

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

2004 FEB 6 PM 1 58

Water Right 43-00286B

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

SOURCE: CLEAR CREEK TRIBUTARY: SINKS

QUANTITY: 4.30 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	04-01 TO 10-31	4.30 CFS

PLACE OF USE:	Irrigation		Within Cassia County
	T16S R27E S13	NENE 4.0	SWNE 7.0
		SENE 15.0	NESW 40.0
		NESE 29.0	NWSE 33.0
		SWSE 40.0	SESE 40.0
	S24	NENE 33.0	NWNE 4.0
	R28E S19 LOT 1	(NWNW)13.0	
	258.0 Acres Total		

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 190 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NOS. 43-00045 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 258 ACRES IN A SINGLE
IRRIGATION SEASON.

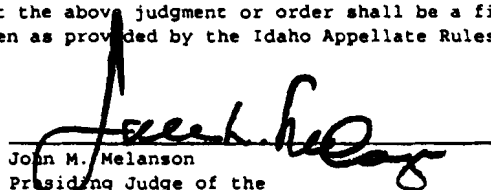
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

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


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A43-00286B
Date Received: 4/20/1989
Receipt No: 5006988
Received By: AD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MERLE JONES 208-824-5719
Address: H.C. 72 BOX 2346
MALTA, ID 83342

2. Date of Priority: NOV 23, 1911

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

4. Point of Diversion:

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

5. Description of diverting works:
DITCH TO DITCHES, PUMPS & SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.300		

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

8. Total consumptive use is 665.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
16S	27E	13	NE	NE		IRR	6.0
			NW	NE		IRR	23.0
			SE	NE		IRR	17.0

COPY MICROFILMED
MAR 23 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres	
16S	27E	13	NE	NW		IRR	17.0	
			NE	SE		IRR	35.0	
			NW	SE		IRR	33.0	
			SW	SE		IRR	40.0	
			SE	SE		IRR	40.0	
			Section Acres					211.0
		24	NE	NE		IRR	40.0	
			Section Acres					40.0
	28E	19	NW	NW	1	IRR	15.0	
			Section Acres					15.0
			Total Acres					266.0

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:
SEE A43-00045

14. Remarks:

THIS CLAIM IS BASED ON A PORTION OF 43-00286 DECREE TO A PORTION OF THE ABOVE LISTED LANDS. IT IS FOR HIGH WATER HISTORICALLY DELIVERED FROM CLEAR CREEK FOR A SHORT PERIOD OF TIME IN THE SPRING. THE DITCH FROM CLEAR CREEK CARRIES APPROX. 300"; THIS FILING IS FOR THE ADDITIONAL WATER WHICH COMES IN THE DITCH ABOVE THAT WHICH IS CLAIMED UNDER A43-00045.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

Decree Plaintiff

vs

Decree Defendant

COPY

MICROFILMED

MAR 03 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: See Map A43-00045

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): Merle Jones Date: 4/20/89

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 20th day
of April 19 89

[Signature]
Notary Public

Seal

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

COPY MICROFILMED

MAR 03 1993

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

DATE: APR-5-2000

PAGE: A-2

RIGHT NUMBER: 43-00286B

NAME & ADDRESS: SHIRLEY A JONES
1735 ALVARADO
TWIN FALLS ID 83301

SOURCE: CLEAR CREEK TRIBUTARY: SINKS

QUANTITY: 4.3 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 NONE	04-01 10-31	4.3 CFS

PLACE OF USE:	IRRIGATION	Within CASSIA County		
	T16S R27E S13	NENE 4	SWNE 7	SENE 15 NESW 40
		NESE 29	NWSE 33	SWSE 40 SESE 40
	S24	NENE 33	NWNE 4	
	R28E S19	Lot 1 (NWNW)13		
	258 ACRES TOTAL			

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 190 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 43-00045 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 258 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.

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.

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. 43-45, 43-286B,
43-2110, 43-10116

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

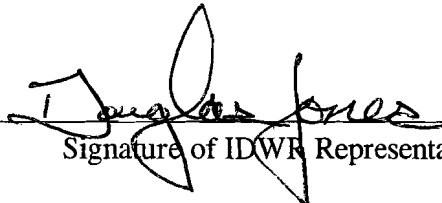
IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

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:
Shirley Jones
1735 Alvarado
Twin Falls ID 83301
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

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

07/17/2003

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

RIGHT NUMBER: 43-286B

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

SOURCE: CLEAR CREEK

TRIBUTARY: SINKS

QUANTITY: 4.300 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	04/01 10/31	4.300 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T16S R27E S13	NENE	4.0	T16S R27E S13	SWNE	7.0
T16S R27E S13	SENE	15.0	T16S R27E S13	NESW	40.0
T16S R27E S13	NESE	29.0	T16S R27E S13	NWSE	33.0
T16S R27E S13	SWSE	40.0	T16S R27E S13	SESE	40.0
T16S R27E S24	NENE	33.0	T16S R27E S24	NWNE	4.0
T16S R28E S19 Lot 1 NWNW		13.0			

258 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 190 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 43-00045 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 258 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: 43-2110

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

SOURCE: ROUND MOUNTAIN SPRING

TRIBUTARY: ROUND MOUNTAIN CREEK

QUANTITY: 0.800 CFS

PRIORITY DATE: 05/23/1912

POINT OF
DIVERSION: T16S R28E S18 SWSWSW Lot 4 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	0.800 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T16S R27E S13	NENE	4.0	T16S R27E S13	SWNE	7.0
T16S R27E S13	SENE	15.0	T16S R27E S13	NESW	5.0
T16S R27E S13	NESE	29.0	T16S R27E S13	NWSE	33.0
T16S R27E S13	SWSE	40.0	T16S R27E S13	SESE	40.0
T16S R27E S24	NENE	33.0	T16S R27E S24	NWNE	4.0
T16S R28E S19 Lot 1 NWNW		13.0			

223 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 51 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 43-02061 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 51 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NOS. 43-00045, 43-10116, 43-10824 & 43-02061 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 223 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NOS. 43-00045, 43-10116, 43-10824 43-02061 & 43-00286B IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 258 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.

07/17/2003

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

RIGHT NUMBER: 43-10116

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

SOURCE: RICE CREEK
ROUND MOUNTAIN CREEK

TRIBUTARY: ROUND MOUNTAIN CREEK
TRIBUTARY: CLEAR CREEK

QUANTITY: 4.460 CFS
892.00 AFY

USE OF THIS RIGHT WITH RIGHT NOS. 43-00045, 43-10824, 43-02061 &
43-02110 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION
VOLUME OF 892 AF.

USE OF THIS RIGHT WITH RIGHT NOS. 43-00045, 43-10824, 43-02061
43-02110 & 43-00286B IS LIMITED TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 1032 AF.

PRIORITY DATE: 04/01/1962

POINT OF
DIVERSION: T16S R27E S13 NESE Within CASSIA County
T16S R27E S13 NESESE Within CASSIA County
T16S R27E S24 NESENE 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	4.460 CFS 892.00 AFY

PLACE OF USE: IRRIGATION Within CASSIA County

T16S R27E S13	NENE	4.0	T16S R27E S13	SWNE	7.0
T16S R27E S13	SENE	15.0	T16S R27E S13	NESW	5.0
T16S R27E S13	NESE	29.0	T16S R27E S13	NWSE	33.0
T16S R27E S13	SWSE	40.0	T16S R27E S13	SESE	40.0
T16S R27E S24	NENE	33.0	T16S R27E S24	NWNE	4.0
T16S R28E S19 Lot 1 NWNW		13.0			

223 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NOS. 43-00045, 43-00286B, 43-10824,
43-02061, AND 43-02110 IS LIMITED TO THE IRRIGATION OF A COMBINED
TOTAL OF 258 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NOS. 43-00045, 43-10824, 43-02061 AND
43-02110 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 223
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 - Beneficial Use



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

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

RECEIVED

JUL 15 2003

Department of Water Resources
 Southern Region

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
43-45			43-10117		
43-286B			43-10118		
43-2110			43-10824		
43-10116					
	43-2061				

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 <u>[Signature]</u>	Date <u>7/15/03</u>	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by <u>[Signature]</u> AJ	Date <u>7/16/03</u>	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 this form. Incomplete forms will be returned. Department of Water Resources
Southern Region

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 7/15/03 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
FEE 9.00 DEPUTY *llh*

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 $\frac{1}{4}$ 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. 5:

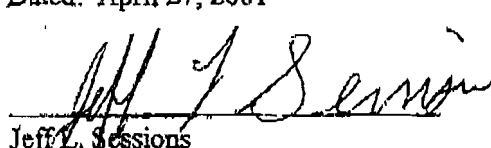
TOWNSHIP 16 SOUTH, RANGE 28 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

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

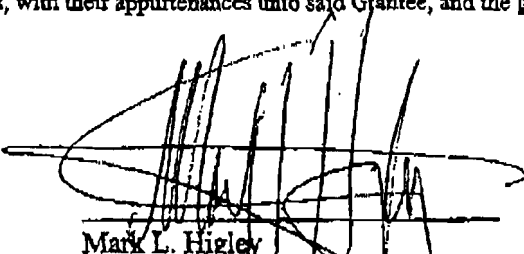
TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto.

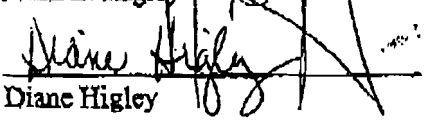
TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantee, and the grantee's heirs and assigns forever.

Dated: April 27, 2001


Jeff L. Sessions

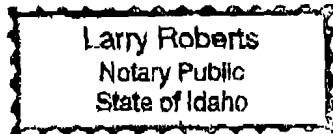

Jenifer Sessions


Mark L. Higley


Diane Higley

STATE OF IDAHO)
) ss.
COUNTY OF Cassia)

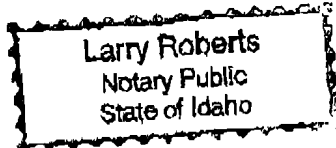
On this 27th day of April, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared **JEFF L. SESSIONS** and **JENIFER SESSIONS**, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed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

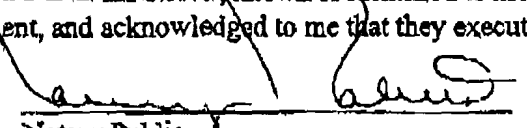



Notary Public
Residing at: Burley, ID
My Commission expires: 6-30-03

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.




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 $\frac{1}{4}$ 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 $\frac{1}{4}$ 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. 39576;

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

SACRAMENTO COUNTY, CALIF.
 DANIELA M. ROSSLEY

FILED
 01 APR 30 PM 3 08
 REC'D IN THE OFFICE OF
 THE CLERK OF THE DISTRICT COURT
 SACRAMENTO COUNTY, CALIF.

Robert Merle Jones
 Robert Merle Jones

Shirley Ann Jones
 Shirley Ann Jones

STATE OF IDAHO)
) ss.
 County of Cassia)

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 6-29-95

Larry Roberts
 Notary Public
 Residing at Burley
 My Commission Expires 6-29-95

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 $\frac{1}{2}$ NW $\frac{1}{4}$

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 RECORDS OF
LAND TITLE & ESTATE

00 JUL 2 PM 3 49

FEES 9.00

CASSIA COUNTY, IDAHO
BARBARA M. JOCKELLEY
REGISTER

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,

Name: 00269545.001

Dimensions: 2496 x 3280 pixels

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

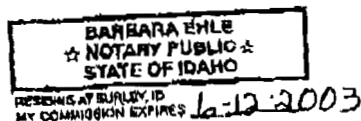
Beth R. Jones
Beth R. Jones

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)



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.

COPY

Uniford for
data migration
& SPE
2-22-01

OF THE FIFTH JUDICIAL DISTRICT OF THE
N AND FOR THE COUNTY OF TWIN FALLS

2007-12-7 PM 1:29
FILED
CLERK OF DISTRICT COURT
TWIN FALLS, IDAHO

DA

) NOTICE OF COMPLETED
) ADMINISTRATIVE PROCEEDINGS
)
) Water Rights 43-00045, 43-00286B,
43-02061, 43-02110,
43-10116 and 43-10824

IDWR has completed the following Administrative Proceeding:

- ☐ Change of Address
☒ Substitution of Party
☐ I.C. 42-222 Transfer

SUBSTITUTION OF PARTY

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

If yes, does the split involve an I.C. 42-222 transfer? ☐ Yes ☐ No

Water Right(s): 43-00045, 43-00286B, 43-02061, 43-02110, 43-10116,
and 43-10824

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
4/5/2000

43-00045, 43-00286B, 43-02061,
43-02110, 43-10116 AND 43-10824

PAGE 1

From (Claimant/Seller):

Name of Claimant: MERLE JONES
Address: HC 72 BOX 2346
MALTA ID 83342
Phone: (208) 824-5719

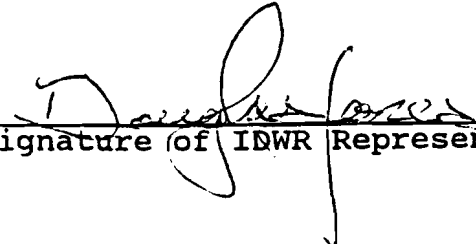
To (Claimant/Purchaser):

Name of Claimant: SHIRLEY A JONES
Address: 1735 ALVARADO
TWIN FALLS ID 83301
Phone: (208) 734-4016

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 Transfer and Amended Director's Reports(s) on the claimant(s), prior claimants(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: April 5, 2000



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 4/7/2000 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
P.O. Box 2707
Twin Falls, Idaho 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:

MERLE JONES
CLAIMANT DECEASED
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:

SHIRLEY A JONES
1735 ALVARADO
TWIN FALLS ID 83301
4. One Copy to:
Each party in the subcase, or attorney of record:

ROGER LING
LING NIELSEN & ROBINSON
PO BOX 396
RUPERT ID 83350

PATRICK D BROWN
109 S ADAMS ST
JEROME ID 83338

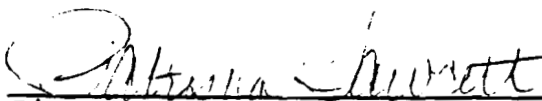
JEFF SESSIONS
ROUND MOUNTAIN RANCH
3475 ROUND MOUNTAIN LN
MALTA ID 83342
5. One Copy to:
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449

NOTICE OF COMPLETED

ADMINISTRATIVE PROCEEDING
4/5/2000

43-00045, 43-00286B, 43-02061,
43-02110, 43-10116 AND 43-10824

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

RIGHT NUMBER: 43-00045

NAME & ADDRESS: SHIRLEY A JONES
1735 ALVARADO
TWIN FALLS ID 83301

SOURCE: CLEAR CREEK TRIBUTARY: SINKS

QUANTITY: 1.7 CFS

PRIORITY DATE: 06/01/1882

POINT OF DIVERSION: T16S R27E S27 SESENE Within CASSIA County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION NONE	04-01 10-31	1.7 CFS

PLACE OF USE:	IRRIGATION	Within CASSIA County		
	T16S R27E S13	NENE 4	SWNE 7	SENE 15 NESW 5
		NESE 29	NWSE 33	SWSE 40 SESE 40
	S24	NENE 33	NWNE 4	
	R28E S19	Lot 1 (NWNW)13		
	223 ACRES TOTAL			

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 146 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 43-00286B IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 258 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.

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
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: APR-5-2000

PAGE: A-2

RIGHT NUMBER: 43-00286B

NAME & ADDRESS: SHIRLEY A JONES
1735 ALVARADO
TWIN FALLS ID 83301

SOURCE: CLEAR CREEK TRIBUTARY: SINKS

QUANTITY: 4.3 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 NONE	04-01 10-31	4.3 CFS

PLACE OF USE:	IRRIGATION	Within CASSIA County		
	T16S R27E S13	NENE 4	SWNE 7	SENE 15 NESW 40
		NESE 29	NWSE 33	SWSE 40 SESE 40
	S24	NENE 33	NWNE 4	
	R28E S19 Lot 1 (NWNW)13			
	258 ACRES TOTAL			

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 190 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 43-00045 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 258 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.

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.

RIGHT NUMBER: 43-02061

NAME & ADDRESS: SHIRLEY A JONES
1735 ALVARADO
TWIN FALLS ID 83301

SOURCE: SPRINGS **TRIBUTARY:** ROUND MOUNTAIN CREEK

QUANTITY: 0.16 CFS

PRIORITY DATE: 01/19/1910

POINT OF DIVERSION: T16S R27E S13 NESE Within CASSIA County

PURPOSE AND PERIOD OF USE:		PURPOSE OF USE		PERIOD OF USE		QUANTITY	
		IRRIGATION		04-01	11-01	0.16	CFS

PLACE OF USE:	IRRIGATION	Within CASSIA County			
	T16S R27E S13	NENE 4	SWNE 7	SENE 15	NESW 5
		NESE 29	NWSE 33	SWSE 40	SESE 40
	S24	NENE 33	NWNE 4		
	R28E S19	Lot 1 (NWNW)13			
	223 ACRES TOTAL				

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 30 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 43-02110 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 51 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NOS. 43-00045, 43-10116, 43-10824 & 43-02110 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 223 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NOS. 43-00045, 43-10116, 43-10824 43-02110 & 43-002868 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 258 ACRES IN A SINGLE IRRIGATION SEASON.

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

RIGHT NUMBER: 43-02110

NAME & ADDRESS: SHIRLEY A JONES
1735 ALVARADO
TWIN FALLS ID 83301

SOURCE: ROUND MOUNTAIN SPRING TRIBUTARY: ROUND MOUNTAIN CREEK

QUANTITY: 0.8 CFS

PRIORITY DATE: 05/23/1912

POINT OF DIVERSION: T16S R28E S18 LOT 4 (SWSWSW) Within CASSIA County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04-01 11-01	0.8 CFS

PLACE OF USE:	IRRIGATION	Within CASSIA County			
	T16S R27E S13	NENE 4	SWNE 7	SENE 15	NESW 5
		NESE 29	NWSE 33	SWSE 40	SESE 40
	S24	NENE 33	NWNE 4		
	R28E S19	Lot 1 (NWNW)13			
	223 ACRES TOTAL				

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 51 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 43-02061 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 51 ACRES IN A SINGLE IRRIGATION
SEASON.

USE OF THIS RIGHT WITH RIGHT NOS. 43-00045, 43-10116, 43-10824
& 43-02061 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF
223 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NOS. 43-00045, 43-10116, 43-10824
43-02061 & 43-00286B IS LIMITED TO THE IRRIGATION OF A COMBINED
TOTAL OF 258 ACRES IN A SINGLE IRRIGATION SEASON.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

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

RIGHT NUMBER: 43-10116

NAME & ADDRESS: SHIRLEY A JONES
 1755 ALVARADO
 TWIN FALLS ID 83301

SOURCE: RICE CREEK TRIBUTARY: ROUND MOUNTAIN CREEK
ROUND MOUNTAIN CREEK CLEAR CREEK

QUANTITY: 4.46 CFS
892.0 AFY

USE OF THIS RIGHT WITH RIGHT NOS. 43-00045, 43-10824, 43-02061 & 43-02110 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 892 AF.

USE OF THIS RIGHT WITH RIGHT NOS. 43-00045, 43-10824, 43-02061
43-02110 & 43-00286B IS LIMITED TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 1032 AF.

PRIORITY DATE: 04/01/1962

POINT OF DIVERSION: T16S R27E S13 NESE Within CASSIA County
NEESE
S24 NESENE

PURPOSE AND PERIOD OF USE:		PERIOD OF USE		QUANTITY	
IRRIGATION		04-01	11-01	4.46	CFS
				892.0	AFY

PLACE OF USE:	IRRIGATION	Within CASSIA County			
	T16S R27E S13	NENE 4	SWNE 7	SENE 15	NESW 5
		NESE 29	NWSE 33	SWSE 40	SESE 40
	S24	NENE 33	NWNE 4		
	R28E S19	Lot 1 (NWNW)13			
	223 ACRES TOTAL				

USE OF THIS RIGHT WITH RIGHT NOS. 43-00045, 43-00286B, 43-10824, 43-02061, AND 43-02110 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 258 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NOS. 43-00045, 43-10824, 43-02061 AND 43-02110 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 223 ACRES IN A SINGLE IRRIGATION SEASON.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

RIGHT NUMBER: 43-10824

NAME & ADDRESS: SHIRLEY A JONES
1755 ALVARADO
TWIN FALLS ID 83301SOURCE: ROUND MOUNTAIN CREEK TRIBUTARY: CLEAR CREEK
ROUND MOUNTAIN SPRING ROUND MOUNTAIN CREEKQUANTITY: 2.1 CFS
887.2 AFYTHE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.USE OF THIS RIGHT WITH RIGHT NOS. 43-00045, 43-10116, 43-02061
& 43-02110 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME
OF 892 AF.USE OF THIS RIGHT WITH RIGHT NOS. 43-00045, 43-10116, 43-02061
43-02110 & 43-00286B IS LIMITED TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 1032 AF.

PRIORITY DATE: 02/17/1912

POINT OF DIVERSION: T16S R27E S13 NESE Within CASSIA County
R28E S18 LOT 4 (SWSWSW)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04-01 11-01	2.1 CFS
			887.2 AFY
	STOCKWATER	01-01 12-31	0.04 CFS

PLACE OF USE:	IRRIGATION	Within CASSIA County		
	T16S R27E S13	NENE 4	SWNE 7	SENE 15 NESW 5
		NESE 29	NWSE 33	SWSE 40 SESE 40
	S24	NENE 33	NWNE 4	
	R28E S19 Lot 1 (NWNW)13			
	223 ACRES TOTAL			

USE OF THIS RIGHT WITH RIGHT NOS. 43-00045, 43-00286B,
43-10116, 43-02061, AND 43-02110 IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 258 ACRES IN A SINGLE IRRIGATION SEASON.USE OF THIS RIGHT WITH RIGHT NOS. 43-00045, 43-10116, 43-02061
AND 43-02110 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF
223 ACRES IN A SINGLE IRRIGATION SEASON.

Place of use for STOCKWATER is same as IRRIGATION

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

RIGHT NUMBER: 43-10824 (CONT)

OTHER PROVISIONS (CONT)

A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
MAINTAINED AS A PART OF THE DIVERTING WORKS.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

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

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 43-00182 &
43-00414.

STOCKWATER FOR 110 RANGE CATTLE.



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

April 6, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

SHIRLEY A JONES
1735 ALVARADO
TWIN FALLS ID 83301

RE: SRBA Claim(s) 43-00045, 43-00286B, 43-02061, 43-02110,
43-10116, 43-10824

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

cc: Jeff Sessions
Roger Ling
Patrick D. Brown

Form 43-246PG-1400(6) February 3, 1997

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED**NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP****JUN 18 1999**

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

Department of Water Resources
 Southern Region

1. Water Right No(s): 43-00045; 43-00286B; 43-02061; 43-02110; 43-10116; and
43-10824
 Adjudication Claim No(s): _____

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 R. Merle Jones, 1735 Alvarado

Twin Falls, ID 83301

4. New Owner/Claimant(s) Shirley A. Jones
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
 New Mailing Address 1735 Alvarado

City, State and ZIP Code Twin Falls, ID 83301

New Telephone Number (208) 734-4016

5. Date you acquired the property December 29, 1997

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) Shirley A. Jones

Personal Representative Estate of R. Merle Jones and Surviving Wife

(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..

Last Will and Testament

OF

R. MERLE JONES

RECEIVED

JUN 18 1999

Department of Water Resources
Southern Region

I, R. MERLE JONES, residing in the County of Twin Falls, State of Idaho, being of sound and disposing mind and not acting under duress, menace, fraud, or undue influence of any person whomsoever, do make, publish and declare this my Last Will and Testament and expressly revoke all other and former Wills and Codicils to Wills made by me.

FIRST: I direct my Personal Representative hereinafter named to pay all my just debts and funeral expenses as soon after my demise as can be lawfully and conveniently done, out of the property with which I die possessed.

SECOND: I declare that I am a married person, that my spouse's name is Shirley A. Jones and that all property of which I am now possessed is community property. I further declare that my spouse and I have executed a Community Property Agreement and have recorded the same to effect a transfer of clear title of all property of which I die seized if my spouse survives me.

THIRD: I further declare the following are my natural issue: Brenda Dee, Doreen Westendorf, Shauna Chadwick and Tina Jones, and it is my desire that they share equally in my estate if my spouse should die before me.

R M J
SA
MLA

FOURTH: I hereby give, devise and bequeath all of my estate, real, personal and mixed, of every nature, kind and description whatever, wheresoever situate and however held which is or may be subject to my testamentary disposition at the time of my death, unto my wife, Shirley A. Jones, if she survives me, and if not, to our four daughters named above, in equal shares, share and share alike. If any of them predecease me their share shall go to their children by right of representation.

FIFTH: I hereby nominate and appoint Shirley A. Jones, as Personal Representative of this, my Last Will and Testament and direct and request that no bond or other security be required of her as such Personal Representative. If my wife should predecease me, then I nominate and appoint my daughters, Doreen Westendorf and Shauna Chadwick as such Co-Personal Representatives of this my Will.

SIXTH: I hereby declare it is my desire that this Will should not be probated if my spouse should survive me by 120 days because adequate provision has been made to dispose of my estate by a Community Property Agreement. In the event, however, said Community Property Agreement is not effective, then I direct that this Will be probated.

SEVENTH: In the event prior to my death I have made a list of tangible personal property as authorized by Idaho Code 15-2-513, then I direct that such list shall govern the disposition of such tangible property as set forth on said list prior to the

R. G. J.
S. A.
M. L.

disposition of my estate as above set forth in this Will, but if I have not made such list, then the foregoing provisions of this Will shall govern.

IN WITNESS WHEREOF, I, R. MERLE JONES, the Testator, sign my name to this instrument this 14 day of March, 1995, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my Last Will and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.

R. Merle Jones
R. Merle Jones

We, William L. Anderson and Marilyn L. Anderson the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the Testator signs and executes this instrument as his Last Will and Testament and that he signs it willingly and that each of us, in the presence and hearing of the Testator hereby signs this Will as witness to the Testator signing, and that to the best of our

knowledge, the Testator is eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.

William Hanks
Address: Rt 2, Box 61
Rupert, Idaho

Marilyn L. Andrew
Address: Rt #5, Box 5260
Rupert, Idaho 83350

STATE OF IDAHO)
) ss.
County of Minidoka)

Subscribed, sworn to and acknowledged before me by R. MERLE JONES, the Testator, and subscribed and sworn to before me by William Hanks and Marilyn L. Andrew, witnesses, this 14 day of March 1995.

(SEAL)

William T. Loomis
Notary Public
Residing at Rupert, Idaho
My Commission Expires: 12/24/98

William T. Goodman, Esquire
Goodman & Bollar
Attorneys at Law
P.O. Box D
717 7th Street
Rupert, ID 83350
Telephone: (208) 436-4774
Fax: (208) 436-4837

Attorneys for Estate

DISTRICT COURT
Fifth Judicial District
County of Twin Falls - State of Idaho

APR 09 1999

By _____ Clerk

Deputy Clerk

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

MAGISTRATE DIVISION

-0-

IN THE MATTER OF THE
ESTATE OF

R. MERLE JONES,
Deceased.

) Case No. SP 99- 380

) LETTERS TESTAMENTARY

-0-

The Will of R. Merle Jones, deceased, having been proved and admitted to Probate in the above-named Court in informal proceedings, Shirley A. Jones, the person who is named Personal Representative therein, is hereby appointed Personal Representative.

WITNESS: The Honorable Magistrate of the District Court, County of Twin Falls, State of Idaho, with the seal of the Court affixed this 9 day of April, 1999.

(SEAL)

SI Edwards
Magistrate

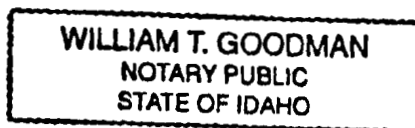
STATE OF IDAHO)
) ss.
County of Twin Falls)

I hereby accept the duties of Personal Representative of the Estate of R. Merle Jones, deceased, and do solemnly swear that I will perform according to law, the duties of Personal Representative.

Shirley A. Jones
Shirley A. Jones

SUBSCRIBED AND SWORN to before me this 6th day of April, 1999

(SEAL)



William T. Goodman
Notary Public
Residing at Payson Idaho
My Commission expires 12/24/04

State of Idaho
County of Twin Falls
I, Clerk of the District Court, do hereby certify that the foregoing is a true and correct copy of the original as same is on file in my office.
FOREST A. FORT
CLERK OF THE DISTRICT COURT
By Deborah McMillan
COURT SERVICES

WILLIAM T. GOODMAN
ALAN GOODMAN
RICK BOLLAR

LAW OFFICE
Goodman and Bollar
CHARTERED
717 7TH STREET
BOX D
RUPERT, IDAHO 83350 - 0020

AREA CODE 208
TELEPHONE NO.
436-4774
FAX
(208) 436-4837

June 17, 1999

RECEIVED

JUN 18 1999

**Department of Water Resources
Southern Region**

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

Re: Estate of R. Merle Jones

Gentlemen:

We enclose for Shirley A. Jones, surviving wife, of the above named decedent, a Notice of Change of Water Right Ownership Form, with a certified copy of Letters Testamentary and a copy of the Will of R. Merle Jones.

Would you kindly show the ownership change for the Water Rights indicated.

Very truly yours,

GOODMAN & BOLLAR



William T. Goodman

WTG:KH

Encl.

cc: Ms. Shirley A. Jones w/encl.

Roger D. Ling, Esq. w/encl.

Post-it® Fax Note	7671	Date	# of pages 2
To Tim Luke, N. Young	From Allen Merritt	Co.	
Co./Dept.		Phone #	
Phone #		Fax #	

ROBINSON

W

AREA CODE 208
TELEPHONE 436-4717
FAX 436-6804

1-0396

June 7, 1999

RECEIVED

JUN 08 1999

Department of Water Resources

Allen D. Merritt, P.E.
Southern Region Manager
Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

Re: **Jeff Sessions' Pivot for Irrigation of Lands
Described in Transfer 4640 dated November 7, 1997**

Dear Allen:

On July 13, 1998, you wrote to Jeff Sessions in regard to the use of his pivot using Clear Creek water. You indicated in that letter that from your interpretation of Judge Hurlbutt's Order Modifying Interim Administration on Clear Creek dated June 3, 1998, Jeff could not operate the pivot as the Court had ordered that he not be allowed to receive water under Water Right No. 43-00286B. We did not respond to your letter at that time as little water was available after the date of your letter.

Since your letter, I have again reviewed the Orders of the SRBA Court in regard to interim administration of Clear Creek, and have reached a different conclusion than that stated in your letter of July 13, 1998. The SRBA Court's Order of May 8, 1998 provided for the interim administration of water rights listed in the Preliminary Director's Report, Supplemental Preliminary Director's Report or the Court's Preliminary Injunction of May 15, 1996 and that they would be administered in accordance with the Preliminary Director's Reports, Permit No. 43-07321 and the Court's May 15, 1996 Order for Preliminary Injunction, with a slight exception in regard to the Holmgren rights. One must therefore look to the Preliminary Director's Report and Supplemental Preliminary Director's Report, as well as the Preliminary Injunction to determine the water rights to be administered. In the Preliminary Injunction of May 15, 1996, the Court identified two water rights to be diverted to Jeff Sessions, which were not related to any water right listed in the two Director's Reports. The first is for 80 inches which is to be delivered after the November 23, 1911 rights have been filled and an additional 80 inches to Sessions after the November 23, 1911 and Harold Jones' rights of July 14, 1912 have been filled. These are water rights described in the Preliminary Injunction that are not in

Allen D. Merritt, P.E.
Department of Water Resources
June 7, 1999
Page 2

the Director's Report. So long as we are to administer the water rights in accordance with the Preliminary Injunction and the water rights described therein, it is submitted that these two rights to 80 inches each must be delivered as described by the Court. The provision in the Court's June 3, 1998 Order does not discuss these two rights, but merely provides that Sessions' right in the Director's Report, No. 43-00286B, with a priority of November 23, 1911, will not be delivered.

I have recently explained our position in regard to the water rights being administered in a response to Tim Luke of the Water Distribution Section of IDWR relating to his recently circulated draft guidance document for distribution of Clear Creek water rights.

Mr. Sessions is making every effort to fully comply with all requests of IDWR, and we would like to receive clarification on this issue, if clarification is needed.

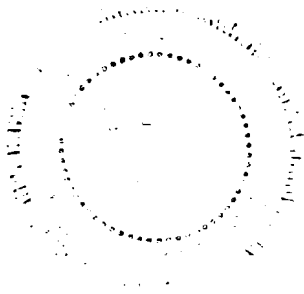
Very truly yours,



Roger D. Ling

RDL:jb

pc: Jeff Sessions



RECEIVED RECEIVED RECEIVED
APR 14 1998 APR 17 1998 APR 13 1998
Department of Water Resources Department of Water Resources
Adjudication Bureau 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) A. Subcase No. 43-00286B
Case No. 39576)
STANDARD FORM 2
RESPONSE TO OBJECTION

Please **print or type** the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

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 83350-0396

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

Name: Harold and Beth Jones, Ray Jones
Address: Sublett Route
Malta, Idaho 83342

INSTRUCTION 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 parties listed below in the Certificate of Mailing.

F. CERTIFICATE OF MAILING

I certify that on April 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
P. O. Box 2707
Twin Falls, Idaho 83303-2707

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

Name: Harold A. Jones

Address: Sublett Route
Malta, Idaho 83342

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

Name: Harold and Beth Jones, Ray Jones

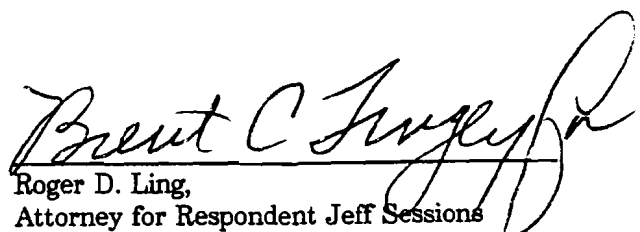
Address: Sublett Route
Malta, Idaho 83342

4. Copies to:

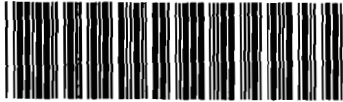
IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

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

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


Roger D. Ling,
Attorney for Respondent Jeff Sessions

MAIL13389



RECEIVED

APR - 3 1998

Department of Water Resources
Adjudication Bureau

RECEIVED

APR 01 1998

OFFICE OF THE
ATTORNEY GENERAL

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

43-00286B

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name:

HAROLD & BETH JONES, RAY JONES

Address:

SUBLETT ROUTE

MALTA, IDAHO 83342

Daytime Phone: (208) 645-2370

Name & Address of Attorney, if any:

PATRICK D. BROWN

812 SHOSHONE ST. EAST

TWIN FALLS, IDAHO 83301

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

Name:

MERLE JONES

Address:

HC 72 Box 2346

MALTA, ID 83342

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

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

11. I object because:

☒ This water right should not exist.

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

E. REASONS SUPPORTING OBJECTION(S): THIS PORTION OF
THE CLAIMED RIGHT HAS NEVER BEEN USED
OR HAS BEEN FORFEITED, ABANDONED AND/OR
LOST BY ADVERSE POSSESSION TO THE OBJECTORS.

F.

VERIFICATION (Must be Completed)

State of IDAHO)
)ss.
County of TWIN FALLS)

HAROLD JONES , 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.

[Signature]
(Signature of person filing objection)
[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

3/26/98

[Signature]
Notary Public for 1st 3rd Dist. State of Idaho
Residing at: Twin Falls, ID
My Commission Expires: 10/30/01

INSTRUCTIONS FOR MAILING

You must mail the objection 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.

G. CERTIFICATE OF MAILING

I certify that on 11/15/92, 1992, I mailed the original and copies of this objection, 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: Merle Jones & Jeff Sessions
Address: HC 72 Box 2346
Malta, ID 83242

3. Copies to:

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

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

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

Roger D. Ling
Ling, Nielsen & Robinson
615 H. Street, PO Box 346
Rupert, ID 83350



Signature of Objector or attorney
mailing on Objector's behalf

COPY

RECEIVED

RECEIVED

APR 14 1998

Department of Water Resources

APR 17 1998

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

43-00286B

(insert word right 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:

208-645-1370

Name & Address of Attorney, if any:

PATRICK D. BROWN

PARKER, WARR & BROWN, LLP

812 S. SHONEN 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
Deana L. McMullan
Notary Public for Idaho
Residing at: Osborne 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: Merle Jones
Address: HC 72 Box 2346 Malta ID 83342

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

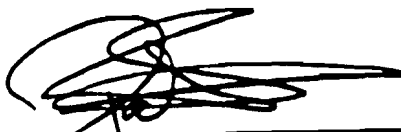
Name:	<u>Jeff Sessions</u>	<u>Roger D Ling</u>
Address:	<u>HC 72 Box 2346</u>	<u>Ling, Nielsen & Robinson</u>
	<u>Malta, ID 83342</u>	<u>P.O. Box 396</u>
		<u>Rupert, ID 83350</u>

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 30 1998

Department of Water Resources
Eastern 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. 43-00286B

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: Merle Jones
c/o Jeff Sessions

Address: HC 72, Box 2346
Malta, Idaho 83342

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es).)

1. ☒ **Name and Address**
Should be: Merle Jones, c/o Jeff Sessions, HC 72, Box 2346, Malta, Idaho 83342
2. ☐ **Source**
Should be: _____
3. **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☒ **Point(s) of Diversion**
Should be: Add: Brackenberry Ditch
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: S 13: NENE 6 acres; SWNE 12 acres; SENE 17 acres; NWNE 23 acres;
NESE 35 acres; NENW 17 acres; Section 24: NENE 40 acres;
Other places of use, okay. Total acres should be 320.
11. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** 1. Merle Jones, the contract seller to Jeff Sessions, is now deceased. However, the Deed is in escrow. Jeff Sessions, the contract purchaser, is the equitable owner of this claim.

5. Should add: Brackenberry Ditch

9. Total acres: 320 acres either listed in the Decree or expanded. All acres included in Decree.

VERIFICATION (Must be Completed)

State of Idaho)

County of Minidoka)

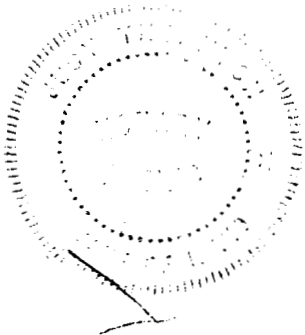
Jeff Sessions, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

[Signature]
Attorney signing in representative capacity

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



[Signature]
Notary Public for the State of Idaho
Residing at: Rupert, Idaho
My Commission Expires: 02/03/99

INSTRUCTION FOR MAILING

You must mail the objection 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.

CERTIFICATE OF MAILING

I certify that on March 34, 1998, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

Name: Harold A. Jones
Address: Sublett Route
Malta, Idaho 83342

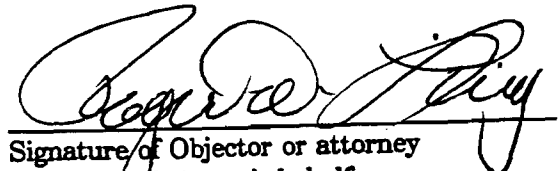
Name: Patrick D. Brown, Esq. (Attorney for Claimant)
Address: HEPWORTH, LEZAMIZ & HOHNHORST
P. O. Box 389
Twin Falls, ID 83303-0389

3. Copies to:

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

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 033
Boise, Idaho 83734


Signature of Objector or attorney
mailing on Objector's behalf

not 1/2 m below (K)
 Hens is similar to (D)
 said to have Steas
 n 5/14

T1711

11 12
 14 13 T1712

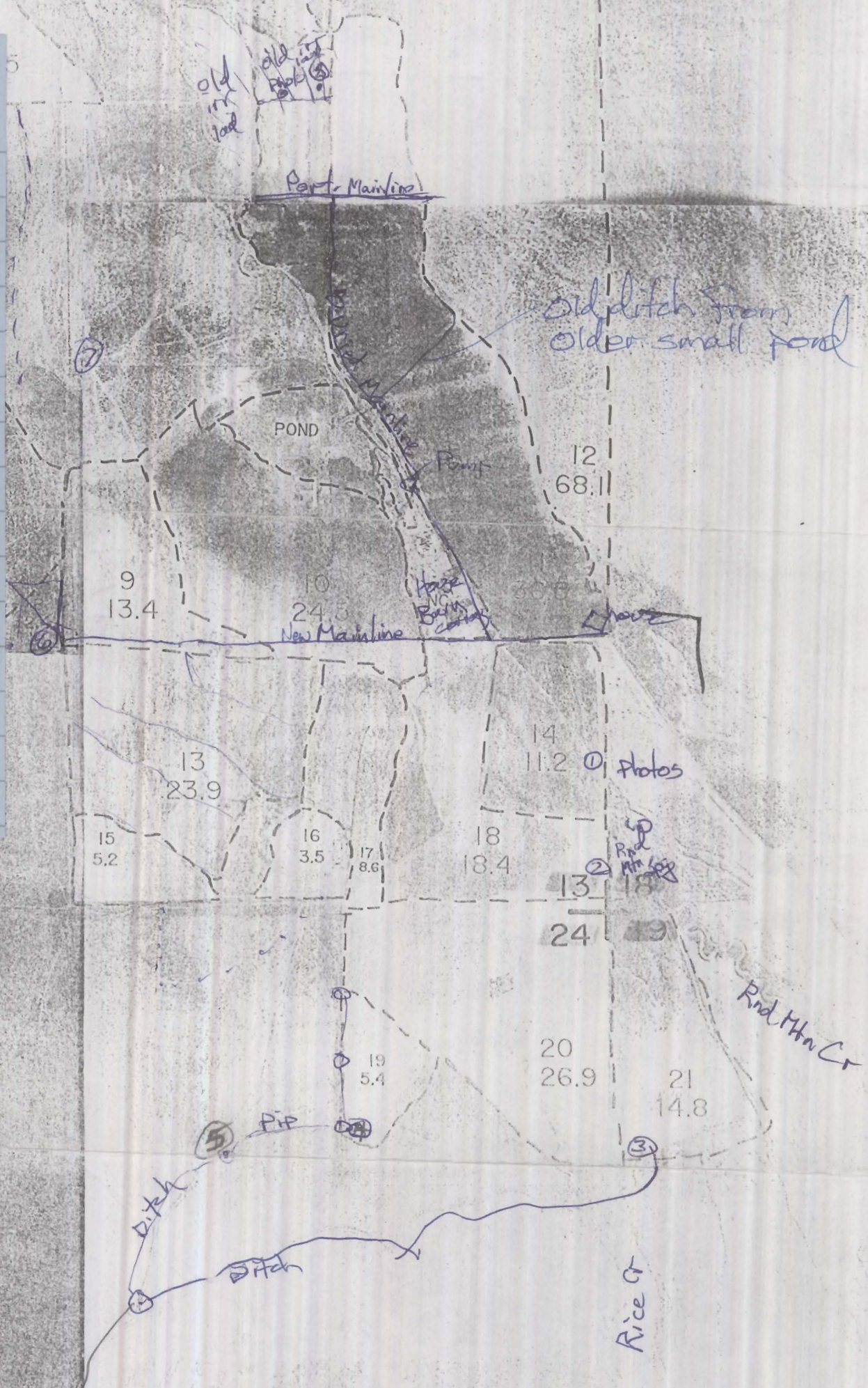
12 7
 13 18

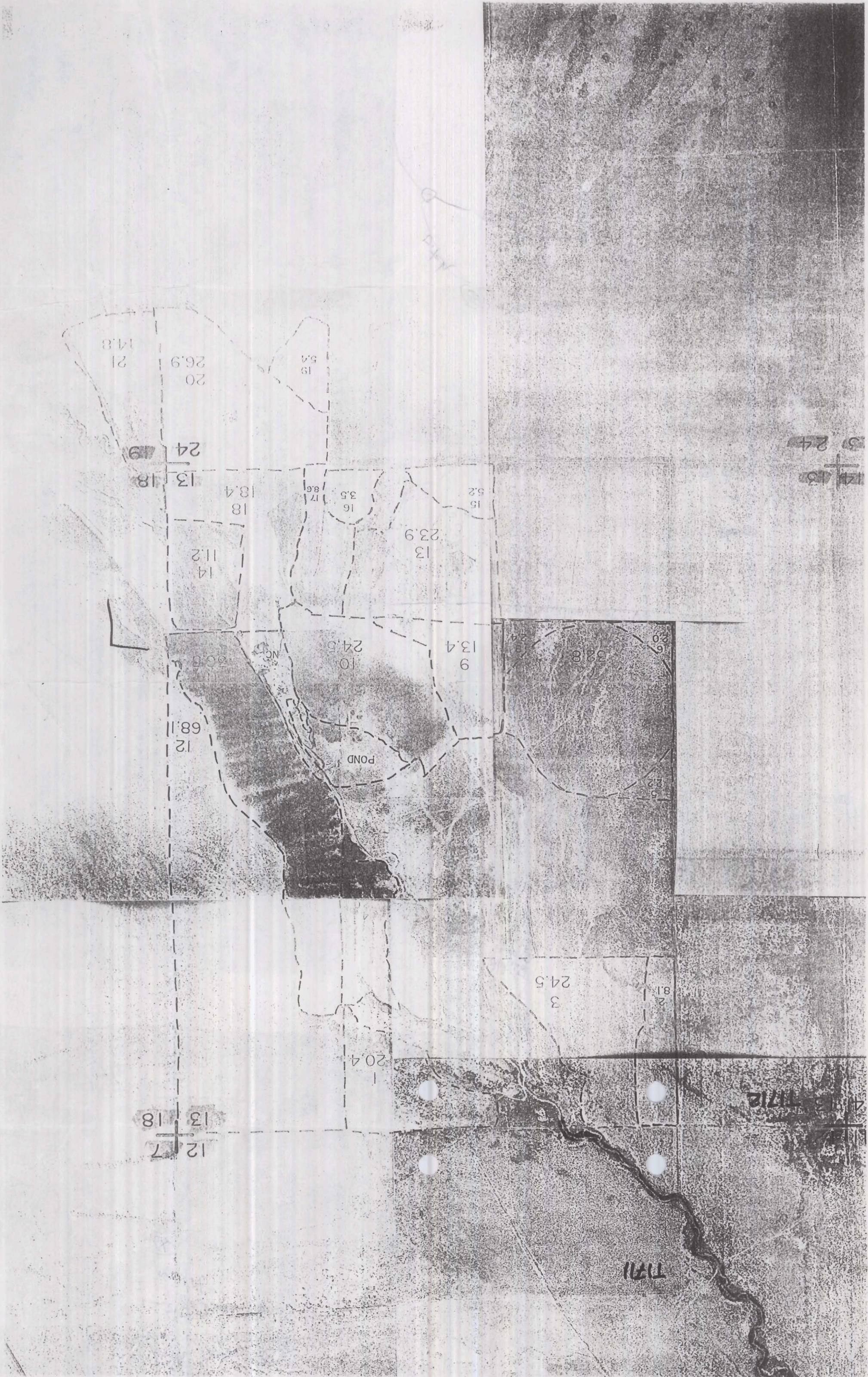
$$\frac{(1320 - 80) \times X_N}{43560} = 500$$

$$X_{N=1} = 175'$$

$$X_{N=2} = 177$$

562266.63
 103649.64





RIGHT NUMBER: 43-002868

NAME AND ADDRESS: MERLE JONES
HC 72 BOX 2346
MALTA ID 83342

SOURCE: CLEAR CREEK TRIBUTARY: SINKS

QUANTITY: 4.3 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 NONE Irrigation Season 4.3 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T16S R27E S13	NENE 4	SWNE 7	SENE 15	NESW 40
	NESE 29	NWSE 33	SWSE 40	SESE 40
S24	NENE 33	NWNE 4		
R28E S19	LOT 1 (NWNW) 13			
258 ACRES TOTAL				

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 190 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 43-00045 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 258 ACRES 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-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.

RIGHT NUMBER: 43-002868

NAME AND ADDRESS: MERLE JONES
HC 72 BOX 2346
MALTA ID 83342

SOURCE: CLEAR CREEK TRIBUTARY: SINKS

QUANTITY: 4.3 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 NONE	Irrigation Season	4.3 CFS

PLACE OF USE:	IRRIGATION	Within CASSIA County			
	T16S R27E S13	NENE 4	SWNE 7	SENE 15	NESW 40
		NESE 29	NWSE 33	SWSE 40	SESE 40
	S24	NENE 33	NWNE 4		
	R28E S19	LOT 1 (NWNW) 13			
	258 ACRES TOTAL				

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 190 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NO. 43-00045 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 258 ACRES 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-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.

Orson J. Sanders

Chloe Sanders

1872-Apr. 1 1.6 s.f.
 1872-Apr. 1 3.2 s.f.
 1879-Apr. 1 4.8 s.f.

To be diverted from Raft River, April 1 to July 1 each year -

To be diverted from Raft River, July 1 to October 1 each year, the same being a part of the 4.8 s.f. aforesaid, from April 1 to July 1, and not in addition thereto, for the irrigation of $NE\frac{1}{4}NE\frac{1}{4}$, Sec. 10, $S\frac{1}{2}NE\frac{1}{4}$, Sec. 11, $S\frac{1}{2}NE\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$, Sec. 12, all in Twp. 16 S. R. 25 E.B.M.

Marion Savage and

Rose Savage

1885-Apr. 30 2.4 s.f.

To be diverted from Green Canyon Creek for the irrigation of $NW\frac{1}{4}SE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$, Sec. 7, Twp. 14 S. R. 25 E.B.M.

David E. Sawyer

1909-Apr. 16

3.2 s.f.

To be diverted from Black Pine Creek, a tributary of Clear Creek for the irrigation of $E\frac{1}{2}SE\frac{1}{4}$, Sec. 30, $N\frac{1}{2}SW\frac{1}{4}$, Sec. 29 Twp. 15 S. R. 28 E.B.M.

George M. Scott and

Maggie Scott

1880-Apr. 30 1.8 s.f.
 1881-Apr. 30 2.9 s.f.
 1894-Apr. 1 3.4 s.f.

To be diverted from Cassia Creek for the irrigation of Lot 1, $SE\frac{1}{4}NE\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, Sec. 1, Twp. 13 S. R. 26 E.B.M., Lot 3 and 4, $E\frac{1}{2}SW\frac{1}{4}$, Sec. 31, Twp. 12 S. R. 27 E.B.M.

Settlers Land & Water Company

1911-Nov. 23 60 s.f.

To be diverted from Clear Creek for the irrigation of All of Sec. 2, $S\frac{1}{2}$ and $NW\frac{1}{4}$, Sec. 3, $S\frac{1}{2}$ and $W\frac{1}{2}NW\frac{1}{4}$, Sec. 4, $E\frac{1}{2}$, $E\frac{1}{2}SW\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}$, Sec. 5, all of Sec. 8, all of Sec. 9, $N\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}$, Sec. 10, all of Sec. 11, $W\frac{1}{2}$, $W\frac{1}{2}NE\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$, Sec. 12, $W\frac{1}{2}NE\frac{1}{4}$, $W\frac{1}{2}$, $W\frac{1}{2}SE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$, Sec. 13, all of Sec. 14, $SE\frac{1}{4}SW\frac{1}{4}$, Sec. 15, all of Sec. 16, all of Sec. 17, $SE\frac{1}{4}$, Sec. 21, all of Sec. 22, $NE\frac{1}{4}SE\frac{1}{4}$ and $W\frac{1}{2}$, Sec. 23, all of Sec. 24, $NW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$, $NE\frac{1}{4}NE\frac{1}{4}$, Sec. 27, $N\frac{1}{2}NW\frac{1}{4}$, $N\frac{1}{2}NE\frac{1}{4}$, Sec. 26, $NW\frac{1}{4}NW\frac{1}{4}$, Sec. 25, all in Twp. 16 S. R. 27 E.B.M.

Willis Sears and

Lulu Sears

1893-Apr. 1 1.6 s.f.

To be diverted from Raft River for the irrigation of $W\frac{1}{2}SE\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$, $S\frac{1}{3}$ $SW\frac{1}{4}NW\frac{1}{4}$, Sec. 30, Twp. 13 S. R. 27 E.B.M. and a tract of land described as follows: Beginning at the SW corner of $NW\frac{1}{4}$, Sec. 30, thence East $13\frac{1}{12}$ rods, thence North 1 mile,

thence West $13\frac{1}{12}$ rods, thence South 1 mile, to place of beginning.

Willis Sears

Lulu Sears

The same being a part of the 4.0 s.f. aforesaid, from April 1 to July 1, 1 not in addition thereto, for the irrigat

NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10
SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10
16 S. R. 25 E. 1

-00286

A, B, C

JONES, H

JONES, M

HOSKINS

To be diverted
Creek for the
NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, NE $\frac{1}{4}$ NE $\frac{1}{4}$,
Sec. 7, Twp. 14 S. R. 25 E. 1.

Marion Savago and Rose Savago

-1886-Apr. 30 2.4 s.f.

David E. Sawyer

-1909-Apr. 30 3.2 s.f.

To be diverted from Black Pine
Creek, a tributary of Clear Creek
for the irrigation of
SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 30, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 29,
Twp. 15 S. R. 25 E. 1.

George M. Scott and Maggie Scott

-1880-Apr. 30 1.8 s.f.
-1881-Apr. 30 2.9 s.f.
-1894-Apr. 31 3.4 s.f.

To be diverted from Cassia Creek
for the irrigation of
lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 1,
Twp. 13 S. R. 26 E. 1, lot 3 and
4, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 31, Twp. 13 S. R.
27 E. 1.

Settlers Land & Water Company

-1911-Nov. 23 60 s.f.

To be diverted from Clear Creek
for the irrigation of
all of Sec. 2, S $\frac{1}{2}$ and NW $\frac{1}{4}$, Sec. 3,
S $\frac{1}{2}$ and NW $\frac{1}{4}$, Sec. 4, NE $\frac{1}{4}$, SE $\frac{1}{4}$,
SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 5, all of Sec. 8, all
of Sec. 9, NW $\frac{1}{4}$, SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$,
Sec. 10, all of Sec. 11, NW $\frac{1}{4}$, NE $\frac{1}{4}$,
NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 12, NW $\frac{1}{4}$,
NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, all of
Sec. 14, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 15, all of
Sec. 16, all of Sec. 17, SE $\frac{1}{4}$,
Sec. 21, all of Sec. 22, NE $\frac{1}{4}$ NE $\frac{1}{4}$
and NE $\frac{1}{4}$, Sec. 23, all of Sec. 24,
NW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 27,
NW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 26, NW $\frac{1}{4}$ NE $\frac{1}{4}$,
Sec. 25, all in Twp. 16 S. R. 27
E. 1.

Willis Sears and Lulu Sears

-1893-Apr. 31 1.6 s.f.

To be diverted from Raft River
for the irrigation of
NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{3}$ NW $\frac{1}{4}$, Sec.
30, Twp. 13 S. R. 27 E. 1, and
a tract of land described as
follows: Beginning at the SW
corner of NE $\frac{1}{4}$, Sec. 30, thence East
13 $\frac{1}{12}$ rods, thence North 1 mile,



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

JEFF SESSIONS
ROUND MOUNTAIN RANCH
HC 72 BOX 2346
MALTA, ID 83342

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

Dear Mr Sessions:

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

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

Dear :

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.✓

RECEIVED

OCT 28 1997

Department of Water Resources
Southern RegionP. 02
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
C:\ORDERS\DIRRPT.NAF
10/24/97

RECEIVED

OCT 30 1997

Page 1 of 3

Department of Water Resources
Southern Region

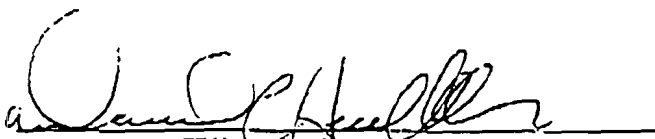
of the several water rights at issue is likely to result in duplicative litigation when the Clear Creek Stream System is reported in a Director's Report as part of the SRBA.

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

RECEIVED

NOV 13 1997

Department of Water Resources
Southern Region

November 12, 1997

Attached is a copy of the Final Order the Matter of Application for Permit No. 43-07321 and Application for Transfer No. 4640 in the name of Round Mountain Ranch

Copies forwarded to:

IDWR NORTHERN - Bob Haynes

IDWR SOUTHERN - Allen Merritt

IDWR EASTERN - Ron Carlson / Skip Jones

IDWR WESTERN - Gary Spackman

SALMON OFFICE - Bob Foster

Legal Division - Phil Rassier

Adjudication Bureau - Dave Tuthill

Information Officer - Dick Larsen

Water Allocation Bureau - Glen Saxton

Water Distribution Section - Tim Luke

Water Permits Section - Jim Johnson / Shelley Keen

PLEASE ROUTE:

Darla Block
Roberta Loveall
Sharla Curtis
Scott King
Burke Scholer

Pam Skaggs
Cindy Zimmerman
Cindy Bird
Kari Lynn Townsend
Cindy Hodges

43-00286 A+B, 43-0182, 43-0414, 43-07321, 4640



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

November 12, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RE: In the Matter of Application for Permit No. 43-07321 and Application for Transfer No. 4640
in the name of Round Mountain Ranch

Dear Interested Parties:

The accompanying order is a "final order" issued by the department pursuant to section 67-5246 or 67-5247, Idaho Code.

Section 67-5246 provides as follows:

- (1) If the presiding officer is the agency head, the presiding officer shall issue a final order.
- (2) If the presiding officer issued a recommended order, the agency head shall issue a final order following review of that recommended order.
- (3) If the presiding officer issued a preliminary order, that order becomes a final order unless it is reviewed as required in section 67-5245, Idaho Code. If the preliminary order is reviewed, the agency head shall issue a final order.
- (4) Unless otherwise provided by statute or rule, any party may file a petition for reconsideration of any order issued by the agency head within fourteen (14) days of the issuance of that order. The agency head shall issue a written order disposing of the petition. The petition is deemed denied if the agency head does not dispose of it within twenty-one (21) days after the filing of the petition.
- (5) Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
 - (a) the petition for reconsideration is disposed of; or
 - (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.
- (6) A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of the order. If the order is mailed to the last known address of a party, the service is deemed to be sufficient.

(7) A non-party shall not be required to comply with a final order unless the agency has made the order available for public inspection or the nonparty has actual knowledge of the order.

(8) The provisions of this section do not preclude an agency from taking immediate action to protect the public interest in accordance with the provisions of section 67-5247, Idaho Code.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5246(4) Idaho Code.

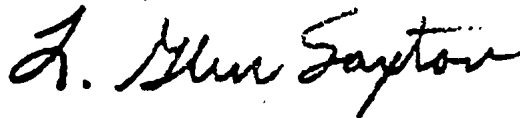
APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

The appeal must be filed within twenty-eight (28) days a) of the service date of the final order, b) of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,



L. GLEN SAXTON, Chief
Water Allocation Bureau

Enclosure

c: Inter-Office Distribution

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 43-07321 AND)
APPLICATION FOR TRANSFER)
NO. 4640 IN THE NAME OF)
ROUND MOUNTAIN RANCH)
_____)

FINAL ORDER

Protests were filed with the Idaho Department of Water Resources (department) contesting application for permit to appropriate water no. 43-07321 and application for transfer no. 4640. The department conducted a hearing on February 21 and 22, 1996. A recommended order was issued on October 15, 1996. On October 29, 1996, Round Mountain Ranch (applicant) petitioned the hearing officer for reconsideration of the recommended order. On November 19, 1996, the hearing officer granted reconsideration. On December 31, 1996, the hearing officer issued an amended recommended order. Exceptions to the amended recommended order were filed by the applicant and by Harold Jones and Ray Jones (protestants).

ANALYSIS

Applicant's Exceptions

The applicant filed numerous exceptions to the amended recommended order. Most of the exceptions can be consolidated into a larger issue: does the department have the authority to review the extent of beneficial use under a water right sought to be transferred pursuant to Idaho Code § 42-222?

Application for transfer no. 4640 sought to change the place of use, the period of use, and the nature of use of existing water rights. By filing the application for transfer, the applicant subjected the water rights to review by the department pursuant to the criteria of Idaho Code § 42-222. The only change in the place of use proposed by the application was a

change of irrigation of 23 acres in the NWNE¹ of Section 13, and 17 acres in the NENW of Section 13, all within T16S, R27E, B.M.², to 40 acres located in the NESW of Section 13, T16S, R27E. The hearing officer properly focused on the 40-acre place of use sought to be transferred. The hearing officer noted that the remaining place of use under the water rights would be reviewed at the time the Snake River Basin Adjudication considers claims for Basin 43.

The applicant argues that the department does not have the authority to restrict irrigation use on 35 acres in the NESW of Section 13 to only high water diverted from Clear Creek. The applicant cites legal authority related to diffuse surface water, private water, and waste water, and also cites recent SRBA District Court decisions regarding partial forfeiture and res judicata to argue that the department is prohibited from restricting the applicant in the use of water rights.

The hearing officer found, based on the testimony of the applicant's own witnesses at the hearing, that the lands from which water is sought to be transferred were only irrigated with high water, and further found that the high water was diverted pursuant to water right no. 43-00286(part). The hearing officer concluded that allowing irrigation of 35 acres on a continuous basis with earlier in time water rights would result in an enlargement and would injure downstream water users. The decision of the hearing officer limiting irrigation of the 35 acres in the NESW of Section 13 under water right no. 43-00286(part) will not be changed.

The applicant objects to the statement in Finding of Fact No. 5 that the application for transfer "proposes changes in the period of use and nature of use of the rights." The applicant signed the application for transfer wherein on page 1 of part 1 the applicant seeks to change the nature of use for claim no. A43-10116 from irrigation to irrigation and diversion to storage and the period of use from the period April 1 to November 1 to the period January 1 to December 31. A change to provide for diversion to storage would be a change in the nature of use, and a change to provide for diversion on a year-round basis would be a change in the period of use.

The applicant objects to the comparison of the water rights and adjudication claims contained in Finding of Fact No. 6. Finding of Fact No. 6 was included in the decision to point out some of the differences between the water rights and the adjudication claims. Attachment A, appended to this decision, is a summary of the water rights and adjudication claims in more complete form. Finding of Fact No. 6 is unnecessary and is deleted from the decision.

¹The absence of the quadrant identifier implies that the fraction "1/4" should be read into the description.

²The acronym "B.M." is an abbreviation for "Boise Meridian" and will be eliminated in the remainder of the text.

The applicant argues that Idaho Code § 42-211 establishes ownership of "private water" in the landowner. This argument is not supported by the language of the statute. Idaho Code § 42-211 does not establish the ownership of water that is wholly contained upon the lands of a person. It simply limits the authority of the department to issue permits to appropriate the water to a person other than the landowner.

The applicant asserts that the finding that Merle Jones constructed the pipeline from Round Mountain Spring to the reservoir was incorrect in Finding of Fact No. 14. In contrast to the applicant's assertion, Merle Jones testified that he constructed a pipeline that captured the flows of Round Mountain Spring, and discharged the flows to a holding tank.

The applicant correctly points out that water from other sources may also be diverted to the reservoir. Language to that effect will be added to Finding of Fact No. 25 (now number 24). Finding of Fact No. 49 (now number 48) will also be modified to reflect that surface water diversions from other sources are commingled in the reservoir.

The applicant correctly points out that the statutory language quoted in Conclusion of Law No. 3 should be corrected to refer to a spring not a stream. Other language has also been modified.

Protestants' Exceptions

The protestants object to the conclusion that water was diverted pursuant to water right no. 43-00286(part) to irrigate 35 acres in the NWNE and the NENW of Section 13 from which water is sought to be transferred. The protestants assert that water right no. 43-00286(part) was abandoned by Merle Jones and/or Jeff Sessions. The testimony of Merle Jones and Jeff Sessions transcribed and submitted by the protestants demonstrates an unfamiliarity with the water right numbers of the water rights owned by the parties. It does not clearly and convincingly establish that Merle Jones or Jeff Sessions abandoned the right to divert high flood waters from Clear Creek. To the contrary, both Merle Jones and Jeff Sessions testified that there was water in excess of the quantity of flow authorized by water right no. 43-00045 that was diverted to Round Mountain Ranch during periods of high flow in Clear Creek. This high flow is attributable to water right no. 43-00286(part). The decision of the hearing officer, concluding that water right no. 43-00286(part) is not abandoned, will not be disturbed.

Finding of Fact No. 11 (now number 10) is amended to state that the gullies or incised channels of Round Mountain Creek upstream and downstream of Round Mountain Ranch are not as defined on Round Mountain Ranch because of obstructions placed in the channel.

Finding of Fact No. 28 (now number 27) is amended to state that Merle Jones asserted that lands from which water is sought to be transferred were irrigated.

Protestants object to Finding of Fact No. 26 (now number 25) that 266 acres "may have been irrigated" within the boundaries of the Round Mountain Ranch. The reason for this qualified finding is to defer a final determination of the irrigated acres to the Snake River Basin Adjudication. This deferral was incorporated because of the uncertainty about the status of the amnesty statutes at the time of the hearing, and uncertainty about how many acres the department could legally recognize as a place of use.

Miscellaneous Amendments

The recommended order has also been amended based on the Director's understanding of the facts. Most notable is a reference to an order providing for administrative relief signed by Judge Hurlbutt in the District Court of the Fifth Judicial District of the State of Idaho on May 15, 1996.

Based on the above discussion, the director issues the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On May 24, 1995, Round Mountain Ranch (applicant) filed application for permit no. 43-07321 with the department, proposing the storage of 26 acre feet of water to be diverted from Round Mountain Creek, drain water, and surface runoff water at points of diversion located within the NWNESE and NENWSE of Section 13, T16S, R27E. The applicant proposes diversion to storage of 1.0 cubic feet per second (cfs) for year-round storage, for irrigation, and stock water for 400 head of cattle. The application for permit proposes irrigation of the following place of use:

DESCRIPTION	ACRES
T16S, R27E, Section 13, NENE	6
T16S, R27E, Section 13, SENE	17
T16S, R27E, Section 13, NESW	40
T16S, R27E, Section 13, NESE	35
T16S, R27E, Section 13, NWSE	33
T16S, R27E, Section 13, SWSE	40

8. Issues identified by the protestants include the following:
 - a) The proposed transfer will injure existing water rights.
 - b) The proposed transfer will enlarge the use of the original rights.
 - c) The applications conflict with the local public interest.

The protestants assert that approval of the applications will diminish the quantities of water available for diversion pursuant to their water rights.

9. Round Mountain Ranch contains approximately 600 acres located in Sections 13 and 24, T16S, R27E, and in Section 19, T16S, R28E. Round Mountain Ranch derives its name from a small peak called Round Mountain located east of the ranch.

10. Round Mountain Creek has eroded defined gullies both upstream and downstream of Round Mountain Ranch. There is no defined gully or incised channel for Round Mountain Creek within Round Mountain Ranch because of obstructions placed in the channel. Water can flow in a low place through Round Mountain Ranch in the direction of the downstream channel of Round Mountain Creek.

11. Round Mountain Spring emits from the ground on the southeast side of Round Mountain Ranch. Round Mountain Spring originally flowed to the northwest and discharged into the channel of Round Mountain Creek, a stream that flows during high run-off events.

12. Several decades ago, the water from Round Mountain Spring was diverted directly north along the east property line of Round Mountain Ranch. Water from Round Mountain Spring flood irrigated land on Round Mountain Ranch.

13. Merle Jones, a prior owner of Round Mountain Ranch, constructed a pipeline that captured the flows of Round Mountain Spring. The document labeled applicant's exhibit no. 6 depicts the pipeline location. The pipeline gathered water approximately 200 feet north of Round Mountain Spring. A pipeline that heads near the spring was later constructed to capture spring water. The pipeline extends northwesterly toward the reservoir.

14. A boggy area was located less than one-quarter mile west of where Round Mountain Spring arises. The 1915 engineer's report for water right no. 43-02061 locates the springs authorized as the source of water in the vicinity of the boggy area.

15. The boggy area was difficult to farm. In 1961, Merle Jones constructed an east-west tile drain that collects the subsurface waters in the shallow water table. The subsurface waters collect in the tile drain and discharge into a north-south pipeline. The pipeline delivers water for irrigation.

16. The drain pipe is equipped with a headgate somewhere near the discharge point to north-south irrigation line. The tile drain discharge can be obstructed by lowering the headgate in the pipe.

17. After construction of the tile drain, the ground water levels in the boggy area declined, making the ground more useable for growing crops.

18. Water discharging from the drain pipe was diverted to irrigate lands of Round Mountain Ranch. Beneficial use of these waters was not specifically authorized by a decreed, licensed or permitted water right. License no. 43-02061 authorizes diversion from springs which may have arisen from ground water intercepted by the tile drain.

19. When deliverable, water is diverted from Clear Creek through ditches flowing from the southwest onto Round Mountain Ranch property. Clear Creek water irrigates lands in the vicinity of and south of the tile drain. When Clear Creek water is delivered and applied to these lands, the discharge of the tile drain increases.

20. In July 1994, Department of Water Resources personnel measured the flows of the tile drain at 75 gallons per minute, or 0.17 cfs. This compares to a flow of 0.16 cfs authorized by license no. 43-02061. On the same date, department personnel measured the discharge of Round Mountain Spring at 68 gallons per minute, or 0.15 cfs. Testimony established that these flows have increased since the time of the measurement.

21. Jeff Sessions (Sessions) is the principal owner of Round Mountain Ranch. Sessions acquired the ranch in December of 1992. After he acquired Round Mountain Ranch, Sessions evaluated the property to determine better ways to irrigate the ranch. He extended the upstream end of the pipeline, capturing Round Mountain Spring.

22. A prior owner buried a 1500 gallon tank that was filled by water flowing from Round Mountain Spring in a pipeline. The prior owner pressurized a sprinkler system from the tank.

23. In his evaluation of the property, Sessions identified an old embankment and swampy area located in NESE of Section 13, T16S, R27E. This embankment and impoundment area are referred to in the 1915 engineer's report for water right no. 43-02061.

24. Sessions determined that he could better manage his irrigation water by constructing a dam to form a small reservoir near the location of the old dam and by abandoning the storage tank. Sessions constructed a dam forming a reservoir of 20 to 30 acre-feet capacity in late 1993. The reservoir location is depicted on applicant's exhibit no. 6. The reservoir captures discharge from Round Mountain Spring and also from the tile drain. Water from other sources can also be diverted to the reservoir.

25. The adjudication claims filed by Merle Jones assert the right to irrigate 266 acres within the boundaries of Round Mountain Ranch. The testimony of Merle Jones indicates that all 266 acres may have been irrigated simultaneously for a short period during spring runoff, but that there is insufficient water during the entire irrigation season to irrigate the full 266 acres. A determination of how many total acres are irrigated within Round Mountain Ranch is deferred until the water rights are decreed in the SRBA, as discussed in Conclusion of Law nos. 18-20.

26. Applicant's exhibit no. 6 depicts two parcels of property on the north side of Round Mountain Ranch. The two parcels are labeled "dry." The parcels are located in the NWNE and the NENW of Section 13, T16S, R27E and are the parcels from which water is sought to be transferred.

27. Applicant's exhibit no. 6 outlines lands within the NWNE and the NENW of Section 13 that may have been irrigated. The map depicts 23 acres of land in the NWNE of Section 13 and 17 acres of land in the NENW of Section 13, all within T16S, R27E. Merle Jones testified that these lands were irrigated during high water.

28. Most of the land described in the prior paragraph grows a mixture of crested wheat grass, sagebrush, and other range vegetation. Approximately five acres, located in the extreme southeast corner of the NWNE of Section 13, have been irrigated sufficiently to grow alfalfa and grain.

29. Merle Jones testified several times that lands located in the NWNE and the NENW of Section 13, T16S, R27E were only irrigated during high water. When asked specifically what water was applied to these lands, he stated that they were irrigated with Clear Creek water or Clear Creek waste water from upstream water users. Upon being questioned further, he testified that the lands east of the Round Mountain Creek channel were irrigated with commingled water.

30. Approximately 23 acres of the irrigated lands are located east of the Round Mountain Creek channel. The five acres of land in the southeast corner of the NWNE of Section 13, T16S, R27E that were irrigated regularly are part of the 23 acres located east of the Round Mountain Creek Channel. The remaining 18 acres may have received some commingled water that was either Clear Creek water or Round Mountain Creek water because the land was only irrigated during periods of high water. Merle Jones testified that high water flowed in Round Mountain Creek for only a day or two. Clear Creek would have provided most of the water to irrigate these lands during high water.

31. The protestants proved that there are no written watermaster records showing delivery of Clear Creek water to Round Mountain Ranch pursuant to water right no. 43-00286 or assessments for delivery of water right no. 43-00286. Dave Sundberg, son of a long-time

watermaster who recently died, testified that his father's records recognized some portions of water right no. 43-00286, but did not show ownership of any of water right no. 43-00286 by the applicant or its predecessor. However, the written documents produced by Dave Sundberg (protestants exhibit no. K) did not prove non-delivery of the right. At best, the documents showed two people named W. Ayrhart and M. Iverson were entitled to a portion of right no. 43-00286.

32. The applicant proved that a flow of water in excess of 1.7 cfs, authorized by right no. 43-00045, was diverted and beneficially used on Round Mountain Ranch during periods of high water when the watermaster was not regulating diversions. The applicant did not establish how much water was diverted during high flows. No water right or adjudication claim other than water right no. 43-00286(part) authorizes diversion of these high water flows. The owners of Round Mountain Ranch did not call the watermaster for delivery of water pursuant to water right no. 43-00286(part) once the watermaster began administering the rights.

33. Jeff Sessions, dba Round Mountain Ranch; Ray Jones; and Harold Jones are all parties in *In re* SRBA Case No. 39576 (5th Jud. Dist. Idaho May 15, 1996), *Jones v. NAF Irrigation Co.*, subcase no. 92-00014. The adjudication court issued an order providing for preliminary injunctive relief for delivery of water for the 1996 irrigation season. With respect to delivery of water from Clear Creek by Jeff Sessions, the court stated in para. 5c, p.5: "After the above water with a November 23, 1911 priority date [water right no. 43-00286] is filled, defendant Jeff Sessions shall be entitled to 80" of water for use on Round Mountain Ranch by diversion through the Idaho Weir. . . ."

34. The adjudication court also issued an order for a Director's Report because of the dispute between water right holders on Clear Creek. The court has ordered the department of water resources to prepare a preliminary director's report for water rights claimed in the Snake River Basin Adjudication on Clear Creek on or before February 27, 1998. During preparation of this report, the department will recommend a quantity of water, if any, to be diverted pursuant to adjudication claim no. A43-00286B.

35. Water was diverted from the tile drain into the reservoir constructed by Sessions beginning on October 1, 1994, and the reservoir filled in approximately 90 days. The reservoir filled with water from the tile drain in approximately 60 days during the fall of 1995, indicating that the flows of the tile drain increased from the 1994 flows.

36. Sessions testified that during filling of the reservoir in the fall, water from Round Mountain Spring would discharge into an artificial ditch along the east side of the reservoir and would completely percolate into the ground. Sherl Chapman, an expert witness for Sessions, also testified that he had observed the water from Round Mountain Spring sinking into the ground at approximately the location of Sessions' house.

37. Sessions testified that during mid-February 1996, and after the reservoir was full, water discharging from the reservoir into the Round Mountain Creek channel completely percolated into the ground approximately 200 yards downstream from the north property line of Round Mountain Ranch.

38. Merle Jones testified that when he owned Round Mountain Ranch, discharge from Round Mountain Spring would at times flow past his north property line. Merle Jones testified that flow past the north property line of Round Mountain Ranch was particularly prevalent during the winter months when he was not diverting Round Mountain Spring water with a series of ditches onto his land.

39. The protestants own and/or operate a ranch, known locally as the Kelso Ranch, located approximately 1½ miles northwest of the Round Mountain Ranch.

40. The Kelso Ranch is irrigated by water diverted from the Round Mountain Creek channel. Testimony established that there are springs that discharge water into the channel of Round Mountain Creek from midway between Round Mountain Ranch and Kelso Ranch down to the south boundary of Kelso Ranch. Some or all of these springs may be known as Kelso Springs. Ray Jones testified that there was as much as 0.70 cfs to 1.5 cfs flowing in the Round Mountain Creek channel that he could beneficially use on his property.

41. Ray Jones testified that his supply of water diminished significantly in 1994 and 1995. Very little water flowed in Round Mountain Creek in 1994 and 1995 at the location of Kelso Ranch and into a small impoundment that was built in the southeast corner of Kelso Ranch.

42. Several witnesses who observed Round Mountain Creek during the 1960s, 1970s and 1980s testified they regularly saw water flowing in Round Mountain Creek between Round Mountain Ranch and Kelso Ranch during all seasons of the year. The weight of evidence established that these flows were not intermittent but were regular and perennial.

43. The expert witnesses disagreed about the source of shallow ground water located below Round Mountain Ranch and also disagreed where Round Mountain Spring derives its water. Sherl Chapman, expert witness for the applicant, testified that an impervious clay layer underlays Round Mountain Ranch and extends to approximately the north property boundary of Round Mountain Ranch. He testified that water is perched on top of the impervious clay layer and does not originate as ground water underflow in the Clear Creek drainage. He testified that the confining clay layer disappears just north of Round Mountain Ranch, and it is his opinion that Round Mountain Creek loses water as it flows north.

44. In contrast, Charles Brockway, expert witness for the protestants, testified that ground water underlying Round Mountain Ranch is probably a combination of precipitation,

percolating irrigation water applied to Round Mountain Ranch and deeper underflow from the south. He further testified that Kelso Springs, or more generally the springs which arise in the channel of Round Mountain Creek north of Round Mountain Ranch but upstream of Kelso Ranch, are an expression of ground water underflow.

45. Protestant's exhibit no. H, an open file report prepared by the Idaho Department of Water Resources titled "Summary of Ground Water Conditions in the Raft River Area," authored by Shane Bendixsen and dated July 1994, concludes that surface and ground water are so interrelated in the area that one cannot be affected without affecting the other.

46. Based on the open file report, the testimony of Charles Brockway, and the many witnesses who testified regarding springs that arise in the Round Mountain Creek channel above Kelso Ranch and below Round Mountain Ranch, the department finds that shallow ground water and the flows of Round Mountain Spring are interrelated with the deeper ground water resources of the Raft River Basin.

47. Some of the shallow ground water in the area of Round Mountain Ranch is a result of ground water underflows from the southwest, particularly the alluvial fan area of Clear Creek.

48. Ground water migrates hydrologically downstream from Round Mountain Ranch to Kelso Ranch. The Kelso Springs are an expression of ground water that is close to the surface and that emits in the wash where Round Mountain Creek has scoured a channel.

49. The application for transfer proposes to change the place of use to 40 acres in the NESW of Section 13, T16S, R27E, that will be irrigated with a circular pivot. A shallow ground water table underlies the proposed place of use. During some times of the year, the shallow water table could supply water to growing crops, thus reducing the need for irrigation.

50. Surface water that percolates into the ground, underflow of ground water, flood water, flows of Round Mountain Spring, and surface water diversions from other sources are commingled in the reservoir. By storing water in the reservoir, the applicant can more efficiently operate its irrigation system.

51. The construction of the dam required the removal of overburden from the location of the dam and the building of an impervious clay key in the dam, which prevents the movement of some ground water down gradient. However, the ground water captured is insignificant.

52. On April 30, 1993, the department issued a moratorium order prohibiting the further appropriation of ground water or surface water for consumptive purposes that affects appropriations of water in the Raft River Valley. An exception in the order states that the

department will review applications for permit on a case-by-case basis to determine whether approval would injure other water users.

53. Diversion and beneficial use of additional water to lands not previously irrigated as proposed by the application for permit will affect the availability of water to other water users.

CONCLUSIONS OF LAW

1. Idaho Code § 42-203A provides, in pertinent part, as follows:

In all applications whether protested or not protested, where the proposed use is such (a) that it will reduce the quantity of water under existing water rights, or (b) that the water supply is insufficient for the purpose for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the director that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use, or (f) that it is contrary to conservation of water resources within the state of Idaho; the director of the department of water resources may reject such application and refuse issuance of a permit therefor

2. Idaho Code § 42-222, provides, in pertinent part, as follows:

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-203A(5), Idaho Code

3. Idaho Code § 42-212 restricts the appropriation of water by those seeking to divert water from sources located wholly upon the lands of another:

The department of water resources is hereby prohibited from issuing or granting permits to divert or appropriate the waters of any lake not exceeding five (5) acres in surface area at high water mark, pond, pool or spring in this state, which is located or situated wholly or entirely upon the lands of a person or

corporation, except to the person or corporation owning said land, or with his or its written permission, executed and acknowledged as required for the conveyance of real estate.

4. The applicant argues that water diverted from Round Mountain Spring and water captured by the tile drains, and subsequently diverted, is private water as defined by Idaho Code § 42-212. The applicant also argues that because it is private water, the applicant is entitled to divert the water without appropriating the water.

5. Idaho Code § 42-212 prohibits the department from issuing a permit to appropriate surface water located wholly on a landowner's property without the permission of the landowner. This statute does not describe those waters, however, as being solely owned by the landowner on whose lands they are found. It also does not exempt the landowner from the requirement that the water must be appropriated by obtaining permits and licenses from the department.

6. The applicant cites various court cases that characterize water as private water, diffuse surface water, or waste water, and grant the user some exclusive right to use the water. The applicant asserts it is entitled to divert water from Round Mountain Spring and the tile drain pursuant to one of these legal theories to the exclusion of any other water users, even if the water is hydrologically connected to water diverted by other water users. While not passing directly on the validity of these legal theories, adherence to any of the theories in this case would ignore hydrologic reality. The use of water from the drain and from Round Mountain Spring as well as other commingled water from the reservoir and application of the water to the acres not previously irrigated, would cause an increase in consumptive use and would reduce the quantity of water in the system available to downstream water users. As a result, the portion of application for permit no. 43-07321 seeking to divert and use additional natural flow exceeding the flow rate authorized by existing water rights during the irrigation season and also seeking to irrigate 40 acres not previously irrigated should be rejected.

7. Furthermore, Round Mountain Spring is not private water as defined in Idaho Code § 42-212 because the sources of water supplying the spring are not located wholly upon the lands owned by the applicant and the flow from the spring is not wholly contained on the lands owned by the applicant.

8. The department issued an amended moratorium "In the Matter of Applications for Permits for the Diversion and Use of Surface and Ground Water within the Eastern Snake River Plain Area and the Boise River Drainage Area" on April 30, 1993. The second paragraph of the order, printed on page four, states:

. . . a moratorium is established on the processing and approval of presently pending and new applications for permits to appropriate water from all surface

and ground water sources within the Eastern Snake River Plain Area. . . . The following provisions apply to the administration of the moratorium:

.....

9. The moratorium does not prevent the Director from reviewing for approval on a case-by case basis an application that otherwise would not be approved under terms of this moratorium if,

a) Protection and furtherance of the public interest, as determined by the Director, requires consideration and approval of the application irrespective of the general drought related moratorium; or

b) The Director determines that the development and use of the water pursuant to an application will have no effect on prior surface and ground water rights because of its location, insignificant consumption of water or mitigation provided by the applicant to offset injury to other rights.

9. Storage of water flowing from Round Mountain Spring, the tile drains, and other drainages during the non-irrigation season and during high water flows will not injure other water right holders in the immediate vicinity of the applicant's reservoir. The storage will not significantly affect the flows of the springs in the Milner Dam to King Hill reach of the Snake River. The storage portion of application for permit no. 43-07321 can be approved if the approval is properly conditioned.

10. The applicant proved that it diverted water from Clear Creek pursuant to water right no. 43-00286(part), but only when the watermaster was not regulating diversions of water from Clear Creek.

11. Application for transfer no. 4640 can be approved with a condition that 35 acres of the proposed place of use in the NESW of Section 13, T16S, R27E, shall be irrigated only with water right no. 43-00286(part) until diversions from Clear Creek pursuant to water rights junior to water right no. 43-00286(part) must be curtailed to satisfy senior water rights. Water can be diverted from the reservoir to irrigate the 35 acres provided water is simultaneously being diverted from Clear Creek to the reservoir and water is being diverted by Sessions pursuant to water right no. 43-00286(part). Five acres located in the NESW of Section 13, T16S, R27E may be irrigated for the entire irrigation season because approximately five acres located in the NWNE of Section 13, T16S, R27E, were consistently irrigated with some of the water from Round Mountain Spring, the tile drain, and other sources of base flows diverted by the applicant.

12. To the extent water can be diverted to the reservoir pursuant to water right nos. 43-00045, 43-00286, A43-10116, 43-00182, and 43-00414 during the irrigation season, temporary retention in the reservoir for management purposes is allowed.

13. The application for transfer did not propose any change in water right nos. 43-02061 and 43-02110. Water right no. 43-02061 authorizes diversion of water from the same source as the tile drain. Temporary retention of water in the reservoir pursuant to these rights for management purposes is also allowed.

14. The rights transferred shall be subject to all prior rights and shall be subject to regulation in their order of priority.

15. A water right may be found to be abandoned if the owner of the water right intends to abandon the right and it is not used after the intention is expressed, either explicitly or by the actions of the water right holder.

16. Abandonment of water right no. 43-00286(part), originally appurtenant to Round Mountain Ranch, was not proven by clear and convincing evidence.

17. The applicant's adjudication claims were filed pursuant to Idaho Code § 42-1416 and § 42-1416A, which allowed water users to claim expanded acreage as a part of the place of use under a water right. These laws, known as the presumption statutes, were held to be unconstitutional by the SRBA District Court. The statutes were repealed and Idaho Code § 42-1425 and § 42-1426, known as the amnesty statutes, were enacted to replace the presumption statutes. The Idaho Supreme Court held that the amnesty statutes are constitutional.

18. The applicant's adjudication claims have not yet been field verified by the department.

19. This decision does not verify the entire place of use set forth in the applicant's adjudication claims. The place of use is only being determined for the NWNE and the NENW of Section 13, T16S, R27E. The other places of use described by water rights appurtenant to Round Mountain Ranch will be determined in the Snake River Basin Adjudication.

ORDER

IT IS HEREBY ORDERED that storage during the non-irrigation season proposed by application for permit no. 43-07321 is APPROVED. All other portions of application for permit no. 43-07321 are REJECTED. Thirty-five (35) acres of the proposed place of use located in the NESW of Section 13, T16S, R27E, can only be irrigated with water from the reservoir if: (1) Clear Creek water is simultaneously being delivered to the reservoir, and

(2) water from Clear Creek is being diverted by Sessions pursuant to water right no. 43-00286(part) as ordered by the adjudication court.

IT IS FURTHER ORDERED that permit no. 43-07321 is conditioned as follows:

1. The storage of water under this right is contingent upon the certification of the dam and authorization of storage as provided by the dam safety provisions of Idaho Code.
2. This right only allows for the storage of a volume of water up to the maximum amount authorized once in each given year during the non-irrigation season. Once the authorized volume of water has been stored during the non-irrigation season in a given year, no additional water can be diverted to storage during the non-irrigation season of that year.
3. The right holder shall install suitable measuring devices to determine the amount of water diverted and shall report the information to the department annually.
4. Proof of construction of works and application of water to beneficial use shall be submitted to the department on or before November 1, 1998.

IT IS FURTHER ORDERED that application for transfer no. 4640 is PARTIALLY APPROVED to allow a change in the place of use for water right no. 43-00286(part) as described below, and to allow the retention of summer flows diverted pursuant to existing water rights for water management purposes.

IT IS FURTHER ORDERED that 35 acres located in the NESW of Section 13, T16S, R27E, can only be irrigated with Clear Creek water when water is available pursuant to water right no. 43-00286(part). The 35 acres may be irrigated from the reservoir provided that: (1) Clear Creek water is simultaneously being delivered to the reservoir, and (2) water from Clear Creek is being diverted by Sessions pursuant to water right no. 43-00286(part) as ordered by the adjudication court.

IT IS FURTHER ORDERED that the remaining five acres of the 40 acres located in the NESW of Section 13, T16S, R27E, will be described as a place of use for water right nos. 43-00045, 43-00286, 43-000182, 43-00414, and will also be described as a place of use in the adjudication claim nos. A43-10824 and A43-10116.

IT IS FURTHER ORDERED that the remainder of the place of use proposed by the application for transfer will be recognized as proposed with the following condition:

Other than the 40 acres in the NESW of Section 13, T16S, R27E, the place of use described is the place of use set forth in the adjudication claims that has not been field verified.

The remaining 226 acres comprising the place of use is subject to further limitation based on future determinations in the Snake River Basin Adjudication.

IT IS FURTHER ORDERED that application for transfer no. 4640 shall be conditioned as follows:

1. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

2. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

3. Partial approval of this transfer does not preclude the opportunity for review of the validity of water rights nos. 43-00045, 43-00182, 43-00414, and 43-00286 in the ongoing Snake River Basin Adjudication and does not confirm Snake River Basin Adjudication claim no. A43-10116.

4. Prior to diversion of water under this approval, the right holder shall install suitable measuring devices or other means acceptable to the Department at all authorized points of diversion to determine the total rate of diversion.

5. The total instantaneous rate of diversion of water from all points of diversion under transfer no. 4640 shall not exceed 28.10 cfs, nor shall the total combined annual volume of diversion exceed 1064.0 acre feet.

6. That portion of the total diversion rate authorized in excess of 5.32 cfs is limited to use for conveyance losses in delivery of water right nos. 43-00045, 43-00182, 43-00414, and 43-00286, and claim no. A43-10116.

IT IS FURTHER ORDERED that all other portions of application for transfer no. 4640 are DENIED.

IT IS FURTHER ORDERED that transfer no. 4640 (water under right nos. 43-00045, 43-00286, 43-00182, 43-00414, and claim no. A43-10116) is hereby conditioned as follows:

1. These rights when combined with all other rights shall provide no more than 4.0 acre feet annually per acre for the lands above.

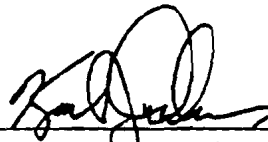
2. Water right nos. 43-00045, 43-00182, and 43-00414, and claim no. A43-10116 when combined shall be limited to irrigation of not more than 231 acres, and when combined with water right 43-00286(part), shall be limited to irrigation of not more than 266 acres.

3. During a single irrigation season, right no. 43-00045 is limited to the irrigation of 160 acres within the 231-acre place of use described above.

4. During a single irrigation season, right nos. 43-00182 and 43-00414 are limited to the irrigation of 160 acres each and a combined total of 231 irrigated acres within the place of use described above.

5. During a single irrigation season, claim no. A43-10116 is limited to the irrigation of 231 acres in the place of use described above.

Signed this 7th day of November, 1997.



KARL J. DREHER
Director

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 11th day of November, 1997, I mailed a true and correct copy, postage paid, of the foregoing **FINAL ORDER** to the following:

Jeff Sessions
Round Mountain Ranch
HC 72 Box 2346
Malta, ID 83342

Harold & Ray Jones
HC 72
Malta, ID 83342

Roger Ling, Esq.
LING, NIELSEN & ROBINSON
615 H. Street
P.O. Box 396
Rupert, ID 83350

Patrick D. Brown
HEPWORTH, LEZAMIZ &
HOHNHORST
P.O. Box 389
Twin Falls, ID 83303-0389



JULIE L. YARBROUGH
Senior Secretary

ATTACHMENT A

No. 43-00045

WATER RIGHT PROFILE REPORT

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ALBION IDAHO LAND CO.	06/01/1882	IRRIGATION	00/00 00/00	1.700 CFS	
Water Source: CLEAR CREEK		Tributary to: RAFT RIVER			Stage: DECREED	

NE				NW				SW				SE				
T	R	S	:	NE	NW	SE	SW	:	NE	NW	SE	SW	:	SUM		
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac				
16S	27E	13	:					:					:			
16S	27E	24	:	1				:					:			

No. A43-00045

ADJUDICATION CLAIM PROFILE REPORT

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MERLE JONES	06/01/1882	IRRIGATION	04-01 11-01	1.70 CFS	
Water Source: CLEAR CREEK		Tributary to: RAFT RIVER			Stage: DECREED	
Point(s) of Diversion:		T16S R27E S27	SESENE	CASSIA County		

NE				NW				SW				SE				
T	R	S	:	NE	NW	SE	SW	:	NE	NW	SE	SW	:	SUM		
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac				
16S	27E	13	:	06	23		17	:	17				:	211.0		
16S	27E	24	:	40				:					:	40.0		
16S	28E	19	:					:					:	15.0		
													TOTAL ACRES	266.0		

WATER RIGHT PROFILE REPORT														
NO. 43-U0286														
OWNER														
CODE														
NAME & ADDRESS														
C SETTLERS LAND & WATER CO.														
PRIORITY DATE														
11/23/1911														
WATER USE														
IRRIGATION														
USE PERIOD FROM TO														
00/00 00/00														
DIVERSION RATE														
60.000 CFS														
DIVERSION VOLUME														

Stage: DECREED														
Tributary to: RAFT RIVER														
Water Source: CLEAR CREEK														
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ADJUDICATION CLAIM PROFILE REPORT														
No. A43-002868														
OWNER CODE	NAME & ADDRESS		PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME							
C	MERLE JONES		11/23/1911	IRRIGATION	04-01 11-01	4.30 CFS								
								Stage: DECREED						
Water Source: CLEAR CREEK								CASSIA County						
Tributary to: RAFT RIVER														
Point(s) of Diversion:								SE						
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								NW						
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T16S R27E S27								SESENE						
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35 Acres

20-00

						NE								NW								SW								SE																		
T	R	S	Lt	Ac	MUNE	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM												
16S	27E	13	:	:	06	23	:	:	:	:	:	17	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	: 211.0										
16S	27E	24	:	:	40	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	: 40.0														
16S	28E	19	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	: 15.0														
																																TOTAL ACRES																: 266.0

No. 43-00182

Stage: DECREED

Water Source: ROUND MOUNTAIN CREEK

WATER RIGHT PROFILE REPORT

No. 43-00414

Stage: DECREED

Water Source: ROUND MOUNTAIN CREEK

ADJUDICATION CLAIM PROFILE REPORT

No. A43-10824

Stage: DECREED

Water Source: ROUND MOUNTAIN CREEK
ROUND MOUNTAIN SPRING

				NE				NW				SW				SE							
		MUNE		SWNE		SENE		MNW		SWNW		SENW		MESW		SWSW		SESW					
I	R	S	Lt	AC	Lt	AC	Lt	AC	Lt	AC	Lt	AC	Lt	AC	Lt	AC	Lt	AC	Lt	AC	SUM		
16S	27E	13					17																
			06	23					17							35	33	40	40		211.0		
16S	27E	24		40																	40.0		
16S	28E	19																			15.0		
																			TOTAL ACRES				266.0

No. 43-02061

WATER RIGHT PROFILE REPORT

OWNER CODE NAME & ADDRESS PRIORITY DATE WATER USE USE PERIOD FROM TO DIVERSION RATE DIVERSION VOLUME

C JAMES MATHEWS

01/19/1910 IRRIGATION

00/00 00/00

0.160 CFS

Water Source: SPRINGS

Tributary to: ROUND MOUNTAIN CREEK

Stage: LICENSE

Point(s) of Diversion:

T16S R27E S13

NESE

CASSIA County

NE NESE NW SW SE
NENE NWNE SWNE SENE : NENW NWNW SWNW SENW : NESW NWSW SWSW SESW : NESE NWSE SWSE SESE : SUM
T R S : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : SUM
16S 27E 13 : 17 : : : 13 : 30.0
TOTAL ACRES : 30.0

No. A43-02061

ADJUDICATION CLAIM PROFILE REPORT

OWNER CODE NAME & ADDRESS PRIORITY DATE WATER USE USE PERIOD FROM TO DIVERSION RATE DIVERSION VOLUME

C MERLE JONES

01/19/1910 IRRIGATION

04-01 11-01

0.16 CFS

Water Source: SPRINGS

Tributary to: ROUND MOUNTAIN CREEK

Stage: LICENSE

Point(s) of Diversion:

T16S R27E S13

NESE

CASSIA County

NE NW SW SE
NENE NWNE SWNE SENE : NENW NWNW SWNW SENW : NESW NWSW SWSW SESW : NESE NWSE SWSE SESE : SUM
T R S : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : SUM
16S 27E 13 : 17 : : : 13 : 30.0
TOTAL ACRES : 30.0

No. 43-02110

WATER RIGHT PROFILE REPORT

OWNER CODE NAME & ADDRESS PRIORITY DATE WATER USE USE PERIOD FROM TO DIVERSION RATE DIVERSION VOLUME

C ENWA C. OLSON

05/23/1912 IRRIGATION

00/00 00/00

0.800 CFS

Water Source: SPRING

Tributary to: SINKS

Stage: LICENSE

Point(s) of Diversion:

T16S R28E S18

SWSW

CASSIA County

NE NW SW SE
NENE MUNE SENE : NENE MUNE SWSW SESW : NENE MUNE SUSE SESE :
T R S : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac : SUM
16S 27E 13 : 16 : : 35 : 51.0
TOTAL ACRES : 51.0

No. A43-02110

ADJUDICATION CLAIM PROFILE REPORT

OWNER CODE NAME & ADDRESS PRIORITY DATE WATER USE USE PERIOD FROM TO DIVERSION RATE DIVERSION VOLUME

C MERLE JONES

05/23/1912 IRRIGATION

04-01 11-01

0.80 CFS

Water Source: ROUND MOUNTAIN SPRING

Tributary to: ROUND MOUNTAIN CREEK

Stage: LICENSE

Point(s) of Diversion:

T16S R28E S18

SWSW

CASSIA County

NE NW SW SE
NENE MUNE SENE : NENE MUNE SWSW SESW : NENE MUNE SUSE SESE :
T R S : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac Lt Ac Lt Ac : SUM
16S 27E 13 : 16 : : 35 : 51.0
TOTAL ACRES : 51.0

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 43-07321

Proposed Priority: May 24, 1995 Maximum Diversion Rate: 1.00 CFS

This is to certify, that ROUND MOUNTAIN RANCH
HC 72 BOX 2346
MALTA ID 83342

has applied for a permit to appropriate water from:

ROUND MOUNTAIN CREEK	tributary of	CLEAR CREEK
UNNAMED DRAIN	tributary of	ROUND MOUNTAIN CREEK
WASTE WATER	tributary of	ROUND MOUNTAIN CREEK

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION STORAGE	11/16 to 03/14		26.0 AF
DIVERSION TO STORAGE	11/16 to 03/14	1.00 CFS	
	Totals	1.00 CFS	

LOCATION OF POINT(S) OF DIVERSION:

NESE , Sec. 13, Township 16S, Range 27E
NWSE , Sec. 13, Township 16S, Range 27E
CASSIA County

PLACE OF USE: IRRIGATION STORAGE

TWN RGE SEC

16S 27E 13	NESE	NWSE
------------	------	------

CONDITIONS OF APPROVAL AND REMARKS

1. See Final Order for conditions and limitation for use of water under this approval.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

7th day of November, 1997.



Karl J. Dreher, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4640
WATER RIGHT NO(S). 43-00045/43-00182/43-00286B
43-00414 & CLAIM NO. A43-10116

This is to certify that: ROUND MOUNTAIN RANCH
HC 72 BOX 2346
MALTA ID 83342

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 43-00045 :			
IRRIGATION	04/01 to 10/31	1.70 CFS	640.0 AF
Source: Clear Creek			
Tributary: Raft River			
Right No. 43-00182 :			
IRRIGATION	04/01 to 10/31	1.50 CFS	633.7 AF
Priority: 02/17/1912			
Source: Round Mountain Creek			
Tributary: Clear Creek			
Right No. 43-00286B :			
IRRIGATION	04/01 to 10/31	4.30 CFS	1064.0 AF
Priority: 11/23/1911			
Source: Clear Creek			
tributary: Raft River			
Right No. 43-00414 :			
IRRIGATION	04/01 to 10/31	0.60 CFS	253.5 AF
Priority: 04/01/1909			
Source: Round Mountain Creek			
Tributary: Clear Creek			
Claim No. A43-10116 :			
IRRIGATION	04/01 to 10/31	20.00 CFS	924.0 AF
Priority: 12/31/1900			
Source: Rice Creek & Round Mountain Creek			
Tributary: Round Mountain Creek & Clear Creek			
TOTAL:		* 28.10 CFS	* 1064.0 AF

TRANSFER NO. 4640
 WATER RIGHT NO(S). 43-00045/43-00182/43-00286B
 43-00414 & CLAIM NO. A43-10116

LOCATION OF POINT(S) OF DIVERSION:

SENESE , Sec. 13, Township 16S, Range 27E / Round Mountain Creek
 NESESE , Sec. 13, Township 16S, Range 27E / Round Mountain Creek
 NESENE , Sec. 24, Township 16S, Range 27E / Rice Creek
 SESENE , Sec. 27, Township 16S, Range 27E / Clear Creek
 SWSWSW , Sec. 18, Township 16S, Range 28E / Round Mountain Creek

PLACE OF USE: IRRIGATION

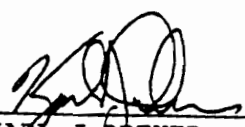
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
16S	27E	13	NENE 6	SENE 17	NESW 40	
			NESE 35	NWSE 33	SWSE 40	
			SESE 40			211
	24		NENE 40			40
28E	19		NWNW 15			15

Total number of acres irrigated: * 266

CONDITIONS OF APPROVAL AND REMARKS

* Right Nos. 43-00045, 43-00182, 43-00286B, 43-00414 and Snake River Basin Adjudication Claim No. A43-10116 are subject to the conditions of the Final Order in the matter of Application for Transfer No. 4640.

Dated this 7th day of November, 1997.


 KARL J DREHER
 Director

watermaster who recently died, testified that his father's records recognized some portions of water right no. 43-00286, but did not show ownership of any of water right no. 43-00286 by the applicant or its predecessor. However, the written documents produced by Dave Sundberg (protestants exhibit no. K) did not prove non-delivery of the right. At best, the documents showed two people named W. Ayhart and M. Iverson were entitled to a portion of right no. 43-00286.

32. The applicant proved that a flow of water in excess of 1.7 cfs, authorized by right no. 43-00045, was diverted and beneficially used on Round Mountain Ranch during periods of high water when the watermaster was not regulating diversions. The applicant did not establish how much water was diverted during high flows. No water right or adjudication claim other than water right no. 43-00286(part) authorizes diversion of these high water flows. The owners of Round Mountain Ranch did not call the watermaster for delivery of water pursuant to water right no. 43-00286(part) once the watermaster began administering the rights.

33. Jeff Sessions, dba Round Mountain Ranch; Ray Jones; and Harold Jones are all parties in *In re* SRBA Case No. 39576 (5th Jud. Dist. Idaho May 15, 1996), *Jones v. NAF Irrigation Co.*, subcase no. 92-00014. The adjudication court issued an order providing for preliminary injunctive relief for delivery of water for the 1996 irrigation season. With respect to delivery of water from Clear Creek by Jeff Sessions, the court stated in para. 5c, p.5: "After the above water with a November 23, 1911 priority date [water right no. 43-00286] is filled, defendant Jeff Sessions shall be entitled to 80" of water for use on Round Mountain Ranch by diversion through the Idaho Weir. . . ."

34. The adjudication court also issued an order for a Director's Report because of the dispute between water right holders on Clear Creek. The court has ordered the department of water resources to prepare a preliminary director's report for water rights claimed in the Snake River Basin Adjudication on Clear Creek on or before February 27, 1998. During preparation of this report, the department will recommend a quantity of water, if any, to be diverted pursuant to adjudication claim no. A43-00286B.

35. Water was diverted from the tile drain into the reservoir constructed by Sessions beginning on October 1, 1994, and the reservoir filled in approximately 90 days. The reservoir filled with water from the tile drain in approximately 60 days during the fall of 1995, indicating that the flows of the tile drain increased from the 1994 flows.

36. Sessions testified that during filling of the reservoir in the fall, water from Round Mountain Spring would discharge into an artificial ditch along the east side of the reservoir and would completely percolate into the ground. Sherl Chapman, an expert witness for Sessions, also testified that he had observed the water from Round Mountain Spring sinking into the ground at approximately the location of Sessions' house.

COPY

R PROOF

CVR

MAPS

PHOTOS

MISC

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Water Right Number - R43-002868 Prefix Translation: RESEARCH Old (D) Number -
+ - - - - Last Name - - - - + + - - First Name - - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
JONES
MERLE
1 - HC 72 BOX 2346
2 -
3 -
City- MALIA State- ID Zip- 83342
Phone - 208-824-5719

+ - - Priority Date - - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
11/23/1911
ERROR IN REGION
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
+ - - - - Description Period From Water Use Diversion Rate Diversion Volume
Code Period To

01 - IRRIGATION 04/01 10/31 4.300
+ - - Total Div. Rate - - + + - - Total Div. Volume - + + - - Total Consumptive Use - + + - - KW Usage - +
4.300 0.0

TwN	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
16S	27E	13	NE NE	4.0	01	IRRIGATION	(31)	CASSIA	(31)
16S	27E	13	SW NE	7.0	01	IRRIGATION	(31)	CASSIA	(31)
16S	27E	13	SE NE	15.0	01	IRRIGATION	(31)	CASSIA	(31)
16S	27E	13	NE SW	40.0	01	IRRIGATION	(31)	CASSIA	(31)
16S	27E	13	NE SE	29.0	01	IRRIGATION	(31)	CASSIA	(31)
16S	27E	13	NW SE	33.0	01	IRRIGATION	(31)	CASSIA	(31)
16S	27E	13	SW SE	40.0	01	IRRIGATION	(31)	CASSIA	(31)
16S	27E	13	SE SE	40.0	01	IRRIGATION	(31)	CASSIA	(31)
16S	27E	24	NE NE	33.0	01	IRRIGATION	(31)	CASSIA	(31)
16S	27E	24	NW NE	4.0	01	IRRIGATION	(31)	CASSIA	(31)
16S	28E	19	NW NW	13.0	01	IRRIGATION	(31)	CASSIA	(31)

Total Acres: 258.0

+ - - Diversion Means - DITCH TO DITCHES, PUMPS & SPRINKLERS

+ - - Non-Irrigation Use - NONE

+ - - Other Rights for Same Use - SEE A43-00045

Water right number - R43-002868 Prefix Translation: RESEARCH

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

POU1 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 190 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NO. 43-00045 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 258 ACRES IN A SINGLE
IRRIGATION SEASON.

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

+ - - - - - 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 - - - + + - - - Decree Defendant - - - + + - Decree Date - - +
ALBION-IDAHO LAND CO JOBE ADAMS, ET AL 10/18/1928

+ - - - - - Comments- - - - - +
Date: 02/23/1998 User Id: DJONES Subject: COPIED FROM REMARKS
THIS CLAIM IS BASED ON A PORTION OF 43-00286 DECREE TO A PORTION OF THE ABOVE LISTED LANDS. IT IS FOR HIGH WATER HISTORICALLY
DELIVERED FROM CLEAR CREEK FOR A SHORT PERIOD OF TIME IN THE SPRING. THE DITCH FROM CLEAR CREEK CARRIES APPROX. 300"; THIS
FILING IS FOR THE ADDITIONAL WATER WHICH COMES IN THE DITCH ABOVE THAT WHICH IS CLAIMED UNDER A43-00045.

+ - - - - - Audit Fields - - +
02/23/98 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	- 05/01/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S006988	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	- C
				Notice of Error Flag	-

TRANSFER NUMBER 4640

CLAIM NUMBERS 43-00286B

DATE 2/17/98

AGENT [Signature]

GEOGRAPHIC INFO ACRES 258
247

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	
CLAIM	165	27E	13	6			17					40				35	33	40	40	211
GIS				4		7	15					40				29	33	40	40	208
CLAIM			24	40																40
GIS				33	4															337
CLAIM	165	28E	19						15											15
GIS									13											13
CLAIM																				
GIS																				

UPDATED

POLYGON #

UPDATED

B43-DBPOU.DBF

B43-DBPOD.DBF

POLYGON CREATED ON 604 ()

ATTRIBUTES OF B43-POU.SHP (8,9,10,11,27)

ATTRIBUTES OF B43-POD.SHP (2)

POU-ID# 2, 3 Combined into other polygons

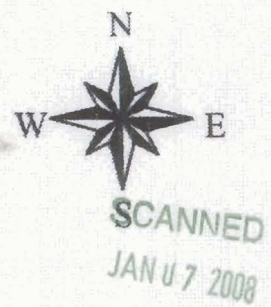
IDAHO DEPARTMENT OF WATER RESOURCES

43-00286B



0.25 0 0.25 0.5 0.75 1 Miles

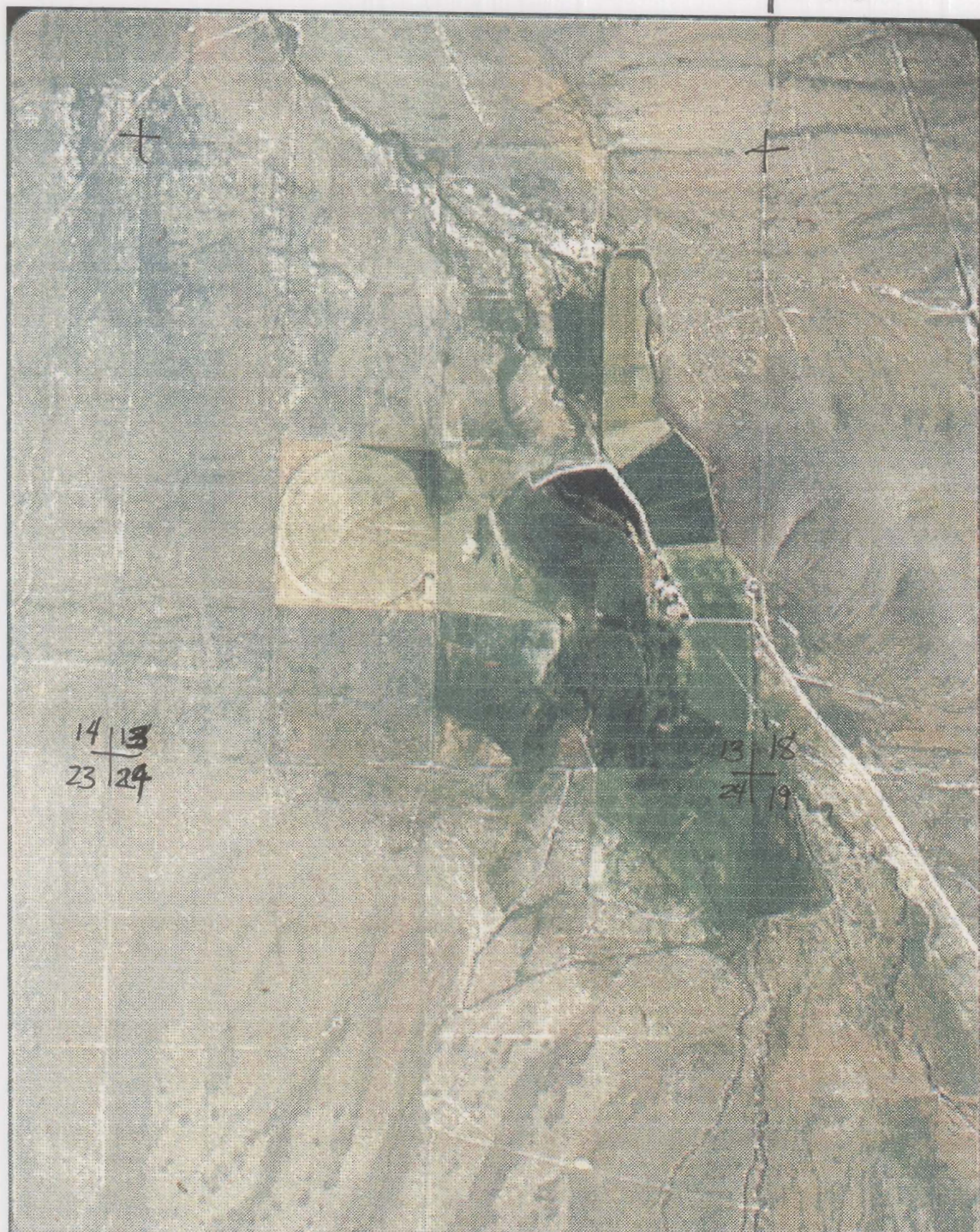
TNS 16S, RNG 27E, SEC 13, 24
TNS 16S, RNG 28E, SEC 19



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

GIS PLACE OF USE PRESENTATION
1987 NAPP PHOTOGRAPHY
DATA ENTRY: FEBRUARY 17, 1998
BY: DOUGLAS JONES

27E | 28E



14	13
23	24

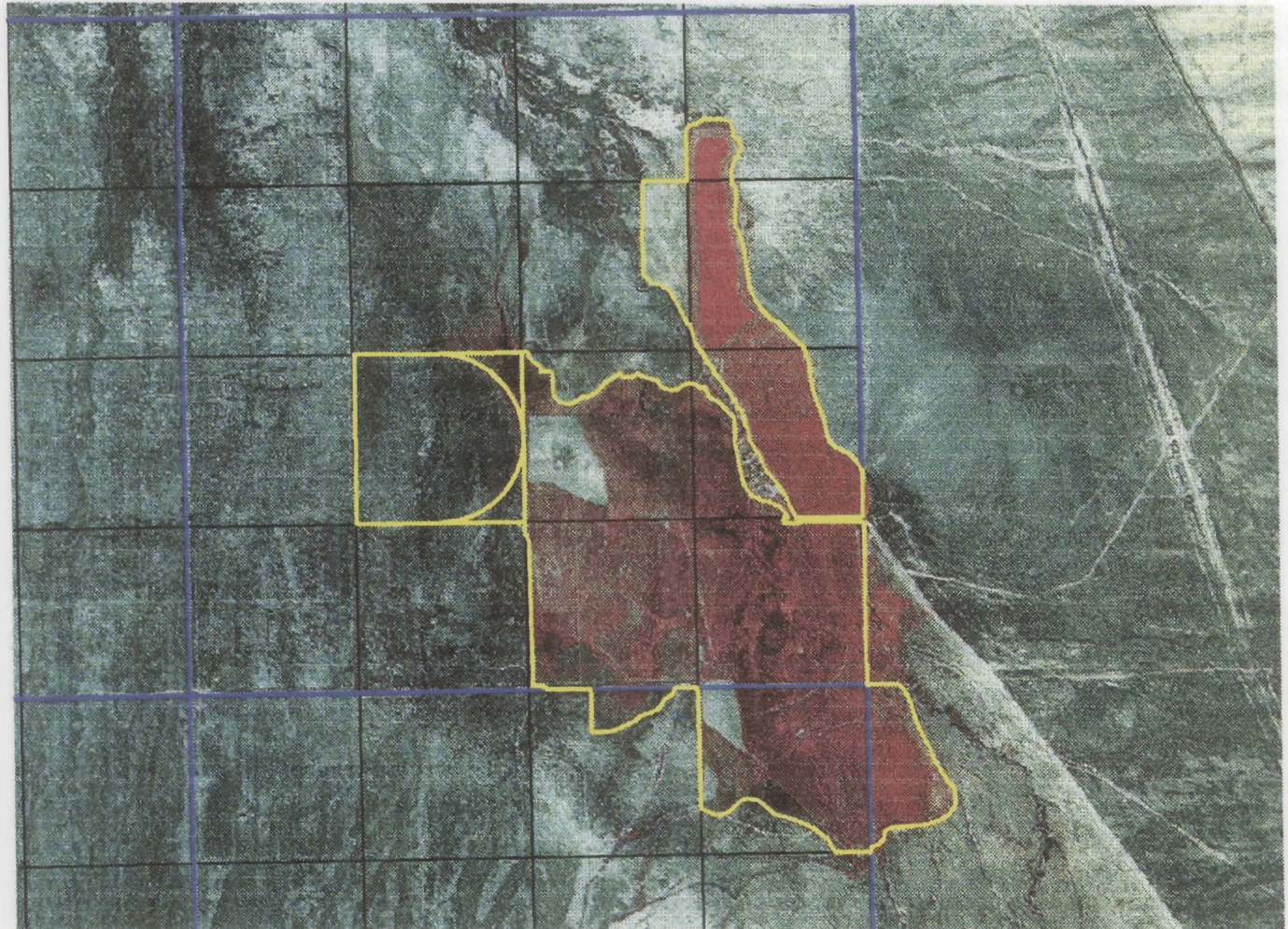
13	18
24	19



6/87 NAPP photo

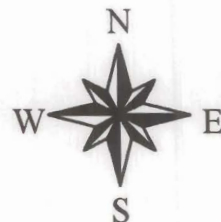
IDAHO DEPARTMENT OF WATER RESOURCES

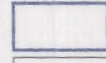
43-00286B



0.25 0 0.25 0.5 0.75 1 Miles

TNS 16S, RNG 27E, SEC 13, 24
TNS 16S, RNG 28E, SEC 19



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

GIS PLACE OF USE PRESENTATION
1987 NAPP PHOTOGRAPHY
DATA ENTRY: FEBRUARY 17, 1998
BY: DOUGLAS JONES

PAGE: 1
GENERAL INFORMATION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

10:43:46
05/21/95
34
CLAIM NUMBER: A43-002868

LAST: JONES FIRST: MERLE
ADDRESS: HC 72 BOX 2346
CITY: MALTA STATE: ID ZIP: 83342
PHONE NUMBER: 208-824-5719
OWNER CODE: C

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS? DATABASE FIELD EXAMINER
Y () N ()

CLAIM REMARKS: THIS CLAIM IS BASED ON A PORTION OF 43-00286 DECREE TO A PORTION
OF THE ABOVE LISTED LANDS. IT IS FOR HIGH WATER HISTORICALLY
DELIVERED FROM CLEAR CREEK FOR A SHORT PERIOD OF TIME IN THE
SPRING. THE DITCH FROM CLEAR CREEK CARRIES APPROX. 300", THIS
FILING IS FOR THE ADDITIONAL WATER WHICH COMES IN THE DITCH
ABOVE THAT WHICH IS CLAIMED UNDER A43-00045.

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:

A. AJ CLAIM: # A43-002868 PRIORITY DATE: 11-23-1911 STAGE: D

B. WR RECORD: # 43-00286 PRIORITY DATE: 11-23-1911 STAGE: D

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

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

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

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

PROOF OF BENEFICIAL USE SUBMITTED

FIELD EXAM COMPLETED

FIELD EXAM SENT TO STATE OFFICE

LICENSE ISSUED

* 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?

* 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?

NOTES: Johnson Denver, US Dist Ct in Utah

Y(✓) N(✓)

N/A(✓) Y(✓) N(✓)

N/A(✓) Y(✓) N(✓)

N/A(✓) Y(✓) N(✓)

N/A(✓) Y(✓) N(✓)

N/A(✓) Y(✓) N(✓)

Y(✓) N(✓)

Y(✓) N(✓)

Y(✓) N(✓)

RECOMMENDED PRIORITY DATE:

11-23-1911

REVIEWED BY

Johnson

DATE

2/10/98

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
A43-002868	16S	27E	27	SE	SE	NE		CASSIA		

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX R PREFIX
A43-00037 NONE
A43-00045
A43-00084
A43-00085
A43-00286A

WR RECORDS IN SAME 40 ACRE TRACT

SOURCE: CLEAR CREEK

TRIB: RAFT RIVER

B. WR POINT OF DIVERSION AND SOURCE:

4300286 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: CLEAR CREEK

TRIB: RAFT RIVER

Ambiguous Deere

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? Y() N() ☒

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

AJ FIELD EXAM (DATE OF FIELD EXAM) Y() N() ☒

OTHER (DESCRIBE IN NOTES BELOW)

196 NAME OF EXAMINER *Fitchcock* Y() N() ☒

CP3

TMP.	RGE.	SEC.	LOT	FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
16S	27E	27	SE	NE	CASSIA		

SOURCE: CLEAR CREEK	TRIB: RAFT RIVER		
165 27E 27	SE SE NE	Cassia	Idaho Weir

A. ROOT WATER RIGHT NUMBERS: A43-00286A
A43-00286B

B. POULISTING

TRP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
16S	27E	13	NE	NE		JONES, MERLE	A43-00286B / 6.0	-	/	4.0	3.6 4
			NE	NE		JONES, MERLE	A43-00045 / 6.0	-	/		
			NE	NE		JONES, MERLE	A43-10116 / 6.0	-	/		
			NE	NE		JONES, MERLE	A43-10824 / 6.0	-	/		
			NE	NE		LITHGO, JOHN		43-00414 /	/		
16S	27E	13	NW	NE		JONES, MERLE	A43-00286B / 23.0	-	/	2.0	Transferred off Φ
			NW	NE		JONES, MERLE	A43-00045 / 23.0	-	/		
			NW	NE		JONES, MERLE	A43-10116 / 23.0	-	/		
			NW	NE		JONES, MERLE	A43-10824 / 23.0	-	/		
			NW	NE		JONES, DAVID W.		43-00182 /	/		
			NW	NE		SETTLERS LAND & WATER CO.		43-00286 /	/		
16S	27E	13	SE	NE		JONES, MERLE	A43-00286B / 17.0	-	/	16.0	14.8 15
			SE	NE		JONES, MERLE	A43-00045 / 17.0	-	/		
			SE	NE		JONES, MERLE	A43-02061 / 17.0	-	/		
			SE	NE		JONES, MERLE	A43-02110 / 16.0	43-02110 /	16.0		
			SE	NE		JONES, MERLE	A43-10116 / 17.0	-	/		
			SE	NE		JONES, MERLE	A43-10824 / 17.0	-	/		
			SE	NE		LITHGO, JOHN		43-00414 /	/		
16S	27E	13	NW	NW		JONES, MERLE	A43-00286B / 17.0	-	/		Transferred off Φ
			NW	NW		JONES, MERLE	A43-00045 / 17.0	-	/		
			NW	NW		JONES, MERLE	A43-10116 / 17.0	-	/		
			NW	NW		JONES, MERLE	A43-10824 / 17.0	-	/		
			NW	NW		JONES, DAVID W.		43-00182 /	/		
			NW	NW		SETTLERS LAND & WATER CO.		43-00286 /	/		
16S	27E	13	NE	SE		JONES, MERLE	A43-00286B / 35.0	-	/	35.0	28.7 29
			NE	SE		JONES, MERLE	R43-10119 /	-	/		
			NE	SE		JONES, MERLE	A43-10119 /	-	/		
			NE	SE		JONES, MERLE	A43-00045 / 35.0	-	/		
			NE	SE		JONES, MERLE	A43-02061 / 13.0	43-02061 /	13.0		
			NE	SE		JONES, MERLE	A43-02110 / 35.0	43-02110 /	35.0		
			NE	SE		JONES, MERLE	A43-10116 / 35.0	-	/		
			NE	SE		JONES, MERLE	A43-10824 / 35.0	-	/		
			NE	SE		LITHGO, JOHN		43-00414 /	/		
16S	27E	13	NW	SE		JONES, MERLE	A43-00286B / 33.0	-	/	40.0	32 33
			NW	SE		JONES, MERLE	A43-00045 / 33.0	43-00045 /	/		
			NW	SE		JONES, MERLE	A43-10116 / 33.0	-	/		
			NW	SE		JONES, MERLE	A43-10824 / 33.0	-	/		

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
SETTLERS LAND & WATER CO.											
16S	27E	13	SW	SE		JONES, MERLE	A43-002868 / 40.0	-			33.0
			SW	SE		JONES, MERLE	A43-00045 / 40.0	43-00045	/		37.9
			SW	SE		JONES, MERLE	A43-10116 / 40.0	-	/		38
			SW	SE		JONES, MERLE	A43-10824 / 40.0	-	/		
			SW	SE		SETTLERS LAND & WATER CO.	43-00286	/			
16S	27E	13	SE	SE		JONES, MERLE	A43-002868 / 40.0	-	/		40.0
			SE	SE		JONES, MERLE	A43-00045 / 40.0	43-00045	/		39.4
			SE	SE		JONES, MERLE	A43-10116 / 40.0	-	/		40
			SE	SE		JONES, MERLE	A43-10824 / 40.0	-	/		
			SE	SE		SETTLERS LAND & WATER CO.	43-00286	/			
16S	27E	24	NE	NE		JONES, MERLE	A43-002868 / 40.0	-	/		32.0
			NE	NE		JONES, MERLE	A43-00045 / 40.0	43-00045	/		32.9
			NE	NE		JONES, MERLE	A43-10116 / 40.0	-	/		33
			NE	NE		JONES, MERLE	A43-10824 / 40.0	-	/		
			NE	NE		SETTLERS LAND & WATER CO.	43-00286	/			
16S	28E	19	NW	NW	1	JONES, MERLE	A43-002868 / 15.0	-	/		13.0
			NW	NW	1	JONES, MERLE	A43-00045 / 15.0	-	/		12.8
			NW	NW	1	JONES, MERLE	A43-10116 / 15.0	-	/		13
			NW	NW	1	JONES, MERLE	A43-10824 / 15.0	-	/		

ADDITIONAL POU FOUND

16S 27E 13 SWNE
16S 27E 13 NESE
16S 27E 24 NWNE

Transferred on

7.2 7
35 35
3.5 4

TOTAL ACRES A43-002868 266.00 215.00
POU COUNTY: CASSIA

251

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

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

Y(✓) N()

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
A43-002868	CLEAR CREEK	JONES, MERLE	4.300	0.016		
A43-00045	CLEAR CREEK	JONES, MERLE	1.700	0.006		
A43-02061	SPRINGS	JONES, MERLE	0.160	0.005		
A43-02110	ROUND MOUNTAIN SPRING	JONES, MERLE	0.800	0.015		
A43-10116	RICE CREEK	JONES, MERLE	20.000	0.075		
A43-10824	ROUND MOUNTAIN CREEK	JONES, MERLE	2.100	0.007		
	ROUND MOUNTAIN SPRING					

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
R43-10119	DOMESTIC	JONES, MERLE	FROM 01-01 TO 12-31	0.040 CFS	
R43-10119	STOCKWATER	JONES, MERLE	FROM 01-01 TO 12-31	0.040 CFS	
A43-10119	DOMESTIC	JONES, MERLE	FROM 01-01 TO 12-31	0.040 CFS	
A43-10119	STOCKWATER	JONES, MERLE	FROM 01-01 TO 12-31	0.040 CFS	

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

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: SEE A43-00045

Y(✓) N()

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.

PPU

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 developed into GIS coverage

RECOMMENDATIONS:

TOTAL ACRES: 215 ac w/in 251' ^{APN} N/A()

REVIEWED BY: ID Jones DATE: 2/6/98

4.3085
duty of .02 ac
under if
Jobe Adams decree
= 215 ac

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A43-002868 IRRIGATION	FROM 04-01 TO 11-01	4.300 CFS	
TOTAL DIVERSION RATE/VOLUME		4.300 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
43-00286 IRRIGATION	FROM TO	60.000 CFS	
TOTAL DIVERSION RATE/VOLUME		60.000 CFS	

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

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: 4.300 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 60.000 CFS

- A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?
B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE?

* 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?

* 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?

E. FLOW MEASUREMENT

MEASUREMENT METHOD N/A, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 251 x 0.02 CFS/ACRE = 5.02 CFS
(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 _____ =

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 665.0 AF/A

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

TOTAL CONSUMPTIVE USE _____ AF/A

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

only if not claimed
N/A() Y(☒) N(☒)
N/A() Y() N(☒)

Y() N(☒)

Y() N(☒)

NOTES:

MR RECORD CONDITIONS/REMARKS:

A. CHECK ONLY THE FOLLOWING THAT APPLY:

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 43-00286
TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
60.000

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	-	-	-	-	-	-
-	-	-	-	-	43-00286	60.000

TOTAL CFS

60.000

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
N

FIELD
EXAMINER
Y () N ()

NOTES:

Total of 43-00286 A,B,C is less than root right

AUTHENTICATION:

SIGNATURE:

[Signature]

DATE:

2/6/98

NAME OF FIELD EXAMINER:

[Signature]

TITLE:

WR Rts. Sec.

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()
() MAP	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

10:43:46
05/21/95
49
CLAIM NUMBER: A43-002868

MR 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	Y							
CONSUMPTIVE USE	-							
PURPOSES OF USE								
PERIOD OF USE	Y							
BASIS OF CLAIM	Y							
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE

CLAIM NUMBER: A43-00286B

Stage: DECREED

CASSIA County

MS

Field Inspection Flag:
Presumption Flag:

Field Inspection Flag:
Presumption Flag:



DECLASSIFIED 43-00286

Source: Clear Cr.

Amount: 60 CFS

P.D.

red

Settlers Land & Water Company
*1911-Nov. 23 286 60 s.f.

Priority: 11-23-11

To be diverted from Clear Creek
for the irrigation of
all of Sec. 2, 3 $\frac{1}{2}$ and 4 $\frac{1}{2}$, Sec. 3,
5 $\frac{1}{2}$ and 6 $\frac{1}{2}$, Sec. 4, 21, 23 $\frac{1}{2}$,
24 $\frac{1}{2}$, Sec. 5, all of Sec. 8, all
of Sec. 9, 10 $\frac{1}{2}$, 11 $\frac{1}{2}$, 12 $\frac{1}{2}$,
Sec. 10, all of Sec. 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 80

U. P. H. DEPT. FILE: 43-A-1(2)

MAPS USED: DD 82 DATE: 1976

ASCS
ORTHO

ORTHO

NAPP

BI.M

MAPS USED: DD 82

ASCS
ORTHO

ORTHO

NAPP

BI.M

R27E R28E

Produced by the Geological Survey
in cooperation with the Soil Conservation Service

A43-00286B

JONES, MERLE

MAPS USED: DD 82 DATE: 1076
ASCS
ORTHO
NAPP
BLM

MAPS USED: DD 83 DATE: 1076
ASCS
ORTHO
NAPP
BLM

*SRBA claim
240 acres*

7165

