correct the rotation with Jones. I also told him by my calculations from what had been delivered prior to 6/9 that he had little to complain about since he had been delivered around 95% of what he was entitled. I told him that 95% seemed to me to be within the accuracy of most measuring devices.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No.43-07321

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Frank Hitchcock

August 5, 1996 8:18am

NAME:
GARY SPACKMAN

RE:
JONES, MERLE (SESSIONS)

LOCATED FIELD MAPS IN THE LOWEST NUMBERED CLAIM FILE FOR JONES, MERLE THAT SOURCES CLEAR CREEK. THIS FILE WAS IN THE CLEAR CREEK REVIEW BOXES AS PART OF THE RESEARCH TO FORM A WATER DISTRICT FOR THE USERS IN UTAH AND IDAHO.

THE MAPS HAVE BEEN GIVEN TO ALLEN MERRITT AND A MSG LEFT FOR GARY AT THE STATE OFFICE THAT THE MAPS HAVE BEEN LOCATED.

THE MAPS WILL BE LEFT IN THE BASIN 43 CLAIM BOXES FROM NOW ON TO AVOID A REPEAT OF THE CONFUSION. THIS ISSUE GOES TO THE ON-GOING CONFLICT OF PLACING ALL DOCUMENTS RELATING TO CLAIMS IN THE LOWEST NUMBER CLAIM FILE.

IT IS BECAUSE OF INCIDENTS LIKE THIS THAT I HAVE BEEN MAKING
DISPLAYS AND EXHIBITS FOR ALL FILES OF A MULTIPLE FILING BY A
CLAIMANT. THE MAPS WILL BE PLACED IN A MANILA ENVELOPE WHEN I GET
THEM BACK AND FILED SEPARATELY BUT WITH THE CLAIMS OF JONES, MERLE.

8/5/22

Talked with Spedden about maps on phone. Gave names of maps back to Funk

AA

COPY

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. 43-07321

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IDWR Employee/Agent Frank Hitchcock

August 5, 1996 8:07am

NAME:
GARY SPACKMAN

RE:
JONES, MERLE (SESSIONS)

TF AT 3:55 PM FRIDAY AUGUST 2. WANTED CLARIFICATION OF A DOTTED LINE ON HIS COPY OF THE FIELD MAPS DONE FOR THE HEARINGS.

UNABLE TO FIND ORIGINALS IN THE BASIN 43 CLAIM BOXES FOR JONES,
MERLE.

TT SPACKMAN AT 4:40-MSG LEFT-NO MAPS FOUND-WILL CONTACT MONDAY MORNING AUGUST 5.

CCS: JONES FILES AND ALLEN MERRITT.

355

SRBA map

Written on a copy

Features:

drawn

?

appplan from Pond
NTR

Channel goes straight
No-



WR5809NP
No. 43-02172

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/19/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOHN T. BECKSTEAD	07/20/1914	IRRIGATION DOMESTIC	00-00 00-00 00-00 00-00	0.80 CFS	

TOTAL DIVERSION: 0.80 CFS

Water Source: ROUND MOUNTAIN CREEK

Tributary to: CLEAR CREEK

Stage: LICENSE

Point(s) of Diversion:

T16S R27E S02

NESW

CASSIA 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
16S	27E	2	:																	:	40.0
																				TOTAL ACRES	40.0

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

Pou County: CASSIA

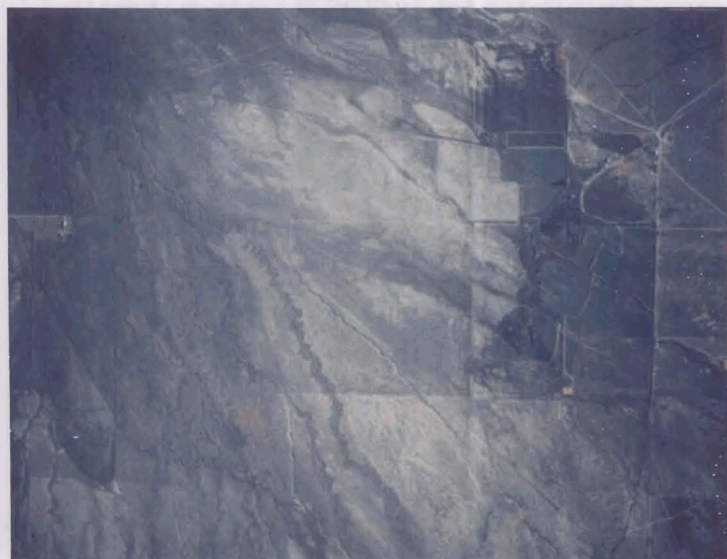
Dates:	App. Received:	Priority Date:	07/20/1914
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:	06/28/1979	

Misc:	Water District Number:	438	Field Exam Fee:	
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ROUND MOUNTAIN CREEK



SLIDE 9
 07-06-93
 ASCS FF-40
 T16S R27E §3
 T15S R27E §34



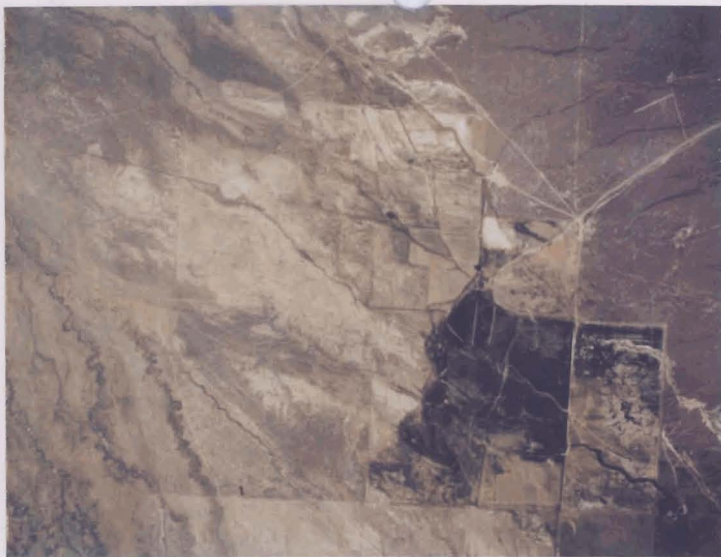
SLIDE 5
 07-1991
 ASCS FF-40
 T16S R27E §3



SLIDE 9
 07-06-93
 ASCS FF-40
 T16S R27E §3
 T15S R27E §34



SLIDE 5
 07-1991
 ASCS FF-40
 T16S R27E §3



SLIDE #27
06-1988
ASCS H38
T16S R27E §3



SLIDE #26
06-24-1986
ASCS H38
T16S R27E §34
§3



SLIDE #2
06-24-1986
ASCS H38
T16S R27E §3
§2



SLIDE # 27
06-1988
ASCS H38
T16s R27E §3



SLIDE # 26
06-24-1986
ASCS H38
T16s R27E §34
§3



SLIDE # 2
06-24-1986
ASCS H38
T16s R27E §3
§2

AMENDED ADJUDICATION MEMORANDUM #9

TO: ADJUDICATION BUREAU STAFF

FROM: SUSAN E. HAMLIN *seh*

DATE: December 11, 1997

RE: REJECTION OF CLAIMS

Approved: DRT *DR*
NCY *NCY*

JONES, HAROLD
POD(S)?
DAVE 01-14

****NOTE**** This is to replace Lynne Krogh-Han *dated June 13, 1988.*

There are two grounds upon which a notice of claim may be rejected and returned to the claimant:

1. The claim form is incomplete. Claims must comply with Idaho Code Section 42-1409 and IDWR Adjudication Rule 60, Sufficiency of Claims, IDAPA 37.03.01.060. Examples of incomplete forms are as follows: improper form was used; the form does not have all the necessary information, such as blanks left on the form; it is a claim for more than one water right; it is not signed by claimant and/or claimants; it is not notarized; etc.
2. The filing fee was not submitted with the claim. Idaho Code Section 42-1414 provides that the Department of Water Resources shall not accept a notice of claim unless it is submitted with the proper filing fee. The fee schedule is set forth in Idaho Code Section 42-1414(a).

In such instances that a claim is rejected and returned to the claimant, it is proper to send a letter to the claimant indicating what information and/or fee is necessary to complete the claim form.

Claims with points of diversion outside the boundary of the Snake River Basin Adjudication and places of use inside the boundary, will be accepted by IDWR. If claims for such water rights have been missed in the notice of claim process, IDWR will conduct a second round service to give notice to water users that claims for such uses should be filed. If you become aware of any such water use, that information should be forwarded to the state office.

COPY

RECEIVED

DEC 29 1997

Department of Water Resources
Southern Region

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. JONES, HAROLD

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Frank Hitchcock

November 4, 1997 7:00am

NAME:

MR AND MRS HAROLD A JONES
MR DAVE SUNDBERG

RE:

**SRBA CLAIMS FOR CLEAR CREEK
FLOWS IN BOX ELDER COUNTY,
UTAH-DIVERSIONS IN UTAH.**

10-30-1997, THURSDAY-I RAN INTO THE CLAIMANTS IN THE OFFICE AREA AND I DISCUSSED THE COURT'S ORDER WHICH I HAD JUST GOTTEN A COPY OF. THEY WERE IN TO SEE ABOUT A PERMIT. I WENT ON ABOUT MY BUSINESS.

WHEN I CAME OUT TO LEAVE THE OFFICE FOR A BREAK JIM STANTON CAME UP TO ME AND SAID THAT THE CLAIMANTS WERE IN HIS OFFICE WITH SRBA CLAIMS. HE WENT ON TO SAY THAT HE HAD ASKED DOUG JONES ABOUT CLAIMS TO CLEAR CREEK USAGES AND DOUG HAD TOLD HIM THAT I WAS THE EXPERT ON CLEAR CREEK AND TO SEE ME.

I WENT INTO JIM'S OFFICE AND MET WITH THE CLAIMANTS TO REVIEW THE CLAIM THEY WANTED TO FILE. I TOLD THEM THAT IT WAS MY OPINION THAT WATER DIVERSIONS IN ANOTHER STATE WOULDN'T BE PART OF THE SRBA. I DISCLAIMED AS AN ATTORNEY BUT SAID THAT I HAD SOME INFORMATION FROM THE UTAH DIVISION OF NATURAL RESOURCES, WATER RESOURCES, THAT CLEAR CREEK HAD BEEN REVIEWED AND RECOMMENDATIONS MADE IN AN ADJUDICATION BEGUN BY UTAH IN THE MID 1960S. I SAID THAT AS FAR AS I KNEW FROM MY REQUEST TO THAT AGENCY THE RECOMMENDATIONS WERE NEVER DECREED.

DAVE SUNDBERG PRODUCED A LEGAL-SIZE, SOFT COVER, BOUND EXHIBIT THAT ALL THE CLEAR CREEK RIGHT HOLDERS RECIEVED. HE STATED THAT THE RIGHTS WERE DESCRIBED IN THE EXHIBIT AND THAT EACH USER HAD RECIEVED ONE OF THE VOLUMES. HE WENT ON TO SAY THAT HE UNDERSTOOD THAT NO OBJECTIONS WERE RECIEVED FROM THE USERS AND THAT THE DESCRIPTIONS OF THE USAGES WERE CONSIDERED TO BE VALID.

I DISCLAIMED AGAIN AS AN ATTORNEY AND SAID THAT I FELT THE BEST

COPY

THING TO DO WOULD BE TO MAKE COPIES OF THEIR PAPERWORK CLAIMING THE USAGES IN UTAH AND THE PORTIONS OF THE EXHIBIT COVERING THE CLEAR CREEK USAGES. I WENT ON TO SAY THAT I WOULD DO A MEMORANDUM OF OUR MEETING AND FORWARD IT WITH THE COPIES TO THE OFFICE MANAGER FOR HIS DIRECTION. THEY FELT THAT WAS AGREEABLE.

I WENT TO A COPIER WITH DAVE SUNDBERG WHILE JIM STANTON WENT OVER THE PERMIT PAPERWORK WITH MR AND MRS JONES. I COPIED THE CLAIM FORMS AND THE PAGES FROM THE RECOMMENDATIONS BY UTAH FOR THE USAGES IN THE AREA THAT INCLUDES CLEAR CREEK. I REVIEWED THE COPIES WITH DAVE SUNDBERG AND HE CONFIRMED THE PAGES COVERED THE USAGES THAT WERE IDENTIFIED IN THE CLAIM.

WE RETURNED TO JIM STANTON'S OFFICE AND I WENT OVER WHAT I WOULD DO AS SOON AS I COULD DO SO. THEY AGREED AGAIN TO MY PROPOSAL AND I SUGGESTED THAT THEY CALL ME IF THEY THOUGHT OF ANYTHING ELSE THAT SHOULD BE INCLUDED IN THIS MOST RECENT APPROACH TO THE CLEAR CREEK USES. I GAVE THEM MY BUSINESS CARD AS THEY LEFT.

COPIES INCLUDE: A REQUEST FOR EXTENSION OF TIME FORM (PARTIALLY FILLED OUT); AN SRBA CLAIM FORM (FILLED OUT BUT NOT SIGNED OR DATED AND WITHOUT IDENTIFICATION NUMBER) WITH THREE PAGES OF HANDWRITTEN TEXT AND THE FACE SHEET OF THE NOTED VOLUME FROM THE ACTING STATE ENGINEER FOR UTAH TITLED "PROPOSED DETERMINATION OF WATER RIGHTS IN BOX ELDER COUNTY, SNAKE RIVER DIVISION CODE NO. 11 (GOOSE CREEK, RAFT RIVER AND CLEAR CREEK VICINITY) DATED 09-17-1965.

THIS JOURNAL ENTRY WILL GO TO ALLEN MERRITT WITH THE COPIES FOR HIS REVIEW. ANOTHER SET WILL BE PLACED IN THE CLAIM FILE(S) OF HAROLD JONES AS PROMISED.

COPY

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. JONES, HAROLD

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Frank Hitchcock

November 4, 1997 7:53am

NAME:

MR AND MRS HAROLD A JONES
MR DAVE SUNDBERG

RE:

ADDENDUM-JOURNAL ENTRY-
SRBA CLAIMS FOR CLEAR
CREEK FLOWS IN BOX ELDER
COUNTY, UTAH-DIVERSIONS IN
UTAH.

THE DESCRIPTION OF THE COPIES MADE OF THE EXHIBITS BROUGHT IN BY MR AND MRS JONES SHOULD HAVE INCLUDED THE FOLLOWING TEXT TO BETTER AND MORE FULLY DESCRIBE THE STATE WATER RESOURCES REPORT:

IN ADDITION TO THE FACE SHEET I COPIED A PAGE OF TEXT OVER THE SIGNATURE OF THE ACTING STATE ENGINEER AND PAGES OF WATER RIGHTS DESCRIPTIONS AS SUGGESTED BY DAVE SUNDBERG WHO HIGHLIGHTED ONE FIELD AT PAGE SEVEN TITLED "PURPOSE, EXTENT & PLACE OF USE".

THERE ARE A TOTAL OF 15 PAGES OF COPIES FROM THE REPORT IN ADDITION TO THE COPIES OF THE CLAIM, ATTACHMENTS TO THE CLAIM AND THE EXTENSION OF TIME FORM PREVIOUSLY NOTED.

PLEASE NOTE THAT THE PAGES IN THE REPORT ARE NOT NUMBERED CONSECUTIVELY BUT NUMBER THE PAGE AND THE FACING PAGE WITH THE SAME NUMBER.

MR SUNDBERG STATED THAT EACH CLAIMANT TO A USAGE RECIEVED A COPY OF THE RECOMMENDATIONS AT THE TIME OF THE REPORT.

COPY

State of Idaho
Department of Water Resources
**REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)**

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

HAROLD A. JONES (209) 645-2370
Name of Claimant Phone Number

SUBLETTE RT. MALTA IDAHO 83342
Mailing Address City State Zip

CASSIA 1989
County(s) where place of use is located Date claim originally due

Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

THIS WATER RIGHT WAS BROUGHT UP AT THE TIME
WHEN I ADJUDICATED MY OTHER WATER RIGHTS. MR.
MERRITT WAS HELPING ME AND HE TOLD ME TO WAIT
BECAUSE HE WASN'T SURE WHAT HAD TO BE DONE
WITH IT BEING IN A COMPANY

Claimant requests an extension to _____, 19 _____

Signature Date of request

Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [_____ granted] [_____ denied] for the following reasons:

and if granted the filing deadline is extended to _____, 19 _____

Signed this _____ day of _____, 19 _____

Director or his designated agent

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

COPY

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 _____

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) HAROLD R. DONES Phone (208) 645-2376

Mailing Address SUBLETTE RT. MALTA, IDAHO Zip 83342

2. Date of Priority (Only one (1) per claim) 1878

3. Source of water supply (a) CLEAR CREEK
which is tributary to (b) RAFT RIVER

4. a. Location of existing point of diversion is: Township 15 N Range 13 W Section 25,
_____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, 2 B.M., County of BOX ELDER, UTAH
N 20 FT. W 2190 FT. FROM SE CORNER OF SEC 25
Additional points of diversion if any: SEE ATTACHED PAGE

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

Township 14 N Range 13 W Section 1, _____ 1/4 of _____ 1/4 of _____ 1/4.

Govt. Lot _____ B.M., County of BOX ELDER

ending point is: Township 15 N Range 13 W Section 25, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot 2 B.M., County of BOX ELDER

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. CEMENT HEADGATES + DITCHES

WATER CAN BE PUT IN CEMENT DITCHES AT S. 1010 FT,
E. 1020 FT FROM THE W¹/₂ CORNER SEC. 1 T15N R13W, S18
AND/OR S. 90 FT E. 2430 FT FROM NW COR. SEC 1, " " "
TO CONSERVE WATER SO IT DOES NOT SIMM IN CREEK CHANNEL
BEFORE REACHING MAIN P.O.D. OR DIVERTED AT HEADGATE S 18
FT. W. 2490 FT FROM N.E. COR. SEC. 36 T15N, R 13W, S18 PM
AND CARRIED TO DITCH WHICH BRANCHES OUT FROM HEADGATE AT
N. 925 FT W. 1825 FT FROM SE COR. SEC. 25 T15N, R 13W, S-18 PM

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from APRIL 1 to OCT 31 amount 1.33 or _____

For IRRIGATION purposes from APRIL 1 to JULY 1 amount 1/2 BEFORE or JULY 1

For IRRIGATION purposes from JULY 1 to OCT 31 amount 1/2 AFTER or JULY 1

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 11 on 165 (cfs) and/or (b) 528.9 (acre feet)

8. Total consumptive use claimed is 528.9 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) N/A

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
165	27E	26							7.3				32.8	28.4					
165	27E	27				0.3							19.2		40.1		2.3	45.9	
						0.3			7.3				32.8	47.6	40.1		2.3	45.9	

Total number of acres irrigated 176.3

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

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.

CLAIMS 796 797 798 799 AND 800 OF DETERMINATION IN 15-BELOW or None ☒

14. Remarks:

CLAIM 796 IS 1.66 CFS PRIORITY DATE 1887
" 797 .67 " 1884
" 798 2.66 " 1895
" 799 2.66 " 1893
" 800 3.68 " 1900
WE OWN 1/2 BEFORE JULY 1 AND 1/2 AFTER JULY 1 OF EACH OF THESE CLAIMS.

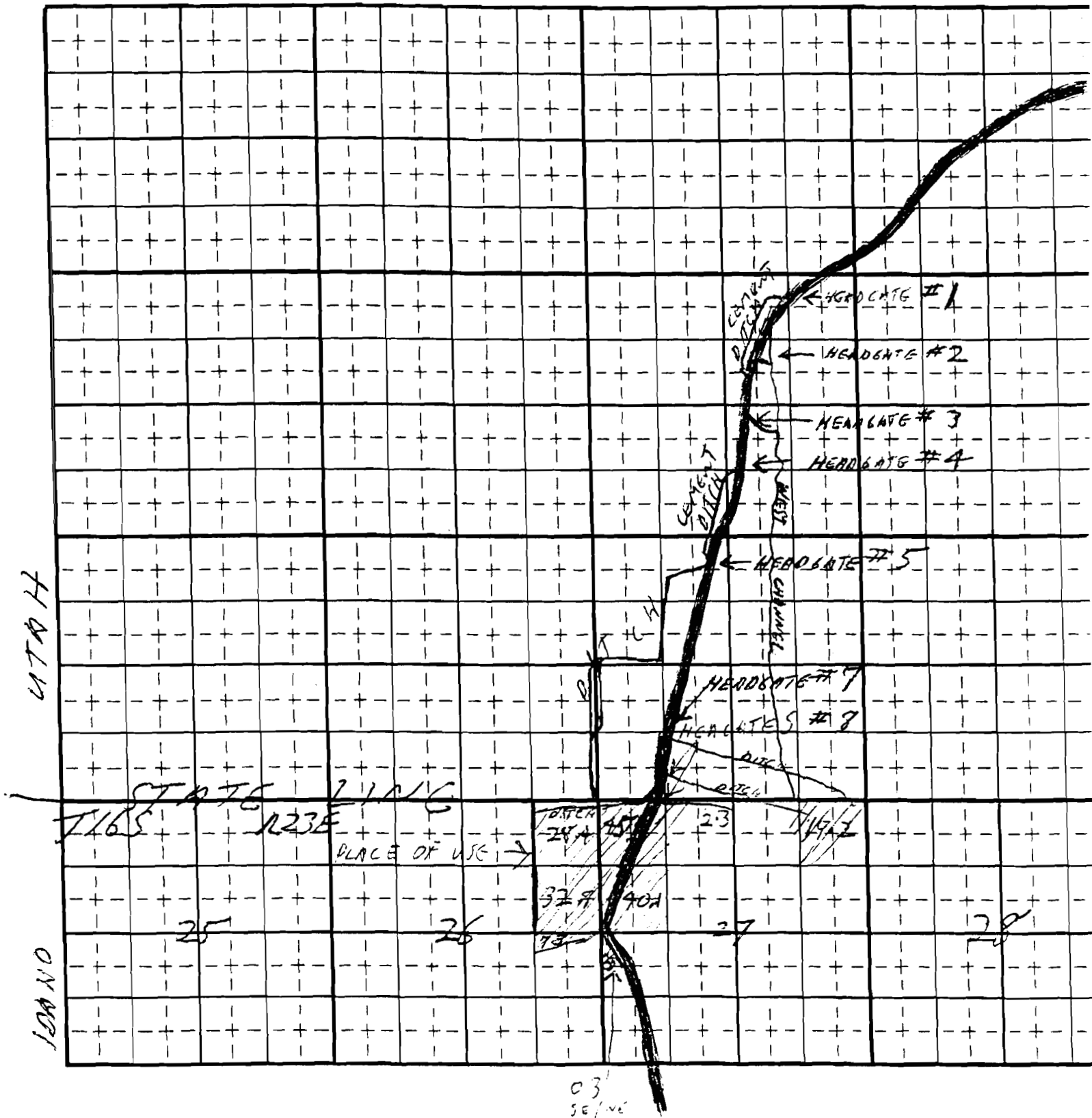
Last Name _____

Ident No. **COPY**

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name _____

COPY

Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree ☒

If applicable provide IDWR Water Right Number _____

Court FIRST DISTRICT, UTAH Case Number _____ Decree Date 17 SEPT 1965

Plaintiff vs Defendant DETERMINATION OF WATER RIGHTS IN BEAUFORT COUNTY
SNAKE RIVER DIVISION CODE NO. 11

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled

"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____

wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

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

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of _____) SS.

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

SEAL

Notary Public _____

Residing at _____

My Commission Expires _____

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

Last Name _____

Ident. Number **COPY**

Copies White-State, Yellow-Claimant

①

THE WATER OWNED BY THE NAF IRRIGATION COMPANY CAN BE DIVERTED AS ANY, EACH, ~~OR~~ ^{OR} ANY OF THE FOLLOWING POINTS OF DIVERSION, AND USED AS DESCRIBED.

- #1. S. 1010 FT. E. 1030 FT. FROM THE W ¹/₄ COR. SEC. 1, T14N, R13W, SLB & M.
- #2. N. 325 FT. E. 1590 FT. FROM THE W ¹/₄ COR. SEC. 1, T14N, R13W, SLB & M.
- #3. S. 920 FT. E. 2080 FT. FROM THE NW COR. SEC. 1, T14N, R13W, SLB & M.
- #4. S. 90 FT. E. 2430 FT. FROM THE NW COR. SEC. 1, T14N, R13W, SLB & M.
- #5. N. 1820 FT. E. 2740 FT. FROM THE SW COR. SEC. 36, T15N, R13W, SLB & M.
- #6. S. 1840 FT. W. 2490 FT. FROM THE NE COR. SEC. 36, T15N, R13W, SLB & M.
- #7. N. 20 FT. W. 2180 FT. FROM THE SE COR. SEC. 25, T15N, R13W, SLB & M.
- #8. N. 925 FT. W. 1825 FT. FROM THE SE COR. SEC. 25, T15N, ~~R13W~~ R13W, SLB & M.

COPY

(2)

WATER CAN ALSO BE DIVERTED INTO THE WEST CHANNEL OF CHERR CREEK JUST NORTH OF HEADGATE #1, AND USED ON ALL OF WAF IRRIGATION CO. LANDS INCLUDING THE SW $\frac{1}{4}$ SW $\frac{1}{4}$ OF SECTION 27. IT CAN ALSO BE DIVERTED INTO THE WEST CHANNEL FROM HEADGATES #2, 3 AND 7.

HEADGATE #1 IS A 12 FT. WIDE CONCRETE HEADGATE WHICH CAN DIVERT WATER INTO A COBBLE STONE DITCH WHICH BYPASSES THE SINKS WHERE THE WEST CHANNEL BRANCHES OFF AND BY HEADGATE #2. THIS AND THE CEMENT DITCH BY HEADGATE #4 ARE NECESSARY IN ORDER FOR WATER TO REACH HEADGATE #7 DURING LOW WATER SEASON.

HEADGATE #2 IS A 16 FT. WIDE CEMENT HEADGATE WHICH CAN DIVERT WATER INTO THE WEST CHANNEL.

HEADGATE #3, IS A CEMENT HEADGATE WHICH IS 16' WIDE AND CAN DIVERT WATER INTO THE WEST CHANNEL.

HEADGATE #4, IS A 16' WIDE CEMENT HEADGATE WHICH CAN DIVERT WATER THROUGH A CEMENT DITCH AND BYPASS THE SINKS IN THE CHANNEL JUST NORTH OF THERE.

HEADGATE #5, IS A 16' WIDE CEMENT

COPY

③

HEADGATE WHICH CAN DIVERT WATER INTO A DIRT DITCH WHICH CONNECTS WITH THE DITCH RUNNING EAST FROM HEADGATE # 8.

HEADGATE # 7, IS A 12 FT. WIDE CEMENT HEADGATE WITH A DIRT DITCH WHICH CARRIES WATER TO THE SW $\frac{1}{4}$ SW $\frac{1}{4}$ OF SEC. 27.

BETWEEN HEADGATES # 7 AND # 8 A DIRT DITCH INTERSECTS THE MAIN CHANNEL AND CARRIES WATER TO THE SW $\frac{1}{4}$ SW $\frac{1}{4}$ AND SW $\frac{1}{4}$ SW $\frac{1}{4}$ OF SECTION 27

HEADGATES # 8, IS A 12 FT. WIDE CEMENT HEADGATE ~~WITH~~ WITH A DIRT DITCH TO THE WEST WHICH WATERS THE SW $\frac{1}{4}$ AND NW $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF SECTION 27, AND A DIRT DITCH WHICH CARRIES WATER TO ALL OF THE GROUND EAST OF THE MAIN CHANNEL OF CHEAR ~~CRK~~ CREEK.

COPY



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

43

Please print or type

(see instructions on back of page)

DATE OF CLOSING: 6-2-00

SEE ATTACHED LEGAL DESCRIPTION

RECEIVED
JUN 21 2000
Idaho Department of Water Resources
Bozeman, Idaho

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
 Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM. _____
 Lot _____, Block _____, Subdivision/Townsite _____.

If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
 43-00037, 43-00084, 43-00085, 43-00286A, 43-00259.
- ☐ Water Right Number(s)
 Assigned by IDWR: 43-00260, 43-02401, 43-07225, A43-10051, A43-10052 and A43-10053
A43-10054
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Farold A. and Beth R. Jones
Sublett Poute
Malta, Idaho 83342
- ☐ New Owner/Claimant (Purchaser): Mark L. Higley & Diane Higley
- ☐ New Mailing Address: 3951 South 5500 West
Hooper, Utah 84315
- ☐ New Telephone Number: (501) 731-3110
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes x no
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: Warranty Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s) x Mark Higley Date 5-31-00
x Diane Higley Date 5-31-00
- ☐ Signature of Former Owner/Claimant(s) x Farold A. Jones Date 5-31-00
x Beth R. Jones Date 5-31-00

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date:

By:

Further Action Needed:

Further Action Taken

Date:

By:

Final Review and Data-Entry

Date:

By:

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
 Copies to Former Owner and New Owner

269545

58683

WARRANTY DEED

FOR VALUE RECEIVED, HAROLD A. JONES and BETH R. JONES, husband and wife, of Sublett Road, Malta, Idaho, the Grantors, do hereby grant, bargain, sell and convey unto MARK L. HIGLEY and DIANE HIGLEY, husband and wife, the Grantees, whose current address is 3951 South 5500 West, Hooper, Utah 84315, the following described premises, located in Cassia County, Idaho, to wit:

PARCEL NO. 1:

TOWNSHIP 15 SOUTH, RANGE 27 EAST OF THE BOISE
MERIDIAN, CASSIA COUNTY, IDAHO

Section 34: SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$

TOWNSHIP 16 SOUTH, RANGE 27 EAST OF THE BOISE
MERIDIAN, CASSIA COUNTY, IDAHO

Section 3: Lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$

Section 26: W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$

Section 27: NE $\frac{1}{4}$, S $\frac{1}{2}$

PARCEL NO. 2:

TOWNSHIP 16 SOUTH, RANGE 27 EAST OF THE BOISE
MERIDIAN, CASSIA COUNTY, IDAHO

Section 2: W $\frac{1}{2}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 3: NE $\frac{1}{4}$ SE $\frac{1}{4}$

SUBJECT TO an Oil, Gas and Mineral Lease between Harold A. Jones and Beth R. Jones, husband and wife, and Standard American Company, dated July 27, 1973, and recorded August 14, 1973, as Instrument No. 71907 on Film No. 84, records of Cassia County, Idaho. (Parcel No. 1)

ALSO SUBJECT TO an Agreement for Electric Service between Raft River Rural Electric Cooperative,

RECORDED
LAND TITLE & ESCROW

100 JUN 2 PM 3 49

CASSIA COUNTY, IDAHO
HAROLD A. JONES
DIANE HIGLEY
FEB 9 20 1974

269545

Inc., an Idaho rural electric Cooperative of Malta, Seller and Clear Creek Ranches - Harold A. Jones, Beth Jones; Harold Devon Jones, Sheryl Jones; Ray Jones, Karen Jones, Consumer, dated June 24, 1985, and recorded May 15, 1986, as Instrument No. 178402 on Film No. 180, records of Cassia County, Idaho, covering the NE¼ of Section 3, Township 16 South, Range 27 East, Boise Meridian. (Parcel No. 1)

ALSO SUBJECT TO an Agreement for Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, Seller and Harold Jones, Consumer, dated January 26, 1990, and recorded February 5, 1990, as Instrument No. 206054 on Film No. 213, records of Cassia County, Idaho covering the "SE¼ of Section 34, Township 15 South, East of Boise Meridian." (Parcel No. 1)

ALSO SUBJECT TO an Agreement for Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, Seller and Harold A. Jones and Beth R. Jones, Consumer, dated April 1, 1999, and recorded April 12, 1999, as Instrument No. 262067, records of Cassia County, Idaho covering the SE¼NE¼ of Section 27, Township 16 South, Range 27 East of the Boise Meridian. (Parcel No. 1)

Together with appurtenant water rights, including 2,500 shares in Naf Irrigation District Company and water under license # G24589 and creek waters of Clear Creek and the following Idaho water rights:

Water Rights Nos. 43-00037, 43-00084, 43-00085, 43-00286A, 43-00259, 43-00260, 43-02401, 43-07225, A43-10051, A43-10052 and A43-10053

Reserving one-half of all mineral rights currently owned by Seller in each parcel of land. Seller makes no representations or warranties as to the nature or extent of any such mineral rights.

To have and to hold the said premises with their appurtenances to the said Grantee, its heirs and assigns forever. And the Grantor does hereby covenant to and with the Grantee that Grantor is the owner in fee of said premises,

that said premises are free from all encumbrances and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED this 31 day of May, 2000.

Harold A. Jones
Harold A. Jones

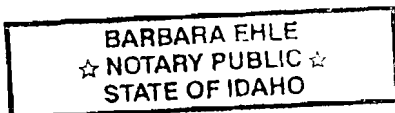
Beth R. Jones
Beth R. Jones

STATE OF IDAHO)
) ss.
County of Cassia)

On this 31 day of May, in the year of 2000, before me the undersigned notary public in and for said state, personally appeared Harold A. Jones & Beth R. Jones, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

(SEAL)



RESIDING AT BURLEY, ID
MY COMMISSION EXPIRES 6-12-2003

Barbara Ehle
Notary Public
Residing at Burley, Id
My Commission expires 6-12-2003

COPY

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

2003 JUL 18 PM 2 08

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

In Re SRBA

Case No. 39576

) Subcase No. 43-37, 43-84, ⁴³37-85,
) 43-259, 43-260, 43-286A, 43-2401

) NOTICE OF COMPLETED
) ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

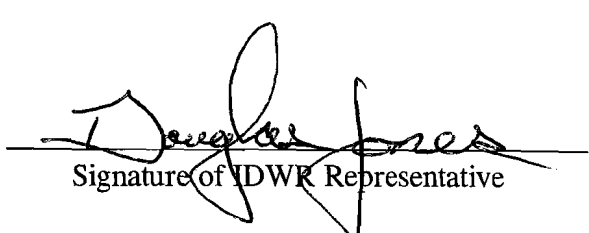
Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: _____

7/17/03


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 7/18, 2003, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Mark Higley
Diane Higley
3951 S 5500W
Hooper UT 84315
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
Jason Walker
Ling Robinson & Walker
PO Box 396
Rupert ID 83350-0396
4. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
5. One Copy to:
United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

07/17/2003

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-85

NAME AND ADDRESS: ROUND MOUNTAIN RANCH
HC 72 BOX 2346
MALTA ID 83342

SOURCE: CLEAR CREEK

TRIBUTARY: SINKS

QUANTITY: 1.800 CFS

PRIORITY DATE: 07/14/1912

POINT OF
DIVERSION: T16S R27E S27 SESENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 10/31	1.800 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T15S R27E S34	NESW	20.0	T15S R27E S34	NWSW	10.0
T15S R27E S34	SESW	16.0	T15S R27E S34	NWSE	38.0
T15S R27E S34	SWSE	40.0	T15S R27E S34	SESE	24.0
T16S R27E S03 Lot 1	NENE	38.0	T16S R27E S03 Lot 2	NWNE	27.0
T16S R27E S03	SWNE	40.0	T16S R27E S03	SENE	40.0
T16S R27E S03	NESE	40.0	T16S R27E S26	NWNW	35.0
T16S R27E S26	SWNW	25.0	T16S R27E S27	NENE	35.0
T16S R27E S27	NWNE	40.0	T16S R27E S27	SWNE	10.0
T16S R27E S27	SENE	20.0			

498 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 120 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NOS. 43-00084 & 43-00286A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 165 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NOS. 43-00037, 43-00084 & 43-00286A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 310 ACRES IN A SINGLE IRRIGATION SEASON.

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

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 43-B.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

07/17/2003

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-260
NAME AND ADDRESS: ROUND MOUNTAIN RANCH
HC 72 BOX 2346
MALTA ID 83342
SOURCE: SPRING TRIBUTARY: ROUND MOUNTAIN CREEK
QUANTITY: 0.900 CFS
PRIORITY DATE: 11/05/1914
POINT OF
DIVERSION: T16S R27E S2 SWSNW Within CASSIA County
PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.900 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T15S R27E S34	NESW	20.0	T15S R27E S34	NWSW	10.0
T15S R27E S34	SESW	16.0	T15S R27E S34	NWSE	38.0
T15S R27E S34	SWSE	40.0	T15S R27E S34	SESE	24.0
T16S R27E S02 Lot 4	NWNW	37.0	T16S R27E S02	SWNW	40.0
T16S R27E S03 Lot 1	NENE	38.0	T16S R27E S03 Lot 2	NWNE	27.0
T16S R27E S03	SWNE	40.0	T16S R27E S03	SENE	40.0

370 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 120 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 43-00259 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 120 ACRES IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 43-02401, 43-00259, 43-00037, 43-00286A, 43-00084, 43-00085 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 370 ACRES IN A SINGLE IRRIGATION SEASON.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT NO. 43-00259 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

SOURCE IS ALSO KNOWN AS KELSO SPRING.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

07/17/2003

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-286A

NAME AND ADDRESS: ROUND MOUNTAIN RANCH
HC 72 BOX 2346
MALTA ID 83342

SOURCE: CLEAR CREEK

TRIBUTARY: SINKS

QUANTITY: 3.200 CFS

PRIORITY DATE: 11/23/1911

POINT OF
DIVERSION: T16S R27E S27 SESENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 10/31	3.200 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T15S R27E S34	NESW	20.0	T15S R27E S34	NWSW	10.0
T15S R27E S34	SESW	16.0	T15S R27E S34	NWSE	38.0
T15S R27E S34	SWSE	40.0	T15S R27E S34	SESE	24.0
T16S R27E S03 Lot 1	NENE	38.0	T16S R27E S03 Lot 2	NWNE	27.0
T16S R27E S03	SWNE	40.0	T16S R27E S03	SENE	40.0
T16S R27E S03	NESE	40.0	T16S R27E S26	NWNW	35.0
T16S R27E S26	SWNW	25.0	T16S R27E S27	NENE	35.0
T16S R27E S27	NWNE	40.0	T16S R27E S27	SWNE	10.0
T16S R27E S27	SENE	20.0			

498 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NOS. 43-00084 & 43-00085 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 165 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NOS. 43-00037, 43-00084 & 43-00085 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 310 ACRES IN A SINGLE IRRIGATION SEASON.

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

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 43-B.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 18, 2003

JASON WALKER
LING ROBINSON & WALKER
PO BOX 396
RUPERT ID 83350-0396

RE: SRBA Claim(s) 43-45, 43-286B, 43-2110, 43-10116
43-37, 43-84, 43-85, 43-259, 43-260, 43-286A, 43-2401
43-10051, 43-10053
Decreed Water Right 43-10052

Dear Counselor:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Enclosed you will also find print outs of 43-10051 and 43-10053. 43-10052 was decreed 7/24/1998 and must be changed by our state office staff. There is a \$25.00 fee for this. If you send the check to my attention I will receipt it and forward the owner change documents to our state office.

Please feel free to contact me if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

cc: Shirley Jones
Mark and Diane Higley

**STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP**

RECEIVED
JUL 15 2003

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>43-45</u>	_____	_____	<u>43-10117</u>	_____	_____
<u>43-286B</u>	_____	_____	<u>43-10118</u>	_____	_____
<u>43-2110</u>	_____	_____	<u>43-10824</u>	_____	_____
<u>43-10116</u>	_____	_____	_____	_____	_____
_____	<u>43-2061</u>	_____	_____	_____	_____

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. → **Not applicable; claims are pending in SRBA**
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions): → **Not required: per Trish at IDWR, Southern Region**
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
- OR**
- ☒ If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Shirley A. Jones and Merle Jones
1755 Alvarado, Twin Falls, Idaho 83301
4. New Owner/Claimant(s) Round Mountain Ranch, an Idaho general partnership
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
 New Mailing Address HC 72, Box 2346
 City, State and ZIP Code Malta, Idaho 83342
 New Telephone Number (208) 824-5721
5. Date you acquired the property April 27, 2001

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe in detail your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box. You may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT		
(If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number & type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT		
(If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number & type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s): **ROUND MOUNTAIN RANCH, a general partnership**
(include title if applicable)

By: Jeff L. Sessions
Jeff L. Sessions, partner

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by [Signature] Date 7/15/03 Fee _____
 Received by [Signature] Date _____ Receipt No. _____
 Processed by [Signature] AJ Date 7/16/03 WR _____ Date _____

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED
JUL 15 2003

Please print or type. Attach pages with additional information. Instructions are on the back of
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>43-37</u>	<u> </u>	<u> </u>	<u>43-286A</u>	<u>43-10054</u>	<u> </u>
<u>43-84</u>	<u> </u>	<u> </u>	<u>43-2401</u>	<u> </u>	<u> </u>
<u>43-85</u>	<u> </u>	<u> </u>	<u>A43-10051</u>	<u> </u>	<u> </u>
<u>43-259</u>	<u> </u>	<u> </u>	<u>A43-10052</u>	<u> </u>	<u> </u>
<u>43-260</u>	<u> </u>	<u> </u>	<u>A43-10053</u>	<u> </u>	<u> </u>

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. → **Not applicable; claims are pending in SRBA**
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions): → **Not Required: per Trish at IDWR, Southern Region**
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

- ☒ If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Mark Higley and Diane Higley - 3951 South, 5500 West, Hooper, Utah 84315
Jeff L. Sessions and Jennifer Sessions - HC 72, Box 2346, Malta, Idaho 83342
4. New Owner/Claimant(s) Round Mountain Ranch, an Idaho general partnership
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
 New Mailing Address HC 72, Box 2346
 City, State and ZIP Code Malta, Idaho 83342
 New Telephone Number (208) 824-5721
5. Date you acquired the property April 27, 2001

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe in detail your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box. You may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT		
(If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number & type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT		
(If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number & type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s): ROUND MOUNTAIN RANCH, a general partnership
(include title if applicable)

By: Jeff L. Sessions
Jeff L. Sessions, partner

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by [Signature] Date 7/5/03 Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

274661

QUITCLAIM DEED

#34000

For Value Received

JEFF L. SESSIONS and JENIFER SESSIONS, husband and wife, and MARK L. HIGLEY and DIANE HIGLEY, husband and wife

Hereinafter called the grantor, hereby remises, releases, and forever Quitclaims unto

ROUND MOUNTAIN RANCH, an Idaho general partnership
ADDRESS: 3475 Round Mountain Lane
Malta, Idaho 83342

Hereinafter called the grantee, the following described premises, in Cassia County, Idaho to-wit:

PARCEL NO. 1:

TOWNSHIP 15 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 34: SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$

TOWNSHIP 16 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 3: Lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$

Section 26: W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$

Section 27: NE $\frac{1}{4}$, S $\frac{1}{2}$

PARCEL NO. 2:

TOWNSHIP 16 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 2: W $\frac{1}{2}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 3: NE $\frac{1}{4}$ SE $\frac{1}{4}$

PARCEL NO. 3:

TOWNSHIP 16 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 13: SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$

Section 24: SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$

RECORDED AT THE REQUEST OF
 LAND TITLE & ESCROW

01 APR 27 PM 4 06

CASSIA COUNTY, IDAHO
 DARRELL H. ROSKELLEY
 RECORDER
 9.00 DEPUTY

274661

TOWNSHIP 16 SOUTH, RANGE 28 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 19: Lots 1 and 2, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, and
SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$

PARCEL NO. 4:

TOWNSHIP 16 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 12: SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$

Section 13: NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$

Section 24: NE $\frac{1}{4}$ NE $\frac{1}{4}$

PARCEL NO. 5:

TOWNSHIP 16 SOUTH, RANGE 28 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 19: W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$

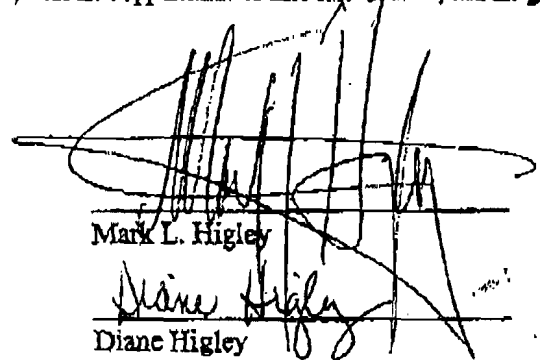
TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantee, and the grantee's heirs and assigns forever.

Dated: April 27, 2001


Jeff L. Sessions


Jennifer Sessions


Mark L. Higley


Diane Higley

STATE OF IDAHO)

) ss.

COUNTY OF Cassia)

On this 27th day of April, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared **JEFF L. SESSIONS** and **JENIFER SESSIONS**, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Larry Roberts
Notary Public
State of Idaho

Notary Public
Residing at: Burley, ID
My Commission expires: 6-30-03

STATE OF IDAHO)

) ss.

COUNTY OF Cassia)

On this 27th day of April, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared **MARK L. HIGLEY** and **DIANE HIGLEY**, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Larry Roberts
Notary Public
State of Idaho

Notary Public
Residing at: Burley, ID
My Commission expires: 6-30-03

274702

WARRANTY DEED

FOR VALUE RECEIVED ROBERT MERLE JONES and SHIRLEY ANN JONES, husband and wife, the Grantors, do hereby grant, bargain, sell and convey unto JEFF L. SESSIONS and JENIFER SESSIONS, husband and wife, and DIANE HIGLEY, a married woman dealing in and with her sole and separate property, whose present address is 1657 North 4500 West, West Point, Utah 84015, the Grantees, the following described premises, located in Cassia County, Idaho, to-wit:

PARCEL NO. 1:

TOWNSHIP 16 SOUTH, RANGE 27 EAST OF THE BOISE
MERIDIAN, CASSIA COUNTY, IDAHO

Section 13: SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{4}$ SW $\frac{1}{4}$

Section 24: SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$

TOWNSHIP 16 SOUTH, RANGE 28 EAST OF THE BOISE
MERIDIAN, CASSIA COUNTY, IDAHO

Section 19: Lots 1 and 2, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$,
E $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$

Except all oil, gas, coal and other minerals of
every kind and nature whatsoever, in and under that
may be produced from the above described property.

PARCEL NO. 2:

TOWNSHIP 16 SOUTH, RANGE 27 EAST OF THE BOISE
MERIDIAN, CASSIA COUNTY, IDAHO

Section 12: SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$

Section 13: NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$

Section 24: NE $\frac{1}{4}$ NE $\frac{1}{4}$

PARCEL NO. 3:

TOWNSHIP 16 SOUTH, RANGE 28 EAST OF THE BOISE
MERIDIAN, CASSIA COUNTY, IDAHO

Section 19: W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$

SAVE AND EXCEPTING THEREFROM and reserving to the
Sellers 70% of all mineral rights on the premises
described as Parcels No. 1, 2 and 3, which are
owned by the Sellers.

WATER RIGHTS: Claims filed in Snake River Adjudication,
Case No. 39376;

Claim Filed, Ident. No. A43-10118 0.040 cfs Stockwater
Claim Filed, Ident. No. A43-10117 0.040 cfs Stockwater

Claim Filed, Ident. No. A43-10116 20.000 cfs Irrigation
 Claim Filed, Ident. No. A43-10119 0.040 cfs Stockwater
 and Domestic
 Claim Filed, Ident. No. A43-02061 0.160 cfs Irrigation
 Claim Filed, Ident. No. A43-02110 0.800 cfs Irrigation
 Claim Filed, Ident. No. A43-00286 4.300 cfs Irrigation
 Claim Filed, Ident. No. A43-00414 2.100 cfs Irrigation
 0.040 cfs Stockwater
 Claim Filed, Ident. No. A43-00045 1.700 cfs Irrigation

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees their heirs and assigns forever. And the said Grantors do hereby covenant to and with the Grantees that they are the owners in fee of said premises, that said premises are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 28th day of February, 1992.

274702

CASSIA COUNTY, IDAHO
 BARRELL A. ROBINSON

RECORDED
 01 APR 30 PM 3 08

RECORDED
 01 APR 30 PM 3 08

Robert Merle Jones
 Robert Merle Jones

Shirley Ann Jones
 Shirley Ann Jones

STATE OF IDAHO)

County of Cassia) ss.

On this 28th day of February, 1992, before me, a Notary Public in and for said State, personally appeared Robert Merle Jones and Shirley Ann Jones known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

LARRY ROBERTS
 (SEAL) NOTARY PUBLIC
 STATE OF IDAHO

Residing at Burley, Idaho
 My Commission Expires

Notary Public
 Residing at Burley
 My Commission Expires 6-24-99

32683

269545

WARRANTY DEED

FOR VALUE RECEIVED, HAROLD A. JONES and BETH R. JONES, husband and wife, of Sublett Road, Malta, Idaho, the Grantors, do hereby grant, bargain, sell and convey unto MARK L. HIGLEY and DIANE HIGLEY, husband and wife, the Grantees, whose current address is 3951 South 5500 West, Hooper, Utah 84315, the following described premises, located in Cassia County, Idaho, to wit:

PARCEL NO. 1:

TOWNSHIP 15 SOUTH, RANGE 27 EAST OF THE BOISE
MERIDIAN, CASSIA COUNTY, IDAHO

Section 34: SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$

TOWNSHIP 16 SOUTH, RANGE 27 EAST OF THE BOISE
MERIDIAN, CASSIA COUNTY, IDAHO

Section 3: Lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$

Section 26: W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$

Section 27: NE $\frac{1}{4}$, S $\frac{1}{2}$

RECORDED IN THE RECORDS OF
LAND TITLE & ESTATE

00 JUN 2 PM 3 49

FEE 9.00 REPAIRS

CASSIA COUNTY LAND
MARCEL N. JOHNSON
RECORDED

269545

PARCEL NO. 2:

TOWNSHIP 16 SOUTH, RANGE 27 EAST OF THE BOISE
MERIDIAN, CASSIA COUNTY, IDAHO

Section 2: W $\frac{1}{2}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 3: NE $\frac{1}{4}$ SE $\frac{1}{4}$

SUBJECT TO an Oil, Gas and Mineral Lease between Harold A. Jones and Beth R. Jones, husband and wife, and Standard American Company, dated July 27, 1973, and recorded August 14, 1973, as Instrument No. 71907 on Film No. 84, records of Cassia County, Idaho. (Parcel No. 1)

ALSO SUBJECT TO an Agreement for Electric Service between Raft River Rural Electric Cooperative,

Name: 00269545.000

Dimensions: 2496 x 3282 pixels

Inc., an Idaho rural electric Cooperative of Malta, Seller and Clear Creek Ranches - Harold A. Jones, Beth Jones; Harold Devon Jones, Sheryl Jones; Ray Jones, Karen Jones, Consumer, dated June 24, 1985, and recorded May 15, 1986, as Instrument No. 178402 on Film No. 180, records of Cassia County, Idaho, covering the NE $\frac{1}{4}$ of Section 3, Township 16 South, Range 27 East, Boise Meridian. (Parcel No. 1)

ALSO SUBJECT TO an Agreement for Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, Seller and Harold Jones, Consumer, dated January 26, 1990, and recorded February 5, 1990, as Instrument No. 206054 on Film No. 213, records of Cassia County, Idaho covering the SE $\frac{1}{4}$ of Section 34, Township 16 South, East of Boise Meridian." (Parcel No. 1)

ALSO SUBJECT TO an Agreement for Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, Seller and Harold A. Jones and Beth R. Jones, Consumer, dated April 1, 1999, and recorded April 12, 1999, as Instrument No. 262067, records of Cassia County, Idaho covering the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27, Township 16 South, Range 27 East of the Boise Meridian. (Parcel No. 1)

Together with appurtenant water rights, including 2,500 shares in Naf Irrigation District Company and water under license # G24589 and creek waters of Clear Creek and the following Idaho water rights:

Water Rights Nos. 43-00037, 43-00084, 43-00085, 43-00286A, 43-00259, 43-00260, 43-02401, 43-07225, A43-10051, A43-10052 and A43-10053

Reserving one-half of all mineral rights currently owned by Seller in each parcel of land. Seller makes no representations or warranties as to the nature or extent of any such mineral rights.

To have and to hold the said premises with their appurtenances to the said Grantee, its heirs and assigns forever. And the Grantor does hereby covenant to and with the Grantee that Grantor is the owner in fee of said premises,

that said premises are free from all encumbrances and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED this 31 day of May, 2000.

Harold A. Jones
Harold A. Jones

Beth R. Jones
Beth R. Jones

STATE OF IDAHO)
) ss.
County of Cassia)

On this 31 day of May, in the year of 2000, before me the undersigned notary public in and for said state, personally appeared Harold A. Jones & Beth R. Jones, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

(SEAL)



RENEWAL AT BURLEY, ID
MY COMMISSION EXPIRES 6-12-2003

Barbara Ehle
Notary Public
Residing at Burley, ID
My Commission expires 6-12-2003

LING, ROBINSON & WALKER

BRENT T. ROBINSON

JASON D. WALKER

KELLY ARTHUR ANTHON

ROGER D. LING, OF COUNSEL

ATTORNEYS AT LAW

615 "H" STREET

P. O. BOX 396

RUPERT, IDAHO 83350-0396

AREA CODE 208

TELEPHONE 436-4717

FAX 436-6804

July 14, 2003

Department of Water Resources
Southern Region
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

RECEIVED
JUL 15 2003
Department of Water Resources
Southern Region

RE: Notice of Change of Water Right Ownership

Enclosed herewith for processing by the Department are two (2) signed and completed *Notice of Change of Water Right Ownership* forms along with copies of aerial photos. It is my understanding that no filing fee is required as these cases are currently pending in the SRBA.

Your anticipated assistance in this matter is greatly appreciated. Please feel free to contact the undersigned if you have any questions or comments in regard to this matter.

Very truly yours,



Jason D. Walker

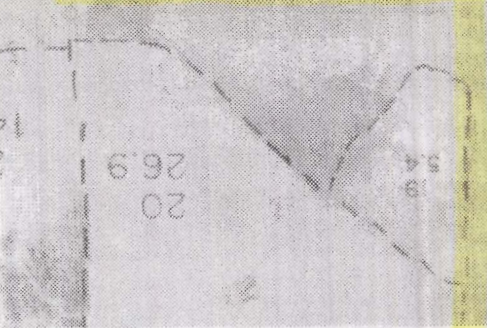
JDW:jb

encs

pc w/encs: Mr. Larry Roberts,
Land Title and Escrow, Inc.

2001

6/6/42
812, 13, 24
T14
R27





2001

FF4
S 2, 3, 34
T 15
R 27

COPY

273 NOV 17 PM 1:15

CLERK OF DISTRICT COURT
TWIN FALLS, IDAHO

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

In Re SRBA	)	SUBCASE NO. 43-00037 , 43-00084
	)	43-00085, 43-00259, 43-00260,
Case No. 39576	)	43-00286A , 43-02401
	)	NOTICE OF COMPLETED
_____	)	ADMINISTRATIVE PROCEEDING

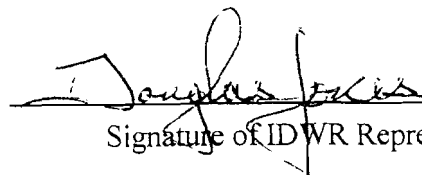
IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: 11/14/00

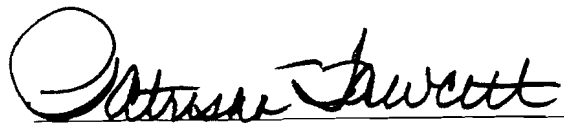


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 11/17, 2000, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Harold A Jones
Beth R Jones
Sublett Rt
Malta ID 83342
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
Mark L Higley
Diane Higley
3951 S 5500 W
Hooper UT 84315
4. One Copy to:
Each party in the subcase or attorney of record:
5. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

11/08/2000

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-37

NAME AND ADDRESS: DIANE HIGLEY
MARK L HIGLEY
3951 S 5500 W
HOOPER, UT 84315

SOURCE: CLEAR CREEK TRIBUTARY: SINKS

QUANTITY: 1.4 CFS

PRIORITY DATE: 06/01/1881

POINT OF DIVERSION: T16S R27E S27 SESENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	4-01 10-31	1.40 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County					
T15S R27E S34	NESW	20	T15S R27E S34	NWSW	10
T15S R27E S34	SESW	16	T15S R27E S34	NWSE	38
T15S R27E S34	SWSE	40	T15S R27E S34	SESE	24
T16S R27E S3 LOT 1	NENE	38	T16S R27E S3 LOT 2	NWNE	27
T16S R27E S3	SWNE	40	T16S R27E S3	SENE	40
T16S R27E S3	NESE	40			
333 ACRES TOTAL					

USE OF THIS RIGHT WITH RIGHT NOS. 43-00084, 43-00085 & 43-00286A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 310 ACRES IN A SINGLE IRRIGATION SEASON
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 145 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 43-B

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

11/08/2000

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-84

NAME AND ADDRESS: DIANE HIGLEY
MARK L HIGLEY
3951 S 5500 W
HOOPER, UT 84315

SOURCE: CLEAR CREEK TRIBUTARY: SINKS

QUANTITY: 1.4 CFS

PRIORITY DATE: 06/14/1911

POINT OF DIVERSION: T16S R27E S27 SESENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	4-01 10-31	1.40 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T15S R27E S34	NESW	20	T15S R27E S34	NWSW	10
T15S R27E S34	SESW	16	T15S R27E S34	NWSE	38
T15S R27E S34	SWSE	40	T15S R27E S34	SESE	24
T16S R27E S3 LOT 1	NENE	38	T16S R27E S3 LOT 2	NWNE	27
T16S R27E S3	SWNE	40	T16S R27E S3	SENE	40
T16S R27E S3	NESE	40	T16S R27E S26	NWNW	35
T16S R27E S26	SWNW	25	T16S R27E S27	NENE	35
T16S R27E S27	NWNE	40	T16S R27E S27	SWNE	10
T16S R27E S27	SENE	20			
498 ACRES TOTAL					

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 120 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NOS. 43-00085 & 43-00286A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 165 ACRES IN A SINGLE IRRIGATION SEASON

USE OF THIS RIGHT WITH RIGHT NOS. 43-00037, 43-00085 & 43-00286A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 310 ACRES IN A SINGLE IRRIGATION SEASON

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 43-B

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

11/08/2000

RIGHT NUMBER: 43-85

NAME AND ADDRESS: DIANE HIGLEY
MARK L HIGLEY
3951 S 5500 W
HOOPER, UT 84315

SOURCE: CLEAR CREEK TRIBUTARY: SINKS

QUANTITY: 1.8 CFS

PRIORITY DATE: 07/14/1912

POINT OF DIVERSION: T16S R27E S27 SESENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4-01 10-31	1.80 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T15S R27E S34	NESW	20	T15S R27E S34	NWSW	10
T15S R27E S34	SESW	16	T15S R27E S34	NWSE	38
T15S R27E S34	SWSE	40	T15S R27E S34	SESE	24
T16S R27E S3 LOT 1	NENE	38	T16S R27E S3 LOT 2	NWNE	27
T16S R27E S3	SWNE	40	T16S R27E S3	SENE	40
T16S R27E S3	NESE	40	T16S R27E S26	NWNW	35
T16S R27E S26	SWNW	25	T16S R27E S27	NENE	35
T16S R27E S27	NWNE	40	T16S R27E S27	SWNE	10
T16S R27E S27	SENE	20			
498 ACRES TOTAL					

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 120 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NOS. 43-00084 & 43-00286A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 165 ACRES IN A SINGLE IRRIGATION SEASON

USE OF THIS RIGHT WITH RIGHT NOS. 43-00037, 43-00084 & 43-00286A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 310 ACRES IN A SINGLE IRRIGATION SEASON

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 43-B

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

11/08/2000

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-259

NAME AND ADDRESS: DIANE HIGLEY
MARK L HIGLEY
3951 S 5500 W
HOOPER, UT 84315

SOURCE: SPRING TRIBUTARY: ROUND MOUNTAIN CREEK

QUANTITY: 1 CFS

PRIORITY DATE: 07/24/1911

POINT OF DIVERSION: T16S R27E S2 SWSNW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4-01 11-01	1.00 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T15S R27E S34	NESW	20	T15S R27E S34	NWSW	10
T15S R27E S34	SESW	16	T15S R27E S34	NWSE	38
T15S R27E S34	SWSE	40	T15S R27E S34	SESE	24
T16S R27E S2 LOT 4	NWNW	37	T16S R27E S2	SWNW	40
T16S R27E S3 LOT 1	NENE	38	T16S R27E S3 LOT 2	NWNE	27
T16S R27E S3	SWNE	40	T16S R27E S3	SENE	40

370 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 120 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 43-00260 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 120 ACRES IN A SINGLE IRRIGATION SEASON

USE OF THIS RIGHT WITH RIGHT NO. 43-02401, 43-00260, 43-00037, 43-00286A, 43-00084, 43-00085 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 370 ACRES IN A SINGLE IRRIGATION SEASON

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

SOURCE IS ALSO KNOWN AS KELSO SPRING

RIGHT NUMBER 43-00260 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

11/08/2000

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-260

NAME AND ADDRESS: DIANE HIGLEY
MARK L HIGLEY
3951 S 5500 W
HOOPER, UT 84315

SOURCE: SPRING TRIBUTARY: ROUND MOUNTAIN CREEK

QUANTITY: 0.9 CFS

PRIORITY DATE: 11/05/1914

POINT OF DIVERSION: T16S R27E S2 SWSNW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4-01 11-01	0.90 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T15S R27E S34	NESW	20	T15S R27E S34	NWSW	10
T15S R27E S34	SESW	16	T15S R27E S34	NWSE	38
T15S R27E S34	SWSE	40	T15S R27E S34	SESE	24
T16S R27E S2 LOT 4	NWNW	37	T16S R27E S2	SWNW	40
T16S R27E S3 LOT 1	NENE	38	T16S R27E S3 LOT 2	NWNE	27
T16S R27E S3	SWNE	40	T16S R27E S3	SENE	40

370 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 120 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 43-00259 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 120 ACRES IN A SINGLE IRRIGATION SEASON

USE OF THIS RIGHT WITH RIGHT NO. 43-02401, 43-00259, 43-00037, 43-00286A, 43-00084, 43-00085 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 370 ACRES IN A SINGLE IRRIGATION SEASON

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT NO. 43-00259 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE

SOURCE IS ALSO KNOWN AS KELSO SPRING

11/08/2000

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-286A

NAME AND ADDRESS: DIANE HIGLEY
MARK L HIGLEY
3951 S 5500 W
HOOPER, UT 84315

SOURCE: CLEAR CREEK TRIBUTARY: SINKS

QUANTITY: 3.2 CFS

PRIORITY DATE: 11/23/1911

POINT OF DIVERSION: T16S R27E S27 SESENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	4-01 10-31	3.20 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County					
T15S R27E S34	NESW	20	T15S R27E S34	NWSW	10
T15S R27E S34	SESW	16	T15S R27E S34	NWSE	38
T15S R27E S34	SWSE	40	T15S R27E S34	SESE	24
T16S R27E S3 LOT 1	NENE	38	T16S R27E S3 LOT 2	NWNE	27
T16S R27E S3	SWNE	40	T16S R27E S3	SENE	40
T16S R27E S3	NESE	40	T16S R27E S26	NWNW	35
T16S R27E S26	SWNW	25	T16S R27E S27	NENE	35
T16S R27E S27	NWNE	40	T16S R27E S27	SWNE	10
T16S R27E S27	SENE	20			
498 ACRES TOTAL					

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NOS. 43-00084 & 43-00085 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 165 ACRES IN A SINGLE IRRIGATION SEASON

USE OF THIS RIGHT WITH RIGHT NOS. 43-00037, 43-00084 & 43-00085 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 310 ACRES IN A SINGLE IRRIGATION SEASON

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 43-B

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

11/08/2000

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-2401

NAME AND ADDRESS: DIANE HIGLEY
MARK L HIGLEY
3951 S 5500 W
HOOPER, UT 84315

SOURCE: GROUND WATER

QUANTITY: 1.74 CFS
735 AFY

PRIORITY DATE: 11/30/1953

POINT OF DIVERSION: T16S R27E S3 SESENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	4-01 11-01	1.74 CFS 735.0 AFY

PLACE OF USE:

IRRIGATION Within CASSIA County					
T15S R27E S34	NESW	20	T15S R27E S34	NWSW	10
T15S R27E S34	SESW	16	T15S R27E S34	NWSE	38
T15S R27E S34	SWSE	40	T15S R27E S34	SESE	24
T16S R27E S2 LOT 4	NWNW	37	T16S R27E S2	SWNW	40
T16S R27E S3 LOT 1	NENE	38	T16S R27E S3 LOT 2	NWNE	27
T16S R27E S3	SWNE	40	T16S R27E S3	SENE	40

370 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 195 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NOS. 43-00259, 43-00260, 43-00037 43-00084, 43-00085 & 43-00286A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 370 ACRES IN A SINGLE IRRIGATION SEASON

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

November 17, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MARK HIGLEY
DIANE HIGLEY
3951 S 5500 W
HOOPER UT 84315

RE: SRBA Claim(s) 43-00037 43-00084, 43-00085, 43-00259,
43-00260, 43-00286A, 43-02401, 43-10051,
43-10053
Decreed Water Right 43-10052

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Enclosed you will also find printouts of claims 43-10051 and 43-10053. These claims have not yet been reported to the SRBA court in a Director's Report and as such do not require a Notice of Administrative Proceeding. Water Right 43-10052 has been decreed and will be changed by our state office in Boise. You will receive a separate notice from them when the change has been completed.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

cc: Harold and Beth Jones



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: 6-2-00

SEE ATTACHED LEGAL DESCRIPTION

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM. _____
Lot _____, Block _____, Subdivision/Townsite _____.

If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s) 43-00037, 43-00084, 43-00085, 43-00286A, 43-00259

☐ Assigned by IDWR: 43-00260, 43-02401, 43-07225, A43-10051, A43-10052 and A43-10053

☐ Name and Address of Former Owner/Claimant(s)(Seller): Farold A. and Beth R. Jones

Sublett Route

Malta, Idaho 83342

☐ New Owner/Claimant (Purchaser):

Mark L. Higley & Diane Higley

☐ New Mailing Address:

3951 South 5500 West,

Hooper, Utah 84315

☐ New Telephone Number: (801) 731-3110

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached: Warranty Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s) Mark Higley Date 5-31-00

Diane Higley Date 5-31-00

☐ Signature of Former Owner/Claimant(s): Farold A. Jones Date 5-31-00

Beth R. Jones Date 5-31-00

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 11/13/00 By: gawatt

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

269545

58683

WARRANTY DEED

FOR VALUE RECEIVED, HAROLD A. JONES and BETH R. JONES, husband and wife, of Sublett Road, Malta, Idaho, the Grantors, do hereby grant, bargain, sell and convey unto MARK L. HIGLEY and DIANE HIGLEY, husband and wife, the Grantees, whose current address is 3951 South 5500 West, Hooper, Utah 84315, the following described premises, located in Cassia County, Idaho, to wit:

PARCEL NO. 1:

TOWNSHIP 15 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 34: SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$

TOWNSHIP 16 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 3: Lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$

Section 26: W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$

Section 27: NE $\frac{1}{4}$, S $\frac{1}{2}$

PARCEL NO. 2:

TOWNSHIP 16 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 2: W $\frac{1}{2}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 3: NE $\frac{1}{4}$ SE $\frac{1}{4}$

SUBJECT TO an Oil, Gas and Mineral Lease between Harold A. Jones and Beth R. Jones, husband and wife, and Standard American Company, dated July 27, 1973, and recorded August 14, 1973, as Instrument No. 71907 on Film No. 84, records of Cassia County, Idaho. (Parcel No. 1)

ALSO SUBJECT TO an Agreement for Electric Service between Raft River Rural Electric Cooperative,

RECORDED IN THE OFFICE OF
LAND TITLE & ESROW

00 JUN 2 PM 3 49

CASSIA COUNTY, IDAHO
HAROLD A. JONES
DIANE HIGLEY
RECORDED
FEB 9 00 1974

269545

Inc., an Idaho rural electric Cooperative of Malta, Seller and Clear Creek Ranches - Harold A. Jones, Beth Jones; Harold Devon Jones, Sheryl Jones; Ray Jones, Karen Jones, Consumer, dated June 24, 1985, and recorded May 15, 1986, as Instrument No. 178402 on Film No. 180, records of Cassia County, Idaho, covering the NE¼ of Section 3, Township 16 South, Range 27 East, Boise Meridian. (Parcel No. 1)

ALSO SUBJECT TO an Agreement for Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, Seller and Harold Jones, Consumer, dated January 26, 1990, and recorded February 5, 1990, as Instrument No. 206054 on Film No. 213, records of Cassia County, Idaho covering the "SE¼ of Section 34, Township 15 South, East of Boise Meridian." (Parcel No. 1)

ALSO SUBJECT TO an Agreement for Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, Seller and Harold A. Jones and Beth R. Jones, Consumer, dated April 1, 1999, and recorded April 12, 1999, as Instrument No. 262067, records of Cassia County, Idaho covering the SE¼NE¼ of Section 27, Township 16 South, Range 27 East of the Boise Meridian. (Parcel No. 1)

Together with appurtenant water rights, including 2,500 shares in Naf Irrigation District Company and water under license # G24589 and creek waters of Clear Creek and the following Idaho water rights:

Water Rights Nos. 43-00037, 43-00084, 43-00085, 43-00286A, 43-00259, 43-00260, 43-02401, 43-07225, A43-10051, A43-10052 and A43-10053

Reserving one-half of all mineral rights currently owned by Seller in each parcel of land. Seller makes no representations or warranties as to the nature or extent of any such mineral rights.

To have and to hold the said premises with their appurtenances to the said Grantee, its heirs and assigns forever. And the Grantor does hereby covenant to and with the Grantee that Grantor is the owner in fee of said premises,

that said premises are free from all encumbrances and that Grantor will warrant and defend the same from all lawful claims whatsoever.

DATED this 31 day of May, 2000.

Harold A. Jones
Harold A. Jones

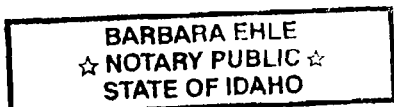
Beth R. Jones
Beth R. Jones

STATE OF IDAHO)
) ss.
County of Cassia)

On this 31 day of May, in the year of 2000, before me the undersigned notary public in and for said state, personally appeared Harold A. Jones & Beth R. Jones, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

(SEAL)



RESIDING AT BURLEY, ID
MY COMMISSION EXPIRES 6-12-2003

Barbara Ehle
Notary Public
Residing at Burley, Id
My Commission expires 6-12-2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

July 29, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

HAROLD A JONES
BETH R JONES
SUBLETT RT
MALTA ID 83342

Re: Adjudication claims for Kelso Ranch

Dear Mr. and Mrs. Jones:

Enclosed please find the printouts of all adjudication claims for Kelso Ranch you requested July 21. I apologize for not getting these to you last week, but rather than send you incomplete or wrong information, I waited for Doug Jones to return from vacation so I could check with him to make sure which of your claims were for Kelso Ranch.

Thank you for your patience and should you have any questions or need more information, please do not hesitate to call.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf
Enclosures

A43-00037

A 43-00084

A 43-00085

A 43-00259

A 43-00260

A 43-00286A

A 43-02401

A43-10054

43-10055

COPY

FILED JUN 15 2:26
DISTRICT COURT - SRBA
TWIN FALLS CO, IDAHO

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

In Re SRBA

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDINGS

SUB CASE NO. 43-00037, 43-00084,
43-00085, 43-00259, 43-00260,
43-00286A, 43-02401, 43-10052,
43-10055

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

FROM: Claimant/Seller(s):

Name and Address of Claimant/Seller(s):

Harold A Jones
Sublett Rt
Malta ID 83342

Phone: 645-2370

TO: Claimant/Purchaser(s):

Name and Address of Claimant/Purchaser(s):

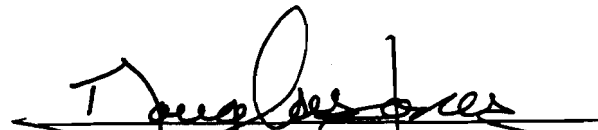
Harold A Jones
Beth R Jones
Sublett Rt
Malta ID 83342

Phone: 645-2370

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 6/11/98


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 6-15, 1998, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Harold A Jones
Sublett Rt
Malta ID 83342
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
Harold A Jones
Beth R Jones
Sublett Rt
Malta ID 83342
4. One Copy to:
Each party in the subcase or attorney of record:
5. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: JUN-11-1998

PAGE: A-1

RIGHTS FROM: SOURCE: CLEAR CREEK TRIBUTARY: SINKS

RIGHT NUMBER: 43-00037

NAME & ADDRESS: HAROLD A JONES
BETH R JONES
SUBLETT ROUTE
MALTA ID 83342

SOURCE: CLEAR CREEK TRIBUTARY: SINKS

QUANTITY: 1.4 CFS

PRIORITY DATE: 06/01/1881

POINT OF DIVERSION: T16S R27E S27 SESENE Within CASSIA County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04-01 10-31	1.4 CFS

PLACE OF USE:	IRRIGATION	Within CASSIA County		
	T15S R27E S34	NESW 20	NWSW 10	SESW 16
		SWSE 40	SESE 24	NWSE 38
	T16S R27E S03	Lot 1 (NENE)38	Lot 2 (NWNE)27	SWNE 40
		NESE 40		SENE 40
	333 ACRES TOTAL			

USE OF THIS RIGHT WITH RIGHT NOS. 43-00084, 43-00085 &
43-00286A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF
310 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 145 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
WATER DISTRICT 43-B.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

June 15, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

HAROLD A JONES
BETH R JONES
SUBLETT RT
MALTA ID 83342

RE: SRBA Claim(s) 43-00037, 43-00084, 43-00085, 43-00259,
43-00260, 43-00286A, 43-02401, 43-10052,
42-10055

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf

RECEIVED

MAY 14 1998

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCESDepartment of Water Resources
Southern Region

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

15X

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s).: ~~00200~~, -00286A, -02401, -02508, -10051, -10053, 10054
Adjudication Claim No(s).: A43-10052, -10055, -00037, -00084, -00085, -00259
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant
Donald H. Jones
Salt Lake City, Utah 83342
- x 4. New Owner/Claimant(s)
Beth R. Jones - Donald H. Jones
Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
New Mailing Address
Salt Lake City, Utah
City, State and ZIP Code
Utah, Idaho 83342
New Telephone Number
(208) 645-2370
5. Date you acquired the property _____
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres you irrigate _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s)
Donald H. Jones
Beth R. Jones
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

COPY

RECEIVED

RECEIVED

APR 14 1998

APR 17 1998

Department of Water Resources

Department of Water Resources
Southern Region

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

In Re SRBA

Case No. 39576

A. Subcase 43-00037

(Insert case file number
from the Objection Form)

STANDARD FORM 2
RESPONSE TO OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: HAROLD & BETH JONES, FAY JONES

Address: SUBLETT ROUTE
MALTA, ID 83342

Daytime Phone: 208-1645-2370

Name & Address of Attorney, if any:

PATRICK D. BROWN
PARKER, WARR & BROWN, LLP
812 SHOSHONE ST. E.
TWIN FALLS, ID 83301
208-735-8812

C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING

Name: JEFF SESSIONS ROGER LING
Address: HC 72 - Box 2346 LING, NIELSEN & ROBINSON
MALTA, ID 83342 PO Box 396
RUPERT, ID 83350

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

1. ☐ Name and Address
2. ☐ Source
3. ☐ Quantity
4. ☐ Priority Date
5. ☒ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☒ Place of Use
11. Recommendation

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Twin Falls)

Harold A. Jones , duly sworn, upon oath, deposes and says:
(Name of person filing response)

That I am the party/claimant filing this response as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

Harold A. Jones
(Signature of person filing response)
[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

April 8, 1998
Deane D. McMullan
Notary Public for Idaho
Residing at Jerome, Id
My Commission Expires: 8/24/2001

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

F. CERTIFICATE OF MAILING

I certify that on 4-10, 1998, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Harold A Jones
Address: Sublett Bank Malta ID 83342

3. One copy to the party who filed the objection at the following address:

Name:	<u>Jeff Sessions</u>	<u>Roger D. Ling</u>
Address:	<u>HC 72 Box 2346</u>	<u>Ling, Nielsen & Robinson</u>
	<u>Malta, ID 83342</u>	<u>P.O. Box 396</u>
		<u>Rupert, ID 83350</u>

4. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 4449
Boise, ID 83711-4449



Your signature or signature of attorney
mailing on your behalf

RECEIVED

APR 01 1998

Department of Water Resources
Southern Region

RECEIVED

MAR 25 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 SRBA
Case No. 39576

A. Subcase No. 43-00037

STANDARD FORM 1

OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Jeff Sessions

Address: HC 72, Box 2346
Malta, Idaho 83342

Daytime Phone (208) 824-5721

Name & Address of Attorney, if any:
ROGER D. LING
LING, NIELSEN & ROBINSON
615 H Street, P. O. Box 396
Rupert, Idaho 83350

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Harold A. Jones

Address: Sublett Route
Malta, Idaho 83342

RECEIVED
MAR 30 1998
Department of Water Resources
Eastern Region

VERIFICATION (Must be Completed)

State of Idaho)

County of Minidoka)

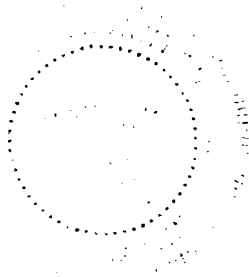
Jeff Sessions, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Jeff Sessions
Signature of person filing objection

Robert A. Shier
Attorney signing in representative capacity

Subscribed and sworn to before me on: March 24, 1998



Judith Thornton Barnes
Notary Public for the State of Idaho
Residing at: Rupert, Idaho
My Commission Expires: 02/03/99

RIGHT NUMBER: 43-00037

NAME AND ADDRESS: HAROLD A JONES
SUBLETT ROUTE
MALTA ID 83342

SOURCE: CLEAR CREEK TRIBUTARY: SINKS

QUANTITY: 1.4 CFS

PRIORITY-DATE: 06/01/1881

POINT OF DIVERSION T16S R27E S27 SESENE Within CASSIA County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY

IRRIGATION Irrigation Season 1.4 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T15S R27E S34 NESW 20 NWSW 10 SESW 16 NWSE 38

SWSE 40 SESE 24

T16S R27E S03 LOT 1 (NENE) 38 LOT 2 (NWNE) 27 SWNE 40 SENE 40

NESE 40

333 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NOS. 43-00084, 43-00085 & 43-00286A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 310 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 145 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 43-8.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - R43-00037

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***

JONES

HAROLD A

1 - SUBLETT ROUTE

2 -

3 -

City- MALTA

State- ID Zip- 83342

Phone - 208-645-2370

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/01/1881 17 SOUTHERN D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
CLEAR CREEK SINKS

+ - - - - Point of Diversion - - - - - +

Twn	Rng	Sec	Tract	Lot	RFlg	County
16S	27E	27	SE SE NE		(31)	CASSIA

IDAHO WEIR

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	10/31		1.400	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
1.400 0.0

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
15S	27E	34	NE SW		20.0	01	IRRIGATION	(31) CASSIA
15S	27E	34	NW SW		10.0	01	IRRIGATION	(31) CASSIA
15S	27E	34	SE SW		16.0	01	IRRIGATION	(31) CASSIA
15S	27E	34	NW SE		38.0	01	IRRIGATION	(31) CASSIA
15S	27E	34	SW SE		40.0	01	IRRIGATION	(31) CASSIA
15S	27E	34	SE SE		24.0	01	IRRIGATION	(31) CASSIA
16S	27E	3	NE NE	1	38.0	01	IRRIGATION	(31) CASSIA
16S	27E	3	NW NE	2	27.0	01	IRRIGATION	(31) CASSIA
16S	27E	3	SW NE		40.0	01	IRRIGATION	(31) CASSIA
16S	27E	3	SE NE		40.0	01	IRRIGATION	(31) CASSIA
16S	27E	3	NE SE		40.0	01	IRRIGATION	(31) CASSIA

Total Acres: 333.0

+ - - Diversion Means - CHECK DAM TO EARTHEN DITCH

+ - - Non-Irrigation Use - NONE

+ - - Other Rights for Same Use - 43-00084, 43-00085, 43-00286A

Water right number - R43-00037

Prefix Translation: RESEARCH

+ - - - - - Remarks - - - - - +

POU1 USE OF THIS RIGHT WITH RIGHT NOS. 43-00084, 43-00085 &
43-00286A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF
310 ACRES IN A SINGLE IRRIGATION SEASON.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 145 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

GEN THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
WATER DISTRICT 43-B.

+ - - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found

+ - - - - - Conditions of Approval - - - - - +

C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
- PURSUANT TO SECTION 42-1425, IDAHO CODE.
C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- SECTION 42-1425, IDAHO CODE.

+ - - - - Decree Plaintiff - - - +
ALBION-IDAHO LAND CO.

+ - - - - Decree Defendant - - - +
JOBE ADAMS ET AL

+ - Decree Date - +
00/00/0000

+ - - - - - Comments - - - - - +

Date: 02/09/1998 User Id: DJONES Subject: COPIED FROM REMARKS
USE OF THIS DECREE HAS EXISTED FOR MANY YEARS ON THE LAND DESCRIBED; PRIOR TO THE DESIGNATION OF THE AREA AS A CRITICAL
GROUNDWATER AREA.

+ - - Audit Fields - - +
02/24/98 DJONES

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 03/21/1989	Last Amended Date	- 10/25/1995	Temporary Right	- P
		Receipt Number	- S006624	Water District	- 43B
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	- C
				Notice of Error Flag	-

3
2
10
11

4
3
9
10

Ditch from Clear Creek

Westline

CRP 87-96

20
22.3

Q7.6

15
50.7

16
5.6

13
2.1

water split

12
19.5

3
2

35
34

10
9.5

15.0

14.3

8

10.5

7

4.2

5
3.3

6.6

24.1

16.1

2

11629

5/19/98

O. OF CLAIMS IN POLYGON

CLAIM NUMBERS 43-00084 43-00037
43-00085
43-00286A

North Field only

DATE 1/28/98

AGENT [Signature]

TRANSFER NUMBER

OBJECTION FILED

TOTAL ACRES FROM RECOMMENDATION

GEOGRAPHIC INFO SYSTEM

RIGHT NO				NE				NW				SW				SE				
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
RECOM												20	10	0	16		38	40	24	148
GIS												19.7	9.6	-	15.6		32.8	39.8	24.4	146.9
Claimed	155	27E	34									40	40	40	40		40	40	40	280
RECOM				38	27	40	40									40				184
GIS				37.4	27.0	39.7	39.8									39.8				183.7
Claimed	165	27E	3	^{Left} 38	^{Left} 38	40	40									40				196
RECOM								0	0				0							0*
GIS								-	-				-							0
Claimed	165	27E	2					^{Left} 38	40				40							118
RECOM								35	25									(60)		60
GIS								34	24.6											60.0
Claimed	165	27E	26					37	36											73
RECOM				(35)	14	(40)	(10)	8	(20)									(105)		22
GIS				(20.9)	13.8	(40)	(10.6)	8.2	(36)											22.0
Claimed	165	27E	27	40	40	10	20													110
RECOM																				
GIS																				

UPDATED

B36-DBPOU.DBF

B36-DBPOD.DBF

POLYGON #

UPDATED

ATTRIBUTES OF B36-POU.SHP (19,20,24,26 1/28)

ATTRIBUTES OF B36-POD.SHP (2)

POU-ID: 19 165 27E 26, 27
 26+20

21 155 27E 34; 165 27E 33

* Per field exam in '94 Clear Co water can't be used for 52

PPU

P/U CONFLICT yes () no ()

P/D CONFLICT yes () no ()

SENT FOR DECREE yes () no ()

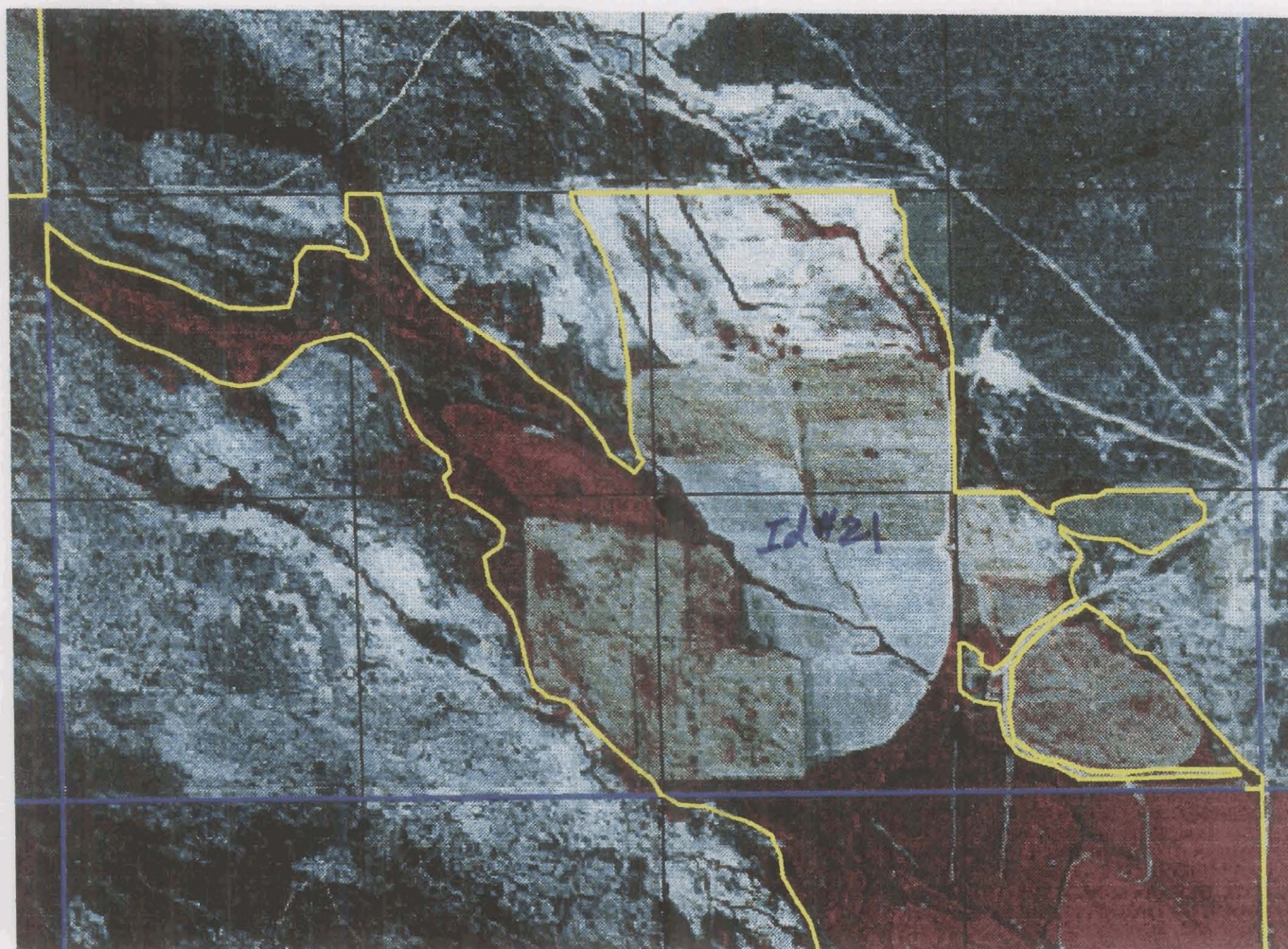
() = Possible permissible place

of use acres for

84, 85, 286A

IDAHO DEPARTMENT OF WATER RESOURCES

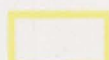
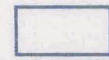
43-00084, 43-00085, 43-00286A, 43-00037



0.25 0 0.25 0.5 Miles

TNS 15S, RNG 27E, SEC 34 S1/2



-  Recommended Place of Use
-  Recommended Point of Diversion
-  Section Lines
-  Quarter/Quarter Lines

GIS PLACE OF USE PRESENTATION
1987 NAPP PHOTOGRAPHY
DATA ENTRY: JANUARY 27, 1998
BY: DOUGLAS JONES

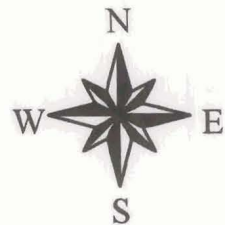
IDAHO DEPARTMENT OF WATER RESOURCES

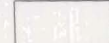
43-00084, 43-00085, 43-00286A, 43-00037
(north property only)



0.5 0 0.5 1 1.5 2 2.5 3 Miles

TNS 15S, RNG 27E, 34 S1/2
TNS 16S, RNG 27E, SEC 3 NE, NESE
SEC 26 W1/2NW
SEC 27 NE

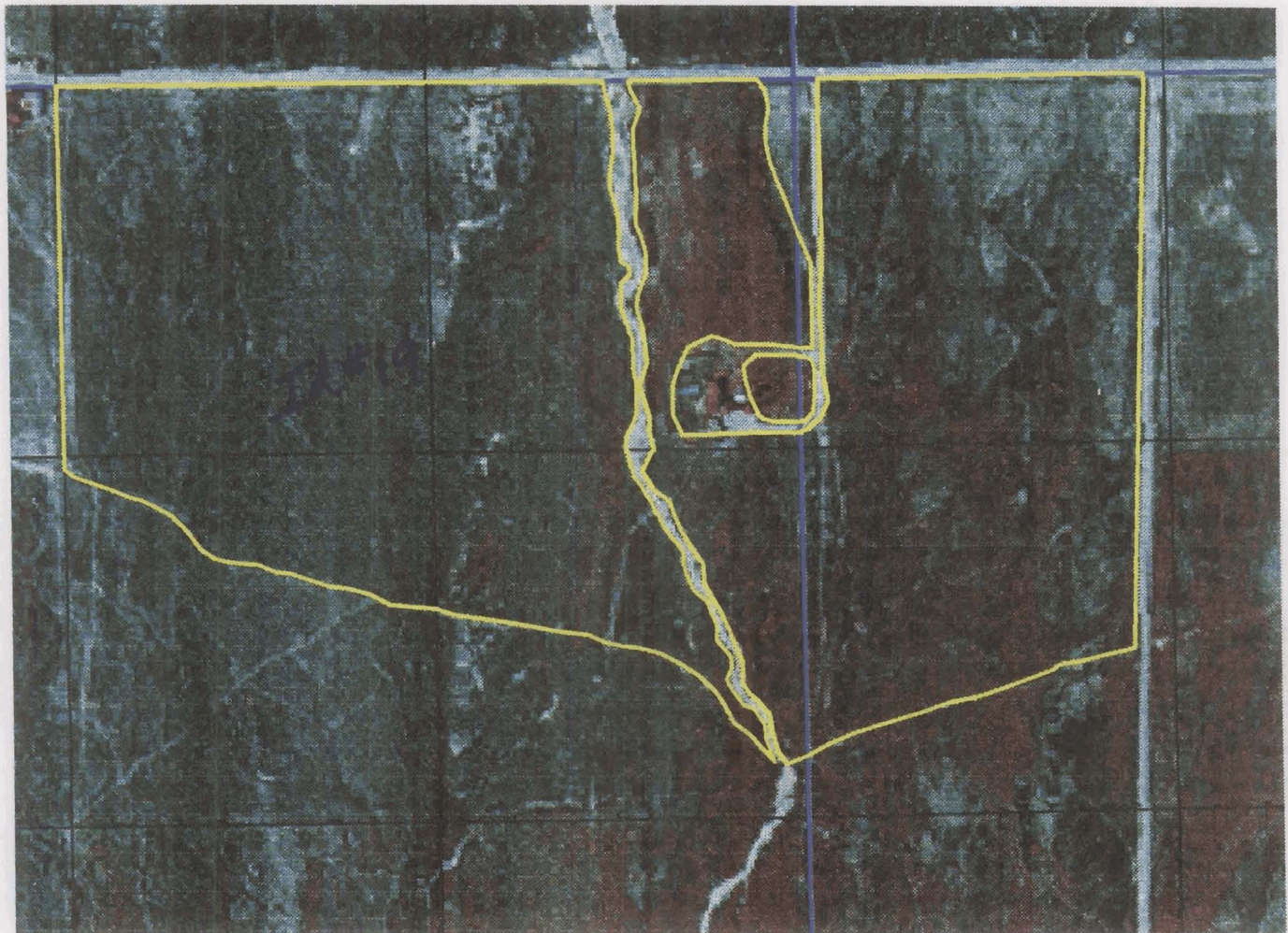


-  Recommended Place of Use
-  Recommended Point of Diversion
-  Section Lines
-  Quarter/Quarter Lines

GIS PLACE OF USE PRESENTATION
1987 NAPP PHOTOGRAPHY
DATA ENTRY: JANUARY 27, 1998
BY: DOUGLAS JONES

IDAHO DEPARTMENT OF WATER RESOURCES

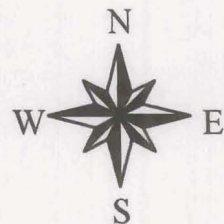
43-00084, 43-00085, 43-00286A

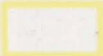


0.25 0 0.25 Miles

TNS 16S, RNG 27E, SEC 27 NE
26 W1/2NW

Id# 26 = 1.2ac
19 = 85
20 = 81

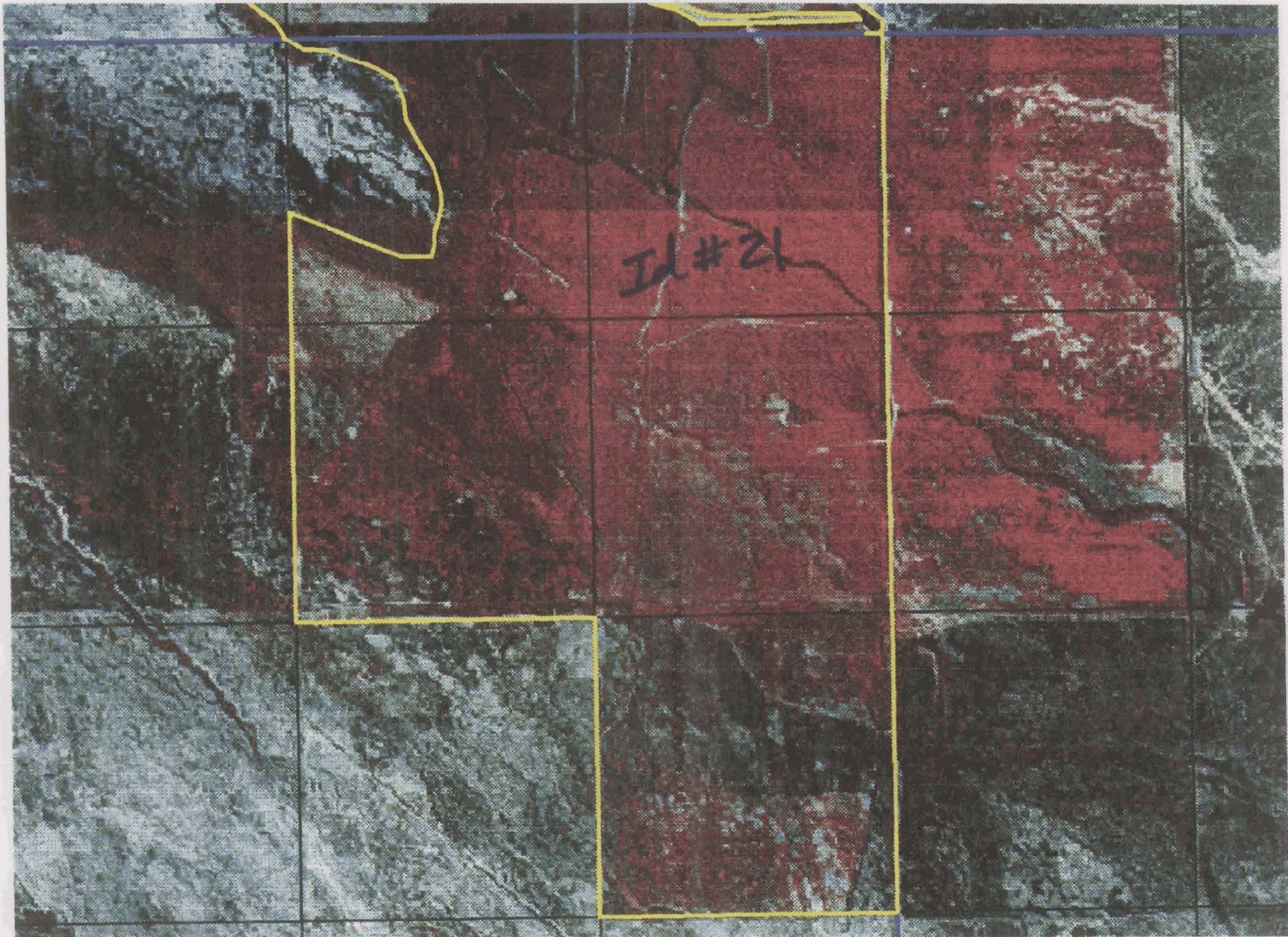


-  Recommended Place of Use
-  Recommended Point of Diversion
-  Section Lines
-  Quarter/Quarter Lines

GIS PLACE OF USE PRESENTATION
1987 NAPP PHOTOGRAPHY
DATA ENTRY: FEBRUARY 7, 1998
BY: DOUGLAS JONES

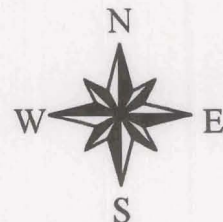
IDAHO DEPARTMENT OF WATER RESOURCES

43-00084, 43-00085, 43-00286A, 43-00037



0.25 0 0.25 0.5 Miles

TNS 15S, RNG 27E, SEC 3 NE, NESE



-  Recommended Place of Use
-  Recommended Point of Diversion
-  Section Lines
-  Quarter/Quarter Lines

GIS PLACE OF USE PRESENTATION
1987 NAPP PHOTOGRAPHY
DATA ENTRY: JANUARY 27, 1998
BY: DOUGLAS JONES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:09:04
05/23/95
34

PAGE: 17
PROFILE REPORT

CLAIM NUMBER: A43-00037

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HAROLD A JONES	06/01/1881	IRRIGATION	04-01 11-01	1.40 CFS	
					TOTAL DIVERSION: CONSUMPTIVE USE:	1.40 CFS ~~1485.00 AFA~~

Water Source: CLEAR CREEK Tributary to: RAFT RIVER Stage: DECREED
Point(s) of Diversion: T16S R27E S27 SESENE CASSIA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
15S	27E	34	:					:					:	25	10	40	16	:	38		24		:	
16S	27E	2	:					:	04	38	40		:	40	40	40	40	:	40	40	40		:	280.0
16S	27E	3	:	01-38	02-28	40	40	:					:					:	40				:	118.0
																								196.0
																								594.0

27

POU County: CASSIA

Non-Irrigation Uses: NONE

Other Rights: A43-02401, A43-00259 & A43-00260

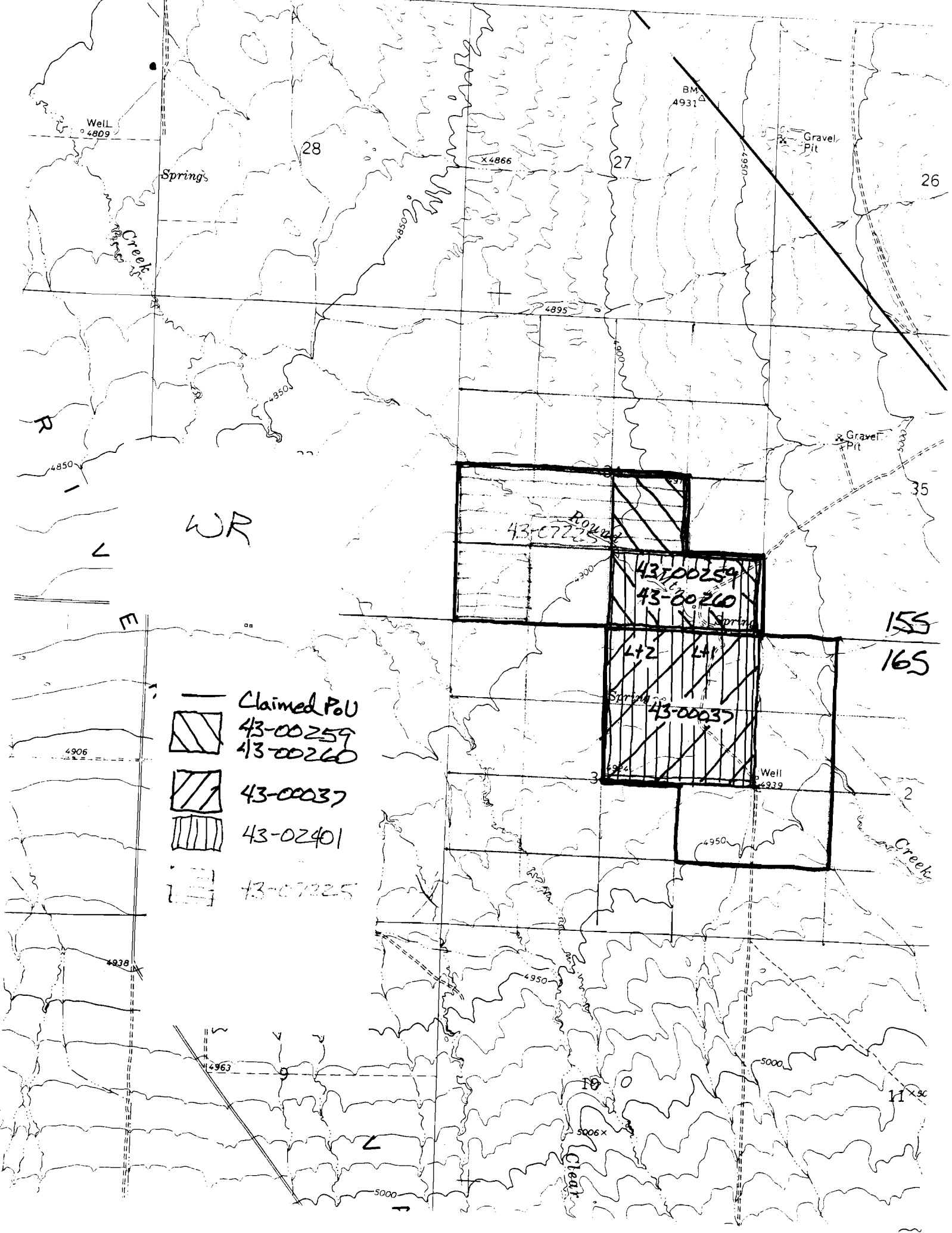
Remarks: USE OF THIS DECREE HAS EXISTED FOR MANY YEARS ON THE LAND DESCRIBED; PRIOR TO THE DESIGNATION OF THE AREA AS A CRITICAL GROUNDWATER AREA.

Dates: Exam Made Date: Verified Date: 02/26/1985

Misc: Water District Number: 43B Field Inspection Flag: Presumption Flag: D

Original claim flagged in data entry as "D" (decree expansion)

K06 145
E1B 333



- Claimed POU
-  43-00259
-  43-00260
-  43-00037
-  43-02401
-  43-07225



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

January 27, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MR PATRICK D BROWN ESQ
HEPWORTH, LEZAMIZ & HOHNHORST
PO BX 389
TWIN FALLS, ID 83303-0389

Dear Mr Brown:

The enclosed copy was sent out this date to the Clear Creek water users.

Respectfully,

Francis G. Hitchcock
Water Resources Agent, Sr.

enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

January 26, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

HAROLD A JONES
SUBLETT ROUTE
MALTA, ID 83342

RE: RIGHTS FROM CLEAR CREEK CLAIMED IN THE SNAKE RIVER BASIN
ADJUDICATION.

Dear Mr Jones:

As a result of Judge Daniel C. Hurlbutt Jr's Order for Director's Report issued October 24, 1997 in SRBA Case No. 92-00014 Harold Jones and Ray Jones v. Naf Irrigation Company department staff will present draft recommendations for claims identifying Clear Creek as a source.

The meeting is scheduled for February 10, 1998 at 1 pm in the conference room of the Raft River Electric office in Malta. Please plan to attend this meeting or let us know if you won't be there.

David R. Tuthill, Jr., P.E., Chief, Adjudication Bureau will attend along with adjudication staff of the department's Twin Falls office.

The presentation will use geographic information systems (GIS) computer graphics that were developed from reviews of aerial photos showing 1987 irrigation usages photographed by the Soil Conservation Service.

Please contact me at 208-736-3033 to confirm that you will be able to come to the meeting and with any questions you may have about the review procedure.

Sincerely Yours,

Francis G. Hitchcock
Water Resources Agent, Sr.

cc: Patrick D. Brown, Esq.
Roger D. Ling, Esq.

 State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

January 26, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RAY JONES
2649 EAST STREVELL ROAD
BOX 2318
MALTA, ID 83342

RE: RIGHTS FROM CLEAR CREEK CLAIMED IN THE SNAKE RIVER BASIN
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Sincerely Yours,

Francis G. Hitchcock
Water Resources Agent, Sr.

cc: Patrick D. Brown, Esq.
Roger D. Ling, Esq.

RECEIVED

OCT 28 1997

Department of Water Resources
Southern RegionP102RMK4
Allen —IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re: SRBA

Case No. 39576

HAROLD JONES and RAY JONES

Plaintiffs,

v.

NAF IRRIGATION COMPANY, a
Utah Corporation; LARRY KEMPTON
in his capacity as an individual and as
president of NAF IRRIGATION
COMPANY; LAVERNE KEMPTON,
individually and in his capacity as Water
Master and Ditchrider for NAF
IRRIGATION COMPANY; MONTE
CAMBELL as an individual; and JEFF
SESSIONS doing business as ROUND
MOUNTAIN RANCH,

Defendants.

SRBA Case No. 92-00014

ORDER FOR DIRECTOR'S REPORT

This case is a dispute between several water rights holders on Clear Creek in the state of Idaho. The SRBA court has jurisdiction because the case requires a determination of one or more elements of the disputed water rights. *Young Harvey Walker v. Big Lost River Irrigation District*, 856 P. 2d 868, 124 Idaho 78 (1993). During the course of litigation, it has become apparent that trial

ORDER FOR DIRECTOR'S REPORT
G:\ORDERS\DIRRPT.NAF
10/24/97

RECEIVED

OCT 30 1997

Page 1 of 3

Department of Water Resources
Southern Region

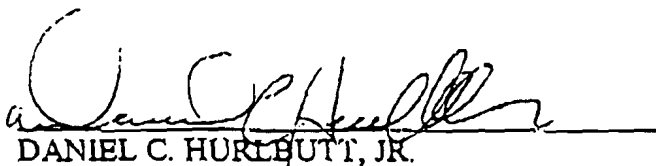
of the several water rights at issue is likely to result in duplicative litigation when the Clear Creek Stream System is reported in a Director's Report as part of the SRBA.

To avoid a multiplicity of litigation between these and other parties on Clear Creek, this court enters the following order:

1. The Idaho Department of Water Resources shall prepare a preliminary Director's Report for all, approximately thirty, water rights claimed in the Snake River Basin Adjudication on Clear Creek. This report shall be prepared and submitted to the court on or before February 27, 1998.
2. The court will serve copies of the preliminary Director's Report on each claimant included in the report.
3. All claimants included in the Director's Report for Clear Creek shall file objections to the report on or before March 27, 1998.
4. Any party wishing to file a response to an objection to the preliminary Director's Report shall file the response with the court on or before April 10, 1998.
5. A scheduling conference on all objections and responses filed to the preliminary Director's Report for Clear Creek will be held on Monday, April 13, 1998 at 10 a.m. in the district courthouse for the Snake River Basin Adjudication located at 253 3rd Avenue North, Twin Falls, Idaho. All parties and counsel are required to be personally present at this scheduling conference.
6. Parties in the *Jones v. NAF Irrigation Company et al* case pending before the court shall be allowed to continue discovery on issues raised in the pleadings.
7. The prior scheduling order and trial setting in *Jones v. NAF Irrigation, et al* is hereby vacated in favor of the schedule set forth in this order.

IT IS SO ORDERED.

DATED October 24, 1997.


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

CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER FOR DIRECTOR'S REPORT** was mailed on October 24, 1997, with sufficient first-class postage to the following:

Patrick D Brown
Hepworth, Lezamiz & Hohnhorst
PO Box 389
Twin Falls, ID 83303-0389

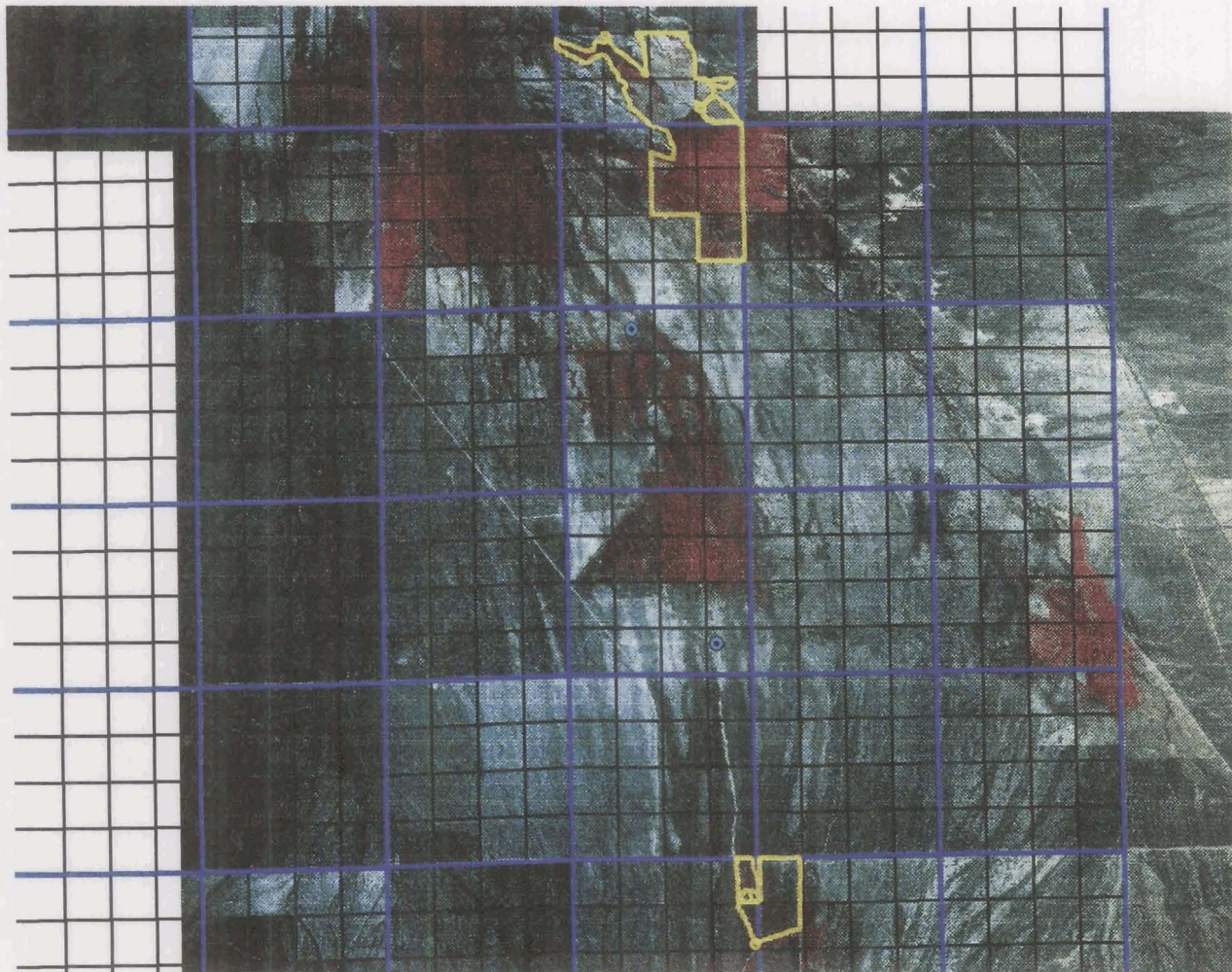
Roger D Ling
Ling, Nielson & Robinson
PO Box 396
Rupert, ID 83350



Deputy Clerk

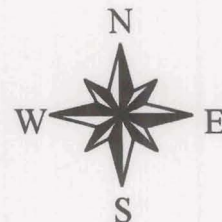
IDAHO DEPARTMENT OF WATER RESOURCES

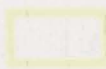
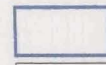
43-00084, 43-00085, 43-00286A, 43-00037



0.5 0 0.5 1 1.5 2 2.5 3 Miles

TNS 15S, RNG 27E, 34 S1/2
TNS 16S, RNG 27E, SEC 3 NE, NESE
SEC 26 W1/2NW
SEC 27 NE



-  Recommended Place of Use
-  Recommended Point of Diversion
-  Section Lines
-  Quarter/Quarter Lines

GIS PLACE OF USE PRESENTATION
1987 NAPP PHOTOGRAPHY
DATA ENTRY: JANUARY 27, 1998
BY: DOUGLAS JONES

R PROOF

CVR

MAPS

PHOTOS

MISC

—

—

—

—

—

PAGE: 1
GENERAL INFORMATION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

CLAIM NUMBER: A43-00037
18

00:00:08
05/23/95

LAST: JONES
ADDRESS: SUBLETT ROUTE
CITY: MALTA
PHONE NUMBER: 208-645-2370

FIRST: HAROLD A
STATE: ID ZIP: 83342

OWNER CODE: C

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y
FIELD EXAMINER
Y() N()

CLAIM REMARKS: USE OF THIS DECREE HAS EXISTED FOR MANY YEARS ON THE LAND DESCRIBED; PRIOR TO THE DESIGNATION OF THE AREA AS A CRITICAL GROUNDWATER AREA.

FIELD EXAMINATION INFORMATION

CONTACT PERSON: _____ PHONE NUMBER: () -
DATE OF FIELD EXAM: ____/____/____ APPOINTMENT MADE: Y() N() TIME: ____:____ A() P()
ACCOMPANIED BY: _____ PHONE NUMBER: () -
RELATIONSHIP TO CLAIMANT: _____
DIRECTIONS TO PROPERTY / NOTES:

ASCS: FF40
155 27E 634
165 27E 623

A. AJ CLAIM: # A43-00037 PRIORITY DATE: 06-01-1881 STAGE: D

B. WR RECORD: # 43-00037 PRIORITY DATE: 06-01-1881 STAGE: D

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE?

Y(☒) N(☐)

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE?

Y(☒) N(☐) *

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE?
(IF YES, DESCRIBE BELOW)

Y(☐) N(☒)

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED

N/A(☐) Y(☐) N(☐)

FIELD EXAM COMPLETED

N/A(☐) Y(☐) N(☐)

FIELD EXAM SENT TO STATE OFFICE

N/A(☐) Y(☐) N(☐)

LICENSE ISSUED

N/A(☐) Y(☐) N(☐)

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT,
USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE
OF THE PRIORITY DATE REQUIRED?

N/A(☒) Y(☐) N(☐)

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED,
INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY?

Y(☒) N(☐)

NOTES:

A43-Id v Nas: US Dist Ct, Utah (Johnson) '37

=====

RECOMMENDED PRIORITY DATE:

06-01-1881

REVIEWED BY

D Jones

DATE

2/8/98

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A43-00037	16S	27E	27	SE	SE	NE			CASSIA		

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A43-00045	NONE
A43-00084	
A43-00085	
A43-00286A	
A43-00286B	

WR RECORDS IN SAME 40 ACRE TRACT

NONE

SOURCE: CLEAR CREEK

TRIB: RAFT RIVER

B. WR POINT OF DIVERSION AND SOURCE:

4300037 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

Ambiguous Decree

SOURCE: CLEAR CREEK

TRIB: RAFT RIVER

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N(☒)

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N(☒)

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y(☒) N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y() N(☒)

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y(☒) N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM _____) Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM '96) NAME OF EXAMINER F Hitchcock Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

A Merritt

NOTES: _____

=====

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

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
16S	27E	27	SE	SE	NE			CASSIA		
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
16S	27E	27	SE	SE	NE	_____	_____	Cassia	Idaho Weir	_____

SOURCE: CLEAR CREEK

TRIB: RAFT RIVER

REVIEWED BY: D Jones

DATE: 2/8/98

=====

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

A. ROOT WATER RIGHT NUMBERS: A43-00037

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
15S	27E	34	NE	SW		JONES, HAROLD A	A43-00037 / 40.0	- /	33.0	19.7	20
			NE	SW		JONES, HAROLD A	A43-00259 / 40.0	- /			
			NE	SW		JONES, HAROLD A	A43-00260 / 40.0	- /			
			NE	SW		CLEAR CREEK RANCHES		43-07225 / 40.0			
15S	27E	34	NW	SW		JONES, HAROLD A	A43-00037 / 40.0	- /		9.6	10
			NW	SW		JONES, HAROLD A	A43-00259 / 40.0	- /			
			NW	SW		JONES, HAROLD A	A43-00260 / 40.0	- /			
			NW	SW		CLEAR CREEK RANCHES		43-07225 / 40.0			
15S	27E	34	SW	SW		JONES, HAROLD A	A43-00037 / 40.0	- /		-	0
			SW	SW		JONES, HAROLD A	A43-00259 / 40.0	- /			
			SW	SW		JONES, HAROLD A	A43-00260 / 40.0	- /			
			SW	SW		CLEAR CREEK RANCHES		43-07225 / 30.0			
15S	27E	34	SE	SW		JONES, HAROLD A	A43-00037 / 40.0	- /	22.0	15.6	16
			SE	SW		JONES, HAROLD A	A43-00259 / 40.0	- /			
			SE	SW		JONES, HAROLD A	A43-00260 / 40.0	- /			
15S	27E	34	NW	SE		JONES, HAROLD A	A43-00037 / 40.0	- /	33.0	37.8	38
			NW	SE		JONES, HAROLD A	A43-00259 / 40.0	43-00259 /			
			NW	SE		JONES, HAROLD A	A43-00260 / 40.0	43-00260 /			
			NW	SE		CLEAR CREEK RANCHES		43-07225 / 40.0			
15S	27E	34	SW	SE		JONES, HAROLD A	A43-00037 / 40.0	- /	39.0	39.8	40
			SW	SE		JONES, HAROLD A	R43-10055 /	- /			
			SW	SE		JONES, HAROLD A	A43-00259 / 40.0	43-00259 /			
			SW	SE		JONES, HAROLD A	A43-00260 / 40.0	43-00260 /			
			SW	SE		JONES, HAROLD A	A43-02401 / 40.0	43-02401 / 40.0			
			SW	SE		JONES, HAROLD A	A43-10055 /	- /			
15S	27E	34	SE	SE		JONES, HAROLD A	A43-00037 / 40.0	- /	37.0	24.4	40
			SE	SE		JONES, HAROLD A	R43-10054 /	- /			
			SE	SE		JONES, HAROLD A	A43-00259 / 40.0	43-00259 /			
			SE	SE		JONES, HAROLD A	A43-00260 / 40.0	43-00260 /			
			SE	SE		JONES, HAROLD A	A43-02401 / 19.0	43-02401 / 15.0			
			SE	SE		JONES, HAROLD A	A43-10054 /	- /			
16S	27E	2	NW	NW	4	JONES, HAROLD A	A43-00037 / 38.0	- /	39.0	-	0
			NW	NW	4	JONES, HAROLD A	A43-00259 / 38.0	- /			
			NW	NW	4	JONES, HAROLD A	A43-00260 / 38.0	- /			
			NW	NW	4	SETTLERS LAND & WATER CO.		43-00286 /			
16S	27E	2	SW	NW		JONES, HAROLD A	A43-00037 / 40.0	- /	38.0	-	0

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
			SW	NW		JONES, HAROLD A	A43-00259 / 40.0	- /			
			SW	NW		JONES, HAROLD A	A43-00260 / 40.0	- /			
			SW	NW		SETTLERS LAND & WATER CO.		43-00286 /			
16S	27E	2	NW	SW		JONES, HAROLD A	A43-00037 / 40.0	- /	31.0		
			NW	SW		JONES, HAROLD A	A43-00259 / 40.0	- /			
			NW	SW		JONES, HAROLD A	A43-00260 / 40.0	- /			
			NW	SW		SETTLERS LAND & WATER CO.		43-00286 /			
16S	27E	3	NE	NE	1	JONES, HAROLD A	A43-00037 / 38.0	43-00037 /	35.0		
			NE	NE	1	JONES, HAROLD A	A43-00259 / 38.0	- /			
			NE	NE	1	JONES, HAROLD A	A43-00260 / 38.0	- /			
			NE	NE	1	JONES, HAROLD A	A43-02401 / 38.0	43-02401 / 40.0			
16S	27E	3	NW	NE	2	JONES, HAROLD A	A43-00037 / 38.0	43-00037 /	34.0		
			NW	NE	2	JONES, HAROLD A	A43-00259 / 38.0	- /			
			NW	NE	2	JONES, HAROLD A	A43-00260 / 38.0	- /			
			NW	NE	2	JONES, HAROLD A	A43-02401 / 38.0	43-02401 / 40.0			
16S	27E	3	SW	NE		JONES, HAROLD A	A43-00037 / 40.0	43-00037 /	36.0		
			SW	NE		JONES, HAROLD A	A43-00259 / 40.0	- /			
			SW	NE		JONES, HAROLD A	A43-00260 / 40.0	- /			
			SW	NE		JONES, HAROLD A	A43-02401 / 20.0	43-02401 / 20.0			
16S	27E	3	SE	NE		JONES, HAROLD A	A43-00037 / 40.0	43-00037 /	38.0		
			SE	NE		JONES, HAROLD A	A43-00259 / 40.0	- /			
			SE	NE		JONES, HAROLD A	A43-00260 / 40.0	- /			
			SE	NE		JONES, HAROLD A	A43-02401 / 40.0	43-02401 / 40.0			
16S	27E	3	NE	SE		JONES, HAROLD A	A43-00037 / 40.0	- /	37.0		
			NE	SE		JONES, HAROLD A	A43-00259 / 40.0	- /			
			NE	SE		JONES, HAROLD A	A43-00260 / 40.0	- /			
			NE	SE		SETTLERS LAND & WATER CO.		43-00286 /			

ADDITIONAL POU FOUND

TOTAL ACRES	A43-00037	594.00	452.00	333
-------------	-----------	--------	--------	-----

POU COUNTY: CASSIA

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N()

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A43-00037	CLEAR CREEK	JONES, HAROLD A	1.400	0.002		
A43-00259	SPRING (KELSO SPRINGS)	JONES, HAROLD A	1.000	0.001		
A43-00260	SPRING (KELSO SPRINGS)	JONES, HAROLD A	0.900	0.001		
A43-02401	GROUNDWATER	JONES, HAROLD A	1.740	0.008		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
R43-10055	STOCKWATER	JONES, HAROLD A	FROM 01-01 TO 12-31	0.060 CFS	
A43-10055	STOCKWATER	JONES, HAROLD A	FROM 01-01 TO 12-31	0.060 CFS	
R43-10054	STOCKWATER	JONES, HAROLD A	FROM 01-01 TO 12-31	0.040 CFS	
A43-10054	STOCKWATER	JONES, HAROLD A	FROM 01-01 TO 12-31	0.040 CFS	

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

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: A43-02401, A43-00259 & A43-00260

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N(✓)

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y(✓) N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y(✓) N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N(✓)

CHECK DOCUMENTS USED TO VERIFY POU: ☒ ORTHOPHOTOQUAD, IDWR NO. _____; () TOPOGRAPHIC QUAD, IDWR NO. _____;
☒ NAPP, IDWR NO. _____; ☒ ASCS PHOTO; () OTHER _____

NOTES:

NAPP in GIS coverage

Original nt for 1.4 cfs & decreed duty of
water @ 1"/ac. Therefore original pou $\approx$ 70 ac

RECOMMENDATIONS:

TOTAL ACRES: 70 ac w/in 333 PPU N/A ()

REVIEWED BY: D Jones

DATE: 2/8/98

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A43-00037 IRRIGATION	FROM 04-01 TO 11-01	1.400 CFS	
TOTAL DIVERSION RATE/VOLUME		1.400 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
43-00037 IRRIGATION	FROM TO	1.400 CFS	
TOTAL DIVERSION RATE/VOLUME		1.400 CFS	

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE?

Y(☒) N(☐)

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A(☐) Y(☒) N(☐)

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM?

Y(☒) N(☐)

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS?

Y(☐) N(☒)

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS?

Y(☒) N(☐)

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A(☐) Y(☒) N(☐)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM?

N/A(☐) Y(☐) N(☒)

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A(☒) Y(☐) N(☐)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM?

N/A(☒) Y(☐) N(☐)

NOTES: _____

AJ CLAIM TOTAL DIVERSION RATE: 1.400 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 1.400 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y(☒) N()

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE?

N/A() Y() N(☒)

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE?

Y() N(☒)

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM?

Y(☒) N(☒)

E.

FLOW MEASUREMENT

MEASUREMENT METHOD N/A, SEE ATTACHED CALCULATIONS.

F.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 333 x 0.02 CFS/ACRE = 6.66 CFS or 70 x .02 = 1.40
(Taken from pou review)

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N(☒)

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

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

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 1485.0 AF/A

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

TOTAL CONSUMPTIVE USE _____ AF/A

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

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE	CFS	VOL.	AF/A	USE	
IRRIGATION	04-01	11-01	DATABASE 1.400	EXAMINER _____	DATABASE	EXAMINER _____	DATABASE 1485.0	EXAMINER _____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
<u>Irr</u>	<u>4/1</u>	<u>10/31</u>	<u>1.40</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>1485.0</u>	<u>_____</u>
TOTAL FOR THIS RIGHT			1.400	_____	_____	_____	_____	_____

NON-IRRIGATION USES CLAIMED: NONE

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

REVIEWED BY: D Jones

DATE: 2/8/88

FLAG: D _____

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

C03

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	(☒)	()
FORFEIT/ABANDON _____	(☒)	()
ADDITIONAL DIV. AMOUNT _____	(☒)	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 43-00037

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE 1.400	EXAMINER _____	CFS
-----------------------------------	-------------------	-------------------	-----

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	-		-		43-00037	1.400
TOTAL CFS						1.400

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE	FIELD EXAMINER
N	Y(☒) N()

NOTES:

AUTHENTICATION:

SIGNATURE: D Jones DATE: 2/8/98
NAME OF FIELD EXAMINER: Douglas Jones TITLE: WR Rts. Supv

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
() ORTHOPHOTOQUAD	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. _____	Y() N()
() NAPP	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() ASCS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() ASCS COLOR SLIDE	DATE OF PHOTO _____	Y() N()
() BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____	Y() N()
() SCS SOIL SURVEY MAP	DATE ISSUED _____	Y() N()
() SUBDIVISION PLAT MAP	DATE OF MAP _____	Y() N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
() LICENSING FIELD EXAM	DATE OF FIELD EXAM _____	_____	_____
() WATER RIGHT LICENSE	DATE LICENSE SIGNED _____	_____	_____
() IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____	_____	_____
() SYSTEM DESCRIPTION	DATE DRAWN _____	_____	_____
() PHOTOGRAPHS	DATE(S) PHOTOS TAKEN _____	_____	_____
() SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____	_____	_____
() HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____	_____	_____
() OTHER _____	DATE _____	_____	_____
() OTHER _____	DATE _____	_____	_____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:08
05/23/95
33
CLAIM NUMBER: A43-00037

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE								
POINT OF DIV	Y							
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE	-							
PURPOSES OF USE								
PERIOD OF USE	Y							
BASIS OF CLAIM	Y							
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE

GEOGRAPHIC INFO SYSTEM

SENT FOR DECREE yes () no ()

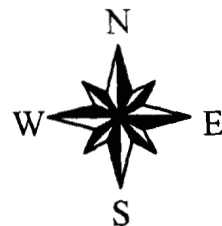
IDAHO DEPARTMENT OF WATER RESOURCES

43-00084, 43-00085, 43-00286A, 43-00037



0.25 0 0.25 0.5 Miles

TNS 15S, RNG 27E, SEC 3 NE, NESE



Recommended Place of Use



Recommended Point of Diversion



Section Lines



Quarter/Quarter Lines

GIS PLACE OF USE PRESENTATION
1987 NAPP PHOTOGRAPHY
DATA ENTRY: JANUARY 27, 1998
BY: DOUGLAS JONES

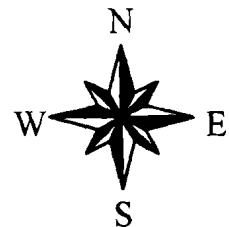
IDAHO DEPARTMENT OF WATER RESOURCES

43-00084, 43-00085, 43-00286A, 43-00037



0.25 0 0.25 0.5 Miles

TNS 15S, RNG 27E, SEC 34 S1/2



Recommended Place of Use

⊙ Recommended Point of Diversion



Section Lines



Quarter/Quarter Lines

GIS PLACE OF USE PRESENTATION
1987 NAPP PHOTOGRAPHY
DATA ENTRY: JANUARY 27, 1998
BY: DOUGLAS JONES

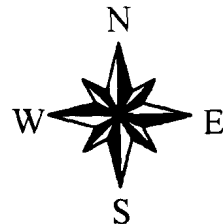
IDAHO DEPARTMENT OF WATER RESOURCES

43-00084, 43-00085, 43-00286A, 43-00037
(north property only)



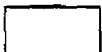
0.5 0 0.5 1 1.5 2 2.5 3 Miles

TNS 15S, RNG 27E, 34 S1/2
TNS 16S, RNG 27E, SEC 3 NE, NESE
SEC 26 W1/2NW
SEC 27 NE



Recommended Place of Use

⊙ Recommended Point of Diversion



Section Lines



Quarter/Quarter Lines

GIS PLACE OF USE PRESENTATION
1987 NAPP PHOTOGRAPHY
DATA ENTRY: JANUARY 27, 1998
BY: DOUGLAS JONES

06-28-94

FIELD EXAM

caught from HAROLD JONES
→ father is RAY

10 PM Rpt River Elk.

Mark JONES → Sessions - caught 2 yrs ago.
don't know how many chambers

A43- 00037* CLEAR CR

00084* "

00085* "

00259* SPRING (KELSO)

00260* "

00286A* CLEAR CR

02401* GW

combined - later
into pond

* all used together (MAP-02401)

* back of NAF store

Kelso spring

one main channel Round Mtn channel
used a weir to turn 2 ways
collects seepage in that channel
always had water going by

06-28-94

12.50

"

facing SO. Fe

3/4"

POND

NWSE

PIX

127 AC - 1 RR

#7

1800' main line

6

1/4 32 x 40 - 5 lines

30 x 40 covers

5 GPM flow

5% - 1 inch controls

25% "

* Robin has map of system on file.

1992

sprinkler only

814 GPM — 35.6 BHP

KELSA CWN

KELSO SPR

140

porosma from NO along ditch to 5
transformer in the West around to ↓
Deep extraction @ range check down &
channel to SOUTH.

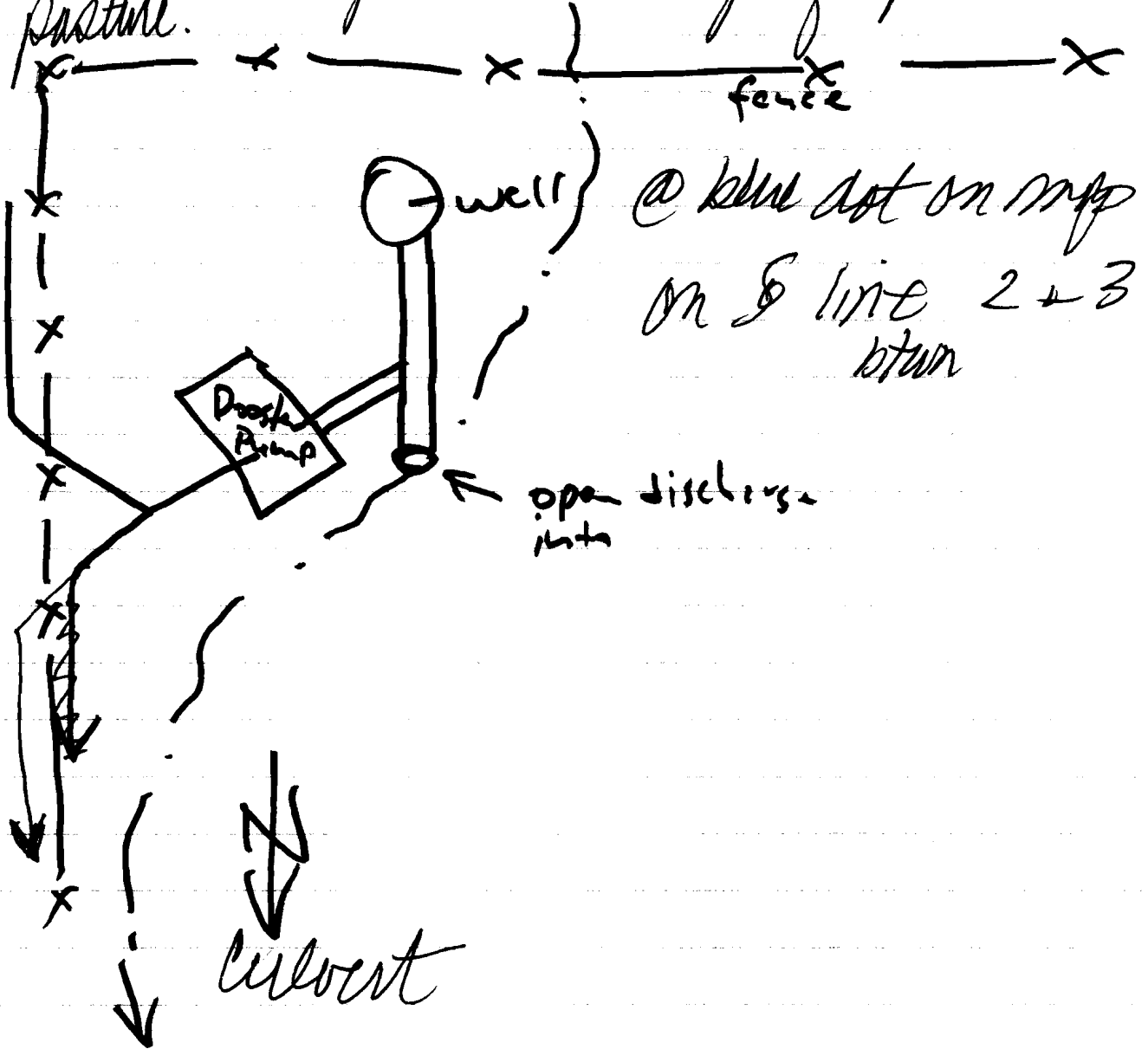
12 -

#13

153

W. pipe
map

Stop @ well / pump @ Clear Cr. - surveying -
looking W- over pump set up - looking
towards "ledges" @ W edge of sprinkled
pasture.



06-28-94

-3-

JONES, H.

2 05

@ ditch divide - splits 3 way

NW 1st one ditch section
center one " @ corner of stock yard
W one " out to West Field

normal flow in center ditch

cc to

2 10

pin. index

looking over channel to the South #12
" NE: stick vertical #13
to Upland Ray is amount of 11
water level drop - standing water
used to go over top of embankment

2 35

only original irrig. row was in front
of the dam (haystack)

all the seen irrig. is this season.

& on W side of hill - dam stops it.

can look across to ledge -

overhead: 1 year two seasons of use

4-

home place

slides + color - Clear Lake Ranch

2nd ① Ray's clear lake ditch along road
(9 to other ranch) ② PODS white house, red roof
on So. towards Utah
line.

② Ray's second or main channel
behind the white house

00037
00084
00085
90268A

home plant:

300

560 cts split: IDADO
UTAH - 3/4 so

use on home plant

NAF Pres VP Sec @ NAF IRRIG CO.

IRRIG decreed: Albion-Idaho Land Co.
Co.

06-14-1911 / Jobe Adams et al

below 15 cts - terms by ea

Harold built ditch 18 yrs ago using
another guy's POD - 4 yrs ago
owner refused - this ditch
diverts in Utah
"Can't divert into channel"

06-28-94

JAMES HALL

drought hasn't affected UTAH water.

Idaho decree arnts from decree.

FLOOD irrigation

& water out of Clear Creek - drought
can regulate it down below
100-150 cfs worth of water

Clear Cr channel W of house

can utilize several channels

come out of "big weir" Pond as
seen on the map (00)

after
07-01

3 days / 2 hrs some mins
gets whole cr - every 7 days.

PIX

3:28

Looking So to UTAH @ #10

end of line of power pole

30

Looking So across the #9
pipe for UTAH water

(Both these about 1/4 mile So of house)

MONT + LARRY KEMPSON

UTAH KEMPSON - water master after goes to
farms

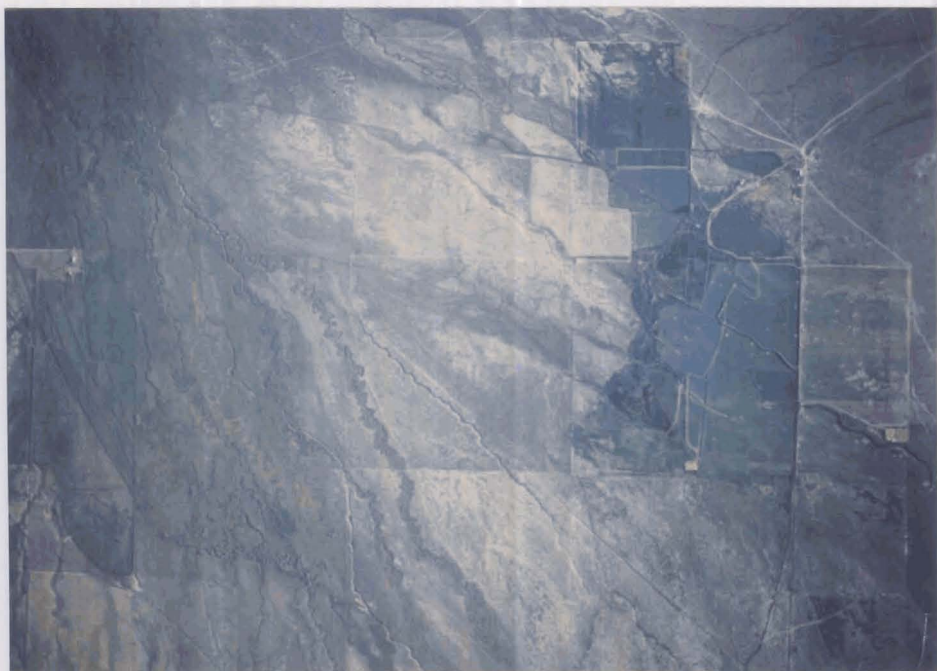
00-XXX
AJ5802NP
SELECTION FILE: B43-EXAMS-FR

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION NAME INDEX

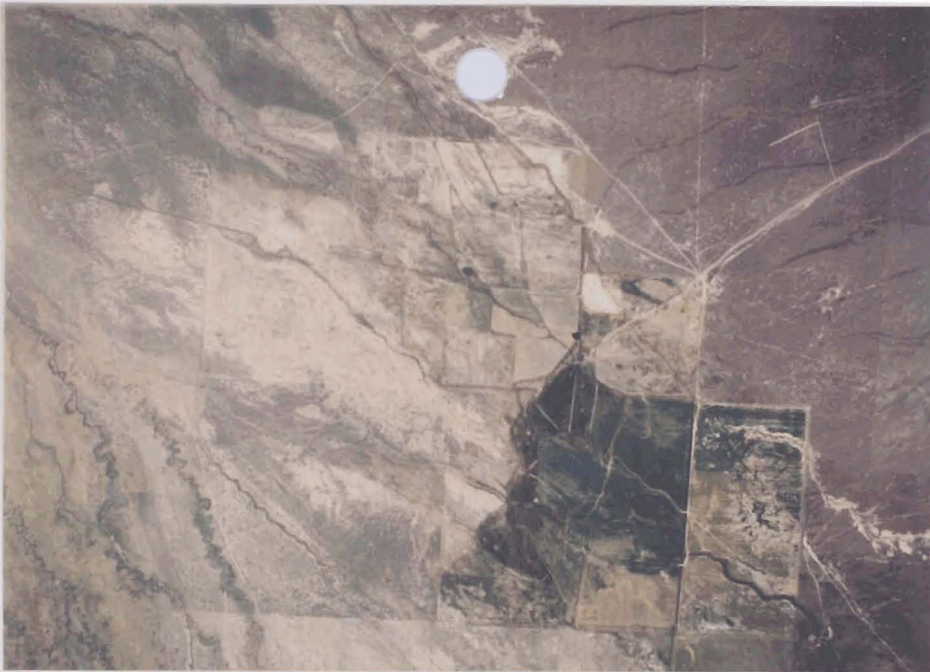
CLAIMANT	WATER RIGHT NUMBER	STG STA	PRIORITY DATE	SOURCES OF WATER
~~SRBA DECREE EXAM~~				
JONES, GLEN W.	C A43-02463	L/	09/06/1957	GROUNDWATER
JONES, GLEN W.	C A43-02477	L/	08/19/1959	GROUNDWATER
JONES, GLEN W.	C A43-10164	J/	12/31/1878	SPRINGS
JONES, GLEN W.	C A43-10167	J/	03/15/1970	GROUNDWATER
JONES, GLEN W.	C A43-10168	J/	12/31/1971	GROUNDWATER
JONES, GLENN L.	C A43-10127	J/	05/01/1885	ONE MILE CREEK SPRING
JONES, GLENN L.	C A43-10129	J/	05/01/1968	SPRING
JONES, HAROLD A. ✓ ✓	C A43-00037	D/	06/01/1881	CLEAR CREEK
JONES, HAROLD A. ✓ ✓	C A43-00084	D/	06/14/1911	CLEAR CREEK
JONES, HAROLD A. ✓ ✓	C A43-00085	D/	07/14/1912	CLEAR CREEK
JONES, HAROLD A. ✓ ✓	C A43-00259	D/	07/24/1911	SPRING (KELSO SPRINGS)
JONES, HAROLD A. ✓ ✓	C A43-00260	D/	11/05/1914	SPRING (KELSO SPRINGS)
JONES, HAROLD A. ✓ ✓	C A43-00286A	D/	11/23/1911	CLEAR CREEK
JONES, HAROLD A. ✓ ✓ ✓	C A43-02401	L/	11/30/1953	GROUNDWATER
JONES, HAZEL R.	C A43-10127	J/	05/01/1885	ONE MILE CREEK SPRING
JONES, HAZEL R.	C A43-10129	J/	05/01/1968	SPRING
JONES, LORIN G.	C A43-10127	J/	05/01/1885	ONE MILE CREEK SPRING
JONES, LORIN G.	C A43-10129	J/	05/01/1968	SPRING
JONES, MERLE ✓ ✓	C A43-00045	D/	06/01/1882	CLEAR CREEK
JONES, MERLE ✓ ✓	C A43-00286B	D/	11/23/1911	CLEAR CREEK
JONES, MERLE ✓ ✓	C A43-02061	L/	01/19/1910	SPRINGS
JONES, MERLE ✓ ✓	C A43-02110	L/	05/23/1912	ROUND MOUNTAIN SPRING
JONES, MERLE ✓ ✗	C A43-10116	J/	12/31/1900	RICE CREEK ROUND MOUNTAIN CREEK
JONES, MERLE ✓ ✓	C A43-10824	D/	02/17/1912	ROUND MOUNTAIN CREEK ROUND MOUNTAIN SPRING



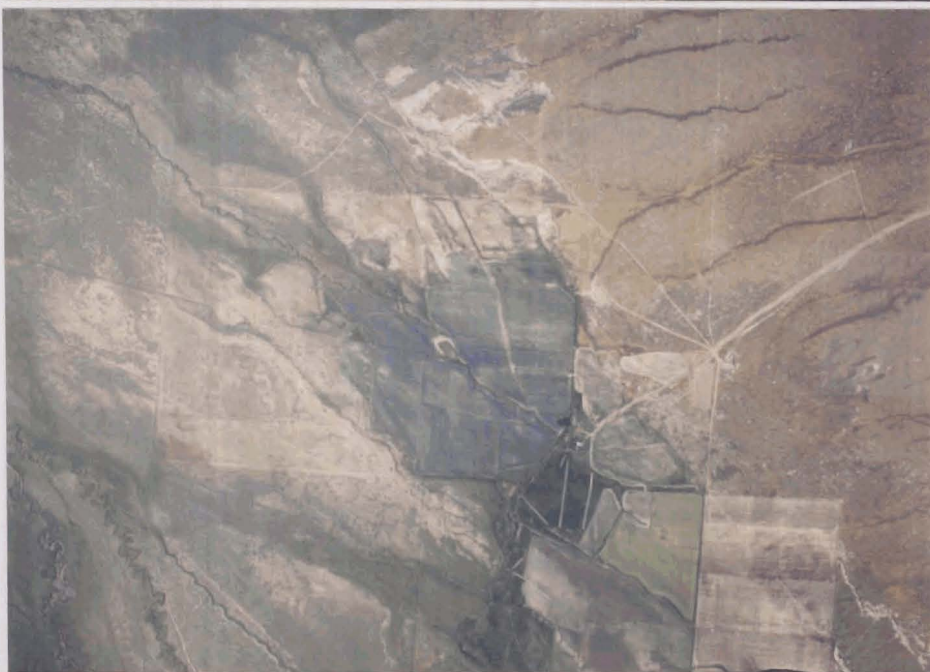
SLIDE 9
 07-06-93
 ASCS FF40
 T16S R27E S3
 T15S R27E S34



SLIDE 5
 07-1991
 ASCS FF-40
 T16S R27E S3



SLIDE #27
06-1988
ASCS H38
T16S R27E §3



SLIDE #26
06-24-1986
ASCS H38
T16S R27E §34
§3



SLIDE #2
06-24-1986
ASCS H38
T16S R27E §3
§2

06-28-94

facing So. §34
NWSE pond.



Roll #1

#7



facing E §34
NWSE pond.

PHOTOS

#6

A43-00037 et al

JONES, HAROLD

06-28-94

1.40



6/28/94

77#

JONES, HAROLD

Roll #1

#5
5,4,3

Pomona from No. along ditch to the
transformer in the W. around to seepage
collection @ orange creek down channel
to SO.

A43-00037 et al

JONES, HAROLD

06-28-94



facing No.
along the
ditch

#2



facing W.
towards
transformer
on pole.

#1

A43-00037 et all

JONES, HAROLD

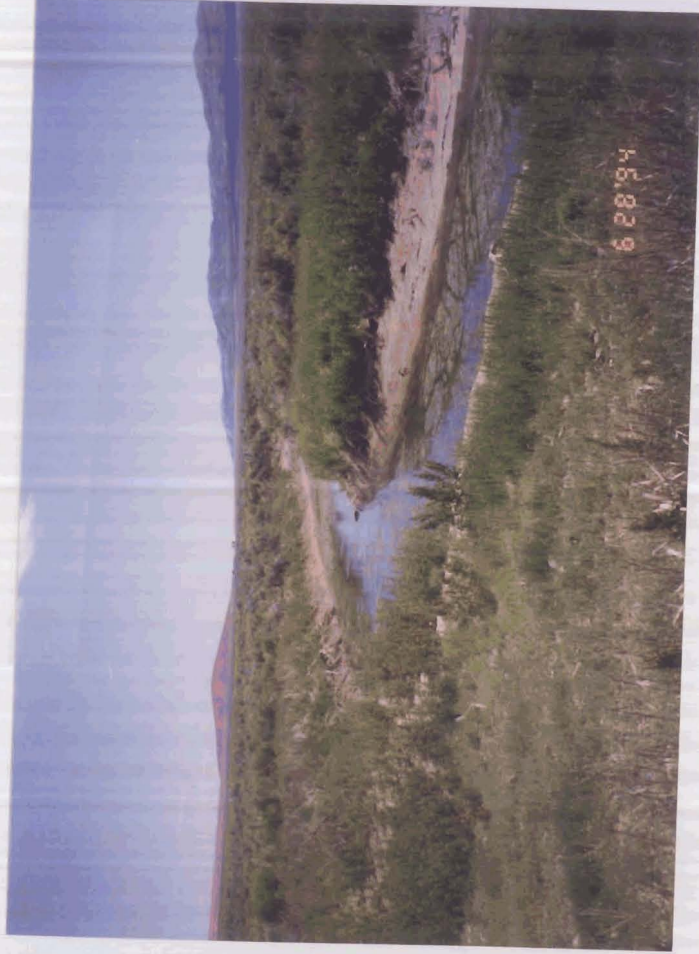
06-28-94

1:53

well/pump @ Clear Cr.
pole # 3501 - buried line
looking W. over the setup.
"leaves" in background
@ W. edge of sprinkled
pasture per Robin Wells.
Locate @ blue dot on map
on 6 line btwn. 2 + 3.



#13



2:10

Looking over the
Channel to the So.

#12

443-00037 et al

JONES, HAROLD

06-28-94

2-10



Looking NE: strike
in the ground to the
right of Ray Jones is
the pre-bund height of
water here - after that
previously water used
to go over top of the
embankment.

#11

3-28

Looking SO. from
diversion below
home place



#10

A43-00037 et al

JONES, HAROLD

06-28-94

3:30

Looking So. into
UTAH' across the
pile for the UTAH
water.
approx 1/4 mile
So.

#9



3:50

Looking So. into
UTAH - diversion
channel just
W. of house site.

#8



A43-00037 et al

JONES, HAROLD

06-28-94



4.00
in UTAH looking
SO. over the
diversion - note
ADM in red cap
standing in the
diversion.

#7



4.05
looking NW from
a distance of about
25 yards SO of the
diversion above. This
is described as PD #2.

#6

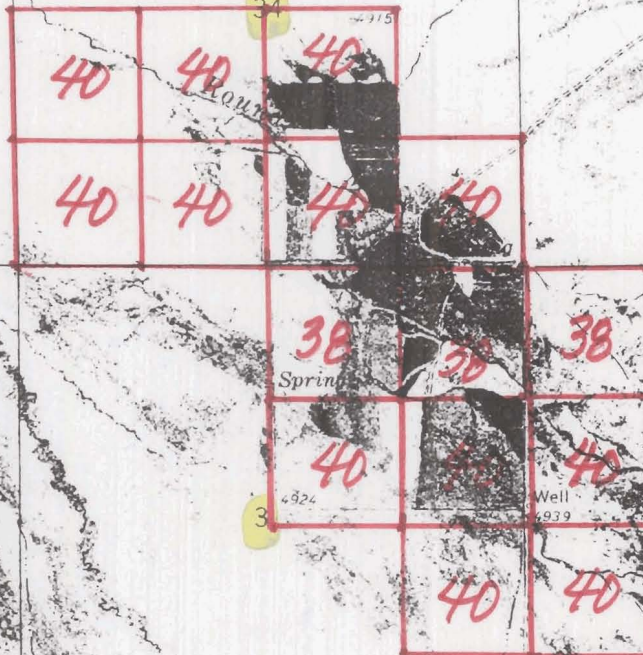
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JONES, HAROLD

R27E

SRBA claim
594 acres

T 15S
T 16S



MAPS USED: DD 82 DATE: 1976
ASCS
ORTHO USGS-NAF
NAPP
BLM

DD 82

A43-00037

R27E

43-00037

Deer

Priority: 6/1/1881

Source: Clear Creek

Amt: 1.40 cfs

Gravel Pit

4901

Gravel Pit

28

27

26

25

4895

33

34

4915

35

36

Round

T 155

T 165

Springs

3

Well

4939

5005

MAPS USED:

DATE: 1976

ASCS

ORTHO

NAPP

BLM

11505-NAF

DD 82

A43-00037

DAVIS HARRIS

R27

Gravel Pit

4901

4986

5051

BM 4931

Gravel Pit

28

4866

27

26

25

4895

Pump @ (S line)
pump 814 gpm
to R.R.?

33

34

4915

35

36

Route

Spring

4924

Well 4939

5005

BM 5054

15 S
16 S

MAPS USED: DD 82 DATE: 1976

ASCS

ORTHO USGS-NAF

NAPP

BLM

11

5022

JEEP