

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 43-00045

FILED

2004 FEB 6 PM 1 59

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

SOURCE: CLEAR CREEK TRIBUTARY: SINKS

QUANTITY: 1.70 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	04-01 TO 10-31	1.70 CFS

PLACE OF USE:	Irrigation	Within Cassia County
T16S R27E S13	NENE 4.0 SENE 15.0 NESE 29.0 SWSE 40.0	SWNE 7.0 NESW 5.0 NWSE 33.0 SESE 40.0
S24	NENE 33.0	NWNE 4.0
R28E S19 LOT 1	(NWNW) 13.0	
223.0 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.

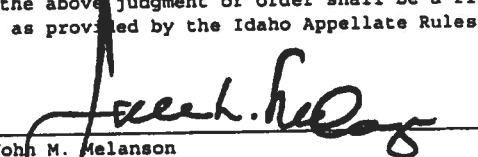
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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: A43-00045
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: JUN 01, 1882

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

4. Point of Diversion:

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

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

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.700		

7. Total Quantity Appropriated is:
1.700 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	Lot	Use	Acres
16S	27E	13	NE	NE		IRR	6.0
			NW	NE		IRR	23.0
			SE	NE		IRR	17.0

A43-00045

Page 1

Date: 04/20/89

COPY

MICROFILMED

MAR 02 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:
A43-00414, 00182, 00286B, 02061, 02110, 10116

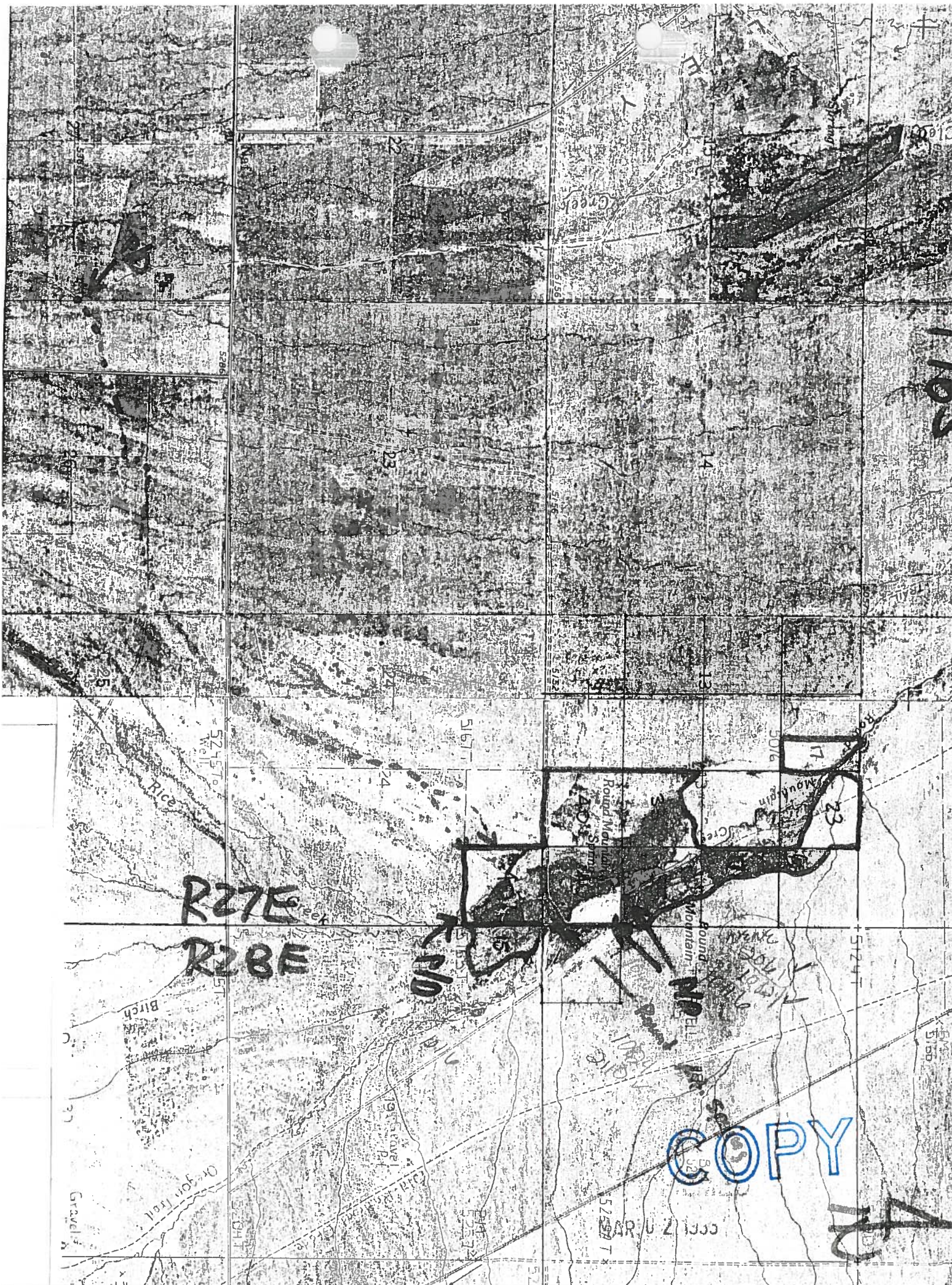
14. Remarks: *combined into A43-00414*

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: 1 M2p

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 Ln
My Commission Expires 6/30/89

TELEPHONE MEMORANDUM

Incoming Call

Outgoing Call

Returning Call

TO:

GARY SPACKMAN

DATE:

02-23-1996

FROM:

7H

FILE:

JONES, MERLE, JONES, ~~HAROLD~~

FILE NO:

A43-00045 et al / A43-000370

SUBJECT:

duplicate inner - ASCS - marked

AS FOUND REPLICATED 1994 field work
for both sets of claims.

copied per ADM 02-22-1996
745 AM (see file memo - same date)

REMARKS:

150 TT GARY-IV mem.
415 TF " - TCM - where did
duplicates end up?
marked as exhibits and
on with the record.

ROUTING
INSTRUCTIONS:

cc: A43-00037 et al

CALENDAR
DATES:

JONES, HAROLD

ORIGINAL

CONVERSATION MEMO

FILE JONES
AGENT: 7H
DATE: 02-22-1996

RE:

HEARING - SESSIONS / JONES

NAME OF PARTY:

ADM TR # 4640
43-73217:45 AM

told me as I came in that he would
need additional copies of maps from
1994 field exams before my command
again.

pulled exhibits, copied with 11x17
sheets taped together, duplicated copies
w/ even markings as much as I
could.

finished @ 9:15 AM - delivered to Con-
Chain Building to ADM.

CONVERSATION MEMO

FIL JONES
 AGENT: 7H
 DATE: 02-21-1996

RE:

NAME OF PARTY:

HEARING-SESSIONS/JONES

ADM

IR# 4640
43-7321

9:30 AM

Came back from my to ask for SRBA
Claim files re:

- 1) JONES - called him Ray
- 2) SESSIONS - claim in file

explained exhibits arranged by Manila
1 envelope w/ ID written on it. Envelope.

ADM took all claim files for both
parties.

TELEPHONE MEMORANDUM

✓
Incoming Call

Outgoing Call

Returning Call

10³⁷ / 10³⁸

TO:

7

DATE:

02-16-96

FROM:

PAT BROWN

FILE:

FILE NO:

SUBJECT:

ASCS aerials - various historic
irrigation
sessions by (I assume)

REMARKS:

sending Mr. Jeff Wain (sp?)

10⁵⁰ CW Jeff: gave him AS films for Mark.
Jones / chrome - various photos of slides
set him up @ PC table - told Andy.
set him 1 OPRs - he took 2 pages of
slide prints and a NAPP printed to
copy @ 11⁴⁵ *

ROUTING
INSTRUCTIONS:

CALENDAR
DATES:

* NAPP: DD835W 367-51

PRINTS: pg 107, SLIDE 22 + 23.

3³⁰ returned
by summer

TELEPHONE MEMORANDUM

✓
Incoming Call

Outgoing Call

Returning Call

925/930

TO:

H

DATE:

02-15-96

FROM:

PAT BROWN

FILE:

RAFT RIVER - SUMMARY OF GW

FILE NO:

CONDITIONS - gen fill report.

SUBJECT:

copy?

REMARKS:

ask ART - directed to CONF.
Room - find - make cc - RKA - CMC
mtg - hand copy to H&P NORTH of Hall.

1140

TF Pat Brown - maps - he came over
and I mailed DD 82 + 83 to him -
we confirmed on possible ditch from
Jones house site.

ROUTING
INSTRUCTIONS:

CALENDAR
DATES:

L A W O F F I C E S

*Hepworth, Lezamiz
& Hohnhorst*

- Established 1952 -

RECEIVED

APR 21 1995

April 20, 1995

Department of Water Resources
Southern Region

TWIN FALLS OFFICE

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

Wm. L. Nungester
of Counsel

BOISE OFFICE

J. Charles Hepworth*
John J. Janis

*Member CA Bar
**Member UT Bar

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

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

Dear Sir:

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

HLH
Chartered

TWIN FALLS OFFICE

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

Boise Office

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

To → Phil Bessier &

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 2
To Norm Young	From Allen Merritt	
Co.	Co.	
Dept.	Phone #	
Fax #	Fax #	

Department of Water Resources

Page 2

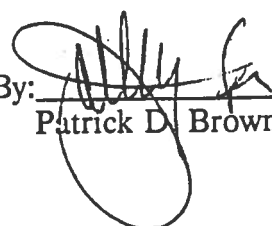
April 20, 1995

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

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

Very truly yours,

HEPWORTH, LEZAMIZ & HOHNHORST,
CHARTERED

By: 

Patrick D. Brown

PDB:llm

cc: Harold and Ray Jones

\0418AM.llm

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A43-00045 et.

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

IDWR Employee/Agent HL, DRJ, ADM Date 04-24-95

Contact Person(s) PAT BREW

Nature of Contact TT: msg left

Substance of Communication response to letter of
04-20-95.

attempt conf. call to
set up documents copying...

COMMUNICATION DOCUMENTATION

Claim No. (S) A43-00045 et al

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

IDWR Employee/Agent 7H Date 01-03-1995Contact Person(s) JEFF SESSIONSNature of Contact TF re: hearing 08-24-94 results

Substance of Communication reviewed Robin Wells to
come to dam site w/ Angus Jones was what
I remembered - he agreed that's what he
thought.
Asked me who Robin Wells was - described
him (my understanding) hydrologist/engineer
worked on R.R.E. Conservation program.
Suggested he talk w/ Angus Jones re: Corps.
at dam site.
Took corp. memo to Angus - returned and
pulled file for the JONES, MERATE claims and
08-24-94 my memo, cc Angus to LING re:
dam site. Gave to Angus. Contacted Angus again
to tell him Jeff writing to hear from him.

NEED: guidelines on how to establish reasonable minimum usage on an acre based on the number of irrigations or a number taken from dryland experience that could be documented.

In the case of the lower Raft River users who are taking groundwater to supply their decreed surface water rights we can do a recommendation if they aren't taking more GW than the SW decreed to the right. The combined diversion rate can't exceed the amount in the decree. Doesn't leave room for expansion.

Because of the CGWA it eliminates the Senior users making a call on the Junior users. This would fit with the conjunctive management rules as they have been adopted.

When an SRBA claim shows GW/SW with a priority date of an 1880 decree then the GW priority added should be the date of the added POD. In such a case need to define the common source.

✓ CLEAR CREEK USAGES

Merle Jones claims.

If the largest part of the water runs off at the first winter melt then what is the season of use? 02-01 to 03-01?

The "intent" expressed in the federal decree is that the water is used when its available. Is the usage beneficial/reasonable even though it is prior to the irrigation season? Is it GW recharge? If it is then is it beneficial? If part of it charges the root zone of the soil then is it IRR?

Under today's standards is it beneficial use? Can the recommendation define the use as beneficial if it occurs in February? In terms of limited resources it probably is beneficial use. The relevancy is, again, that it contributes to future root zone and spring recharge whenever the water is available.

PER L. KROGH: USE CERTAIN WORDS IN MAKING RECOMMENDATIONS.

Henry Jones claims.

Need to review the sequence of decrees; which decree mentions Utah usages and Idaho usages? Can an argument be made that he has an Idaho water right even though the PD was transferred to Utah.

Where is the Utah decree?

We need information on the Idaho diversion by reviewing Utah decree materials here. Did the usage start out as an Idaho use? Can we

05-01-95 Filed-mtg. 11-16-94

tell? Review Albion Land Company v Naf Irrigation Company No. 12673.

CONVEYANCE LOSS

How to split amongst users from one source? None of the rights used ditch loss. If there is 3 cfs at the PD...the diversions use most of the 3 cfs. If sharing a common system they don't share the conveyance loss.

If the ditch is 7000' feet long and the ground is rocky and the field headgate is available...measure at the entrance to the POU not at the diversion.

ADMINISTRATIVE FINALITY-conveyance loss.

Is there a written policy on the Administrative Memos side of the Dept? The carrying loss goes to the most junior right.

DOCUMENT HOW WE DID THE CALCULATIONS SO THAT REVIEWER CAN SEE HOW THE LOSS WAS FIGURED IN THE RECCOMENDATION.

CONVERSATION MEMO

FILE: JONES, H+M
AGENT: H
DATE: 08-23-1994

RE:

photos of CLEAR CR.

NAME OF PARTY: _____

to ADM:

do you want prints of Pitt visit

-NO-

preparation for hearing 08-24-1994
SESSIONS
& JONES, (RAY)

TELEPHONE MEMORANDUM

✓ Incoming Call

Outgoing Call

Returning Call

7:55

TO:

H

DATE:

08-22-94

FROM:

JEFF SESSIONS

FILE:

JONES, MERLE

FILE NO:

43-00045

SUBJECT:

FILING by RAY JONES

REMARKS:

CV: concerned about a spring
filing 43-07225 pri 11-01-1985.
went over SERA commencement
vs. app after 11-19-87 - west water
- location of spring

ROUTING
INSTRUCTIONS:

CALENDAR
DATES:

From: DWR60::AMERRITT 19-AUG-1994 14:44:44.16
To: DWR03::NYOUNG,DWR03::DSHAW,FHITCHCO,DJONES
CC: AMERRITT
Subj: JONES - SESSIONS MEETING

I HAVE SCHEDULED THE MEETING FOR 3:00PM AT THE CASSIA COUNTY COURTHOUSE IN THE COMMISSIONERS' ROOM IN THE BASEMENT FOR NORM TO DISCUSS THE VARIOUS ISSUES OF CONTENTION BETWEEN JONES & SESSIONS.

I WORKED THRU MR. DICK SMITH'S OFFICE WHO CONTACTED AND CONFIRMED WITH RAY AND HAROLD JONES THAT THEY WOULD BE THERE. APPARENTLY THEY WANTED TO HAVE ROBIN WELLS THERE BUT AT THIS POINT IN TIME I DON'T KNOW IF HE WILL BE THERE.

I HAVE ATTEMPTED TO CONTACT ROGER LING'S OFFICE BUT HE HAS NEVER CALLED BACK YET. (HE DOESN'T KNOW THE TIME & PLACE)

I HAVE CONTACTED JEFF SESSIONS AND HE INDICATED HE WOULD BE THERE AND HE KNOWS IT WILL BE WED AFTERNOON AND PROBABLY IN BURLEY BUT I HAVE NOT SUCCESSFULLY GOT A HOLD OF HIM AGAIN TO CONFIRM THE TIME AND PLACE. WHEN I TALKED WITH HIM I SUGGESTED THAT HE GET A HOLD OF MR. LING IF HE WANTED HIM THERE. I WILL CONTINUE TO TRY TO GET A HOLD OF SESSIONS TO LET HIM KNOW THE TIME & PLACE.

I HAVE CONTACTED REP. BRUCE NEWCOMB AND LET HIM KNOW OF THE TIME AND PLACE. HE INDICATED HE WOULD BE THERE.

FRANK & I HAVE AN APPOINTMENT MONDAY MORNING WITH VERN KEMPTON, WATERMASTER FOR CLEAR CREEK. WE HOPE TO GET MORE INSIGHT ABOUT THE DELIVERY OF THE CLEAR CREEK WATER.

ALLEN

From: DWR60::AMERRITT 19-AUG-1994 14:48:00.26
To: DWR03::NYOUNG,DWR03::DSHAW,FHITCHCO,DJONES
CC: AMERRITT
Subj: JONES - SESSIONS MEETING

I FORGOT TO MENTION IN MY PRIOR MESSAGE THE DATE IS WED, AUG 24TH.

ALLEN

From: DWR60::AMERRITT 19-AUG-1994 08:24:17.76
To: FHITCHCO
CC: AMERRITT
Subj: APPT WITH VERN @ CLEAR CREEK

I'VE SET A MEETING WITH VERN KEMPTON, THE CLEAR CREEK WATERMASTER, FOR MONDAY AT 10:30AM. MET AT HIS HOUSE.

ALLEN

FILE JONES, HAROLD, M.
AGENT: H
DATE: 07-22-94

RE:

REQUEST FOR REPORT

NAME OF PARTY:

DICK SMITH ESQ. PARSONS SMITH BURKE,
PO BOX 910 83318

Per Norm Young, copyer you made of
all exhibits relating to the SRBA field
stamps of claims in BASIN 43 field
by Harold Jones and Mark Jones for
usage in Cassia County.

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

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

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

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

INTER-DEPARTMENT MEMO

TO: MR. STEVE URBAN

FROM: FRANK HITCHCOCK

SUBJECT: SLIDES

DATE: 07-14-94

Here, enclosed, as promised, are some of the slides you checked out to me 07-13-94.

The balance are on their way to a lab. for printing as directed by our division chief.

Sorry for the delay based on my speculation to hand it and @! an instant photo shop. I'll keep in touch. *[Signature]*

() For your information

() Response required *enclosure*

signature

07-19-94

sent w/ JR

COMMUNICATION DOCUMENTATION

Claim No. _____

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

IDWR Employee/Agent 7H Date 07-22-94

Contact Person(s) MR. DICK SMITH ESQ. PARSONS SMITH
PO BOX 910 BURLEY, ID. 83318 678-8382

Nature of Contact per NORM YOUNG, State Office,
send memorandum and copies of all full
exhibits re: full claims of JONES, HAROLD & MERLE

Substance of Communication _____

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

Packets were sent First Class this date.

JONES, HAROLD

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

JONES, MERLE

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

TELEPHONE MEMORANDUM

Incoming Call

Outgoing Call

Returning Call

915/920

TO:

JEFF SESSIONS

DATE:

07-06-94

FROM:

FILE:

JONES, MERLE

FILE NO:

SUBJECT:

confirm field exam

REMARKS:

2 PM -

ROUTING
INSTRUCTIONS:

CALENDAR
DATES:

TELEPHONE MEMORANDUM

✓
Incoming Call
Outgoing Call
Returning Call

9/10 / 9/15

TO:

DATE:

FROM:

FILE:

FILE NO:

SUBJECT:

REMARKS:

R-M-
in later years - winter time use (?
in "abstract" - some all water from
Round Mm Springs
okay for me to review w/ Sessions

ROUTING
INSTRUCTIONS:

CALENDAR
DATES:

TELEPHONE MEMORANDUM

Incoming Call

Outgoing Call

Returning Call

11:00
AM

11:07

TO:

MERLE JONES / JEFF SESSIONS

DATE:

06-30-94 824-5721

FROM:

H

FILE:

JONES, MERLE

FILE NO:

SUBJECT:

FIELD EXAMS

REMARKS:

10³⁰ / 11⁰⁰ THURS

WED - call for confirmation, directions

ROUTING
INSTRUCTIONS:

CALENDAR
DATES:

To ADM
Date 06-30-94 Time 11 A.M.
P.M.

WHILE YOU WERE OUT

of SESSIONS - ROUND MTN.
Phone RANCH
AREA CODE NUMBER EXTENSION

Telephoned		Please call	
Called to see you		Will call again	
Wants to see you		Returned your call	

Message

Talked w/ MRS:

THURS 10:30 to 11:00

07-07

I w/ confirm Wed by phone.

^{Signed}
also left msg w/ MARIE JONES
re: ownership...

NFERUE JWA

443 - ✓ 00045 ✓
✓ 00286B - 00182 (drive 10824) ✓
" " " "
✓ 00414 ✓
✓ 02061 ✓
✓ 02110 ✓
✓ 10116 ✓

06-30-94

11 AM N/A - msg - who to contact for Field
exam

NFERUE JONES

734-406



**DO
NOT
FILM**

+ - - - Decree plaintiff - - - +
ALBION - IDAHO LAND CO.
+ - - - Decree Defendant - - - +
JOE ADAMS ET AL
+ - Decree Date - +
10/18/1928

[illegible]

Dates: App. Received: 11/01/1985 Priority Date: 11/01/1985
Proof Due Date: 12/01/1994 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 438 Field Exam Fee:

Comments: Date: 12/10/1990 User-ID: SKAGGS Subject: Source and Tributary
The permit is approved for 3.0 cfs, if source provides this much
water. The tributary is listed as sinks and may not be accurate.
This can be determined at time of field exam.

Audit: 12/28/87 05/28/88 CONVERT 11/09/90 MILLER 12/10/90 SKAGGS

SOURCE	PRIORITY DATE	WATER RIGHT NUMBER	STG STA	CLAIMANT C	TRIBUTARIES OF
CENTER CREEK	04/01/1880	A43-04154	S/	C DENNIS ERICKSON C PAULINE ERICKSON	CENTER CREEK TATERS CREEK CENTER CREEK
CENTER CREEK	07/01/1988	A43-07295	P/	K WATER C STATE OF IDAHO	RAFT RIVER CIRCLE CREEK CIRCLE CREEK CIRCLE CREEK
CIRCLE CREEK	04/30/1879	A43-04173	S/	C A. E. NICHOLSON C MICHAEL V. NICHOLSON	CIRCLE CREEK CIRCLE CREEK RAFT RIVER CIRCLE CREEK
CIRCLE CREEK	03/15/1882	A43-04150	S/	C LORRAYNE B. WARD C HAROLD OLEN WARD	RAFT RIVER
CIRCLE CREEK	12/31/1885	A43-04156	S/	C J.E. TRACY INC.	RAFT RIVER
CIRCLE CREEK	11/08/1915	A43-02200	L/	C E. BRUCE DURFEE C ELBERT L. DURFEE C KENT DURFEE	RAFT RIVER
CIRCLE CREEK	07/01/1988	A43-07295	P/	K WATER C STATE OF IDAHO	RAFT RIVER CIRCLE CREEK CIRCLE CREEK CIRCLE CREEK
CLEAR CREEK	06/01/1881	A43-00037	D/	C HAROLD A. JONES	RAFT RIVER
CLEAR CREEK	06/01/1881	A43-10813	D/	C HOLMGREN LAND & LIVESTOCK	RAFT RIVER
CLEAR CREEK	06/01/1882	A43-00045	D/	C MERLE JONES	RAFT RIVER
CLEAR CREEK	06/05/1886	A43-00206	D/	C ARIIMO CORPORATION O L & G CATTLE COMPANY	RAFT RIVER
CLEAR CREEK	06/14/1911	A43-00084	D/	C HAROLD A. JONES	RAFT RIVER
CLEAR CREEK	11/23/1911	A43-00286A	D/	C HAROLD A. JONES	RAFT RIVER
CLEAR CREEK	11/23/1911	A43-00286B	D/	C MERLE JONES	RAFT RIVER
CLEAR CREEK	07/14/1912	A43-00085	D/	C HAROLD A. JONES	RAFT RIVER
CLEAR CREEK	04/01/1921	A43-00415A	D/	O L & G CATTLE COMPANY C ARIIMO CORPORATION	RAFT RIVER
CLEAR CREEK	04/01/1921	A43-00415B	D/	C ARIIMO CORPORATION O L & G CATTLE COMPANY	RAFT RIVER

SOURCE	PRIORITY DATE	WATER RIGHT NUMBER	STG STA	CLAIMANT NAMES	TRIBUTARIES OF
CLEAR CREEK	03/14/1941	A43-10814	D/	C HOLMGREN LAND & LIVESTOCK	RAFT RIVER
CLIFF CREEK	04/01/1880	A43-10291	J/	C VAUDIS J. WARD C CLARK W. WARD C SARA JANE WARD	GRAPE CREEK GRAPE CREEK GRAPE CREEK GRAPE CREEK
COTTONWOOD CREEK	11/30/1879	A43-00315	D/	O C. N. STREVEL C KENT BEDKE	SNAKE RIVER RAFT RIVER
COTTONWOOD CREEK	07/01/1884	A43-10650	D/	C KENT BEDKE	SNAKE RIVER RAFT RIVER
COTTONWOOD CREEK	06/20/1887	A43-00222	D/	C KENT BEDKE O ANDREW OLSEN	SNAKE RIVER RAFT RIVER
COTTONWOOD CREEK	06/22/1897	A43-04234	S/	C TED HIGLEY C BETTY ANN HIGLEY	RAFT RIVER
COTTONWOOD CREEK	04/27/1916	A43-02204	L/	C BETTY ANN HIGLEY C TED HIGLEY	RAFT RIVER
COTTONWOOD CREEK	05/26/1916	A43-02203	L/	O DAVID SAUNDERS C TED HIGLEY	RAFT RIVER
COTTONWOOD CREEK	07/17/1916	A43-02208	L/	C TED HIGLEY C BETTY ANN HIGLEY	RAFT RIVER
COTTONWOOD CREEK	05/27/1918	A43-02231	L/	C TED HIGLEY C BETTY ANN HIGLEY	RAFT RIVER RAFT RIVER
COTTONWOOD CREEK	08/13/1943	A43-10649	L/	O FRANK OLSON C KENT BEDKE	SNAKE RIVER RAFT RIVER
DRY CREEK	04/30/1879	A43-04173	S/	C A. E. NICHOLSON C MICHAEL V. NICHOLSON	CIRCLE CREEK CIRCLE CREEK RAFT RIVER CIRCLE CREEK
EDWARDS CREEK	03/17/1879	A43-00377	D/	C GARY JONES	ALMO CREEK RAFT RIVER
EDWARDS CREEK	04/01/1880	A43-00382	D/	C R. O. JONES & SONS INC.	RAFT RIVER
EDWARDS CREEK	04/01/1880	A43-00379	D/	C GLEN W. JONES C BRENT JONES	RAFT RIVER
EDWARDS CREEK	06/20/1910	A43-00380	D/	C GLEN W. JONES C BRENT JONES	RAFT RIVER
EIGHTMILE CREEK	01/01/1917	A43-04118	S/	C ART WHITTAKER C LARENE WHITTAKER	SINKS

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

)

Subcase No. 43-45, 43-286B,

)

43-2110, 43-10116

Case No. 39576

)

)

NOTICE OF COMPLETED

ADMINISTRATIVE PROCEEDING

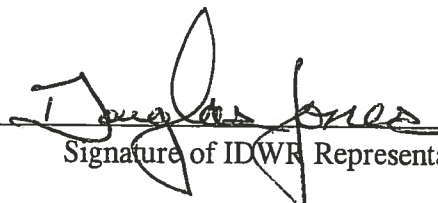
IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

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

07/17/2003

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

RIGHT NUMBER: 43-45

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

SOURCE: CLEAR CREEK

TRIBUTARY: SINKS

QUANTITY: 1.700 CFS

PRIORITY DATE: 06/01/1882

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	1.700 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 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.

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: 43-286B

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
<u>43-45</u>	<u> </u>	<u> </u>	<u>43-10117</u>	<u> </u>	<u> </u>
<u>43-286B</u>	<u> </u>	<u> </u>	<u>43-10118</u>	<u> </u>	<u> </u>
<u>43-2110</u>	<u> </u>	<u> </u>	<u>43-10824</u>	<u> </u>	<u> </u>
<u>43-10116</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u>43-2061</u>	<u> </u>	<u> </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) Shirley A. Jones and Merle Jones
1755 Alvarado, Twin Falls, Idaho 83301
4. New Owner/Claimant(s) Round Mountain Ranch, an Idaho general partnership
New Mailing Address HC 72, Box 2346
City, State and ZIP Code Malta, Idaho 83342
New Telephone Number (208) 824-5721
5. Date you acquired the property April 27, 2001

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

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

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

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

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

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

For Office Use Only

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

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

RECEIVED
JUL 15 2003

Department of Water Resources
 Southern Region

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>43-37</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

New Mailing Address HC 72, Box 2346
 Name Connector (Check one): [] and, [] or, [✓] and/or

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, partner

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

For Office Use Only

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

JUL-16-2003 WED 02:09 PM

FAX NO.

07/03/2003 08:15

L TITLE -- BURLEY -> LING ROBINSON

P. 07

NO. 937 0007

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 05

CASSIA COUNTY, IDAHO
DARRELL H. ROSKELLEY
RECORDER
FEE 9.00 DEPUTY *Alta*

274661

JUL-16-2003 WED 02:09 PM

FAX NO.

07/03/2003 09:15

LA TITLE -- BURLEY → LING ROBINSON

P. 08
NO. 937 W000

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:

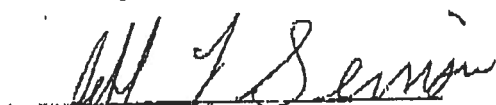
TOWNSHIP 16 SOUTH, RANGE 28 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

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

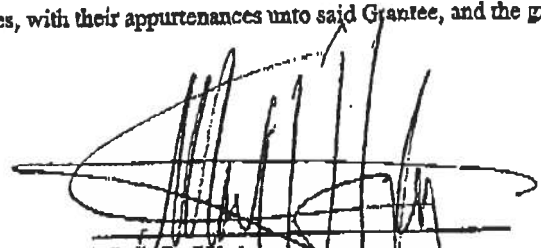
TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto.

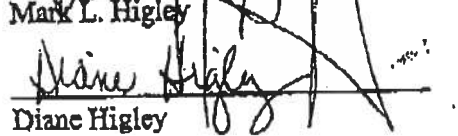
TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantee, and the grantee's heirs and assigns forever.

Dated: April 27, 2001


Jeff L. Sessions


Jennifer Sessions


Mark L. Higley


Diane Higley

JUL-16-2003 WED 02:09 PM

07/03/2003 08:15

LA TITLE -- BURLEY → LING ROBINSON

FAX NO.

P. 09

NO. 937 0009

STATE OF IDAHO)

) ss.

COUNTY OF Cassia)

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

Larry Roberts
Notary Public
State of Idaho

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

STATE OF IDAHO)

) ss.

COUNTY OF Cassia)

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

Larry Roberts
Notary Public
State of Idaho

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

274702

WARRANTY DEED

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

PARCEL NO. 1:

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

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

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

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

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

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

PARCEL NO. 2:

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

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

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

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

PARCEL NO. 3:

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

Section 19: W $\frac{1}{4}$ 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. 39376;

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

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

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

DATED this 28th day of February, 1992.

274702

CASSIA COUNTY, IDAHO
 DANIELA H. BOGGSLEY

FILED
 600
 28 FEB 1992

01 APR 30 PM 3 08

RECORDED IN THE REGISTER OF

ASSISTANT CLERK

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

Larry Roberts
 Notary Public
 Residing at Burley
 My Commission Expires 09-09-99

32683

269545

WARRANTY DEED

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

PARCEL NO. 1:

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

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

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

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

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

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

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,

00 JUN 2 PM 3 49
RECEIVED IN THE RECORDS OF
LAND TITLE & RECORDS

CASSIA COUNTY, IDAHO
PARCEL NO. 0000000000
RECORDED
FEE 9.00 SEP 10 2003

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 16 South, East of Boise Meridian." (Parcel No. 1)

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

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

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

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

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

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

DATED this 31 day of May, 2000.

Harold A. Jones
Harold A. Jones

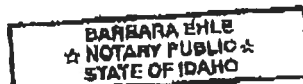
Beth R. Jones
Beth R. Jones

STATE OF IDAHO)
) ss.
County of Cassia)

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

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

(SEAL)



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

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

BRENT T. ROBINSON
JASON D. WALKER

KELLY ARTHUR ANTHON

ROGER D. LING, OF COUNSEL

LING, ROBINSON & WALKER
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

RECEIVED
JUL 15 2003
Department of Water Resources
Southern Region

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

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.

41
AJ5856NP

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

DATE: APR-5-200
PAGE: A-1

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 46 (NEW 23)	SWNE 12	SENE 15 17 (NEW 17)	NESW 5
	NESE 29 35	NWSE 33	SWSE 40	SESE 40
S24	NENE 33 40	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.

NOV 13 1997

Department of Water resources
Southern Region

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



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.

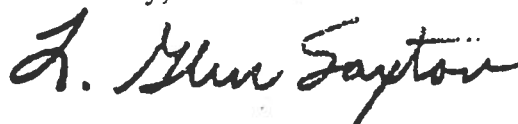
APPEAL OF FINAL ORDER TO DISTRICT COURT

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

DESCRIPTION	ACRES
T16S, R27E, Section 13, SESE	40
T16S, R27E, Section 24, NENE	40
T16S, R28E, Section 19, NWNW	15
TOTAL ACRES	266

2. On May 24, 1995, the applicant also filed application for transfer no. 4640 with the department proposing changes to Snake River Basin Adjudication (SRBA) claim no. A43-10116 and to decreed water right nos. 43-00045, 43-00286(part), 43-00182 and 43-00414 (the last two when combined are similar to adjudication claim no. A43-10824). The water rights, as recorded, and the adjudication claims are compared in Appendix A attached to this decision.

3. Two other water rights, numbered in the department files as 43-02110 and 43-02061, relate to the pending applications. These water rights and adjudication claims are also compared in Appendix A. Water right nos. 43-02110 and 43-02061 initially authorized diversion and beneficial use of Round Mountain Spring and other springs west of Round Mountain Spring.

4. The application for transfer proposes a change in the place of use for 40 acres of the 266 acres claimed in the SRBA as irrigated lands. The place of use proposed by the application for transfer is identical to the land list proposed by application for permit no. 43-07321, described in finding of fact no. 1.

5. The applicant proposes to change the place of use from 23 acres in the NWNE and from 17 acres in the NENW of Section 13, T16S, R27E, to 40 acres in the NESW of Section 13, T16S, R27E. The application for transfer also proposes to change the period of use for claim no. A43-10116 and to change the nature of use of the rights to include use for storage.

6. The department published notice of the applications which were subsequently protested by Harold Jones and Ray Jones (protestants). The protestants own lands irrigated by water flowing in the channel of Round Mountain Creek. The protestants claim a right to divert 1.90 cfs from Kelso Spring pursuant to water right nos. 43-00259 and 43-00260. The SRBA claims for these rights state that "[t]he water from Kelso Springs seeps into Round Mountain Creek and is diverted at the indicated point of diversion." The protestants also own water rights diverted from Clear Creek.

7. On February 21 and 22, 1996, the department conducted a hearing. The applicant was represented by Roger Ling. The protestants were represented by Pat Brown.

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-foot 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 NWN 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.

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-10
* 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:

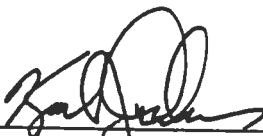
1. These rights when combined with all other rights shall provide no more than 4.0 acre feet annually per acre for the lands above.
2. Water right nos. 43-00045, 43-00182, and 43-00414, and claim no. A43-10116 when combined shall be limited to irrigation of not more than 231 acres, and when combined 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

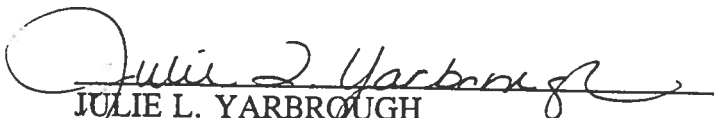
I HEREBY CERTIFY that on this 11th day of November, 1997, I mailed a true and correct copy, postage paid, of the foregoing **FINAL ORDER** to the following:

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	SE
T R S	NESE : 16S 27E 13 : 16S 27E 24 : 1	NESE : 16S 27E 13 : 16S 27E 24 : 1	NESE : 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	SE
T R S	NESE : 16S 27E 13 : 16S 27E 24 : 1	NESE : 16S 27E 13 : 16S 27E 24 : 1	NESE : 16S 27E 13 : 16S 27E 24 : 1

TOTAL ACRES

266.0

No. 43-00286

WATER RIGHT PROFILE REPORT

OWNER
CODE C
NAME & ADDRESS
SETTLERS LAND & WATER CO.
PRIORITY
DATE 11/23/1911
WATER USE IRRIGATION
USE PERIOD
FROM 00/00
TO 00/00
DIVERSION
RATE 60.000 CFS
DIVERSION
VOLUME

Water Source: CLEAR CREEK

Tributary to: RAFT RIVER

Stage: DECREED

T	R	S	NE			NW			SE			SUM				
			NE	NW	SE	NE	NW	SE	NE	NW	SE					
			Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
16S	27E	2	01-1	02-1	1	1	03-1	04-1	1	1	1	1	1	1	1	1
16S	27E	4														
16S	27E	5	01-1	02-1	1	1	03-1	04-1	1	1	1	1	1	1	1	1
16S	27E	8														
16S	27E	9														
16S	27E	10														
16S	27E	11														
16S	27E	13														
16S	27E	14														
16S	27E	15														
16S	27E	16														
16S	27E	17														
16S	27E	21														
16S	27E	22														
16S	27E	23														
16S	27E	24														
16S	27E	25														
16S	27E	26														
16S	27E	27														
16S	27E	12														
16S	27E	3														

No. A43-002868

ADJUDICATION CLAIM PROFILE REPORT

OWNER
CODE C
NAME & ADDRESS
MERLE JONES
PRIORITY
DATE 11/23/1911
WATER USE IRRIGATION
USE PERIOD
FROM 04-01
TO 11-01
DIVERSION
RATE 4.30 CFS
DIVERSION
VOLUME

Water Source: CLEAR CREEK

Tributary to: RAFT RIVER

Stage: DECREED

Point(s) of Diversion: T16S R27E S27 SESENE

CASSIA County

T	R	S	NE			NW			SE			SUM					
			NE	NW	SE	NE	NW	SE	NE	NW	SE						
			Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
16S	27E	13	06	23	17	17											
16S	27E	24															
16S	28E	19															
													35	33	40	40	211.0
																	40.0
																	15.0
																	266.0

No. 43-00182

WATER RIGHT PROFILE REPORT

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DAVID W. JONES	02/17/1912	IRRIGATION	00/00 00/00	1.500 CFS	

Water Source: ROUND MOUNTAIN CREEK

Tributary to: CLEAR CREEK

Stage: DECREED

NE		NW		SW		SE	
MESE	MUSE	SWSW	SWNW	SESW	SESW	SESE	SESE
T R S	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac
16S 27E 12	: 1	: 1	: 1	: 1	: 1	: 1	: 1
16S 27E 13	: 1	: 1	: 1	: 1	: 1	: 1	: 1
							SUM

No. 43-00414

WATER RIGHT PROFILE REPORT

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOHN LITHGO	04/01/1909	IRRIGATION	00/00 00/00	0.600 CFS	

Water Source: ROUND MOUNTAIN CREEK

Tributary to: CLEAR CREEK

Stage: DECREED

NE		NW		SW		SE	
MESE	MUSE	SWSW	SWNW	SESW	SESW	SESE	SESE
T R S	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac
16S 27E 12	: 1	: 1	: 1	: 1	: 1	: 1	: 1
16S 27E 13	: 1	: 1	: 1	: 1	: 1	: 1	: 1
							SUM

No. A43-10824

ADJUDICATION CLAIM PROFILE REPORT

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HERLE JONES	02/17/1912	IRRIGATION STOCKWATER	04-01 11-01 01-01 12-31	2.10 CFS 0.04 CFS	

TOTAL DIVERSION: 2.10 CFS

Water Source: ROUND MOUNTAIN CREEK
ROUND MOUNTAIN SPRINGTributary to: CLEAR CREEK
ROUND MOUNTAIN CREEK

Stage: DECREED

Point(s) of Diversion:

T16S R27E S13
R28E S18 Lot04(SWSWSW)CASSIA County
CASSIA County

NE		NW		SW		SE	
MESE	MUSE	SWSW	SWNW	SESW	SESW	SESE	SESE
T R S	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac
16S 27E 13	: 06	: 23	: 17	: 35	: 33	: 40	: 211.0
16S 27E 24	: 40	:	:	:	:	:	: 40.0
16S 28E 19	:	:	:	:	:	:	: 15.0
							TOTAL ACRES
							266.0

No. 43-02110

WATER RIGHT PROFILE REPORT

OWNER
CODE
NAME & ADDRESS
C EMMA C. OLSON
PRIORITY
DATE
05/23/1912
WATER USE
IRRIGATION
USE PERIOD
FROM
00/00 00/00
TO
0.800 CFS
DIVERSION
RATE
DIVERSION
VOLUME

Water Source: SPRING
Tributary to: SINKS
Stage: LICENSE

Point(s) of Diversion: T16S R28E S18 SUSV CASSIA County

NE NW SW SE
NENE NAME SENE : NENE NAME SENE : NENE NAME SENE :
T R S : 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
C MERLE JONES
PRIORITY
DATE
05/23/1912
WATER USE
IRRIGATION
USE PERIOD
FROM
04-01 11-01
TO
0.80 CFS
DIVERSION
RATE
DIVERSION
VOLUME

Water Source: ROUND MOUNTAIN SPRING
Tributary to: ROUND MOUNTAIN CREEK
Stage: LICENSE

Point(s) of Diversion: T16S R28E S18 SUSV CASSIA County

NE NW SW SE
NENE NAME SENE : NENE NAME SENE : NENE NAME SENE :
T R S : 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

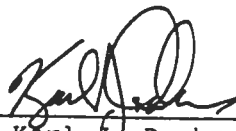
NWSE

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 Source: Clear Creek Tributary: Raft River	04/01 to 10/31	1.70 CFS	640.0 AF
Right No. 43-00182 : IRRIGATION Priority: 02/17/1912 Source: Round Mountain Creek Tributary: Clear Creek	04/01 to 10/31	1.50 CFS	633.7 AF
Right No. 43-00286B : IRRIGATION Priority: 11/23/1911 Source: Clear Creek tributary: Raft River	04/01 to 10/31	4.30 CFS	1064.0 AF
Right No. 43-00414 : IRRIGATION Priority: 04/01/1909 Source: Round Mountain Creek Tributary: Clear Creek	04/01 to 10/31	0.60 CFS	253.5 AF
Claim No. A43-10116 : IRRIGATION Priority: 12/31/1900 Source: Rice Creek & Round Mountain Creek Tributary: Round Mountain Creek & Clear Creek	04/01 to 10/31	20.00 CFS	924.0 AF
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			
	24		NENE 40			211
28E	19		NWNW 15			40
						15
						* 266

Total number of acres irrigated:

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

May 14, 1997

RECEIVED

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MAY 15 1997

Department of Water Resources
Southern Region

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

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 Mr. Brown:

The department has received and reviewed the exceptions which both you and Roger Ling filed in the above referenced matter. The Director intends to issue a Final Order in the matter as required in Section 67-5246, Idaho Code.

Please feel free to contact the department if you have additional questions.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - S. Region
Gary Spackman
Allen Merritt

0467 7 1 4640

COPY

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

2000-05-07 PM 1:14
CLERK OF DISTRICT COURT
TWIN FALLS, IDAHO

In Re SRBA)
Case No. 39576)
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

PAG

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

PAGE

AJ5856NP

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

DATE: APR-5-200

PAGE: A-1

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 1
		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.

AJ5856NP

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

DATE: APR-5-200

PAGE: A-2

RIGHT NUMBER: 43-002868

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.

DATE: APR-5-2001
PAGE: A-3

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

AJ5856NP

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

DATE: APR-5-2008
PAGE: A-4

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.

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: APR-5-2001
PAGE: A-5

RIGHT NUMBER: 43-10116

NAME & ADDRESS: SHIRLEY A JONES
1755 ALVARADO
TWIN FALLS ID 83301SOURCE: RICE CREEK TRIBUTARY: ROUND MOUNTAIN CREEK
ROUND MOUNTAIN CREEK CLEAR CREEKQUANTITY: 4.46 CFS
892.0 AFYUSE 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-DD286B 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
NESESE
S24 NESENE

PURPOSE AND PERIOD OF USE:	PURPOSE 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

AJ5856NP

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

DATE: APR-5-200

PAGE: A-6

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:

AJ5856NP

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

DATE: APR-5-20

PAGE: A-7

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

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

(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. M. J.
J. 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, Robert L. Lumbert 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.

Richard Thompson

Address: Rt 2, Box 61

Rupert, Idaho

Marilyn L. Andrew

Address: Rt #5, Box 5260

Rupert, Idaho 83350

STATE OF IDAHO)

County of Minidoka)

ss.

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

(SEAL)

William T. Gordon

Notary Public

Residing at Rupert, Idaho

My Commission Expires: 12/24/98

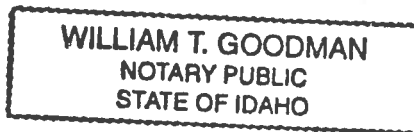
STATE OF IDAHO)
) ss.
County of Twin Falls)

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 Rupert, Idaho
My Commission expires 12/24/04

State of Idaho
County of Twin Falls, ss.
I hereby certify the foregoing to be a full, true
and correct copy of the original on file in the
above entitled action.
ROBERT S. 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.

50-foot fall from Space Needle to elevator hospitalizes man

SEATTLE (AP) — A worker installing fireworks on the Space Needle for a New Year's Eve show fell about 50 feet Tuesday and landed on top of an elevator.

The 44-year-old man was awake and talking as medics took him to Harborview Medical Center, fire Capt. Brian Mills said. He was listed in serious condition Tuesday night with head injuries and a broken left leg, hospital spokesman Larry Zalin said.

Needle spokeswoman Stephanie McNear said the man was working at about the 200-foot level of the 605-foot struc-

The worker was able to climb off to the core of the needle where he held on to a support beam.

ture about 2:30 p.m. when his safety line tangled in the cable of the elevator, pulling him down.

The elevator stopped automatically at about the 150-foot level. The worker was able to climb off to the core of the needle where he held on to a support beam.

Fire Department medics took

the elevator back up, rescued the man, and the elevator was brought to the ground where the man was treated by medics.

The man's name was not immediately available. McNear said he worked for Pyro Spectaculars of Rialto, Calif.

Space Needle President Russ Goodman said the company has been asked to re-examine its safety procedures and the fireworks show will proceed as planned on New Year's Eve.

State safety inspectors were at the site Tuesday evening checking to see if any changes were needed.

SERVICES

Bette M. McIntyre of Twin Falls, memorial service at 10 a.m. today at the Episcopal Church of the Ascension (White Mortuary).

Dean Charles Vickers of Twin Falls, 1 p.m. today at the Filer First Baptist Church (White Mortuary).

Beverly Meils Nelson, formerly of Shosone and Gooding, memorial service at 11 a.m. today at the First Christian Church in Gooding.

David Phillip Bell of Jerome, 11 a.m. today at Grace Baptist Church (White Mortuary).

Kathleen "Sunni" Lusher of Wendell and formerly of Bancroft, 2 p.m. today at the Calvary Episcopal Church in Jerome; friends may call from 9 to 11 a.m. today at the Hove-Robertson Funeral Chapel.

Leslie (Les) Wallace, "Tex," of Wendell, 2 p.m. today at the Wendell United Methodist

Church (Demaray's Wendell Chapel).

George William Brisbin of Rupert and Battle Mountain, Nev., memorial service at 1 p.m. Saturday at the Hansen Mortuary Rupert Chapel.

William F. Tormey Jr. of Hailey, memorial service at 1

p.m. Jan. 10, 1998, at St. Charles Catholic Church in Hailey (Wood River Funeral Chapel).

Mrs. Irene McDonald (Babe) Watson of Kirkland, Wash., and formerly of Twin Falls, Gooding and Weiser, graveside service at 10:30 a.m. Jan. 12, 1998, at the Elmwood Cemetery in Gooding (Demaray Funeral Home).

— DEATH NOTICES —

Irene Lehman

TWIN FALLS — Irene Lehman, 70, of Twin Falls, died Tuesday, Dec. 30, 1997, at her home.

Arrangements are pending and will be announced by the Farmer Funeral Chapel in Buhl.

Olive Batchelor

TWIN FALLS — Olive Batchelor, 88, of Twin Falls, died Tuesday, Dec. 30, 1997, at the Rock Creek Rehabilitation Center.

Arrangements are pending and will be announced by the Hove-

Robertson Funeral Chapel in Jerome

Merle Jones

TWIN FALLS — Robert Merle Jones, 63, of Twin Falls and formerly of Naf, died Monday, Dec. 29, 1997, at his home.

A funeral will be held at 11 a.m. Friday at the Malta LDS Ward chapel. Burial will follow at the Valley Vu Cemetery in Malta. Friends may call from 6 to 8 p.m. Thursday at Payne Mortuary, 221 W. Main in Burley, and one hour before the funeral Friday at the church.

HOSPITALS

MAGIC VALLEY REGIONAL MEDICAL CENTER
Some names omitted at patients' request.

Admitted

Allen Zinzy and Virginia Carson, all of Burley; Reynold Smith and Christopher West, both of Rupert; and Richard Williams of Paul and Wendy

shed car windows. The ment is asking for help g and solving this probng residents to be on the r suspicious people carry- t that could be used to t window. These van- e been occurring during ht and early morning

someone suspicious in rhood, do not confront good description, the se plate number and the ravel. Call police imme- hat information.

orch lights on at night cars in garages or well-lit lp prevent this type of rs remove valuables, roll and securely lock vehi- car keys and take them

ice department and Patrol are enhancing s to prevent these van-

Crime Report is provided by epartment and run by The s a public service. To see a t from your local law- agency, call that agency or us.

Regional Medical in Falls following a

orn Jan. 25, 1933, in as, to Clarence and Garner. He grew up schools in Carlsbad ley, Texas. Following om high school, he Marine Corps, where four years, and then ir Force and served years. Following his e moved to Phoenix, e began his lifelong azier, working both in to glass businesses.

Seattle, Wash., and gham, Wash., where rothy Clough on Oct. b worked for several Alaska Pipeline before is glazier work in and then retired in d Dorothy moved to d in 1987, moved to ., where they have s. Dub was a private yed many hours flying which he called

COPY

RECEIVED

APR 14 1998

Department of Water Resources

RECEIVED

APR 17 1998

Department of Water Resources
Southern Region

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

In Re SRBA

Case No. 39576

A. Subcase 43-00045

(Insert water 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, RAY JONES

Address: SUBLETT ROUTE

MALTA, ID 83342

Daytime Phone: 208-645-2370

Name & Address of Attorney, if any:

PATRICK D. BROWN

PARKER, WARR & BROWN, LLP

812 SHOSHONE ST. EAST

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 P.O. 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.

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

Subscribed and sworn to before me on: April 8 1998
Deann F. McMullen
Notary Public for Idaho
Residing at: Jerome, Id
My Commission Expires: 8/24/2001

INSTRUCTIONS FOR MAILING

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

F. CERTIFICATE OF MAILING

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

1. Original to:

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

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

Name: 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, Nelson & Kobuszewski</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 44449
Boise, ID 83711-4449


Your signature or signature of attorney
mailing on your behalf

RECEIVED

APR 01 1998

Department of Water Resources
Southern Region

RECEIVED

MAR 25 1998

Department of Water Resources

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

In Re SRBA

Case No. 39576

A. Subcase No. 43-00045

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

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

Regina Perry
Attorney signing in representative capacity

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

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

AJ5853NP
2

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

DATE: February 27, 1991
PAGE: 2

RIGHT NUMBER: 43-00045

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

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 Irrigation Season 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. 43-002868 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: 43-00045

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

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 Irrigation Season 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. 43-002868 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.

COPY

MAR-02-1998
0001

RIGHT NUMBER: 43-00045

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

SOURCE: CLEAR CREEK TRIBUTARY: SINKS
 RAFT RIVER

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 Irrigation Season 1.7 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T16S R27E S13		<u>NENE</u> 4	<u>SWNE</u> 7	<u>SENE</u> 15	<u>NESW</u> 5
		<u>NENE</u> 0		<u>SENE</u> 17	
		<u>NESE</u> 29	NWSE 33	SWSE 40	SESE 40
		<u>NESE</u> 39			
S24		<u>NENE</u> 33	<u>NWNE</u> 4		
		<u>NENE</u> 40			
R28E S19	Lot 1 (NWNW)	13			
	~~Box~~ 11 (NWNW)	19			
R27E S13		NWNE 23	NENW 17		
<u>223 ACRES TOTAL</u>					
<u>266 ACRES TOTAL</u>					

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.

CONSUMPTIVE USE: 06310 AFY

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.

COPY

MAR-02-1998
0002

43-00045 CONTINUED

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 IRRIGATION NONE PERIOD OF USE Irrigation Season QUANTITY 4.3 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

SECTION	ACRES	SECTION	ACRES	SECTION	ACRES
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.

COPY

MAR-02-1998
0003

RIGHT NUMBER: 43-002868

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

SOURCE: CLEAR CREEK

TRIBUTARY: SINKS
RAFT RIVER

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 IRRIGATION NONE PERIOD OF USE Irrigation Season QUANTITY 4.3 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T16S R27E S13	<u>NENE</u> 4	<u>SWNE</u> 7	<u>SENE</u> 15	<u>NESW</u> 40
	<u>NENE</u> 6		<u>SENE</u> 17	
	<u>NESE</u> 29	NWSE 33	SWSE 40	SESE 40
	<u>NESE</u> 33			
S24	<u>NENE</u> 33	<u>NWNE</u> 4		
	<u>NENE</u> 40			
R28E S19	Lot 1 (NWNW) 13			
	<u>Lot 1</u> (NWNW) 13			
R27E S13	NWNE 23	NWNE 17		
258 ACRES TOTAL				
266 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.

CONSUMPTIVE USE: 66310 AFY

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.

Compares preliminary recommendation with original claim in underline/overstrike (added) (changed) format.

COPY

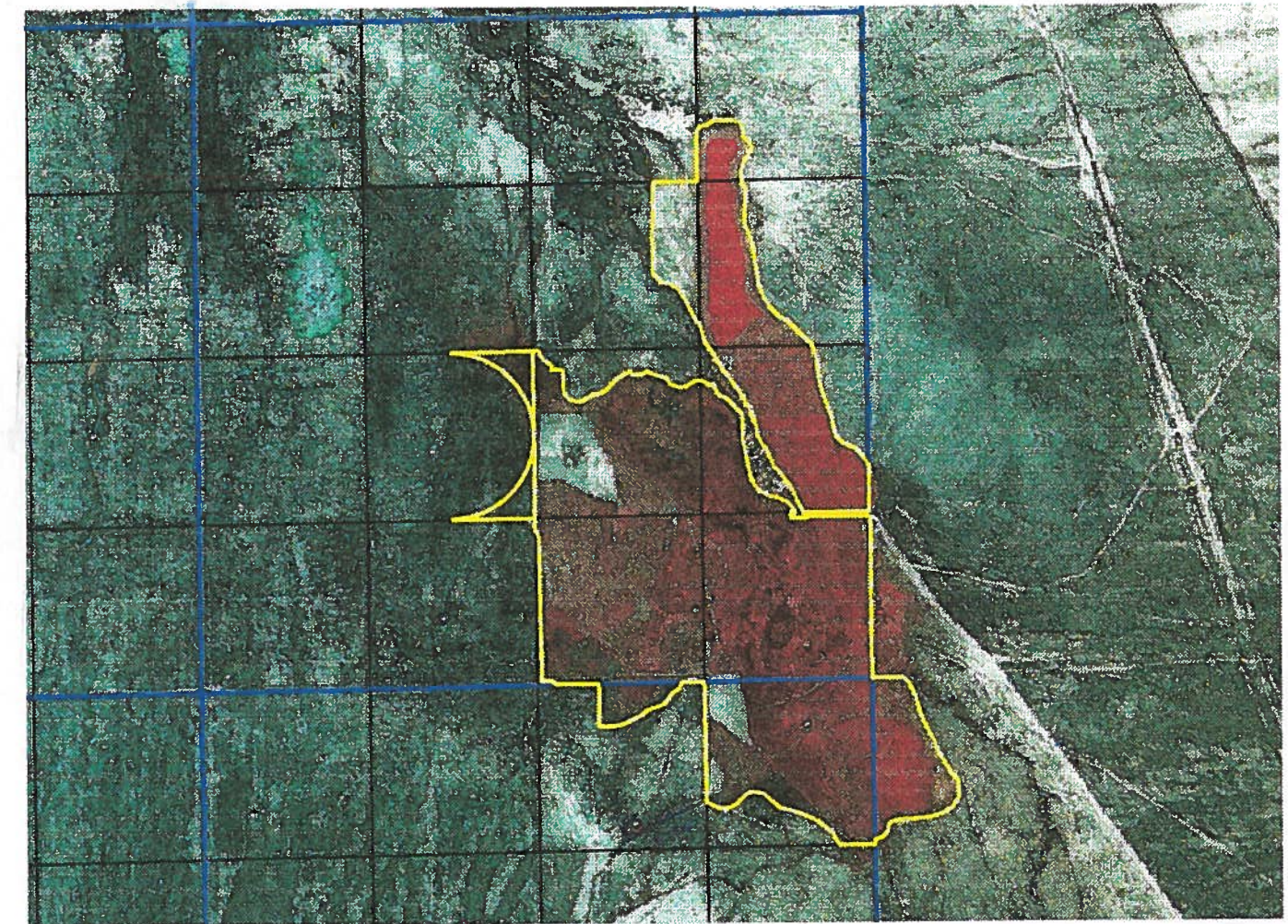
MAR-02-1998
0004

43-00286B CONTINUED

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.

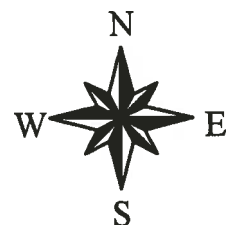
IDAHO DEPARTMENT OF WATER RESOURCES

43-00045



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

TRANSFER NUMBER 4640

CLAIM NUMBERS 43-00045 DATE 2/17/98

AGENT DF

GEOGRAPHIC INFO ACRES 22

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	16S	27E	13	6			17					5				35	33	40	40
GIS				4		7	15					~~5~~				29	33	40	40
CLAIM	16S	27E	24	40															
GIS				33	4														
CLAIM	16S	28E	19						15										
GIS									13										
CLAIM																			
GIS																			

UPDATED

POLYGON #

UPDATED

B43-DBPOU.DBF



POLYGON CREATED ON 604 ()

ATTRIBUTES OF B43-POU.SHP 89,1,27 2/17/98

B43-DBPOD.DBF



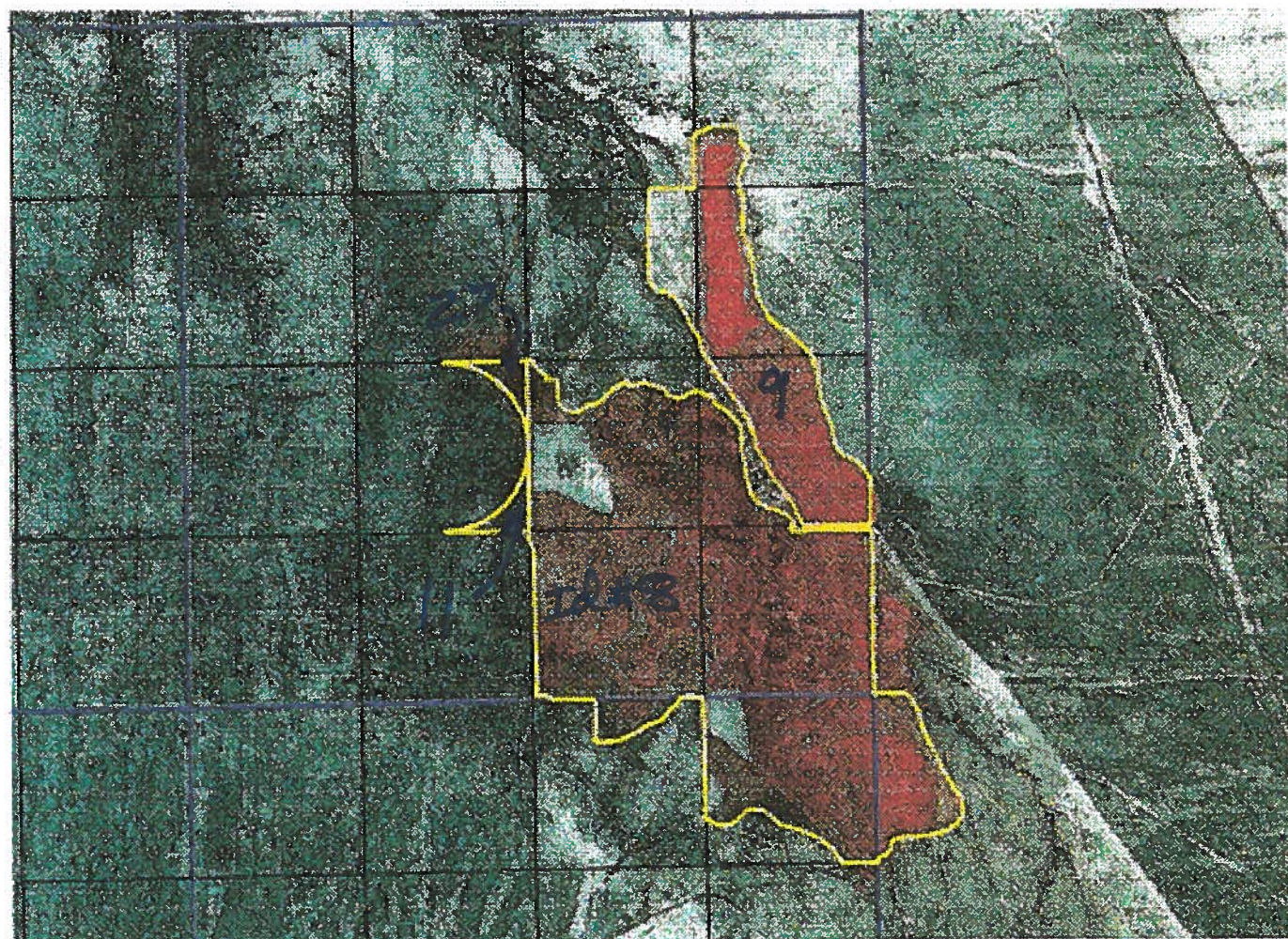
ATTRIBUTES OF B43-POD.SHP (2)

PPU: 146ac within 223 ac

w/ 43-00086B shall not exceed ~~258~~ 258

IDAHO DEPARTMENT OF WATER RESOURCES

43-00045



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



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

JAN 03 1997

Source

Region

December 31, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

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

Dear Interested Party:

The accompanying order is a "amended recommended order" issued by the department pursuant to Section 67-5243, Idaho Code. The provisions of this order will not become effective until the Director issues a final order in this matter.

Each party to these proceedings who appeared at the hearing may file a petition for reconsideration, briefs and exceptions to the recommended order and may request oral argument before the Director of the department as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of this recommended order, (b) the service date of a denial of a petition for reconsideration from this recommended order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this recommended order, any party may in writing support or take exceptions to any part of a recommended order and may file briefs in support of the party's position on any issue in the proceeding. Written briefs in support of or taking exceptions to the recommended order shall be filed with the Director. Opposing parties shall have twenty-one (21) days to respond.

ORAL ARGUMENT

The Director may schedule oral argument in the matter before issuing a final order. Oral argument on exceptions to a recommended order shall be heard at the discretion of the Director. If oral arguments are to be heard, the Director will, within a reasonable time, notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

COPY

17. The applicant's adjudication claims were filed pursuant to Idaho Code § 42-1416 and § 42-1416A, which allowed water users to claim additional acreage as a place of use than was described by the water right. These laws, known as the presumption statutes, were held to be unconstitutional by the Idaho Supreme 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 amnesty statutes were also challenged, and the district court ruled that the statutes are constitutional. The Idaho Supreme Court recently affirmed that the amnesty statutes are constitutional.

18. The adjudication claims filed have not been field verified because of the very recent affirmation by the Idaho Supreme Court that additional acres claimed can be recognized.

19. This decision does not verify the entire place of use proposed by the applicant's adjudication claims. The extent of beneficial use is only being evaluated 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 nonirrigation season proposed by application for permit no. 43-07321 is APPROVED. All other portions of application for permit no. 43-07321 are REJECTED. Because of difficulty in separating natural flow from storage water, 35 acres of the proposed place of use, located in the NESW, Section 13, T16S, R27E, cannot be irrigated with storage water, but can be irrigated with water from the reservoir only if: (1) Clear Creek water is simultaneously being delivered to the reservoir, and (2) diversions pursuant to junior water rights in Clear Creek are not being curtailed to satisfy senior water rights.

different text IT IS FURTHER ORDERED that permit no. 43-07321 shall be conditioned as follows:

The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of Idaho Code.

This right only authorizes an annual volume of water to fill the storage facility.

After specific notification by the department, the right holder shall install suitable measuring devices to determine the amount of water diverted and shall report the information to the department.

Proof of construction of works and application of water to beneficial use shall be submitted to the department on or before the date shown in the final order of the department.

new text 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. 43-00286B as described

AMENDED RECOMMENDED ORDER, Page 16

CC: 06-27-1997
A43-00045
-00286A
-10824
-10116

new 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, Section 13, T16S, R27E, can only be irrigated with Clear Creek water pursuant to water right no. 43-00286B until the watermaster begins regulating junior priority water rights to satisfy senior priority water rights. The 35 acres may be irrigated from the reservoir provided that: (1) Clear Creek water is simultaneously being delivered to the reservoir, and (2) diversions pursuant to junior water rights in Clear Creek are not being curtailed to satisfy senior water rights.

new text IT IS FURTHER ORDERED that the remaining five acres of the 40 acres located in the NESW, Section 13, T16S, R27E, will be described as a place of use for water right nos. 43-00045, 43-00286, 43-000182, 43-00414 (the last two combined into A43-10824), and will also be described as a place of use in the water right representation of adjudication 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 the remainder of the place of use proposed by the application for transfer will be recognized as proposed with the following condition:

The place of use described is the place of use proposed by the adjudication claims and has not been field verified. The place of use is subject to further limitation based on future investigations and determination in the Snake River Basin Adjudication.

IT IS FURTHER ORDERED that water right nos. 43-00045, 43-00286, 43-000182, 43-00414 and A43-10116 shall be conditioned as follows:

Use of water under this water right will be regulated by the watermaster of State Water District No. 43B.

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

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

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.

Approval of this transfer does not preclude the opportunity for review of the validity of the water right in the ongoing Snake River Basin Adjudication.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

The total instantaneous diversion of water from all points of diversion under transfer no. 4640 and permit no. 43-07321 shall not exceed 28.10 cfs, nor total combined annual volume of 1064.0 acre feet.

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 43-00286B, shall be limited to irrigation of not more than 266 acres. *removed the annual diversion volume of 924.0 acres*

That portion of the total diversion rate authorized under transfer no. 4640 in excess of 5.32 cfs is limited to use for conveyance losses in delivery of these rights.

Right no. 43-00045 is limited to the irrigation of 160 acres within 231 acres in the place of use described above in 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 in a single irrigation season.

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

Approval of transfer no. 4640 in no way confirms Snake River Basin Adjudication claim no. A43-10116.

Signed this 31st day of December, 1996.


GARY SPACKMAN



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

OCT 21 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 17, 1996

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

Dear Interested Party:

The accompanying order is a "recommended order" issued by the department pursuant to Section 67-5243, Idaho Code. The provisions of this order will not become effective until the Director issues a final order in this matter.

Each party to these proceedings who appeared at the hearing may file a petition for reconsideration, briefs and exceptions to the recommended order and may request oral argument before the Director of the department as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of this recommended order, (b) the service date of a denial of a petition for reconsideration from this recommended order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this recommended order, any party may in writing support or take exceptions to any part of a recommended order and may file briefs in support of the party's position on any issue in the proceeding. Written briefs in support of or taking exceptions to the recommended order shall be filed with the Director. Opposing parties shall have twenty-one (21) days to respond.

ORAL ARGUMENT

The Director may schedule oral argument in the matter before issuing a final order. Oral argument on exceptions to a recommended order shall be heard at the discretion of the Director. If oral arguments are to be heard, the Director will, within a reasonable time, notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

COPY

the drain is extracting water from. The department will also allow temporary retention of water in the reservoir of water pursuant to these rights for management purposes.

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

14. Idaho Code § 42-222 (2) states:

All rights to the use of water acquired under this chapter or otherwise shall be lost and forfeited by a failure for the term of five (5) years to apply it to the beneficial use for which it was appropriated

15. Forfeiture of the portion of water right no. 43-00286 originally appurtenant to Round Mountain Ranch was not proven by clear and convincing evidence.

16. The applicant's adjudication claims were filed pursuant to Idaho Code § 42-1416 and § 42-1416A, which allowed water users to claim additional acreage as a place of use than was described by the water right. These laws, known as the presumption statutes, were held to be unconstitutional by the Idaho Supreme 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 amnesty statutes were also challenged, and the district court ruled that the statutes are constitutional. The Idaho Supreme Court recently affirmed that the amnesty statutes are constitutional.

17. The adjudication claims filed have not been field verified because of the very recent affirmation by the Idaho Supreme Court that additional acres claimed can be recognized.

18. This decision does not verify the entire place of use proposed by the applicant's adjudication claims. The extent of beneficial use is only being evaluated 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 nonirrigation season proposed by application for permit no. 43-07321 is APPROVED. All other portions of application for permit no. 43-07321 are REJECTED. Because of difficulty in separating natural flow from storage water, 35 acres of the proposed place of use, located in the NESW, Section 13, T16S, R27E, cannot be irrigated with storage water, but can only be irrigated during the period of time when Clear Creek water is deliverable pursuant to water right no. 43-00286B. Irrigation of the 35 acres must cease when delivery [to junior water rights in Clear Creek] must be [curtailed to satisfy senior water rights.]

[in Recommended ORDER]
RECOMMENDED ORDER - Page 12

COPY

CC 10-21-96
443-00045
-00286A+B
-10824
-10116
bu 71

OCT-24-97 FRI 10:51 AM

SRBA DIST COURT

FAX NO. 12087362121

P. 02

P

RECEIVED

OCT 28 1997

Department of Water Resources
Southern Region

ADRM/KC
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

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ORDER FOR DIRECTOR'S REPORT
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10/24/97

OCT 30 1997

Page 1 of 3

Department of Water Resources
Southern Region

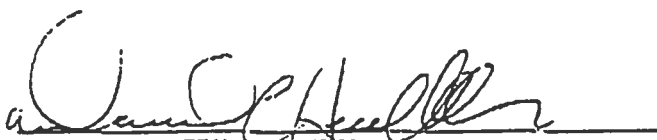
of the several water rights at issue is likely to result in duplicative litigation when the Clear Creek Stream System is reported in a Director's Report as part of the SRBA.

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

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A43-00045

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

IDWR Employee/Agent H Date 05-24-95

Contact Person(s) JEFF SESSIONS

Nature of Contact mt. in office - leaving from seeing mmp.

Substance of Communication I asked about Clem Cr. in view of wet weather this month/season.
Says he got a stream out of Clem Cr. channel on his place yesterday

Water Right Number - R43-00045 Prefix Translation: RESEARCH Old (D) Number -

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

*** C - CURRENT OWNER ***
JONES

MERLE

1 - HC 72 BOX 2346

2 -

3 -

City- MALTA State- ID Zip- 83342

Phone - 208-824-5719

+ - - - Priority Date - - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
06/01/1882 17 SOUTHERN D - DECREED+ - - - - Source - - - - + + - - - - Tributary - - - - - SINKS
CLEAR CREEK

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

Twn Rng Sec Tract Lot RFlg County

16S 27E 27 SE SE NE (31) CASSIA

+ - - - - Description Period From Period To Water Use Diversion Rate Diversion Volume

01 - IRRIGATION

04/01 10/31

1.700

+ - - Total Div. Rate - - + + - - Total Div. Volume - - + + - - Total Consumptive Use - - + + - - KW Usage - - +
1.700 0.0

+ - - - - Place of Use - - - - - Description County

(31) CASSIA

(31) CASSIA

(31) CASSIA

(31) CASSIA

(31) CASSIA

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(31) CASSIA

(31) CASSIA

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

+ - - Non-Irrigation Use - NONE

+ - - Other Rights for Same Use - A43-00414, 002868, 02061, 02110, 10116

Total Acres: 223.0

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. 43-002868 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.

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

+ - - - Decree Plaintiff - - +
 ALBION- IDAHO LAND CO.
 + - - - Decree Defendant - - +
 JOBE ADAMS ET AL
 + - Decree Date - +
 00/00/0000

+ - Comments-
No Comments Found

+ Adjudication Rights Dates and Flags Area +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	-
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	- 438
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	- C
				Notice of Error Flag	-

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A43-00045

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

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS?
NO REMARKS IN CLAIM
DATABASE N
FIELD EXAMINER

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: # A43-00045 PRIORITY DATE: 06-01-1882 STAGE: D

B. WR RECORD: # 43-00045 PRIORITY DATE: 06-01-1882 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 Decker US District in Utah

RECOMMENDED PRIORITY DATE:

06-01-1882

REVIEWED BY

D Jones

DATE

2/6/98

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	FLAG	POD	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A43-00045	16S	27E	27	SE	SE	NE			CASSIA	<i>Idaho Weir</i>	

OTHER AJ CLAIMS WITH SAME AJ POD

WR RECORDS IN SAME 40 ACRE TRACT

A PREFIX R PREFIX

A43-00037

NONE

NONE

A43-00084

A43-00085

A43-00286A

A43-00286B

SOURCE: CLEAR CREEK

TRIB: RAFT RIVER

B. WR POINT OF DIVERSION AND SOURCE:

4300045 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: CLEAR CREEK

TRIB: RAFT RIVER

Ambiguous Parcel

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N() ☒

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

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA?

N/A() Y() N() ☒

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM?

Y() N() ☒

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N() ☒

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

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE?

Y() N() ☒

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM?

Y() N() ☒

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM)

Y() N() ☒

AJ FIELD EXAM (DATE OF FIELD EXAM)

96

NAME OF EXAMINER

EHitchcock

Y() N() ☒

OTHER (DESCRIBE IN NOTES BELOW)

A. ROOT WATER RIGHT NUMBERS: A43-00045

B. POOL LISTING				A)		WR		LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
TWP	RNG	SEC	1/4	1/4	LOT	NAME	#/ACRES	#/ACRES		
16S	27E	13	NE	NE		JONES, MERLE	A43-00045 / 6.0	-	/	4.0
			NE	NE		JONES, MERLE	A43-002868 / 6.0	-	/	3.6
			NE	NE		JONES, MERLE	A43-10116 / 6.0	-	/	4
			NE	NE		JONES, MERLE	A43-10824 / 6.0	-	/	
			NE	NE		LITHGO, JOHN	43-00414 /		/	
16S	27E	13	NW	NE		JONES, MERLE	A43-00045 / 23.0	-	/	2.0
			NW	NE		JONES, MERLE	A43-002868 / 23.0	-	/	Junior's Pt
			NW	NE		JONES, MERLE	A43-10116 / 23.0	-	/	transferred
			NW	NE		JONES, MERLE	A43-10824 / 23.0	-	/	transferred
			NW	NE		JONES, DAVID W.	43-00182 /		/	transferred
16S	27E	13	SE	NE		JONES, MERLE	A43-00045 / 17.0	-	/	14.8
			SE	NE		JONES, MERLE	A43-002868 / 17.0	-	/	3.15
			SE	NE		JONES, MERLE	A43-02061 / 17.0	43-02061 / 17.0	/	
			SE	NE		JONES, MERLE	A43-02110 / 16.0	43-02110 / 16.0	/	
			SE	NE		JONES, MERLE	A43-10116 / 17.0	-	/	
16S	27E	13	SE	NE		JONES, MERLE	A43-10824 / 17.0	-	/	
			SE	NE		LITHGO, JOHN	43-00414 /		/	
			NE	NW		JONES, MERLE	A43-00045 / 17.0	-	/	Junior's Pt
			NE	NW		JONES, MERLE	A43-002868 / 17.0	-	/	transferred
			NE	NW		JONES, MERLE	A43-10116 / 17.0	-	/	transferred
16S	27E	13	NE	NW		JONES, MERLE	A43-10824 / 17.0	-	/	transferred
			NE	NW		JONES, DAVID W.	43-00182 /		/	transferred
			NE	NW		SETTLERS LAND & WATER CO.	43-00286 /		/	
			NE	SE		JONES, MERLE	A43-00045 / 35.0	-	/	28.7
			NE	SE		JONES, MERLE	R43-10119 /	-	/	29
16S	27E	13	NE	SE		JONES, MERLE	A43-10119 /	-	/	
			NE	SE		JONES, MERLE	A43-002868 / 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	-	/	
16S	27E	13	NE	SE		JONES, MERLE	A43-10824 / 35.0	-	/	
			NE	SE		LITHGO, JOHN	43-00414 /		/	
			NW	SE		JONES, MERLE	A43-00045 / 33.0	43-00045 /	/	40.0
			NW	SE		JONES, MERLE	A43-002868 / 33.0	-	/	32
			NW	SE		JONES, MERLE	A43-10116 / 33.0	-	/	33
16S	27E	13	NW	SE		JONES, MERLE	A43-10824 / 33.0	-	/	
			NW	SE		SETTLERS LAND & WATER CO.	43-00286 /		/	
			NW	SE		SETTLERS LAND & WATER CO.	43-00286 /		/	

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

ADDITIONAL POU FOUND

16S27E13 SWSE
16S27E24 NWNE

TOTAL ACRES	A43-00045	266.00	215.00
POU COUNTY:	CASSIA		

216

7.2 7

3.5 4

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

Y() N()

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

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A43-00045	CLEAR CREEK	JONES, MERLE	1.700	0.006		
A43-002868	CLEAR CREEK	JONES, MERLE	4.300	0.016		
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		
	ROUND MOUNTAIN CREEK					
	ROUND MOUNTAIN CREEK	JONES, MERLE	2.100	0.007		
A43-10824	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?

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: A43-00414, 002868, 02061, 02110, 10116

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, IDMR NO. _____; ☐ TOPOGRAPHIC QUAD, IDMR NO. _____;

☒ NAPP, IDMR NO. _____; ☒ ASCS PHOTO; ☐ OTHER _____

NOTES:

NAPP developed into GIS coverage

RECOMMENDATIONS:

TOTAL ACRES: 85 w/in 216pp N/A()

REVIEWED BY: D Jones DATE: 7/6/98

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A43-00045 IRRIGATION	FROM 04-01 TO 11-01	1.700 CFS	
TOTAL DIVERSION RATE/VOLUME		1.700 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
43-00045 IRRIGATION	FROM TO	1.700 CFS	
TOTAL DIVERSION RATE/VOLUME		1.700 CFS	

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

Y(☒) N(☐)

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

N/A(☐) Y(☒) N(☐)

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

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

Y(☒) N(☐)

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

Y(☒) N(☐)

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

Y(☒) N(☐)

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

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

N/A(☐) Y(☒) N(☐)

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

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

N/A(☐) Y(☒) N(☒)

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

N/A(☒) Y(☐) N(☐)

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

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

N/A(☒) Y(☐) N(☐)

NOTES: _____

AJ CLAIM TOTAL DIVERSION RATE: 1.700 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 1.700 CFS

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

N/A () Y (✓) N ()

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

N/A () Y (✓) N ()

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

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

Y () N (✓)

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

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

Y () N (✓)

E.

FLOW MEASUREMENT

MEASUREMENT METHOD

N/A

, SEE ATTACHED CALCULATIONS.

F.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 240 x 0.02 CFS/ACRE = 5.32 CFS
(Taken from pou review)

1b. CALCULATIONS

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

$85 \text{ ac} \times 0.02 = 1.70$

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

N/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

N/A

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

NOTES:

MR RECORD CONDITIONS/REMARKS:
SEE DECREE FOR RESTRICTIONS.

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

PURPOSE OF USE	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	04-01 11-01	DATABASE EXAMINER 1.700	DATABASE EXAMINER	DATABASE EXAMINER 665.0
TOTAL FOR THIS RIGHT		1.700		665.0

NON-IRRIGATION USES CLAIMED: NONE

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

REVIEWED BY: D Jones

DATE: 2/6/98

FLAG: D

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

C43 C45

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 43-00045

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
1.700EXAMINER
1.70

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	-	-	-	-	43-00045	1.700

TOTAL CFS

1.700

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
NFIELD
EXAMINER
Y () N ()

NOTES:

AUTHENTICATION:

SIGNATURE:



DATE:

2/6/98

NAME OF FIELD EXAMINER:

Douglas Jones

TITLE:

WR Rts. Svr.

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 _____	IDMR ID NO. _____	Y() N()
() TOPOGRAPHIC	DATE FIELD CHECKED _____	IDMR ID NO. _____	Y() N()
() MAPP	DATE OF PHOTO _____	IDMR 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 _____		
() IDMR 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 _____		

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

BARCODE UPDATED
WHOM/DATE

CLAIM NUMBER: A43-00045

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	1.70 CFS
TOTAL DIVERSION:					1.70 CFS	665.00 AFA
CONSUMPTIVE USE:						

Water Source: CLEAR CREEK Tributary to: RAFT RIVER Stage: DECREED

Point(s) of Diversion: T16S R27E S27 SESENE CASSIA County

Place of use legal Description for: IRRIGATION														
NE					NW					SW				
T	R	S	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SE
16S 27E 13	:	06	23	:	17	:	17	:	:	:	:	:	35	33
16S 27E 24	:	40	:	:	:	:	:	:	:	:	:	:	40	40
16S 28E 19	:	:	:	:	01-15	:	:	:	:	:	:	:	15.0	15.0
TOTAL ACRES													266.0	266.0

POU County: CASSIA

Non-Irrigation Uses: NONE

Other Rights: A43-00414, 002868, 02061, 02110, 10116

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

Misc: Water District Number: 438 Field Inspection Flag: D

Presumption Flag:

Memorandum

March 23, 1995

From: Allen Merritt

To: Session File

Subject: Field Review of Dam and Springs in area.

On March 8, 1995 Mel Schulte and I visited the Session Ranch (Round Mountain Ranch). We met with Jeff Sessions and reviewed with him what actions he had taken and I inquired if they were going to file an application for permit for storage as my January 30, 1995 letter suggested. We discussed lowering the water level in the dam as my January 30, 1995 letter indicated; however, Jeff indicated that the agreement for lowering the dam in 1994 was not as my letter indicated. He said that the agreement was to drop the level 4 feet, not 4 feet above the outlet pipe. He indicated that was what was in a letter from Ling to Norm Young after the conference. Our file does not have this letter. He also indicate that the agreement was only for 1994. At that point I asked if he wanted our office to process the filed transfer and he said to hold off. I asked if he was going to file an application for storage and he said he was going to get with Mr. Ling and get back to us.

We then proceeded to observe the dam and the springs in the area. Jeff indicated that in the fall around late October he stopped irrigating and at that time started to store water in the reservoir. He indicated that the reservoir was not dry but did not measure at what level the water was; he said there was several feet over the outlet pipe. At that time he also turned the Round Mountain Spring away from the reservoir and turned it down the ditch on the east side of the reservoir so that none of that water would get stored. He indicated that on January 10, 1995 the reservoir filled and started to spill over the spillway on the west end of the dam. He indicated that it has continued to spill and run down the Round Mountain channel since that date. He showed us the ditch on the east side of the reservoir where Round Mountain spring was diverted and it was sinking in the portion of the ditch as it moves to the east away from the reservoir. Jeff indicated that the water has flowed that way since fall and it has never made it across his field. We then went down the Round Mountain Creek channel below the dam and found that the spilled water was sinking approximately 300 yards below the dam in the channel. We continued down the channel to the tree where Ray Jones indicated there was a spring. This area was bone dry and there was no evidence of a spring in this area. We continued down the channel another 1/4 mile or so to the end of Sessions property and found that there was no springs or anything, the channel was dry all the way. We returned back to the dam and did find a small spring area approx 100 feet below where the dam spill enters the creek channel. This spring area was flowing approx. 5 gpm. Following the Creek channel above where the spill enters the channel found that there was standing or backwater about 200 feet back up the creek and then the channel was dry all the way up to the outlet pipe. Photos were taken of the areas observed.

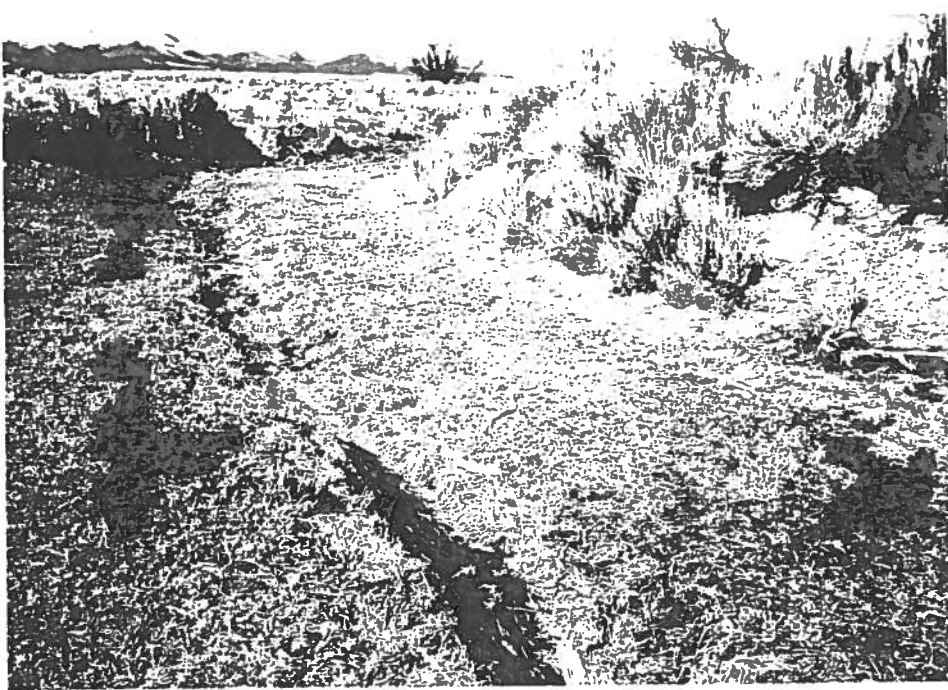
I then measured the dam height with a hand level and found that the embankment at the maximum X-section was 14.7 feet high above the outlet pipe with 1.9 feet of freeboard with the water that was flowing over the spillway. I measured the height of the old dam embankment where it protrudes on the east side of the embankment where the diversion ditch takes off and found that the top of the old embankment was approximately 7.3 feet below the top of the new embankment. At that X-section there was 2.1 feet of freeboard.

Based on these observations it appears that there may be an element of private water to these spring flows observed at this time. This supports Ling's contention. It is also difficult to believe that in 1995 that the flow from these springs could anyway benefit the Kelso Springs Ranch some 2 1/2 mile below the end of the Sessions property.

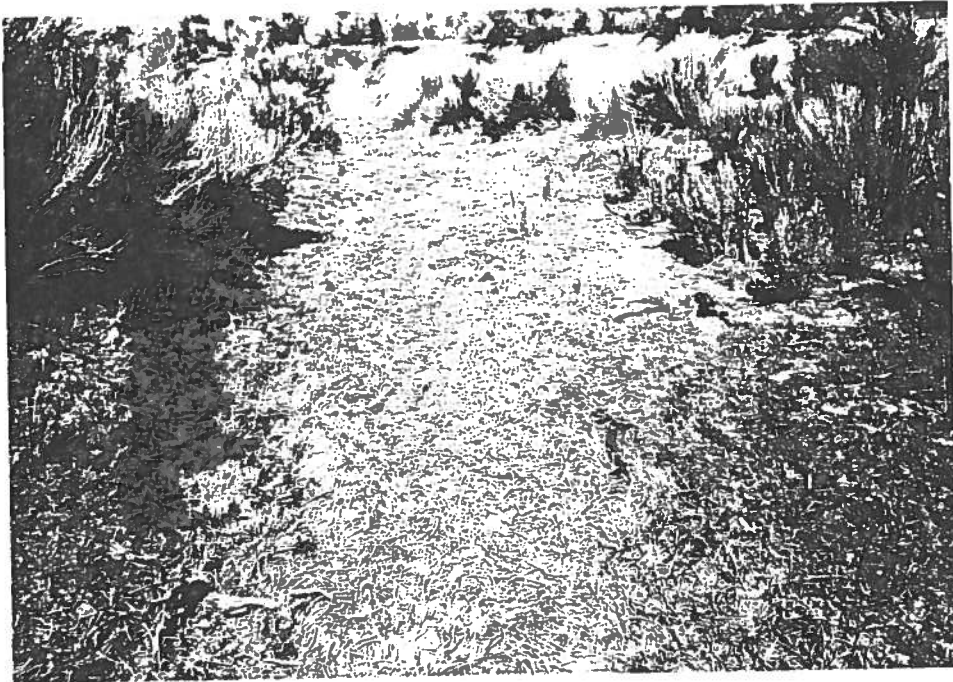
Before leaving I again asked Jeff if he would get a hold of Ling and get something going. He indicated that he would that day.

On 3/21 I showed Norm Young the photos and informed him of our observations. I told him Sessions might be going to file an application but I hadn't seen it yet. Once an application was on file then it would be open for Jones to protest and we could have a hearing. Norm thought that since the drought problems have prevailed for so long that maybe our observations would be different in a normal year. He suggested the we should write both parties a letter and ask them to consider not doing battle until a more normal year.

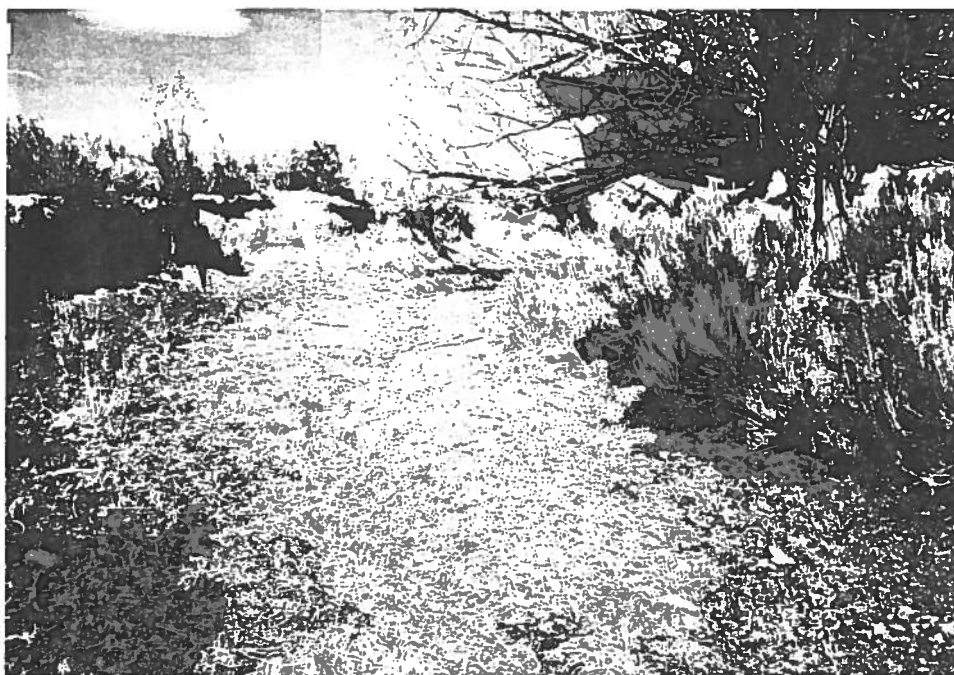
Photos taken at Jeff Sessions ranch 3-8-1995



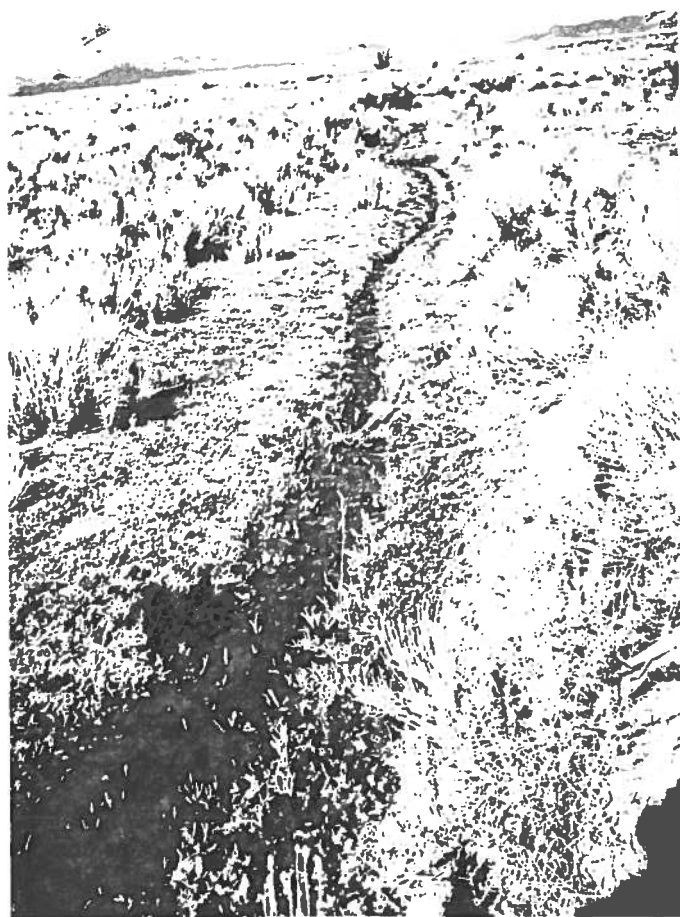
#1
Round Mountain
Creek about
300 yards below
Sessions dam



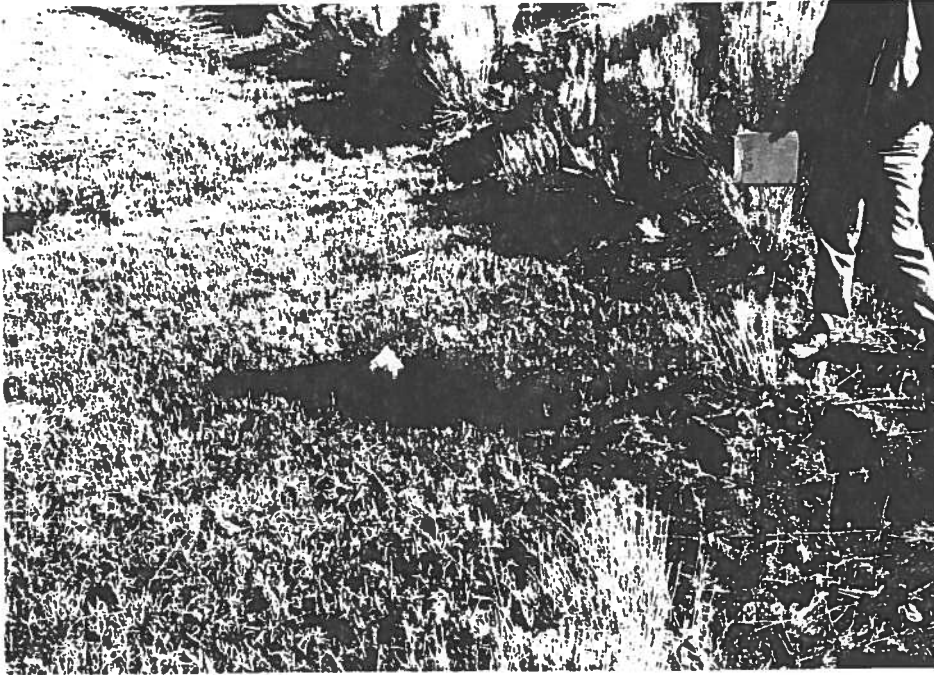
#2
Round Mountain
Creek near the
North boundary
of Sessions
property



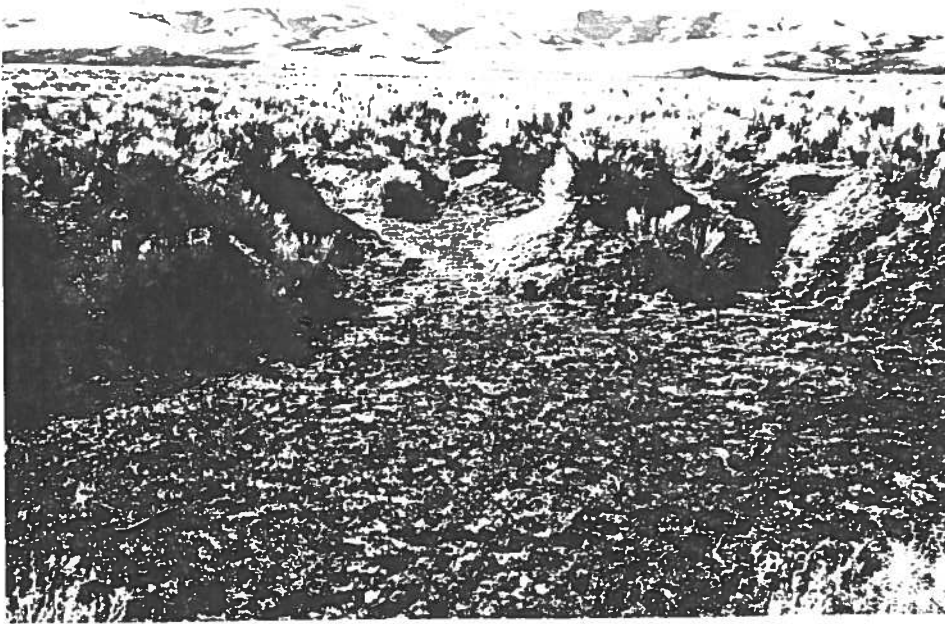
#3
Round Mountain
Creek about
 $\frac{1}{4}$ mile below
Sessions dam
and about
mid-way between
photos #1 and #2



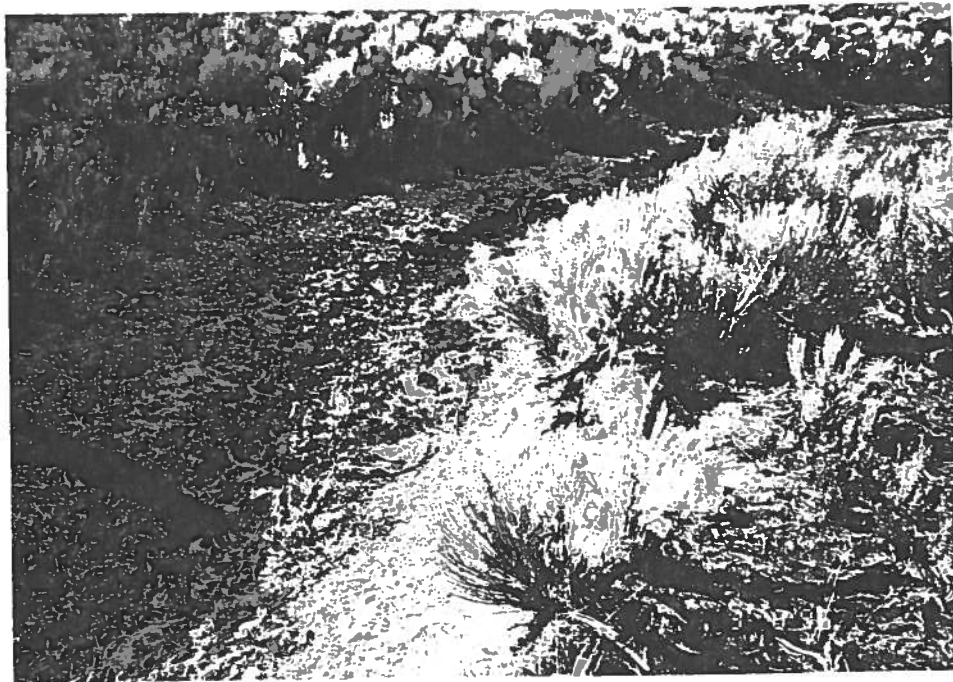
#4
Round Mountain Creek
looking down stream
at a site about
200 yards below the
Sessions dam.



#5
Small spring
located next
to overflow
channel below
Sessions dam.



#6.
The mouth of
the overflow
channel where
it flows into
Round Mountain
Creek.



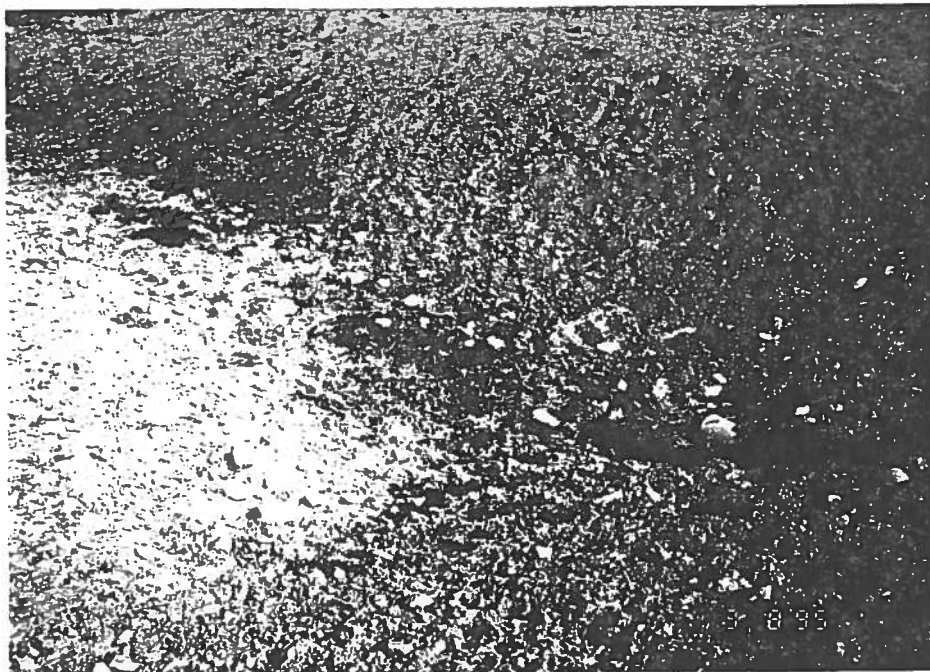
#7
The beginning
of water in
Round Mountain
Creek about
200-300 feet
below Sessions
dam.



#8
Reservoir overft.
outlet and
springs adjacent
to dam and
reservoir.



#9
View of same
spring in photo #8.
looking East
toward reservoir.

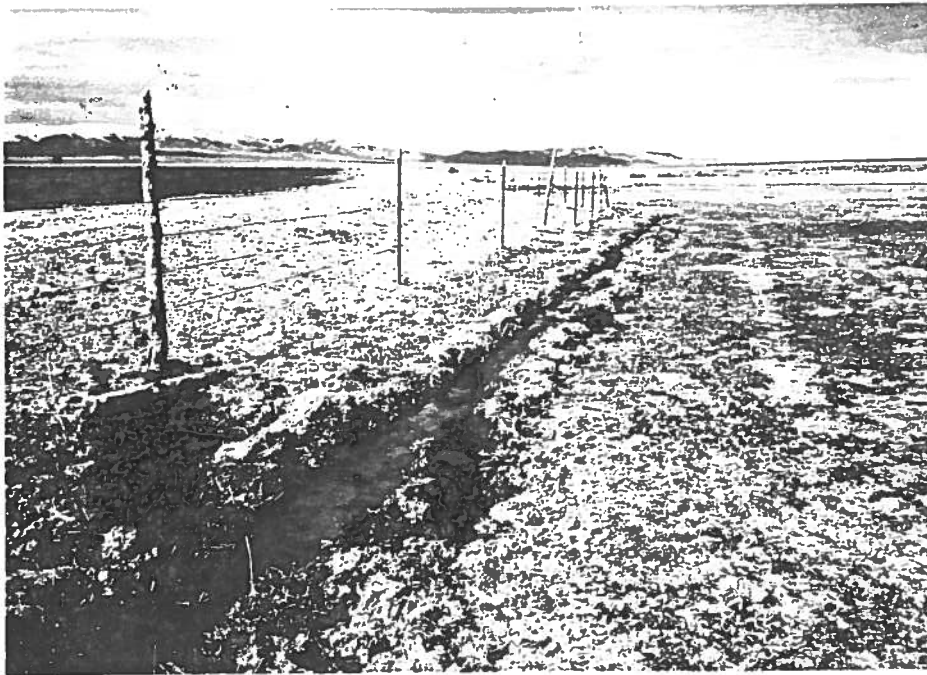


#10
View of outlet
pipe in reservoir
looking down
from dam.



#11

View of reservoir
and dam looking
West from dam.



#12

Ditch on East side
of reservoir that
diverts Round
Mountain Spring
water past the
reservoir. Photo
looks North. The
ditch turns East
and was sinking
pasture shown in
photo.



#13

Same ditch as shown in photo #12. This picture shows that the spring water all sinks



#14.

This photo shows that no Round Mountain Spring water was being diverted into the reservoir but was flowing through the ditch shown in photos # 12 and 1.

MEMORANDUM

DATE: 22-Jul-1994

FROM: Allen Merritt

TO: NORM YOUNG, DAVE SHAW

SUBJECT: REVIEW OF ADJUDICATION CLAIMS IN ROUND MOUNTAIN AREA

CLAIMS	CLAIMANT	PRESENT INTEREST	LOCATION
A43-00037	HAROLD JONES	RAY JONES	KELSO SPRING RANCH
A43-00259	HAROLD JONES	RAY JONES	KELSO SPRING RANCH
A43-00260	HAROLD JONES	RAY JONES	KELSO SPRING RANCH
A43-02401	HAROLD JONES	RAY JONES	KELSO SPRING RANCH
A43-00084	HAROLD JONES	RAY JONES	NAF RANCH
A43-00085	HAROLD JONES	RAY JONES	NAF RANCH
A43-00286A	HAROLD JONES	RAY JONES	NAF RANCH
A43-00045	MERLE JONES	JEFF SESSIONS	ROUND MOUNTAIN RANCH
A43-00286B	MERLE JONES	JEFF SESSIONS	ROUND MOUNTAIN RANCH
A43-02061	MERLE JONES	JEFF SESSIONS	ROUND MOUNTAIN RANCH
A43-02110	MERLE JONES	JEFF SESSIONS	ROUND MOUNTAIN RANCH
A43-10116	MERLE JONES	JEFF SESSIONS	ROUND MOUNTAIN RANCH
A43-10824	MERLE JONES	JEFF SESSIONS	ROUND MOUNTAIN RANCH

At present there is a water dispute regarding the use of the water on the three ranches; particularly the water used on the Round Mountain Ranch and the Kelso Spring Ranch. Physically the Naf Ranch is located on the border between Utah and Idaho in Idaho up-gradient from the other two ranches. The Round Mountain Ranch is next in line down-gradient and the Kelso Spring Ranch is last in line down-gradient. These may not be exactly the names of these ranches but for reference is how I refer to them.

On 6/28/94 Frank Hitchcock and I met with Harold Jones, Ray Jones, and Rocky Jones (respectively: father, son, grandson) and Robin Wells, an agricultural engineer contracting with the Raft River Rural Electric Coop. and who is familiar with the area and water systems. At the beginning of our meeting I explained that our main purpose was to gather information for completing our review of the SRBA claims but I explained that the information may also be used for resolution of the water dispute. (Either administratively by the Dept. or thru rumored court action by the two parties) I tried to emphasize that we would not solve the problem on that day but were trying to gather information and that they should continue efforts to resolve the conflict.

(MR. DICK SMITH, AN ATTORNEY, FOR RAY JONES ON 7/15/94 REQUESTED A COPY OF THIS MEMO &/OR ANY REPORT OF OUR FINDINGS. HE AGAIN TALKED TO FRANK ON 7/20/94 REGARDING HIS REQUEST.)

We proceeded to have the Joneses describe how the water is used on the Kelso Springs Ranch and show us in the field the important features. We noted on an ASCS photo these features. Our field review found that the ranch has hay, grain & pasture land and is watered from various

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overlapping delivery systems from four main sources of water. The sources of water include:

1) A well (Groundwater) covered under A43-02401 which presently supplies water to a sprinkler system which covers the southeastern portion of the ranch. Robin Wells provided a copy of a pump test evaluation of this system conducted in the fall of 1992. As a result the system was modified and then re-tested.

Water licensed (FE 1959) 1.74 cfs 30 hp well open discharge
Pre-modification test fall 1992..... 1.08 cfs 30 hp & 40 hp booster
Post-modification test fall 1992.... 1.64 cfs 30 hp & 40 hp booster

2) Clear Creek water covered under A43-00037 which is diverted from the creek in Idaho and conveyed several miles via an open ditch which eventually enters the property and can gravity irrigate the southern portion of the ranch and/or can eventually collect in a pond and via a relift pump be pumped to another sprinkler system covering the northern portion of the ranch.

3) Round Mountain Creek (Claimant contends this is Kelso Spring water claimed under A43-00260 & A43-00259) enters the property at the southeastern edge of property and can either gravity irrigate fields in that area and/or eventually make its way to the same pond and relift pump mentioned above which supplies the northern sprinkler system.

4) Seeps rising around the center of the ranch saturates the area and is ditched to spread the water with some flow eventually making its way to the pond & relift pump described above. No claim is filed for these seeps but this may be part of the Kelso Spring complex.

NOTE** At the time of our field review there was no water flowing in Round Mountain Creek (there was a small stagnant pond in the channel at the east edge of the property), no water being diverted from Clear Creek, some water observed standing in the seep area but no measurable flow observed, and at the relift pond the pond was dry and the pump to the sprinkler system was removed for service since no water available. The only water observed being used was from the well and the flow according to the claimants was restricted or valved down since the well would suck air if opened up. We observed three handlines being operated the day of the field review. No measurement was made of the discharge from the well.

The attached maps show the location of the various features mentioned above showing the observed locations of the acres irrigated and the sources mentioned. Also are maps attached which show how the base water rights are recorded as well as how the rights are claimed. In comparing these maps it is obvious that the old water right records do not match existing practice.

Dispute issues according to Jones:

From the field review it is obvious that the ranch has in the past enjoyed a larger water supply. It was reported by Jones and Wells that the system at the relift pond has until this year been able to supply 5 sprinkler lines with a reported flow of 814 gpm (1.81 cfs). Mr. Wells indicated that power records would substantiate this claim. At present this system is dry. They reported that the Kelso Spring water which they contend flows into Round Mountain Creek upstream of the ranch up until this year ran at about 30 miner's inches (0.60 cfs).

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They contend that the well use has been restricted due to a drop in the water table. They content that the root cause of the reduced water supply for this ranch is a result of construction of a storage pond on the Round Mountain Ranch and the development of new land at this ranch.

Later in the day of 6/28/94 we visited the Naf Ranch. This ranch is where Ray Jones lives and is totally irrigated from Clear Creek. The ranch is pasture and irrigated by wild flooding means. The land was very rocky with grass mixed in with the sage brush. Clear Creek has it's headwaters in Utah and there are several waterusers in Utah upstream from the Idaho waterusers. We found that the ranch is watered by one P/D in Idaho with ditches going in either direction from the concrete check and three other ditch diversions in Utah. The east side of the Idaho diversion is also where Sessions diverts his Clear Creek water. There was also reported to be a fourth higher diversion in Utah which diverts into what was know to be the "Courtesy Ditch" but Ray is in dispute over payment of \$25/yr assessment for using this ditch so this year he takes all his Clear Creek water from the lower diversions. The reach of Clear Creek below the Utah users has large losses in the stream so the use of the "Courtesy Ditch" saves some of the loss. The day of the field visit it was observed that in a reach of approximately 100 yds an estimated flow of 1 to 2 cfs totally sank. From the description provided by Ray the Clear Creek water at low flows is rotated between him and the upper Utah users.

On 7/7/94 Frank Hitchcock and I met with Merle Jones the claimant for the rights on the Round Mountain Ranch and Jeff Sessions who is purchasing the ranch from Jones on contract. Merle Jones is Harold Jones' brother. We explained the purpose of our visit similarly as we discussed with Harold and Ray Jones a few days earlier.

Using an ASCS map Jeff and Merle described the water systems on the ranch. We then toured the ranch. We observed that the ranch was mostly hay with some pasture. The ranch could be watered from various water sources but at the time of the field review water was flowing thru two pipelines which were being discharged into a small reservoir for later pumping to a sprinkler system. The reservoir was reported to have been built in 1993. I estimate the capacity of the reservoir at around 10 to 12 AF but this is pretty rough based only on a visual estimate of the height & surface area. Jeff indicated that Doug Jones estimated around 16 AF. The first pipeline mentioned above collects water from what they called Round Mountain Spring. We measured this flow using a 4 gallon bucket and determined the flow to be 68 gpm (0.15 cfs). The second pipeline collects water from a drain in the pasture and we measured it using a 5 gallon bucket and determined the flow to be 75 gpm (0.17 cfs). Both of these streams flowed into the reservoir. It was also noted at the upper end of the reservoir that some seepage also came from a side channel estimated to be no more than 5 gpm (0.01 cfs). The total flow measured was 0.33 cfs. At the time of the field visit the level in the reservoir was only a few feet deep. Jeff indicated they had pumped down the reservoir to near the old level of the old pond and were now storing a little water then turning on the

MEMORANDUM

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pump and cycling on & off using the pump delivering to the sprinklers including the new acres under the pivot.

The other possible water sources observed included:

- 1) Round Mountain Creek and Rice Creek which both enter the property from the southeast. Both of these creek channels more or less deadend on the property where it is reported the flows are spread over the land to soak up the soil and build up the water table &/or channel the flow away from the ranch buildings where the water tends to want to go. Jeff indicated that generally these creeks only flow during a short time in the early spring (February & March). Some of these flood waters will also fill the storage pond for later use in the sprinklers. At the time of the field review both creeks were dry. It was observed that downstream to the north of the ranch Round Mountain Creek channel is defined again but it was dry adjacent to the ranch. We did not go downstream to look for springs in the channel below.
- 2) Clear Creek water is diverted a few miles above at the diversion on the Naf Ranch and flows in an open ditch to within a 1/4 mile of the south boundary of the Round Mountain Ranch where it can either continue in a ditch flowing eastward and irrigate the southeastern portion of the ranch or where it drops into a pipeline where it can rise at three concrete riser checks to irrigate the southwestern portion of the ranch or be directed northward to the reservoir. At the time of the field review no water was flowing in this delivery system.

The attached maps show the location of the various features mentioned above showing the observed locations of the acres irrigated and the sources mentioned. Also are maps attached which show how the base water rights are recorded as well as how the rights are claimed. Again in comparing these maps it is obvious that the old water right records do not match with existing practice.

In an attempt to rectify the addition of the new pivot which diverts out of the new reservoir Sessions has filed a transfer attempting to transfer irrigated land from the northern end of the ranch to the land under the pivot. Our field review finds that there are old ditches in the area where the transfer proposes to "dry up" the land but these lands are presently covered with a large growth of sagebrush. Merle indicated that flood water was used there and it has been a few years since it has been irrigated.

Disputed Issues according to Sessions:

Merle and Jeff contend that the Kelso Spring water which Ray claims flows in the Round Mountain Creek channel is not where Kelso Spring is located. They contend that the Kelso Spring was somewhere near the location of the Jones well and indicate that when the well was pumped the flow from the springs decreased. They also contend that the new reservoir replaces an old storage dam located just upstream from the present structure. They indicate that the amount of water flowing and being impounded is filling their water right and Ray's problems are a result of the drought or pumping his well.

Attached are prints from aerial slides of the Round Mountain Ranch and

MEMORANDUM

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the Kelso Springs Ranch taken by the ASCS for the years noted. The are intended to show the cropping pattern progression.

CONCLUSIONS:

AT THIS WRITING THERE ARE STILL UN-ANSWERED QUESTIONS IN MY MIND THAT BEAR ON THESE CLAIMS AND THE DISPUTE:

1) WHERE IS KELSO SPRINGS.?? THE RECORD & STATEMENTS FROM INDIVIDUALS ALL CONFLICT. AFTER REVIEWING THE DECREE AND VISITING THE RANCH AND ALSO LOOKING AT THE ORTHOQUAD & OTHER AERIAL PHOTOS IT IS MY OPINION THAT THE "KELSO SPRING" IS A COMPLEX OF SEEPS THAT RISE ON THE JONES PROPERTY NEAR THE CENTER OF THE RANCH. I BELIEVE THAT THERE MAY INDEED AT TIMES BE OTHER SEEPS THAT RISE IN THE STREAMBED OF ROUND MOUNTAIN CREEK BETWEEN THE KELSO SPRING RANCH AND ROUND MOUNTAIN RANCH AND THAT THE LOWER RANCH HAS ENJOYED THE USE OF THESE WATERS IN ROUND MOUNTAIN CREEK. DEPENDING ON THE SEASON OF YEAR THE FLOW IN ROUND MOUNTAIN CREEK MAY BE A COMBINATION OF SEEPS, WASTEWATER OR LIVE CREEK WATER. I QUESTION WHETHER THE USE OF THESE WATERS HAS BEEN PROPERLY CLAIMED IN THE SRBA.

2) WITH REGARD TO THE DISPUTE IT IS NOT CLEAR IN MY MIND AS TO THE AFFECT OF THE DROUGHT, THE AFFECT OF THE USE OF THE WELL, THE AFFECT OF THE CONSTRUCTION OF THE RESERVOIR, THE AFFECT OF THE USE OF CLEAR CREEK IN THIS AREA, AND THE AFFECT OF CHANGES IN PATTERNS OF USE BY BOTH PARTIES. I SUSPECT THAT THESE ELEMENTS ALL BEAR ON THE DISPUTE BUT WITHOUT FURTHER DETAILS AS TO DIVERSION RATES, DATES, ECT. I WOULD ONLY BE SPECULATING AS TO WHAT EXTENT.

3) IN REVIEWING THESE SRBA CLAIMS IT APPEARS THAT THE SRBA COURT'S FUTURE DETERMINATION REGARDING AMNESTY OR PRESUMPTION PROVISIONS WILL NEED TO BE DEALT WITH. WE WILL NEED LEGAL ADVICE AS TO HOW TO RECOMMEND THESE RIGHTS.

MR. ROGER KING ESQ.
MR. DICK SMITH ESQ.

INTER-DEPARTMENT MEMO

TO:

FROM: F. Hitchcock

SUBJECT:

prints from slides

DATE:

7-22-94

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

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

(X) For your information

W. SEA files;
JONES, MARIE
JONES, HAROLD

() Response required

signature

F. Hitchcock - Adm
S. Rogers LDR



T165

SRBA claim
266 acres

DATA-VTHH Boundary

MAPS USED: DD 83 DATE: 1976
ASCS
ORTHO
NAPP
BLM

R27E R28E

MAPS USED: DD 82 DATE: 1976
ASCS
ORTHO
NAPP
BLM

USAS-STREVELL-SW

USAS-NAF

443-AMC5

DATEC 10.10.17

-1887-June 1 2.7 s.f.
(Jerome Kempton Tract)

To be diverted from Clear Creek
for the irrigation of
NW $\frac{1}{4}$, Sec. 15, Twp. 16 S. R. 27
E.B.M.

-1886-June 15 2.2 s.f.
(Gallier Tract)

To be diverted from Clear Creek
for the irrigation of
E $\frac{1}{2}$, Sec. 32, NW $\frac{1}{4}$, Sec. 33,
Twp. 15 S. R. 27 E.B.M.

-1908-May 1 2.6 s.f.
(Retan Tract)

To be diverted from Clear Creek
for the irrigation of
E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 4,
Twp. 16 S. R. 27 E.B.M.

-1887-June 1 4.4 s.f.
(Pierce Tract)

To be diverted from Clear Creek
for the irrigation of
S $\frac{1}{2}$ and the S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec.
10, Twp. 16 S. R. 27 E.B.M.

-1882-June 1 45 1.7 s.f.
(Rice or Round
Mountain Tract)

To be diverted from Clear Creek
for the irrigation of
W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 13, NE $\frac{1}{4}$ NE $\frac{1}{4}$,
Sec. 24, Twp. 16 S. R. 27 E.B.M.

PROVIDED: That the Albion-Idaho Land Company or any of the
appropriators having a lower point of diversion shall not be entitled
to divert any of the waters of the said Clear Creek when the same does
not exceed 200 inches or 4 second feet, at the said Company's point
of diversion.

Orlando Bateman and
Lila Bateman

-1884-Apr. 30 43 0046 s.f.

To be diverted from Raft River
for the irrigation of
SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23, S $\frac{1}{2}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 24, Twp. 15 S. R. 25 E.B.M.

-1872-Apr. 1 47 3.82 s.f.

To be diverted from Raft River
for the irrigation of Lots 1, 2,
3, 4 and 5, Sec. 6, Twp. 16 S.
R. 25 E.B.M.

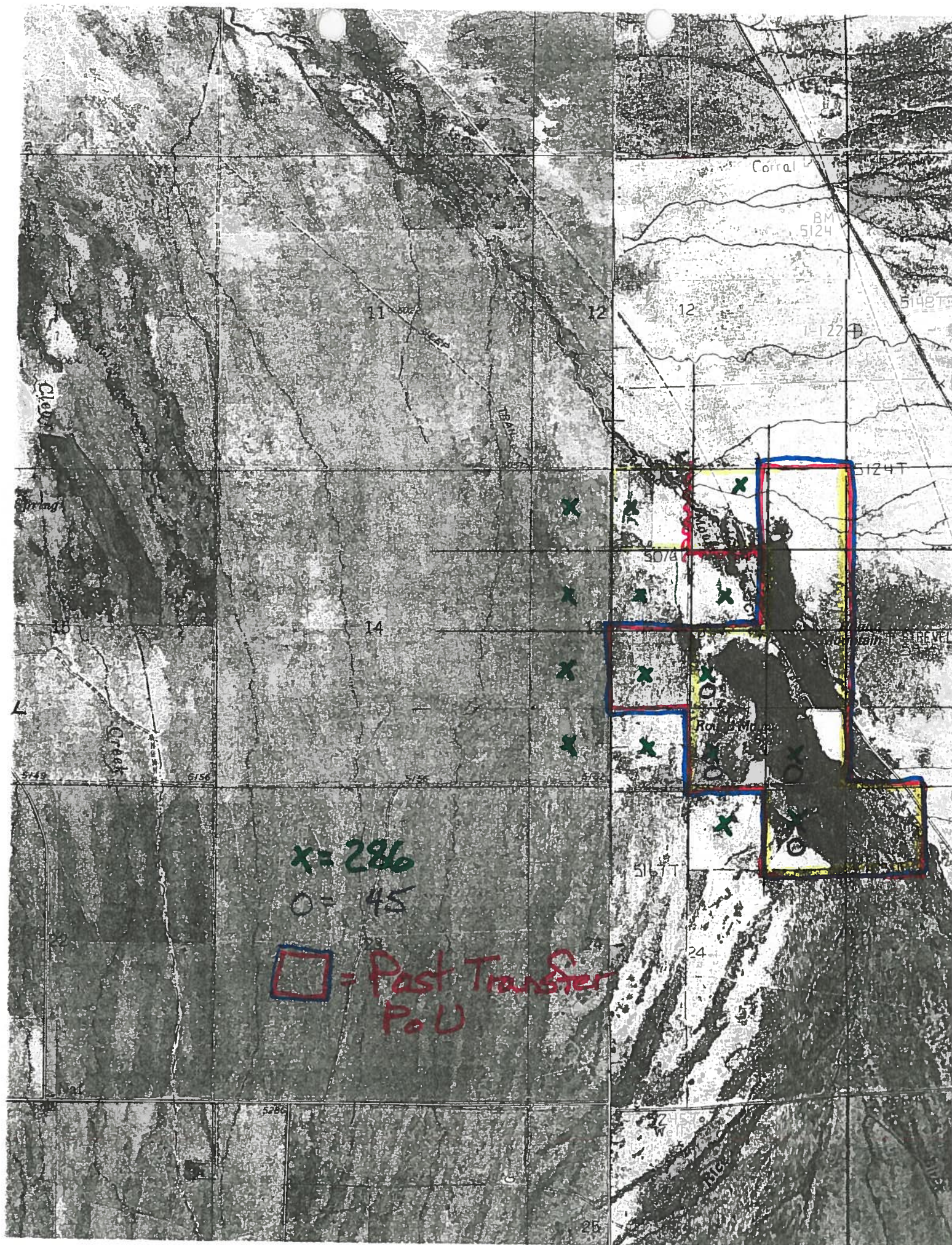
J. Edwin Barker and
Peggie Barker

-1884-Apr. 30 65 s.f.

-1881-Apr. 30 2.2 s.f.

-1894-Apr. 1 1.1 s.f.

To be diverted from Cassia Creek
for the irrigation of
E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 31, Twp. 13 S. R. 25
E.B.M., excepting the following
described land:



pri water doctrine -

★ 1960s: claimed water - drainage
10/16

old dam site used for new one
ditch line across W $\rightarrow$ E old water
old dam inside comment.

3.15 Looking So. down to tree (orig. P.D.)
 own pipeline - MEASUREMENT HERE
 4 ~~3~~ GALS: 3.2 sec. by ADM
 4 GALS: 3.5 " 68 GPM

SPILL: 5 ~~4~~ GALS / 4 sec: 75

3.20 WEST CHANNEL: Gussard 5 gals
 + 5
 68
 150 GPM

.35 Looking So from crown of the
 high water fields historically
 irrigated. 5

.45 Looking No towards main line 4
 spring collection point
 " So. over with channels 3
 from the spring

3.50 end of Round Mtn Spgs - goes 2
 W. to main line then down as
 drain pipe to the spill (about 1962)
 " Looking W. to main line - 1

7765

DEGREE - pg 14

43-00045

Source: Clear Cr.

Amount: 1.7 AFS

P/D: X

POV: W 1/2 SE, SESE 613

NENE 624

T165 R 27E

PRIORITY: 6-1-1982

MAPS USED: DD 82 DATE: 1976

ASCS

ORTHO

NAPP

BLM

USGS - NAT

28

MAPS USED: DD 83 DATE: 1976

ASCS

ORTHO

NAPP

BLM

USGS - STREVELL SW

2112 - MAPLE

RATE R28E

Produced by the Geological Survey



SLIDE 22
07-06-1993
ASCS HH-42
T16S R27E §13



SLIDE 23
06-1988
ASCS G40
T16S R27E §13



07-07-94
Roll 2A 2.45
Looking E. over
Channel @ spill
1962 water @ home
site.

#3

Behind shed -
Looking W. over the
Channel.



#2

Looking N. to the
reservoir from
No. of the shed.



#1

07-07-1994

JAMES MERLE



07-07-94 2:55
Looking SE - Round
Mountain Spring flows
into reservoir from
behind shed.

Roll 3
#13



Looking NO. over
the reservoir from
pint #13

#12



Looking NO. over
pump just NO. of
shed.

#11

A43-00045 et al

JONES, M. F. W. L. E.

Pix #5:
10 thru 7

07-07-94
3.05

panorama shot
from the S. end
of the reservoir
around to the
W.



A43-

JONES, M. FOR LIFE

7 7194

07-07-94

3.15

Looking So. to the
homestead - over the
pipeline - tree said
to be original Pod.



#6



From bottom of the
property, S. end,
looking almost due
So. - this is the
corner of the high
water fields claimed
to be historically
irrigated.

#5

07-07-94

3.45

Looking N.O. towards
mobile home @ entrance
lane to homestead over the
spring collection pipe in
center of pool.



#4



Looking SO. over
both channels
that come into
the pool shown
above.

#3

07-07-94

3.15

Looking So. to the
homestead - over the
pipeline - tree said
to be original PoD.



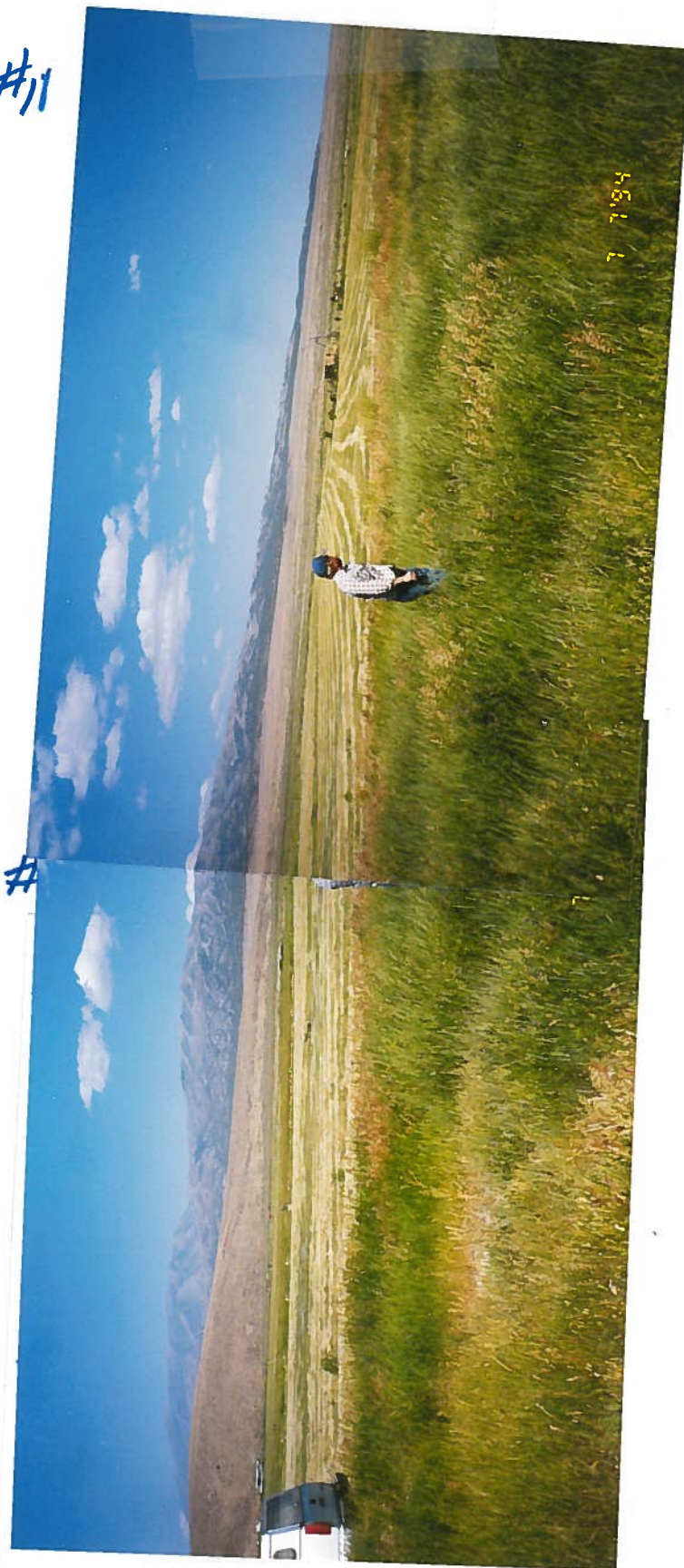
#6



From bottom of the
property, o. land,
looking almost due
So. - this is the
corner of the high
water fields claimed
to be historically
irrigated.

#5

Roll #4 #11



07-07-94

4.05

Looking No. down
fence line over
vertical culvert.

panorama shot
around from No.
to E. - this ditch
can serve field
to the E. or to
pipe line - there
are 3 in this field

pipeline/ditch
come from the
Harold Jones
place near Nat
stnd No. of
property under
the E./W. road

A43-MND45

THREE MILES

07-07-94

5.05

panorama shot
going from SO
to NO. while
facing W.

Pix #5:
10 thru 4



A43-00

JONES, MARLE