

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: **A43-11227**
Date Received: 4/ 6/1989
Receipt No: X777777
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: GARY JONES 208-824-5595
Address: PO BOX 137
ALMO ID 83312

2. Date of Priority: MAR 17, 1879

3. Source: ALMO CREEK, NORTH Trib. to: ALMO CREEK
EDWARDS CREEK RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15S	24E	10	SW	SE	SE		CASSIA
		14	SE	SW	NW		CASSIA

5. Description of diverting works:
CHECK DAMS & DITCHES, PIPELINES & SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.600		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	24E	10	SE	SE		IRR	15.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
						Section Acres	15.0
		11	SE	SE		IRR	39.0
						Section Acres	39.0
		12	NE	SW		IRR	39.0
			NW	SW		IRR	39.0
			SW	SW		IRR	39.0
			SE	SW		IRR	39.0
			NW	SE		IRR	39.0
						Section Acres	195.0
		13	NW	NW		IRR	39.0
			SW	NW		IRR	40.0
						Section Acres	79.0
		14	NE	NE		IRR	39.0
			NW	NE		IRR	39.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	19.0
			SE	NW		IRR	38.0
			NE	SW		IRR	22.0
						Section Acres	237.0
						Total Acres	565.0

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:
NONE

14. Remarks:

THIS CLAIM IS BASED ON A COMBINATION OF 43-0378 & 43-0377.
 PRIMARILY WATER IS TO BE DIVERTED FROM NORTH ALMO CREEK AND
 WHEN THE FLOW FROM THE CREEK DROPS THEN THE 1.60 RIGHT CAN BE
 SUPPLEMENTED FROM EDWARDS CREEK.

6-16-00: THIS RIGHT HAS BEEN RENUMBERED FROM 43-00377 - VH

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

ALBION-IDAHO LAND CO.

Decree Plaintiff

JOBE ADAMS ET AL

vs

Decree Defendant

Water Right Number - A43-00377

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

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

*** C - CURRENT OWNER ***
RENUMBERED1 -
2 -
3 -
City- NA State- ID Zip- NA
Phone - 208-000-0000*** O - ORIGINAL OWNER ***
JONES

GARY

1 - PO BOX 137
2 -
3 -
City- ALMO State- ID Zip- 83312
Phone - 208-824-5595+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +
03/17/1879 17 SOUTHERN Z - SEE REMARKS+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
RENUMBERED RIGHT RENUMBERED RIGHT+ - - - - - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
15S 24E 10 SW SE SE (31) CASSIA
14 SE SW NW (31) CASSIA+ - - - - - - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 1.600+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
1.600 1412.5+ - - - - - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
15S 24E 10 SE SE 15.0 01 IRRIGATION (31) CASSIA
15S 24E 11 SE SE 39.0 01 IRRIGATION (31) CASSIA
15S 24E 12 NE SW 39.0 01 IRRIGATION (31) CASSIA
15S 24E 12 NW SW 39.0 01 IRRIGATION (31) CASSIA
15S 24E 12 SW SW 39.0 01 IRRIGATION (31) CASSIA
15S 24E 12 SE SW 39.0 01 IRRIGATION (31) CASSIA
15S 24E 12 NW SE 39.0 01 IRRIGATION (31) CASSIA
15S 24E 13 NW NW 39.0 01 IRRIGATION (31) CASSIA
15S 24E 13 SW NW 40.0 01 IRRIGATION (31) CASSIA
15S 24E 14 NE NE 39.0 01 IRRIGATION (31) CASSIA
15S 24E 14 NW NE 39.0 01 IRRIGATION (31) CASSIA
15S 24E 14 SW NE 40.0 01 IRRIGATION (31) CASSIA
15S 24E 14 SE NE 40.0 01 IRRIGATION (31) CASSIA
15S 24E 14 NE NW 19.0 01 IRRIGATION (31) CASSIA
15S 24E 14 SE NW 38.0 01 IRRIGATION (31) CASSIA
15S 24E 14 NE SW 22.0 01 IRRIGATION (31) CASSIA

Prefix Translation: ADJUDICATION CLAIM

Total Acres: 565.0

+ - - Other Rights for Same Use - NONE

6-16-00: THIS RIGHT HAS BEEN RENUMBERED A43-11227 - VH

No Old Water Right Numbers Found

No Conditions of Approval found.

+ - Decree Date - +
00/00/0000

No Comments Found

00/00/00

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	- 04/06/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S006803	Water District	- 43D
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	- D
				Notice of Error Flag	-

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: A43-00377
Date Received: 4/06/1989
Receipt No: 5006803
Received By: AD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GARY JONES 208-824-5595
Address: P.O. BOX 137
ALMO, ID 83312

2. Date of Priority: MAR 17, 1879

3. Source: NORTH ALMO CREEK Trib. to: ALMO CREEK
EDWARDS CREEK RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15S	24E	10	SW	SE	SE		CASSIA
		14	SE	SW	NW		CASSIA

5. Description of diverting works:
CHECK DAMS & DITCHES, PIPELINES & SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.600		

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

8. Total consumptive use is 1412.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	24E	10	SE	SE		IRR	15.0
Section Acres							15.0

A43-00377

Page 1

Date: 04/06/89

MICROFILMED
MAR 03 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	24E	11	SE	SE		IRR	39.0
						Section Acres	39.0
		12	NE	SW		IRR	39.0
			NW	SW		IRR	39.0
			SW	SW		IRR	39.0
			SE	SW		IRR	39.0
			NW	SE		IRR	39.0
						Section Acres	195.0
		13	NW	NW		IRR	39.0
			SW	NW		IRR	40.0
						Section Acres	79.0
		14	NE	NE		IRR	39.0
			NW	NE		IRR	39.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	19.0
			SE	NW		IRR	38.0
			NE	SW		IRR	22.0
						Section Acres	237.0
						Total Acres	565.0

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:
NONE

14. Remarks:

THIS CLAIM IS BASED ON A COMBINATION OF 43-0378 & 43-0377.
PRIMARILY WATER IS TO BE DIVERTED FROM NORTH ALMO CREEK AND
WHEN THE FLOW FROM THE CREEK DROPS THEN THE 1.60 RIGHT CAN BE
SUPPLEMENTED FROM EDWARDS CREEK.

15. Basis of Claim: DECREED
Case Number:

Court :
Decree date:

ALBION-IDAHO LAND CO.
Decree Plaintiff

JOBE ADAMS ET AL
Decree Defendant

vs

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: 0

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): Larry Jones Date: 4/6/89
_____ Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 6th day
of April 19 89

[Signature]
Notary Public

Seal

Residing at Kimberly, Id.
My Commission Expires 6/30/94

06/28/2001

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

RIGHT NUMBER: 43-11227
NAME AND ADDRESS: GARY JONES
PO BOX 137
ALMO ID 83312

SOURCE: NORTH FORK ALMO CREEK TRIBUTARY: ALMO CREEK
EDWARDS CREEK TRIBUTARY: ALMO CREEK
DIVERSION FROM EDWARDS CREEK IS NOT PERMITTED UNDER THIS RIGHT UNTIL
WATER IS NO LONGER AVAILABLE FROM NORTH FORK ALMO CREEK.

QUANTITY: 1.600 CFS
USE OF THIS RIGHT FROM NORTH FORK ALMO CREEK AND EDWARDS CREEK, IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.6 CFS.

PRIORITY DATE: 03/17/1879

POINT OF DIVERSION:
T15S R24E S10 SWSESE Within CASSIA County
T15S R24E S14 SWSNW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.600 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T15S R24E S13	NWNW	40.0	T15S R24E S13	SWNW	40.0
T15S R24E S14	NENW	13.0	T15S R24E S14	NWNE	36.0
T15S R24E S14	SENE	35.0	T15S R24E S14	NENE	40.0
T15S R24E S14	SWNE	39.0	T15S R24E S14	SENE	40.0

283 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160 ACRES WITHIN THE PLACE OF
USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON WITH WATER FROM
NORTH FORK ALMO CREEK AND THE IRRIGATION OF THE IDENTICAL 160 ACRES
WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON
WITH WATER FROM EDWARDS CREEK.

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

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

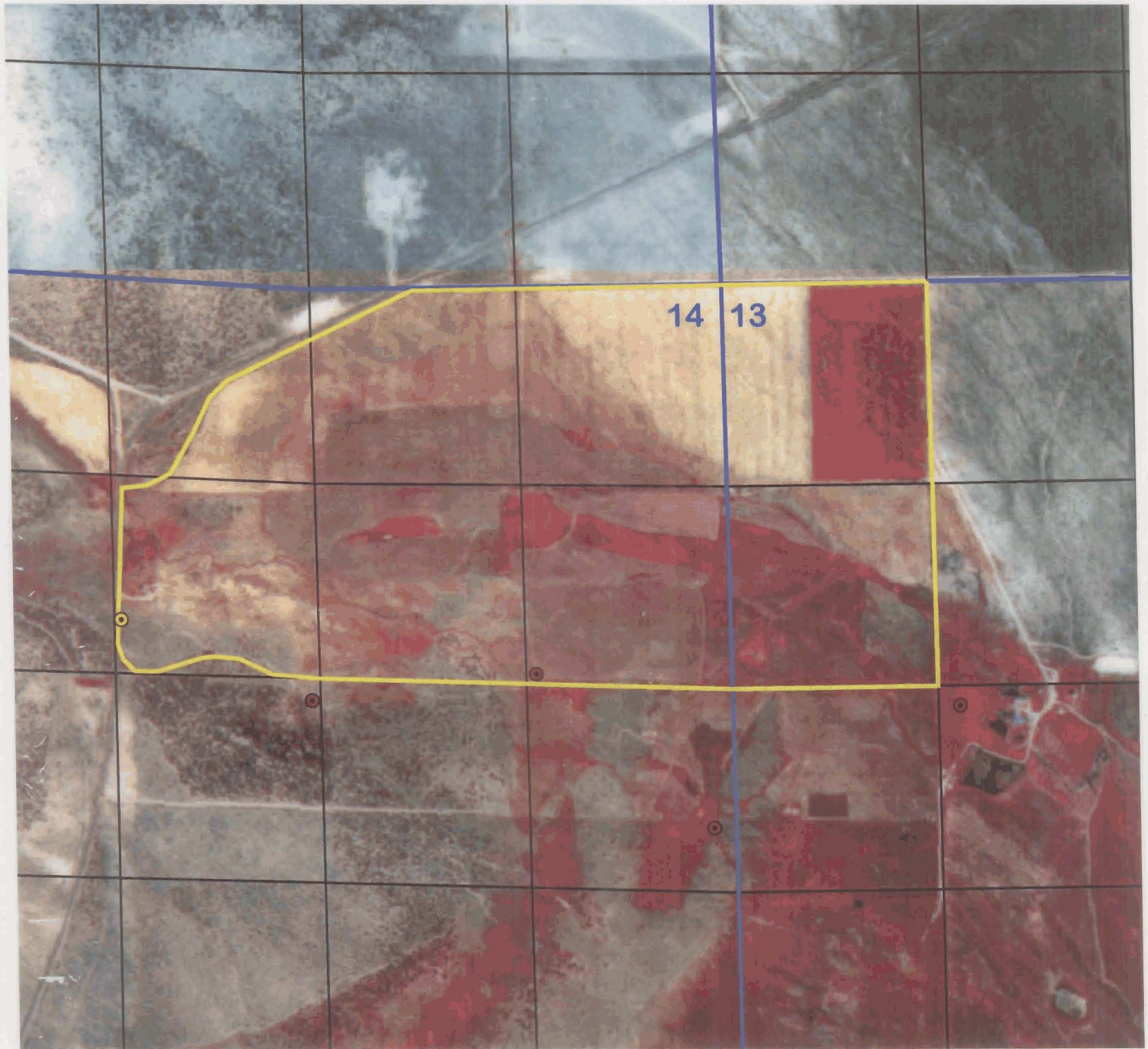
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

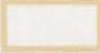
THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS.43-377, 43-378
USE OF THIS RIGHT IS COMBINED WITH WATER FROM ALMO WATER COMPANY.

Idaho Department of Water Resources

RIGHT: 43-00380B, 43-11227

RECOMMENDED PLACE OF USE
TWP 15S, RNG 24E,
Data entry on October 6, 2000



-  RECOMMENDED POINT OF DIVERSION
-  RECOMMENDED PLACE OF USE
-  SECTION LINES
-  QUARTER/QUARTER LINES



GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY VIKIE HANCOCK

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 15, 2001

Water right number: 43-11227

GARY JONES

PO BOX 137

ALMO ID 83312

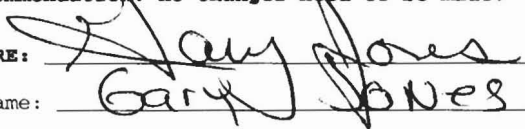
Telephone Number: (208)824-5595

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 7-6-01 SIGNATURE: 
Please print your name: GARY JONES

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, (208)736-3033

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

02:54:39
05/25/95
35

PAGE: 17
PROFILE REPORT

CLAIM NUMBER: A43-00377

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GARY JONES	03/17/1879	IRRIGATION	03-15 11-15 4-1 15 10-31	1.60 CFS	
					TOTAL DIVERSION: CONSUMPTIVE USE:	1.60 CFS 1412.30 AFA
Water Source: ALMO CREEK, NORTH EDWARDS CREEK			Tributary to: ALMO CREEK RAFT RIVER		Stage: DECREED	

Point(s) of Diversion: T15S R24E S10 S14 SWSESE SESWNW CASSIA County CASSIA County

Place of use Legal Description for: IRRIGATION

			NE								NW								SW								SE									
			NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM		
15S	24E	10	:									:							:							:							:	15.0		
15S	24E	11	:									:							:							:							:	39.0		
15S	24E	12	:									:							:	39	39	39	39			:		39					:	195.0		
15S	24E	13	:									:			39	40			:							:							:	79.0		
15S	24E	14	:		39		39		40		40	:		19				38	:	22						:							:	237.0		
																																			TOTAL ACRES	565.0

POU County: CASSIA

Non-Irrigation Uses: NONE

Other Rights: NONE

Remarks: THIS CLAIM IS BASED ON A COMBINATION OF 43-0378 & 43-0377. PRIMARILY WATER IS TO BE DIVERTED FROM NORTH ALMO CREEK AND WHEN THE FLOW FROM THE CREEK DROPS THEN THE 1.60 RIGHT CAN BE SUPPLEMENTED FROM EDWARDS CREEK.

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number: 43D

Field Inspection Flag: D
Presumption Flag:

*pis
B09
Cond 522
C 18*

*Renumbered to 43-11227
- IRRIGATION FROM N. ALMO
✓ Creek limited to 160 ac
w/in PPU
- IRRIGATION from Edwards
✓ limited to same 160
acres w/in PPU
- DIVERSION FROM Edwards
✓ or not permitted until
water no longer available
from N. Almo
- DIVERSION FROM N. ALMO &
✓ EDWARDS limited to 1.6 cfs
✓ E-14 380A, 382, 7210 & 830 ac*

RECOMMENDATION NOTES

From: Vikie Hancock

10/9/00

Regarding: Claim 43-11227

This claim is based upon Jobe Adams decreed rights 43-377 and 43-378. The two rights were decreed to the same place of use, but were rights to water from two sources. The 1.6 cfs of water from Edwards Creek was supplemental and not in addition to the 1.6 cfs from North Fork Almo Creek.

These decreed rights were appurtenant to 160 acres, although the diversion rate was limited to a combined total of 1.6 cfs, or 80 inches. A review of the land to which the decree was appurtenant, it appears that the entire 160 acres could have been irrigated in 1879 as claimed. There is no transfer of place of use. I believe that based upon my review, the entire 160 acres may be included in the place of use, even though less than one inch per acre was decreed. Unless further information is obtained, my recommendation is for 1.6 cfs on 160 acres.

Season of use was changed to conform to current IDWR standards.

COMMUNICATION DOCUMENTATION

From: Vikie Hancock

March 30, 2000

Regarding:

Customer:

Various claims

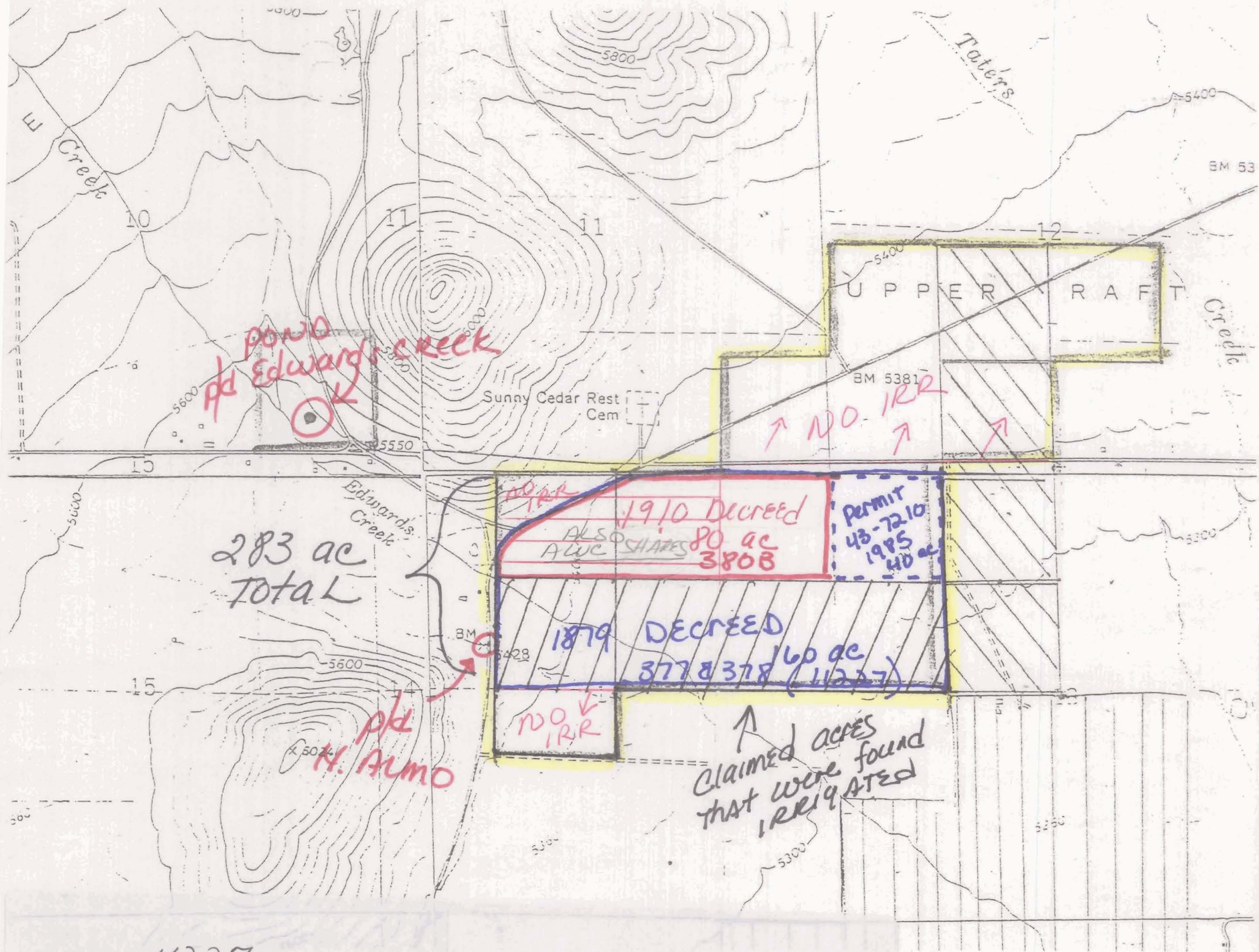
Gary Jones

[illegible]

Claimant came into the office to discuss several issues brought up at our meeting in Almo on March 14th. Mr. Jones has decided to keep the various claims under the same ownership as originally filed.

Regarding claim **A43-00377**, it was decided to re-number the claim and keep the two sources within one claim. Claims **-00376** and **-00381** should be recommended within the PPU outlined. The 80 acre parcel north of the R.O. Jones house will not be included, as it is only irrigated by sprinkler using groundwater represented by **43-02538**. Claimant is planning to file on his portion of decreed right **43-00380**, also filed on by Brent Jones. The current place of use was identified for Tater Creek claimed by **43-04071**. He will get proof of priority for beneficial use. Three options were discussed for claim **43-00382** on Edwards Creek: A permissible place of use of 840 acres within the expanded acres covered by the sprinkler system; an enlargement claim; and an accomplished transfer from the original place of use to the land now irrigated by sprinkler.

AS CLAIMED 43-11227



11227
A 43-00377, Permit 43-07210, Dist 12-003 PDR due due shares

Field Exam Notes

Field Exam Date: 3-14-2000

Claim No: Various, Gary and R.O. Jones

Agent: Vikie Hancock

I met with Gary and Richard Jones at Gary's house in Almo. We discussed the various claims filed by Both Gary and R.O. Jones & Sons. Gary has since purchased his father's farm and runs the two properties as one farm.

In 1985 a transfer #3218 was filed, for various decreed rights owned by R.O. Jones, to add a point of diversion on Edwards Creek in the SESE Section 10, where the claimants constructed a pond and pipeline to serve a gravity sprinkler system "on land once irrigated by flooding." Although there was no change in place of use for any of the rights, the land on which the gravity sprinkler system was installed was land located in the E $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ Section 14 and the W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 13. Claimant installed one 12-inch buried pipe that runs from the point of diversion to the very center of the NW corner of section 14. There it is put into a mainline that runs due east through the center of the north half of section 14 and into the W $\frac{1}{2}$ NW Section 13. Claimant states the system can run approximately 12 quarter-mile sprinkler lines with mostly 1/8 inch nozzles. There is another 4-inch pipe from the point of diversion that runs to a field just to the west of the highway in the NWNW Section 14. This field is also sprinkler irrigated.

A point of diversion in SESE Section 10, on Edwards Creek, was added to rights decreed on both Edwards Creek and North Almo Creek, though Gary and Richard Jones state that only Edwards Creek and the shares of Almo Water Company water are diverted and put into the pipeline. Only one decreed right on Edwards Creek, 43-00378, was appurtenant to the acreage on which the sprinkling system was installed at the time of the transfer. However, 7.0 cfs from Edwards Creek decreed as 43-00382 was also available to the claimant if there was an unrecorded transfer of place of use. North Almo Creek water is still used upon this same ground but is used only for flood irrigation. Transfer #3218, as it pertains to rights on N. Almo Creek, is assumed to have not been accomplished.

1 $\frac{1}{2}$ shares of AWC is delivered from Almo Creek into Edwards Creek above the diversion in Section 10 for use in the gravity irrigation system. In 1985, the Department split a license and a statutory claim held by Almo Water Company and changed a portion of both into the name of Jones, per the aforementioned transfer #3218. This was in error, as the Jones did not wish to remove shares from Almo Water Company, just to change the point of diversion. They have, in fact, continued to receive and use their 1 $\frac{1}{2}$ shares in AWC. Note that Jones did not claim his portion of the split license 43-02232 or stat claim 43-04228. However, Almo Water Company claimed their split, not whole, portion of each right.

Gary Jones is successor in interest to the Helen Edwards water rights as specified in the Jobe Adams Decree as 43-00377 and 43-00378. He purchased the property from Louis Eames whose rights were confirmed in a lawsuit known as Almo Water Company vs Ivan Darrington, District 8E (now 43D) Water master. Claimant has combined the two rights, one on Edwards Creek for 1.6 cfs, and one on North Almo for 1.6 cfs, with the same priority date of 1879, in one claim **A43-00377**. In the Jobe Adams, the right to Edwards Creek is supplemental to the right on North Almo. I believe that the claimant may want to split this claim so as to differentiate each source. When the Eames portion of the property was purchased, it also came with the aforementioned 1½ shares of Almo Water Company water. Also at this time, claimants say that much more than the decreed 160 acres were being irrigated. Gary Jones claimed that he expanded into the NWNW of Section 13 (see permit #43-07210) but that the rest was already being farmed.

It does seem clear from 1976 aerial photos, that most of the land now owned by Gary Jones east of the Elba-Almo highway, and south of the dirt road which runs along the north section line of sections 13 and 14, was irrigated prior to the gravity sprinkler system put in circa 1985. A portion of another decreed right, 43-00380 on N. Almo Creek with a priority date of 1910, is appurtenant to the NENW and NWNE of Section 14 and should be claimed. This would account for the additional acres being irrigated. Note that Brent Jones claimed the entire 43-00380 right, but that only half of it is appurtenant to his property.

Claim **43-00376** is based upon a decree for 2.5 cfs of water from N. Almo Creek, priority date 1910. The decreed place of use is the E½ NW of section 13 and the E½ SW section 12. This land is up high and away from the diversion from N. Almo, and as the priority date indicates, developed late. Undated ASCS aerial photos found in permit file 43-07210 used for a field exam in 1991 identifies the water courses for Edwards Creek, and the water diverted from N. Almo, as they once ran through the farm. Except for portions of the W½ of the SENW Section 13, there are no ditches evident that would have conveyed water from N. Almo to the decreed place of use; nor are there any apparent on the low altitude ASCS photos #P34 and Q34 from 1978. The 1987 NAPP photo is similar. This 80 acres appears to have been marginally irrigated, if at all, for some time prior to 1978, and probably irrigated with runoff water from the north. The claimant stated that he does not irrigate north of the dirt road (i.e.: section 12) from anything but runoff water and Tater Creek when it is available. He also told me that he now uses sprinkler irrigation from the well licensed under 43-02537 to irrigate the E½ NW of section 13, as claimed under that right. Photo evidence suggests that water from N. Almo Creek has only been used on a diagonal portion of the SENW of section 13. Therefore, the water use represented by this decreed right has been, at some time, moved by accomplished transfer to lands which are included in the place of use south of the center line of section 13, and to a limited extent in the SENW Section 13. (Transfer #3218, as it pertains to 43-00376 is assumed to have not been accomplished).

Claim **43-00381** is for 7.0 cfs from N. Almo Creek, priority date 1880. The decreed place of use is 840 acres in Sections 13, 24 and 23, which exactly matches the adjudication claim with the exception of an additional 80 acres claimed in the E½NW Section 13. In reviewing 1987 NAPP photography, 1976

high and 1978 low elevation ASCS aerial photos, I see no evidence that water was conveyed to any but the SW corner of that particular 80 by surface ditches from N. Almo Creek in the years prior to 1987. Claimant Gary Jones said that he did irrigate the entire 80 acres with sprinkler irrigation from the well licensed under right 43-02537. The land looked to be developed and irrigated during my limited field exam this date. Baring additional information, I am inclined to recommend this right for use on the original decreed acreage. Note that, perhaps as a result of transfer #3218, the Allocations database was changed to reflect that the source for this right was Edwards Creek. The SRBA claim was filed on N. Almo Creek, and it is assumed that transfer #3218, as it pertains to this right, was not accomplished.

Claim **43-00382** is for 7.0 cfs from Edwards Creek, priority 1880. The decreed place of use for this right is exactly the same as that for 43-00381. A point of diversion in SESE Section 10 was added to this right so that the waters of Edwards Creek could be used in the gravity irrigation system which was developed to irrigate the E $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ Section 14 and the W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 13. Water from this right also irrigates the field in the NWNE Section 14 and also a small area that is flood irrigated in the SESE Section 10. The lands now under gravity sprinkler irrigation, and flooded in Section 10, represent a change in place of use of this right that occurred in 1985. Edwards Creek may also be diverted in the SW $\frac{1}{4}$ of section 13 to flood irrigate the original decreed place of use, as the sprinkler system does not use the entire 7.0 cfs of this right. I do not see evidence that water from this source was used over the entire E $\frac{1}{2}$ NW of Section 13 prior to 1987, as claimed.

Either an enlargement claim for an additional 290+ acres, or a PPU limited to 840 acres within the total place of use, should be recommended to accurately reflect the water usage under this right.

The claimed place of use for **A43-02537** represents an accomplished transfer of place of use since the license was issued. The well is now used to irrigate the E $\frac{1}{2}$ NW of Section 13, instead of the SENW and SWNE of Section 24. Claimant states that the well is mostly used to flood irrigate at this time but he intends to move more toward a sprinkler system. It appeared during my limited field exam that this right was being used as claimed. The well is located in the extreme NW corner of the NENW Section 13.

A43-04071 is based upon a statutory claim to Tater Creek for 3.6 cfs with an 1880 priority date. According to the claimant, there is not often water available for use at his point of diversion on Tater Creek. He showed me his point of diversion, which is just south of the Almo-Elba Highway, as Tater creek passes under it. He says that he diverts the creek to the west here, and the portion of it going to the east is used by Brent Jones. (Brent Jones did not file a claim on Tater Creek). This stat claim, as well as stat claims by Eames 43-04067, Robert Ward 43-04068, Glen Jones 43-04070 and Black 43-04069 were protested when filed in 1976. The claimants and the protestant, Jack Erickson, agreed that all the stat claims should have the same priority date of 1880. The only SRBA claims filed on Tater Creek are this one and A43-04069 by Jay Black. This claim has no proof of priority filed to substantiate the 1880 priority date. Gary Jones says that, when available, he uses Tater Creek, as well as runoff water, to irrigate the pasturelands he owns above the dirt road at the top of his sprinkler irrigated fields. This property was not owned by R.O. Jones at the time the statutory claim 43-04071 was filed, but was owned by Louis

Eames. The stat and SRBA claims as filed by R.O. Jones claim a place of use south of the dirt road. The conveyance ditch through the E½NW of Section 13 is still evident in the 1987 NAPP photo and appears to be the historical place of use for this claim. Actual date this water was put to beneficial use is unknown at this time.

10 11
15 14

E12

1673
T3493

20-40 DURIPAN
C-L 05 11 12
L-S 14 13
25-45

HEL
177

E114

15 14
22 23

E141

1162

HEL
29

B
58

C
14

D
174

41.5

49.4

T1931

59

E79

HEL

3
86

4
60

108.0

SL > 60

XCMD

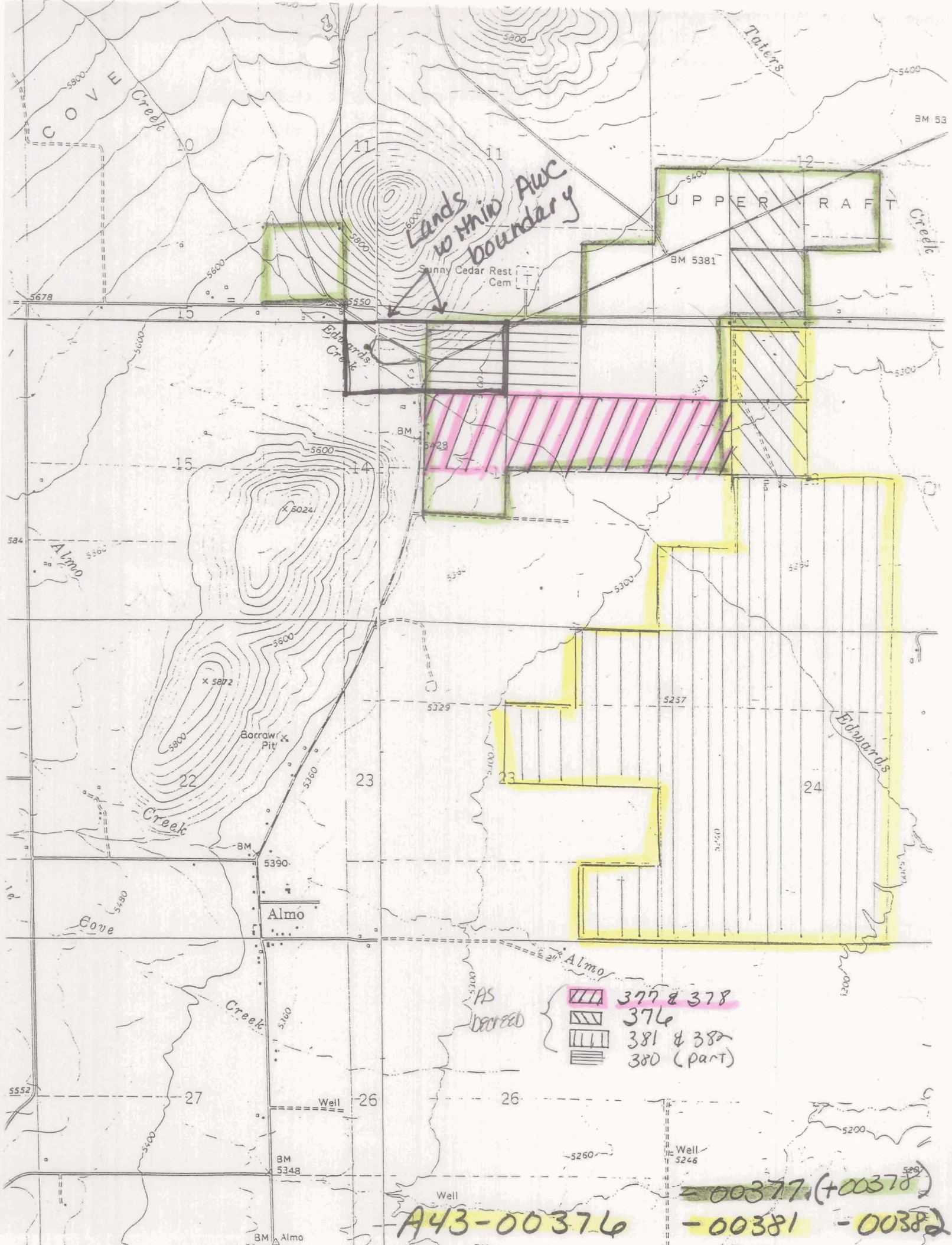
HEL₂ C-L

116.0

HEL
91

WMA
S

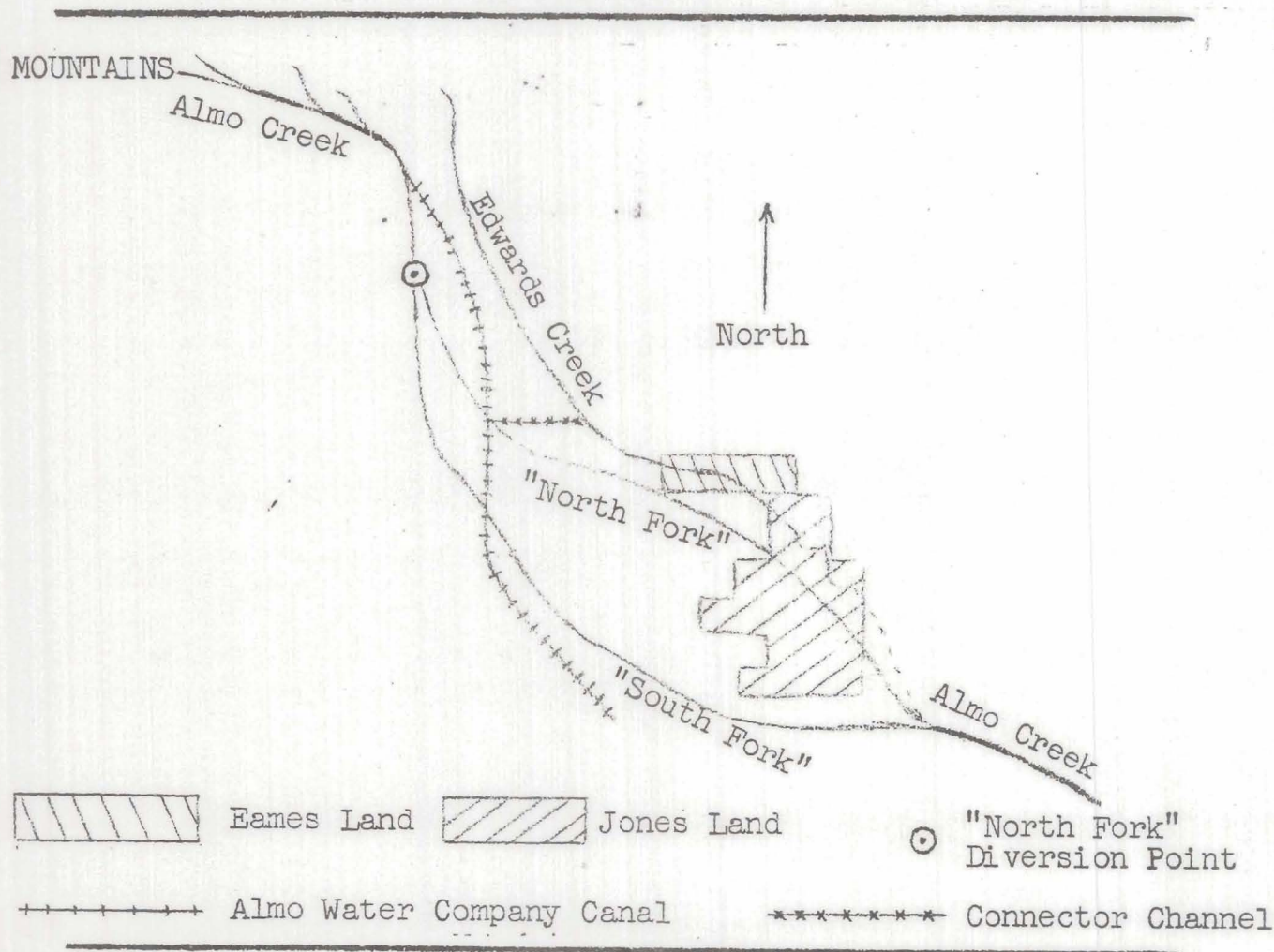
1978 Flight ASCS # 034



- 377 & 378
- 376
- 381 & 382
- 380 (part)

A43-00376 -00377(+00378) -00381 -00382

where farming and ranching depend on irrigation from mountain streams during the summer run-off. Rights to the water in Almo Creek and Edwards Creek, portrayed on the following map, were established in 1928 by a federal district court in an unreported decision commonly known as the "Jobe Adams decree."¹ The decree provided that one



Helen Edwards was entitled to 80 inches (1.6 second-feet) of water from the "North Fork" of Almo Creek² under an 1879 priority, supplemented by the right to divert water from Edwards Creek under the same priority if necessary to fill her 80 inches. The decree further

¹ A copy of the decree was not included in the record on appeal. Our discussion is based on portions of the decree quoted in the district court's memorandum decision.

² The "North Fork" of Almo Creek is also known as the "North Almo" and "Taylor Ditch."

From record to Burr vs. Taylor (D.C. 1972)

Chas. Van Kirk
1880-Apr. 30

1.3 s.f.
.5 s.f.

To be diverted from Green Canyon Creek Waters of Antelope Springs, for the irrigation of a tract of land commencing at the NE corner of the Southeast Quarter of Sec. 6, Twp. 14 S. R. 25 E.B.M., thence South 14 rods for a place of beginning, thence South 306 rods, thence West 80 rods, thence North 306 rods, thence East 80 rods to place of beginning, except road rights of way.

F. C. Vosburg
1921-June 18

1.4 s.f.

To be diverted from Cassia Creek for the irrigation of $S\frac{1}{2}NE\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, Sec. 23, Twp. 13 S. R. 28 E.B.M.

Amend

ALMO CREEK.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That Almo Creek and its tributaries, viz., Sythe Creek, Edwards Creek, Stine Creek, Blacksmith Fork Creek and Grape Creek, do not contribute to the supply of the water users out of Raft River and its tributaries in the irrigation of the land, and that said Almo Creek hereby is set apart as a separate water district and that the users of water from Raft River and its tributaries have no interest whatever in the use of the waters of Almo Creek and the distribution of the same; that the use of the waters of Almo Creek in accordance with the priorities hereinafter decreed, or otherwise shall not be considered as a violation of the injunctive provisions of this decree so far as the users of water from Raft River and its tributaries are concerned.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That the various parties hereinafter named be, and hereby are, awarded and decreed for use in the irrigation of their lands the following and various amounts of water hereby specifically mentioned with the priorities as hereinafter specified and set out for the irrigation of their particular tracts of land hereinafter described, to-wit:

43-00373 Henry D. Belnap
1879-Apr. 15

1.8 s.f.

To be diverted from South Almo Creek for the irrigation of $SW\frac{1}{4}SW\frac{1}{4}$, Sec. 9, $SE\frac{1}{4}NE\frac{1}{4}$ and $E\frac{1}{2}SE\frac{1}{4}$, Sec. 8, Twp. 15 S. R. 24 E.B.

374 Henry R. Cahoon
1879-Apr. 30

2 s.f.

To be diverted from South Almo Creek for the irrigation of $E\frac{1}{2}NW\frac{1}{4}$, $NW\frac{1}{4}NW\frac{1}{4}$ and $NE\frac{1}{4}SW\frac{1}{4}$, Sec. 22, Twp. 15 S. R. 24 E.B.M.

375 Ida Jones Cahoon
1880-Apr. 1

1.2 s.f.

To be diverted from North Almo Creek for the irrigation of the following: Beginning at the NE corner of $NW\frac{1}{4}SW\frac{1}{4}$, Sec. 13, thence West 240 rods, thence South 53 rods $5\frac{1}{2}$ feet, thence East 240 rods, thence North 53 rods $5\frac{1}{2}$ feet, to place of beginning, containing 80 acres

376 Ida Jones Cahoon
1910-June 20

2.5 s.f.

To be diverted from North Almo Creek for the irrigation of $NE\frac{1}{4}SW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$, Sec. 12, $NE\frac{1}{4}NW\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, Sec. 13, Twp. 15 S. R. 24 E.B.M.

377 Helen Edwards
1879-Mar. 17

1.6 s.f.

To be diverted from North Almo Creek for the irrigation of $SW\frac{1}{4}NW\frac{1}{4}$, Sec. 13, $SW\frac{1}{4}NE\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, Sec. 14, Twp. 15 S. R. 24 E.B.M.

378 1879-Mar. 17

1.6 s.f.

To be diverted from Edwards Creek. This right is supplemental and not in

FEB 21 1986

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Southern District **ADPLI**

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

824-5588

Name of applicant R. O. Jones & Sons Inc. Phone 824-5595

824-5595

Post Office address Almo, Idaho 83312

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by: (See Attached Sheets)

a. Decree No. _____ Decreed to _____
(Name)

in case of _____ vs _____

dated in _____ in _____ county of _____
(Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired _____

3. Source of water _____ tributary to _____

4. Date of priority _____

5. Water is used for the following purposes:

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. _____cubic feet per second
&/or
b. _____acre feet per annum

7. Location of original point of diversion is _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____

Township _____ Range _____, B.M., in _____ County

Additional points of diversion, if any _____

8. Lands irrigated or place of use:

[illegible]

Total number of acres to be irrigated _____

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

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? If yes, describe in item D, REMARKS

If yes, describe in item D. REMARKS

B. DESCRIPTION OF PORTION RIGHT OWNED BY APPLICANT (If the re right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information
- a. Amount of water to be diverted _____ c.f.s. &/or _____ acre feet
- b. Description of diverting works Pipeline & sprinklers & old headgates & ditches.
- c. Describe the reasons for the proposed changes To be able to add a point of div. on Edwards Creek to allow diversion into a pipeline for gravity sprinkler irrigation of the lands presently flood irrigated.
2. Change in point of diversion
- New P/D on Edwards Creek to be diverted into pipeline.

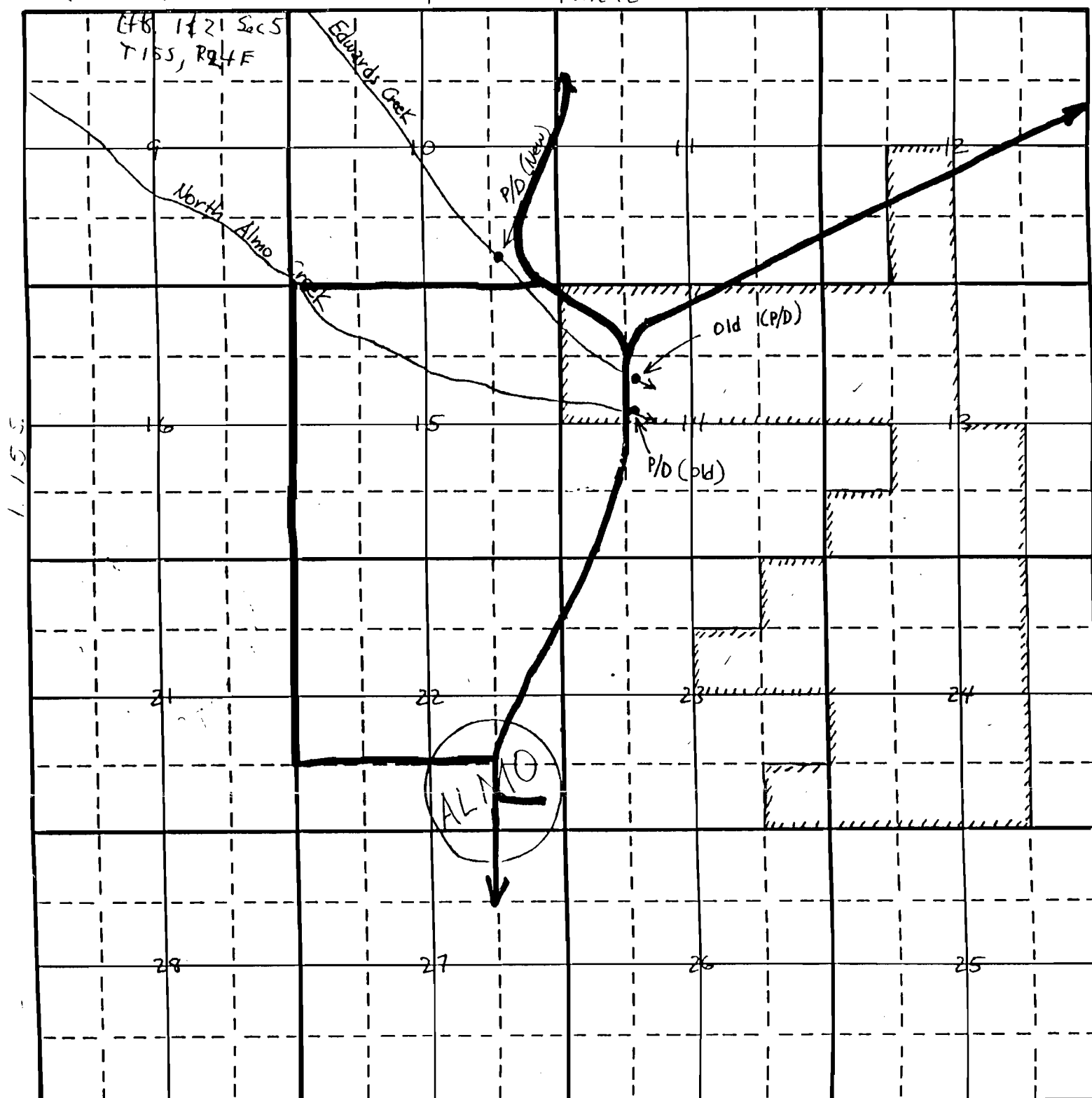
Point of diversion SE ¼ SE ¼, Section 10 Township 15S.
Range 24E., B.M., Cassia County
Additional points Old P/D on Edwards Creek SENW Sec 14 T15S, R24E.
Old P/D on North Alma Creek SENW Sec 14 T15S, R24E.
3. Change in place of use No Change
- a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed change.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer

[illegible]

Total number of acres to be irrigated _____

4. Describe any other water rights used for the same purpose as described above. _____
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

← P/D in Almo Creek off of map. R.24E



SCALE: 2 inches equal 1 mile. Draw plan in ink.

D. REMARKS

U.S.G.S. Quad sheet shows North Almo Creek Trib to Edwards Creek however these streams do not flow together but are tributary to the R2H River drainage. Water from the various creeks are delivered independently from each other.

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

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

P. D. Jones & Sons, Inc. by Robert Jones
(Signature of Applicant)

Subscribed and sworn to before me this 17 day of September, 1985

Loren O. Talmer
(Notary Public)

My commission expires Life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

43-0376/0377/0378/

This is to certify that I have examined Application for Transfer of Water Rights No. 0380/0381/0382/2232B/4228B

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

1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
2. Use of water under these rights is subject to control by the watermaster of State Water District No. 43D, Almo Creek.
3. Approval of this transfer does not confirm portion of Rt. 43-4228 identified herein.
4. The total rate of diversion under rights 43-0377 & 43-0378 shall not exceed 1.6 cfs.
5. Rate of diversion under Rt. 43-2232B shall not exceed 0.75 cfs.
6. Rate of diversion under Rt. 43-4228B shall not exceed 0.31 cfs.
7. The total rate of diversion under this transfer shall not exceed 19.91 cfs.

Witness my hand this 18 day of February, 1986

J. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by <u>ADM</u>	Date <u>9/17/85</u>	Protest filed by <u>Robert W. Jones</u>
Prelim. check by <u>JPB</u>	Fee <u>\$50.00</u> <u>#36736</u>	<u>Robert W. Jones</u>
Received by <u>ADM</u>	Date <u>9/17/85</u>	
Published in <u>Southwest Press</u>		Copies of protest forwarded by <u>10/24/85</u>
Pub. dates <u>10/10 & 10/17/85</u>		Hearing held by <u>BA & LA</u> Date <u>1/7/86</u>
Watermaster recommendation requested on <u>9/30/85</u>		Recommended for <u>(approval)</u> denial
rec'd. <u>10/31/85</u>		by <u>LA</u> <u>Jim</u>

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant _____ Phone _____

Post Office address _____

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- 43-0377
a. Decree No. 43-0378 Decreed to Helen Edwards (Name)
in case of Albion - Idaho Land Co. vs Jobe Adams, et. al.
dated in 10/18/1928 in U.S. Dist. Court Idaho Southern Div. county of _____
(Name of court)
b. License No. _____ issued by the Idaho Department of Water Resources
c. Claim No. _____ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired _____

3. Source of water 43-0377 North Almo Creek Edwards Creek Raft River
43-0378 Edwards Creek tributary to Raft River

4. Date of priority 3/17/1879 (Both rights)

5. Water is used for the following purposes:

43-0377 amount 1.60 cfs for Irrigation purposes from _____ to _____
43-0378 amount 1.60 cfs for Irrigation purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day -- both dates inclusive)

6. Total amount of water under right: a. 1.60 * Note that 43-0378 is supplemental to 43-0377 and not in addition.
b. _____ cubic feet per second &/or _____ acre feet per annum

7. Location of original point of diversion is * Not listed in decree
Township _____ Range _____, B.M., in _____ County
Additional points of diversion, if any _____

8. Lands irrigated or place of use: (Both rights)

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
15S.	24E.	13							X										
15S.	24E.	14			X	X				X									

Total number of acres to be irrigated _____

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

43-7081 groundwater permit

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No
If yes, describe in item D, REMARKS.

B. DESCRIPTION OF PORTION RIGHT OWNED BY APPLICANT (If the water right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ 1/4 _____ 1/4, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. Place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information
- a. Amount of water to be diverted 1.60 c.f.s. &/or _____ acre feet
- b. Description of diverting works _____
- c. Describe the reasons for the proposed changes _____

2. Change in point of diversion
- Point of diversion SE 1/4 NW 1/4, Section 14 Township 15S.
Range 24E, B.M., Cassia County (New P/D)
- Additional points SESE Sec. 10 T.15S., R.24E., B.M. from
Edwards Creek, and SEMW sec 14 T15S R24E from
Edwards Creek. (Old P/D)

3. Change in place of use (No Change)
- a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed change.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer