

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: A43-00165A
Date Received: 4/19/1989
Receipt No: S006905
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LANO ELISON 208-645-2537
Address: HC 72 BOX 2176
MALTA, ID 83342

OR
Name: LOIS ELISON 208-645-2537
Address: HC 72 BOX 2176
MALTA, ID 83342

2. Date of Priority: APR 01, 1871

3. Source: RAFT RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14S	27E	7	NW	SW	NE		CASSIA

5. Description of diverting works:
DAMS AND DITCHES TO SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/30	07/01	0.380		

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

8. Total consumptive use is 1164.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	27E	31	SW	SW	4	IRR	50.0
			SE	SW		IRR	40.0
			NW	SE		IRR	20.0
			SW	SE		IRR	40.0
			SE	SE		IRR	10.0
						Section Acres	160.0
14S	27E	6	NE	NE		IRR	10.0
			NW	NE		IRR	40.0
			SW	NE		IRR	20.0
			SE	NE		IRR	38.0
			NE	NW		IRR	40.0
			NE	SE		IRR	20.0
			NW	SE		IRR	10.0
						Section Acres	178.0
						Total Acres	338.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
SEE REMARKS.

14. Remarks:

TRANS. 2505 & 665.
THIS CLAIM IS A COMBINATION OF A PORTION OF THIS WR: 43-00165
ORIGINAL DECREE FOR 3.2 CFS, THIS PART FOR 0.38 CFS.
CALCULATIONS FOR THESE PORTIONS, CLAIMANT DIVIDED THE ORIGINAL
TOTAL DECREE CFS BY 21. (21 PLACES MADE UP THE MALTA LAND AND
IRRIGATION CO.) CLAIMANT NOW OWNS 2-1/2 PLACES AND SO HE
MULTIPLIES THE FIRST FIGURE BY 2.5.

*****OTHER WATER RIGHTS*****
A43-10078 A43-02324A A43-02324B A43-02546
A43-04000A A43-04000B A43-10085 A43-10086
A43-00165A A43-00168A A43-00172A A43-00169C
A43-00170A A43-00173A A43-00171A A43-00178B
A43-02295E *****

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 10/18/1928

A43-00165A

Page

2

Date: 04/19/89

MICROFILMED

MAR U 2 1993

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

Number of attachments: _____

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): Lano Ellison Date: 4-19-89

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 19th day
of April 1989

Steve Cull
Notary Public

Seal

Residing at Twin Falls
My Commission Expires Dec 7, 1994

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

BURLEY 38 MI.
MAULATA IDAHO 771 & MI.

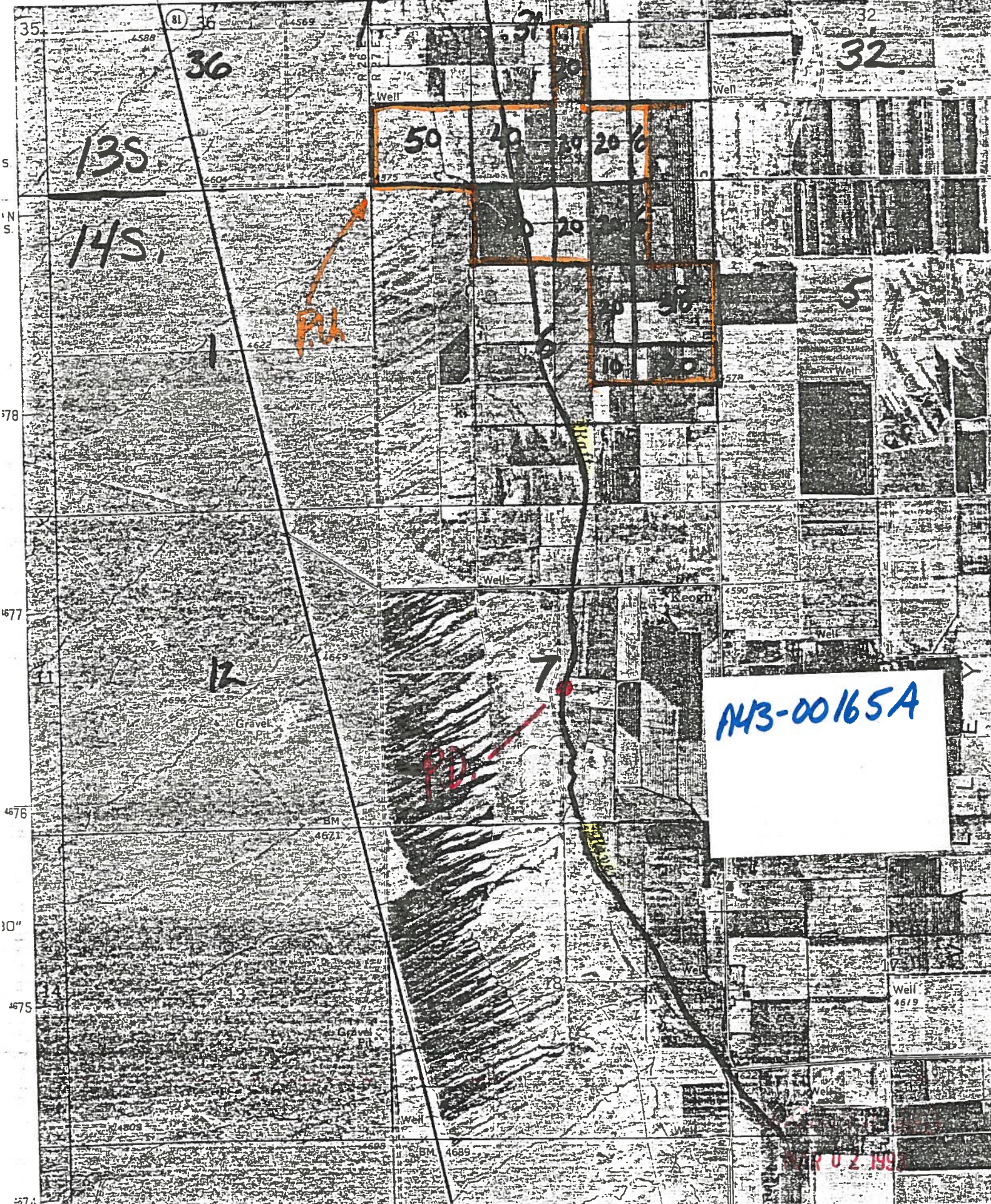
27E

20'

308

30

22' 30"



A43-00165A

APR 2 1992

Fact
1/21

$\times 2\frac{1}{2} = \text{Total}$

60

continuous
continuous

12/12/11

?

1.19"	✓	43-0164	.5 cfs	4-30 to 7-1	4-1-1871	2.975"
7.62"		0165	3.2 cfs	4-30 to 7-1	"	A43-00165A
1.19"	✓	A43-10085 0175	.5 cfs	continuous 4-1 to 11-1	"	2.975"
10.02"	✓	0176	4.21	4-1 to 7-1	"	25.24"
17.81					"	2.38"
7.62"	✓	0166	3.2	"	"	7.62"
7.62"	✓	0167	3.2	"	"	

22.86"	✓	0168	9.6	7-1 to 10-1	4-1-1879	22.86"
7.62"	✓	0172	3.2	" 4-1 to 10-1	" 7.62"	1.51

17.14"	✓	0169A	7.2	"	6-1-1879	17.14"
13.33"	✓	0169B	5.6	"	"	13.34"

5.71"	✓	0170	2.4	"	4-1-1881	0.29 5.71"
15.24"	✓	0173	6.4	"	4-1-1882	0.76 15.24"

~~23.81"~~ ✓
full 80"
amount
110" 0178B 48/52 (?) (x 2 1/4)

MICROFILMED
MAR 02 1993
Res. Rt.
A43-00165A

④ 4-1-1883
3-1-1883 1.63
80"
5.83 cfs total except 11

MALTA LAND AND IRRIGATION COMPANY

Water rights to the following described lands:

60 acre tracts on lower unit

25.24	inches	of	Raft	River	Water	dated	April 1, 1871	- Usage	April 1st to July 1st
2.38	"	"	"	"	"	"	"	"	Continuous < 164 + 175 >
7.62	"	"	"	"	"	"	" 30th ? "	"	April 1st to July 1st
7.62	"	"	"	"	"	"	" 1, 1879	"	April 1st to October 1st
17.14	"	"	"	"	"	"	June 1, 1879	"	April 1st to October 1st
60.00	total	1.2	cfs						
22.86	inches	"	"	"	"	"	April 1, 1871	"	July 1st to October 1st
60	"	"	"	"	"	"	Dec. 12, 1911	"	Continuous
21.43	"	"	Subterranean	water					
			as shown on	Cert. #19601					
			from Dept. of	Reclamation,					
			Boise, Idaho				Mar. 5, 1945		

This description of water is for all 7 men on lower unit whose names are:

Floyd Bell, Elmo Elison, Jno. A. ¹/₂ Elison, Lano Elison, R. C. Graham,

Deward Bell and J. H. Thompson.

DECREE:

Albion-Idaho Land Co.

v.

Jobe Adams et. AL.

10/18/1928

MICROFILMED

MAR 02 1993

A43-001654

MALTA LAND AND IRRIGATION COMPANY

rights to the following described lands:

40 acre tracts for lower unit

13.34	inches of Raft River Water dated June 1, 1879 - Usage	April 1st to October 1st
- 5.71	" " " " " " April 1, 1881	" " " " " "
15.24	" " " " " " April 1, 1882	" " " " " "
40	" " " " " " Dec. 12, 1911	Continuous
~~14.28~~	" " ~~Subterranean water~~ abandoned! as shown on Cert. of Transfer #19601	Continuous
	Mar. 5, 1945	

For Floyd Bell, Elmo Elison, Jno. A. Elison, Deward Bell,

R. C. Graham, Lano Elison and J. Henry Thompson.

MICROFILMED

MAR 02 1993

443-001654

MALTA LAND AND IRRIGATION COMPANY

Water rights to the following described lands:

80 acre pasture land - lower unit

171-80	inches of R _{ft} River Water dated April 1, 1883 - Usage	Continuous
40	" " " " " " Dec. 12, 1911 "	"

For Jno. A. Elison, Floyd Bell, Deward Bell, J. H. Thompson,
Lano Elison and Elmo Elison. Lano Elison has 20 inches extra
of Dec. 12, 1911 water and Elmo Elison also has 20 inches extra
of May 24, 1909 water, R. C. Graham has 90 inches of May 24, 1909
water and Floyd Bell 10 inches of May 24, 1909 water extra.

MICROFILMED

MAR 02 1993

A43-00165 A

05/09/2001

**NOTICE OF ERROR
REPLY**

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

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

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

Water right number: 43-165A

LOIS ELISON
HC 72 BOX 2176
MALTA ID 83342
Telephone Number: (208)645-2537

LANO ELISON
HC 72 BOX 2176
MALTA ID 83342
Telephone Number: (208)645-2537



RECEIVED

JUN 12 2001

Department of Water Resources
Southern Region

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

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

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

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

DATE: 6-5-01 SIGNATURE: Lano Elison

Please print your name: LANO ELISON

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

/ Done

10/31/2000

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

RIGHT NUMBER: 43-165A

NAME AND ADDRESS: LANO ELISON
LOIS ELISON
HC 72 BOX 2176
MALTA, ID 83342

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.38 CFS

RIGHT NOS. 43-00165A, 43-00168A, 43-00169C 43-00170A, 43-00171A, 43-00172A, 43-00173A, 43-10086, 43-11269, 43-11270, 43-02295E, 43-02324A, 43-02324B, 43-02546, 43-04000A AND 43-04000B ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.498 CFS.

PRIORITY DATE: 04/01/1871

POINT OF DIVERSION: T14S R27E S7 NWSWNE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-30 07-01	0.38 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

T13S R27E S31	LOT 4	SWSW	50	T13S R27E S31		SESW	40
T13S R27E S31		NWSE	20	T13S R27E S31		SWSE	40
T13S R27E S31		SESE	10	T14S R27E S6	LOT 1	NENE	10
T14S R27E S6	LOT 2	NWNE	40	T14S R27E S6		SWNE	20
T14S R27E S6		SENE	38	T14S R27E S6	LOT 3	NENW	40
T14S R27E S6		NESE	20	T14S R27E S6		NWSE	10

338 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 150 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

RIGHT NOS. 43-00165A, 43-00168A, 43-00172A, 43-10086, 43-11269 AND 43-11270 ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 150 ACRES IN A SINGLE IRRIGATION SEASON.

RIGHT NOS. 43-00165A, 43-00168A, 43-00169C 43-00170A, 43-00171A, 43-00172A, 43-00173A, 43-00178J, 43-10086, 43-11269, 43-11270, 43-02295E, 43-02324A, 43-02324B, 43-02546, 43-04000A AND 43-04000B ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 338 ACRES IN A SINGLE IRRIGATION SEASON.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

**43-00165A, 43-00168A, 43-00169C, 43-00170A,
43-00171A, 43-00172A, 43-00173A, 43-00178J,
43-10086, 43-11269 and 43-11270**



**T13S R27E S31
T14S R27E S06**

Map prepared by: Carter Fritschle
Date prepared: 10/31/00
1987-1988 NAPP photography
Idaho Department of Water Resources

Split Analysis for Malta Land and Irrigation Company's Decreed Rights

Maximum allowable diversion rates for the splits of the base rights. Some have been overclaimed and some have been underclaimed. The following "files" are at the state office:
L. Elison POU, E. Elison POU, A. Harper POU, Harper POU (Nye)

Basin 43 Root Right No. cfs	L. Elison POU	E. Elison POU	Hutchison POU	A. Harper POU	Warr POU	Harper POU (Nye)	Anderson POU	Whitaker POU	Parke POU	D. Harper POU	FMHA POU	Pierce POU	Total of Splits
00164	A43-10085	A43-10791	A43-10792	A43-10378	A43-10381	A43-10257	A43-10606	A43-10435					
0.50	0.059	0.036	0.10	0.024	0.095	0.048	0.024	.048					0.434
00165	A43-00165A	A43-00165B	A43-00165C	A43-10378	A43-10381	A43-10257	A43-10606	A43-10435					
3.20	0.38	0.23	0.61	0.15	0.61	0.30	0.15	0.30					2
00166	A43-10086	A43-10788	A43-10789	A43-10378	A43-10381	A43-10257	A43-10606	A43-10435					
3.20	0.38	0.23	0.61	0.15	0.61	0.30	0.15	0.30					2.73
00167	A43-10086	A43-10788		A43-10378	A43-10381	A43-10257	A43-10606	A43-10435					
3.20	0.38	0.23		0.15	0.61	0.30	0.15	0.30					2.12
00168	A43-00168A	A43-00168B	A43-00168C	A43-10379	A43-10387	A43-10257	A43-10607	A43-10433					
9.60	1.14	0.69	1.83	0.46	1.83	0.91	0.46	0.91					8.23
00169A	A43-00169C	A43-00169D	A43-00169E	A43-10379	A43-10388	A43-10257	A43-10607	A43-10433					
7.20	0.86	0.51	1.37	0.34	1.37	0.68	0.34	0.68					6.15
00169B	A43-00169C	A43-00169D		A43-10379	A43-10388	A43-10257	A43-10607	A43-10433					
5.60	0.67	0.40		0.53	1.07	0.27	0.27	0.80	(0.27)				4.01
00170	A43-00170A	A43-00170B		A43-10380	A43-00170C	A43-10257			A43-00170D				
2.40	0.29	.17		0.23	0.46	0.11	(0.11)	(0.34)	0.11				1.48
00171	A43-00171A									A43-00171B	A43-00171D	A43-00171C	
10.00	1.64									4.73	1.64	2.00	10.01
00172	A43-00172A	A43-00172B	A43-00172C	A43-10379	A43-10387	A43-10257	A43-10607	A43-10433					
3.20	0.38	0.23	0.61	0.15	0.61	0.30	0.15	0.30					2.43
00173	A43-00173A	A43-00173B		A43-10380	A43-00173C					A43-00173D			
6.40	0.76	0.38		0.30	1.22			(0.91)	(0.61)	0.61			3.27
00175	A43-10085	A43-10791	A43-10792	A43-10378	A43-10381	A43-10257	A43-10606	A43-10435					
0.50	0.06	0.036	0.10	0.024	0.095	0.047	0.024	0.047					0.434
00176	A43-10086	A43-10788	A43-10789	A43-10378	A43-10381	A43-10257	A43-10606	A43-10435					
4.21	0.50	0.30	0.80	0.2	0.80	0.40	0.20	0.40					3.60
00178B	A43-00178J	A43-00178C	A43-00178D		A43-00178E	A43-10257	A43-10608	A43-10434		A43-00178F	A43-00178H	A43-00178G	
48.80	5.40	2.90	3.20		8.00	2.80	1.60	4.80		4.00	0.80	2.20	35.70

"Potential" claimants who have claimed only ground water, but appear to be entitled to Raft River decreed water are the LDS Church and Tracy.

() Claimant did not claim any water with this priority date.

NOTE: A43-00170D is claimed in T14S, R27E, S05 for all of the diversion rate of right 43-00170 (2.40 cfs). The claimants (Parke) did not claim any portion of the other rights appurtenant to their land.

This table suggests a possible method of splitting rights that were combined at claims taking, and a possible assignment of diversion rates to the splits.

Root Right Number Total Quantity Deceased	Priority Date	Season of use	L. Elison POU	A. Harper POU (E. Elison)	Hutchison POU	A. Harper POU	Wair POU	A. Harper POU (Nye)	Anderson POU	Whitaker POU
43-00164	04-01-1871	04-30 to 07-01	A43-11269	A43-11265	A43-10792A	A43-11251	A43-12961	43-12996	A43-10606A	A43-10435A
0.50			0.059	0.036	0.10	0.174	0.705	0.048	0.174	0.348
43-00165 (* Combined w/ 43-00164)	04-01-1871	04-30 to 07-01	A43-00165A	A43-00165B	A43-00165C	*	*	*	*	*
3.20			0.38	0.23	0.61			0.30		
43-00166	04-01-1871	04-01 to 07-01	A43-10086	A43-10788	A43-10789	A43-11253	A43-12963	43-12997	A43-10606C	A43-10435B
3.20			1.26	0.76	1.41	0.30	2.02	0.30	0.50	1.00
43-00167 (* Combined w/ 43-00166)	04-01-1871	04-01 to 07-01	*	*	*	*	*	*	*	*
3.20								0.30		
43-00168	04-01-1879	07-01 to 10-01	A43-00168A	A43-00168B	A43-00168C	A43-11254	A43-12964	43-12999	A43-10607A	A43-10433A
9.60			1.14	0.69	1.83	0.46	1.83	0.46	0.46	0.91
43-00169A	06-01-1879	04-01 to 10-01	A43-00169C	A43-00169D	A43-00169E	A43-11256	A43-10388	43-13001	A43-10607B	A43-10433B
7.20			1.53	0.91	1.37	.87	2.44	0.34	0.61	1.48
43-00169B (* Combined w/ 43-00169A)	06-01-1879	04-01 to 10-01	*	*	*	*	*	*	*	*
5.60								0.27		
43-00170 (* Combined w/ 43-00173)	04-01-1881	04-01 to 10-01	A43-00170A	A43-00170B		*	A43-00170C	43-13002		
2.40			0.29	0.17			0.46	0.11	0.11	0.34
43-00171	03-01-1883	04-01 to 10-01	A43-00171A			A43-00171B				
10.00			1.64			4.73				
43-00172	04-01-1879	04-01 to 10-01	A43-00172A	A43-00172B	A43-00172C	A43-11255	A43-12965	43-13000	A43-10607C	
3.20			0.38	0.23	0.61	0.15	0.61	0.30	0.15	0.30
43-00173	04-01-1882	04-01 to 10-01	A43-00173A	A43-00173B		A43-10380	A43-00173C			
6.40			0.76	0.38		0.53	1.22			0.91
43-00175	04-01-1871	Not Specified	A43-11270	A43-11266	A43-10792B	A43-11252	A43-12962	43-12998	A43-10606B	A43-10435C
0.50			0.059	0.036	0.10	0.03	0.10	0.048	0.024	0.048
43-00176 (* Combined w/ 43-00166)	04-01-1871	04-01 to 07-01	*	*	*	*	*	?	*	*
4.21								0.40		
43-00178	12-12-1911	Not Specified	A43-00178J	A43-00178C	A43-00178D		A43-00178E	43-13003	A43-10608	A43-10434
48.80			5.40	2.90	3.20		8.00	2.80	1.60	4.80

Hutchinson's rights are limited by Transfer No. 5140.

Nye claimed 4.88 cfs with a priority date of 12-12-1911 and a season of use of 3-15 to 11-15 under A43-10257. Additional claims could be filed. The amounts shown in blue represent Nye's (Harper's) share of each of the rights.

The amounts shown in red were not claimed by the claimant. An additional claim or claim(s) will be necessary to claim the unclaimed amounts.

R PROOF

CVR

MAPS

PHOTOS

MISC

—

—

—

—

—