

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: A43-00222B
Date Received: 4/ 2/1991
Receipt No: X777777
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: ARIMO CORPORATION 801-328-1600
Address: ATTN: CHRISTOPHER F ROBINSON
139 EAST SOUTH TEMPLE, #310
SALT LAKE CITY UT 84111
2. Date of Priority: JUN 20, 1887
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 |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 15S | 27E | 18 | NW | SW | SW | 4 | CASSIA |
5. Description of diverting works:
CHECKDAMS TO DITCHES
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 1.250 | | |
7. Total Quantity Appropriated is:
1.250 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:
- | Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 15S | 27E | 6 | SE | SE | | IRR | 5.0 |

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	5.0
		7	NE	NE	IRR	35.0
			NW	NE	IRR	20.0
			SW	NE	IRR	40.0
			SE	NE	IRR	40.0
			NE	SE	IRR	40.0
			NW	SE	IRR	40.0
					Section Acres	215.0
					Total Acres	220.0

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:

43-10649, 00315, 10650, 10651 & 02362

14. Remarks:

P. D. GIVEN IN TRANSFER #149

OWNERSHIP CHANGE MADE 8-18-94 BY TLB.

2-24-2000: ADDED ATTY LING PER NOTICE DATED 7-28-1999. - VH

3-10-2000: SPLIT CLAIM TO SEPERATE SOURCES AND DISTINCT POU

43-00222A = COTTONWOOD CREEK CLAIM POU ONLY IN NENW SENW NESW SEC

7. 43-00222B = BALANCE OF POU AND RAFT RIVER WATER. - VH

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

ALBION-IDAHO LAND CO.

Decree Plaintiff

JOBE ADAMS ET AL

vs

Decree Defendant

13. $P = \frac{100}{1000}$

+ - Total Div. Rate - +	+ - Total Div. Volume - +	+ - Total Consumptive Use - +	+ - KW Usage - +
2.000		800.0	

Water right number - A43-00222 Prefix Translation: ADJUDICATION CLAIM

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
15S	27E	6	SE SE		5.0	01	IRRIGATION	(31) CASSIA
15S	27E	7	NE NE		35.0	01	IRRIGATION	(31) CASSIA
15S	27E	7	NW NE		20.0	01	IRRIGATION	(31) CASSIA
15S	27E	7	SW NE		40.0	01	IRRIGATION	(31) CASSIA
15S	27E	7	SE NE		40.0	01	IRRIGATION	(31) CASSIA
15S	27E	7	NE NW		20.0	01	IRRIGATION	(31) CASSIA
15S	27E	7	SE NW		40.0	01	IRRIGATION	(31) CASSIA
15S	27E	7	NE SW		40.0	01	IRRIGATION	(31) CASSIA
15S	27E	7	NE SE		40.0	01	IRRIGATION	(31) CASSIA
15S	27E	7	NW SE		40.0	01	IRRIGATION	(31) CASSIA

Total Acres: 320.0

- - - Diversion Means - CHECKDAMS TO DITCHES

- - - Non-Irrigation Use -

- - - Other Rights for Same Use - 43-10649, 00315, 10650, 10651 & 02362

- - - Remarks - - - - -

GEN P. D. GIVEN IN TRANSFER #149
OWNERSHIP CHANGE MADE 8-18-94 BY TLB.
2-24-2000: ADDED ATTY LING PER NOTICE DATED 7-28-1999. - VH

3-10-2000: CLAIM SPLIT INTO A AND B PORTIONS TO SEPERATE SOURCES
AND DISTINCT PLACES OF USE. 43-000222A FROM COTTONWOOD CREEK USED
EXCLUSIVELY ON NEW SEMW NESW SECTION 7. 43-00222B FROM RAFT
RIVER USED ONLY IN PPU ON EAST SIDE OF RIVER. SPLIT PER ORIGINAL
DECREED AMTS NOT BY CLAIMED AMOUNTS AND BY ACRES HISTORICALLY
IRRIGATED ON WEST SIDE OF RAFT RIVER IN SECTION 7. SPLIT PER
CONVERSATION WITH RANCH MANAGER 3-8-2000. - VH

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

- - - Conditions of Approval - - -
No Conditions of Approval found.

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

- - - Comments - - - - -
No Comments Found

- - - Audit Fields - - - +
03/10/00 VHANCOCK

Water right number - A43-00222

Prefix Translation: ADJUDICATION CLAIM

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

Court Report Filing	-	00/00/0000	Field Inspection Made	-	00/00/0000	Civil Case Number	-	39576
Objection Filed Date	-	00/00/0000	Field Inspection Flag	-	00/00/0000	Old Case Number	-	
Response Filed Date	-	00/00/0000	Verified Date	-	00/00/0000	Old Judicial District	-	
Claim Received Date	-	04/02/1991	Last Amended Date	-	00/00/0000	Temporary Right	-	P
			Receipt Number	-	S013179	Water District	-	43B
			POU Ownership Flag	-	Y	Federal/State Indicator	-	S
			Name Connector	-		Presumption Flag	-	D
						Notice of Error Flag	-	

06/20/2001

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

RIGHT NUMBER: 43-222B

NAME AND ADDRESS: ARIMO CORPORATION
ATTN: CHRISTOPHER F ROBINSON
139 EAST SOUTH TEMPLE #310
SALT LAKE CITY, UT 84111

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.86 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 5.12 CFS. COMBINED RIGHT NOS.: 43-
222A, 43-222B, 43-315, 43-2363, 43-10649, 43-10650, 43-10651.

PRIORITY DATE: 06/20/1887

POINT OF DIVERSION: T15S R27E S7 NWSE Within CASSIA County
T15S R27E S18 LOT 2 SWNW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03-15 11-15	0.86 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County			
T15S R27E S6	SWSE	1.1	T15S R27E S6 SESE 6.9
T15S R27E S7	NENE	37	T15S R27E S7 NWNE 20
T15S R27E S7	SWNE	34	T15S R27E S7 SENE 37
T15S R27E S7	NENW	13	T15S R27E S7 SENW 13
T15S R27E S7	NESW	29	T15S R27E S7 NESE 40
T15S R27E S7	NWSE	23	

254 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 43 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 254 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 43-222A, 43-222B, 43-315, 43-
2363, 43-10649, 43-10650, & 43-10651.

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

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

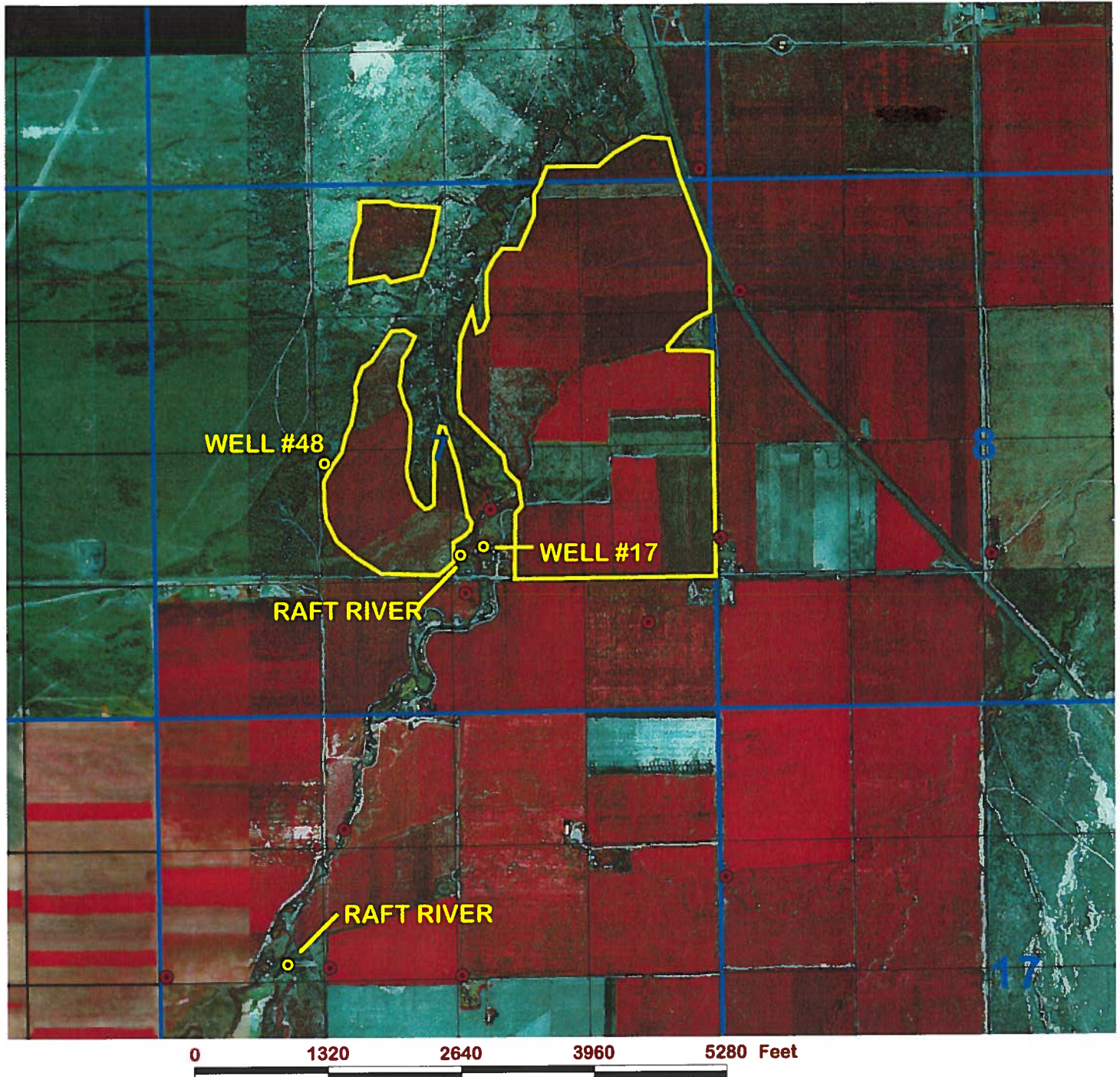
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

Idaho Department of Water Resources

RIGHTS: 43-222B, 43-315, 43-2363,
43-10649, 43-10650, 43-10651

RECOMMENDED PLACE OF USE
TWP 15S, RNG 27E,
Data entry on June 20, 2001



○ RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE

SECTION LINES

QUARTER/QUARTER LINES



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



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

June 22, 2001

Christopher F. Robinson
139 E. South Temple, Suite 310
Salt Lake City, Utah 84111

RE: Snake River Basin Adjudication (SRBA)
Claims of Arimo, C Bar Cattle Company and Construction Inc.

Dear Mr. Robinson,

In response to our phone conversation of June 15, 2001, I reviewed claims filed in the SRBA in the names of the above companies and my preliminary recommendations for those claims. I find that some clarifications and adjustments are in order.

Claims filed under the name of Construction Inc., representing the Gunnell ranch, appear to be correct as recommended. I re-calculated 353.8 acres irrigated within the outlined place of use per the GIS layout sent you as part of the preliminary recommendation.

I am enclosing a layout of the acres that will need to be included in an expansion claim, if you wish to continue to irrigate the entire C Bar Cattle Company property with ground water. Within the outlined area sent to you as a GIS layout with the preliminary recommendation of these claims, I calculated 808 acres - 748 acres of which have rights to be irrigated with ground water and 590 acres of which have rights for irrigation from Raft River. Currently, 18.2 acres in the SESE Section 25 and 42.7 acres in the SWSW Section 30 have water rights only from Raft River. 87.6 acres of the ground shown irrigated by pivot in the east half southeast section 24 and east half northeast section 25 have no water rights.

To clarify and more accurately recommend the water rights appurtenant to your Arimo property, I divided the parcels and grouped the claims. The property on which claims were first filed by Kent Bedke were separated from the larger parcel to the east of the road, as they were not part of your integrated system at the time of the 1987 commencement of the Adjudication. Upon review, I found a four-acre adjustment necessary on expansion claim 43-10651, which reduced the acres from 103 to 99. The acres outlined as the place of use for claims 43-222A, 43-222B, 43-315, 43-2363, 43-10649, 43-10650 and 43-10651 encompasses 254 acres.

Likewise, the NWSW Section 17 purchased from Brian Hansen in April 2000 was separated. This right is limited to 37 acres within the 39 irrigated acres outlined by the GIS map enclosed. The point of diversion for this water right, 43-2386B, still lists Brian Hansen's well. If this is not correct, you will need to file a transfer with the department to change the point of diversion for your portion of this water right.

38 acres in the next tract to the east (NESW Section 17) was erroneously included within the place of use for ground water and Raft River water in my preliminary recommendation. Although this land was included in claim 43-2554A for ground water, only Clear Creek water is appurtenant to this tract. I believe Brian Hansen has also purchased this land.

I did a thorough review of all your claims and found that neither you nor Dick Goldstein filed a claim on the NENE Section 5, and that is why it was not included in the place of use. That particular 40 acres was also not included in any historical license, decree or statutory claim. There are also no historical water rights on the SW $\frac{1}{4}$ of section 32. Attempts were made to amend your claims after 1989 to move ground water rights into that area, however in all cases this would have caused an unstacking of ground water from surface water, or in some cases overlapping ground water. Movement of water after 1987 would not have been approved without the filing and processing of a transfer with our allocations bureau.

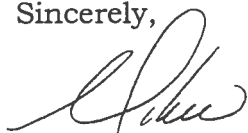
To more clearly show the location of your valid water rights, I have deleted the 147 acres in section 32 originally included as part of the place of use in my preliminary recommendation. If you wish to irrigate the SW $\frac{1}{4}$ section 32 or the NENE Section 5, you will have to cease irrigation on a corresponding number of acres that currently have water rights. If, as you stated in our phone conversation, those acres were irrigated prior to 1987, you may file an expansion claim by providing the evidence we discussed, in the way of aerial photos and the like.

As shown on the enclosed GIS layout, the recommended place of use for the bulk of your water rights, 43-089 etc., is 1,133 acres. Of these, 1,112 acres have water rights for irrigation from ground water; all 1,133 acres have water rights for irrigation from Raft River.

I am enclosing revised recommendations of all your water rights for Arimo for your review, as the remarks and limiting conditions have changed, as well as the recommended acres on 43-10651. Also please note the locations of the points of diversion for each claim. It is my understanding that all diversions from Raft River have been moved and some of the wells replaced since 1987. A transfer of point of diversion will be needed for these water rights, which can be filed at any time. You could also identify your diversions as part of a co-mingled system and identify your pivot locations within the same transfer.

Keep me advised as to what you wish to do regarding expansion claims on the C Bar and Arimo properties, and contact me if you have any questions.

Sincerely,



Vikie Hancock
Sr. Water Resource Agent
Southern Regional Office, Twin Falls

02/07/2001

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

RIGHT NUMBER: 43-222B

NAME AND ADDRESS: ARIMO CORPORATION
ATTN: CHRISTOPHER F ROBINSON
139 EAST SOUTH TEMPLE #310
SALT LAKE CITY, UT 84111

SOURCE: RAFT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.86 CFS

WHEN COMBINED, RIGHT NOS. 43-89, 43-90, 43-201, 43-202, 43-203, 43-204, 43-222B, 43-315, 43-2358, ~~43-2363~~, 43-2386B, 43-2400, 43-2554A, 43-4003B, 43-4130A, 43-4131, 43-10649, 43-10650, & 43-10651 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 06/20/1887

POINT OF DIVERSION: T15S R27E S7 NWSE
T15S R27E S18 LOT 2 SWNW

Within CASSIA County
Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03-15 11-15	0.86 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

T14S R27E S32	SWSW	18	T14S R27E S32	SESW	36
T14S R27E S32	NESE	40	T14S R27E S32	NWSE	35
T14S R27E S32	SWSE	39	T14S R27E S32	SESE	36
T15S R27E S17	NENW	38	T15S R27E S17	NWNW	40
T15S R27E S17	SWNW	39	T15S R27E S17	SESW	38
T15S R27E S17	NESW	38	T15S R27E S17	NWSW	39
T15S R27E S5 LOT 2	NWNE	40	T15S R27E S5	SWNE	40
T15S R27E S5	SENE	39	T15S R27E S5 LOT 3	NENW	40
T15S R27E S5 LOT 4	NWNW	20	T15S R27E S5	SWNW	21
T15S R27E S5	SESW	40	T15S R27E S5	NESW	36
T15S R27E S5	NWSW	40	T15S R27E S5	SWSW	40
T15S R27E S5	SESW	39	T15S R27E S5	NESE	36
T15S R27E S5	NWSE	19	T15S R27E S5	SWSE	40
T15S R27E S5	SESE	32	T15S R27E S6	NESE	6.9
T15S R27E S6	SWSE	1.1	T15S R27E S6	SESE	17
T15S R27E S7	NENE	38	T15S R27E S7	NWNE	20
T15S R27E S7	SWNE	34	T15S R27E S7	SENE	37
T15S R27E S7	NENW	13	T15S R27E S7	SESW	13
T15S R27E S7	NESW	29	T15S R27E S7	NESE	40
T15S R27E S7	NWSE	23	T15S R27E S8	NENE	33
T15S R27E S8	NWNE	40	T15S R27E S8	SWNE	39
T15S R27E S8	SENE	38	T15S R27E S8	NENW	40
T15S R27E S8	NWNW	37	T15S R27E S8	SWSW	38
T15S R27E S8	SESW	39	T15S R27E S8	NESE	40
T15S R27E S8	NWSE	38			

1612 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 43 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

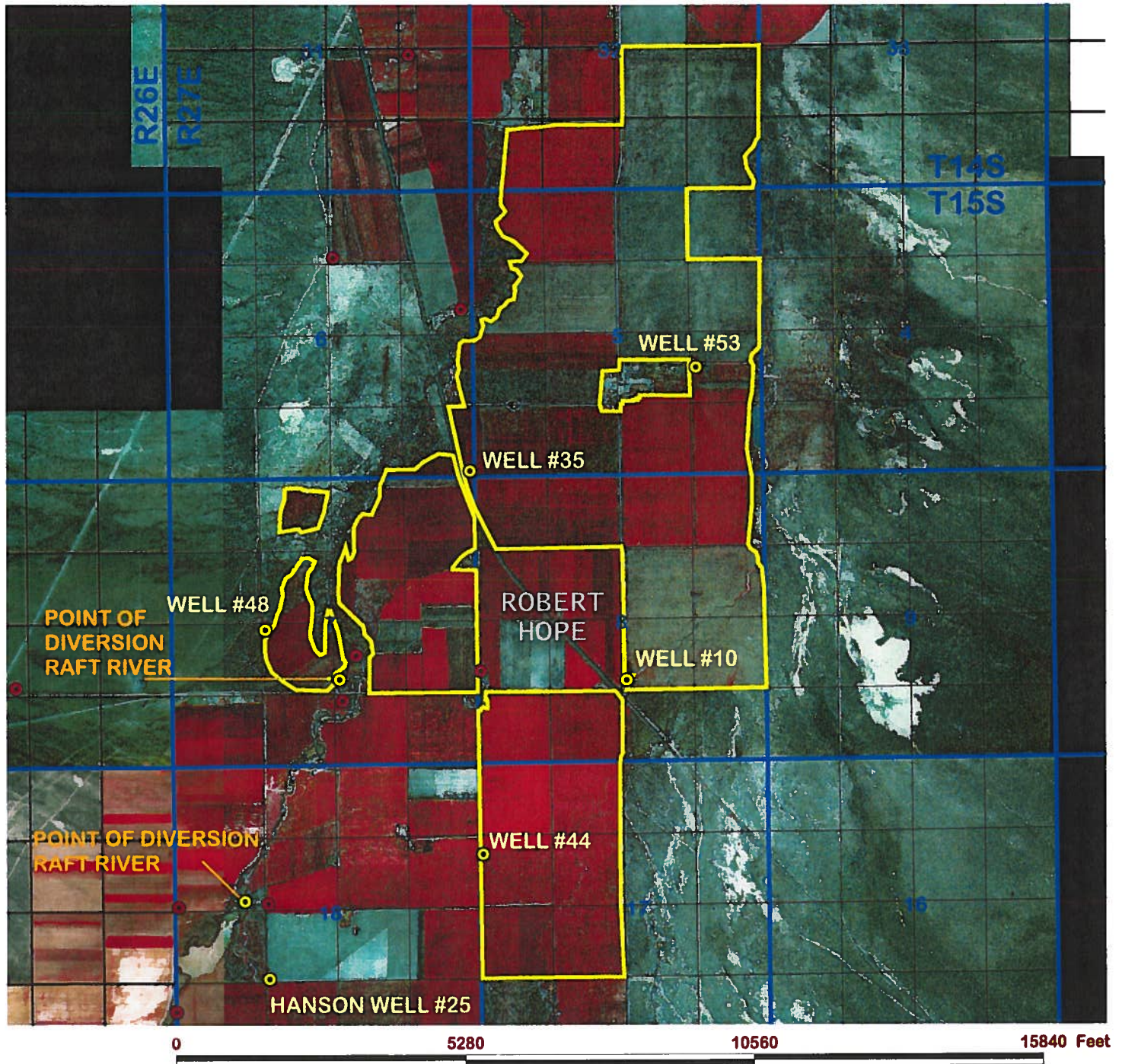
RIGHT INCLUDES ACCOMPLISHED CHANGE ~~IN~~ PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

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

Idaho Department of Water Resources

RIGHTS: 43-089, 43-090, 43-201, 43-202, 43-203,
43-204, 43-222B, 43-315, 43-2358, 43-2363,
43-2386B, 43-2400, 43-2554A, 43-4003B,
43-4130A, 43-4131, 43-10649, 43-10650,
43-10651

RECOMMENDED PLACE OF USE
TWP 14S, RNG 27E
TWP 15S, RNG 27E,
Data entry on February 7, 2001



● RECOMMENDED POINT OF DIVERSION

□ RECOMMENDED PLACE OF USE

□ SECTION LINES

□ QUARTER/QUARTER LINES



WELL NUMBERS = RAFT RIVER
ELECTIC SERVICE NUMBERS

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

Superseded 6-20-01 VJH

RECOMMENDATION

FROM: V. Hancock

9-5-2000

Decreed right for 2 cfs from Raft River on 100 acres W½NE and N½SE, Section 7, T15S, R27E. Priority date 6-20-1887, Jobe Adams Decree. Transfer #149 added a point of diversion on Cottonwood Creek to irrigate land on the west side of Raft River in 1936. ***See notes in file.***

Review of 1962, 1968 and 1987 aerial photos show irrigation of the land immediately west of Raft River, and the majority of this land lies in the NW quarter of section 7. Transfer #149 specifically indicated that a new point of diversion from Cottonwood Creek was to be used to irrigate land on the west side of Raft River, but did not apply for a transfer of place of use. It is possible that the exact legal tract being irrigated was not known, or it is possible that there has been a significant shift in the Raft River channel since 1936. In any case, the land irrigated by Cottonwood Creek in 1962, 1968, 1987, and most probably in 1946, lies in the NE ¼ of Section 7, and can be recommended there in the SRBA under the accomplished transfer statutes.

Transfer #149 occurred prior to the transfer of other surface water to the place of use in 1944 by transfer #669.

According to a conversation with Doug Freestone in March of 2000, and consistent with Department protocol, right 43-222 has been split into A and B portions identifying the discreet sources and POUs.

The original claim based upon 43-222 was for 320 acres. Claim was split proportionately, but recommended as follows:

43-222	100 acres	Raft River/Cottonwood Creek	2 cfs
43-222A	57 acres	Cottonwood Creek	1.14 cfs
43-222B	43 acres	Raft River	.86 cfs

NOTE TO FILE

From: Vikie Hancock

3/10/00

Regarding: Claim number – VARIOUS Arimo Corp.

Doug Freestone, Arimo Ranch Mgr came into the office on March 8th, 2000 to discuss the various Arimo claims to surface and ground water. Issues discussed related to the following claims: **A43-00222, -00315, -10649 and -10650.**

Both Raft River and Cottonwood Creek were listed as source for the above four claims, which were filed by the predecessor in interest of Arimo Corp. I had investigated all the above claims, which are all based upon either old Jobe Adams Decrees or old licenses, and discovered that the only historical mention of Cottonwood Creek as a source was in right number 43-00222. In 1936 transfer #149 added the pod on Cottonwood in Section 12 that is still used today, and showed conveyance for irrigation to the west side of Raft River in section 7, as today. It also indicated a point of diversion from Raft River in section 18 that conveyed water to the east side of the river. I told Doug that I thought it may be better to delete Cottonwood Creek as a source on all but claim A43-~~00222~~ ⁰⁰²²² so that the entire diversion amount allowed by the other claims could be taken from Raft River and used on the east side of the stream. Since approximately 60 acres were irrigated exclusively from Cottonwood Creek, and no water from Cottonwood was conveyed to the east side of Raft River, 60 inches could be dedicated to those acres from the one decreed right and not split off from all four rights.

Doug agreed that recommending all the water from Raft River to the east side of the river in sections 6 and 7 would reflect the true usage of the water represented by the above claims. He also agreed that the place of use on the GIS layout dated 2-23-2000 accurately represented the acres irrigated by Cottonwood Creek in 1987, however they currently probably irrigate more acres in the SENW and less acres in the NENW Sec 7.

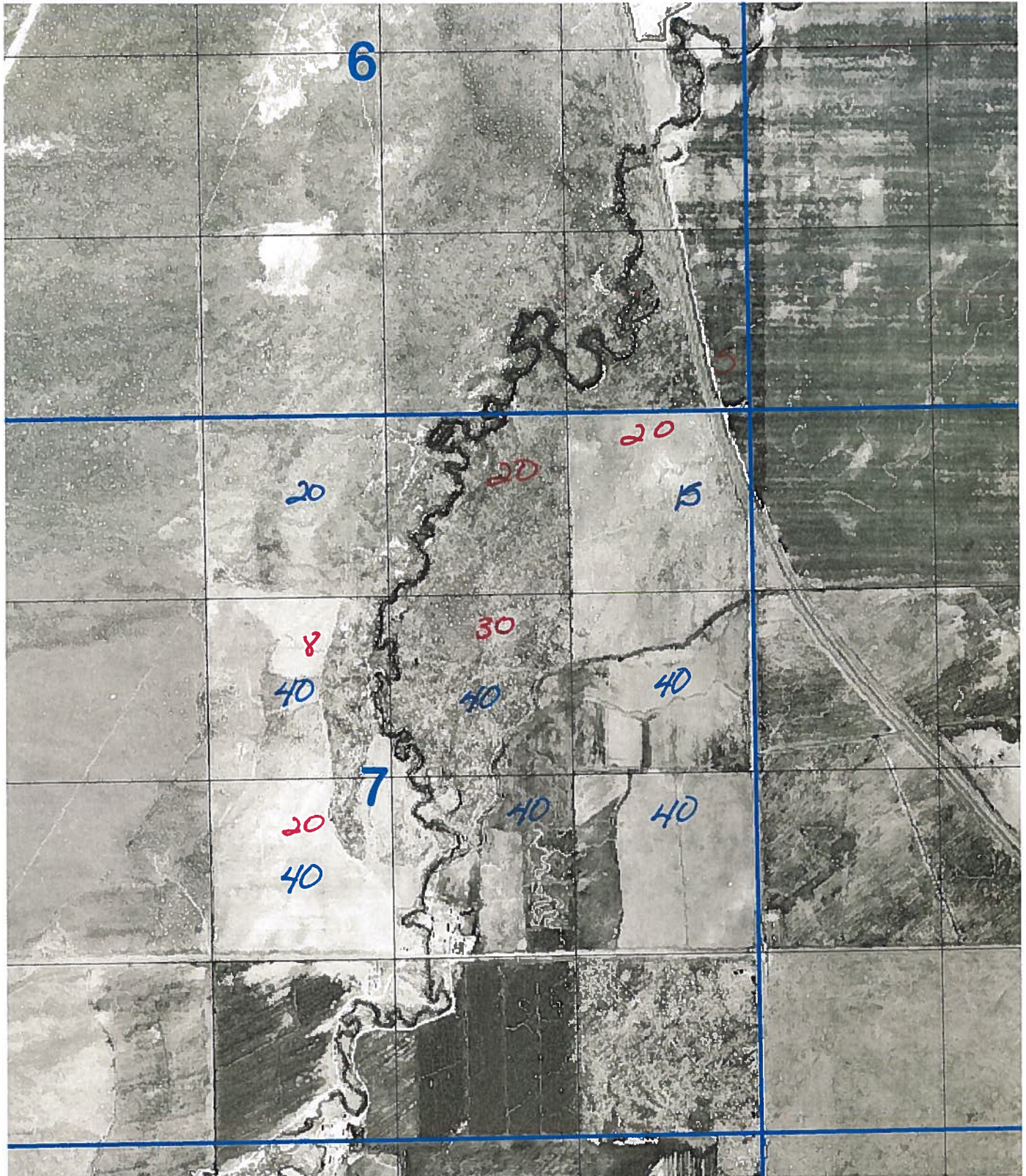
The actual point of diversion on Cottonwood Creek remains as claimed in the SENESW Section 12 T15S, R26E. Surface ditches convey water to a small pond and subsequently the place of use.

The actual point of diversion on Raft River has been moved post 1987 from the claimed location to the SWSWNE Section 7, where it is diverted by pump and pipeline into the combined sprinkler system.

FILE NOTES

ARIMO

43-222A & 43-222B



AC Decreed &/or Licensed BY 1969
EXPANSION CLAIM
V HANCOCK

1968 AERIAL PHOTOGRAPHY

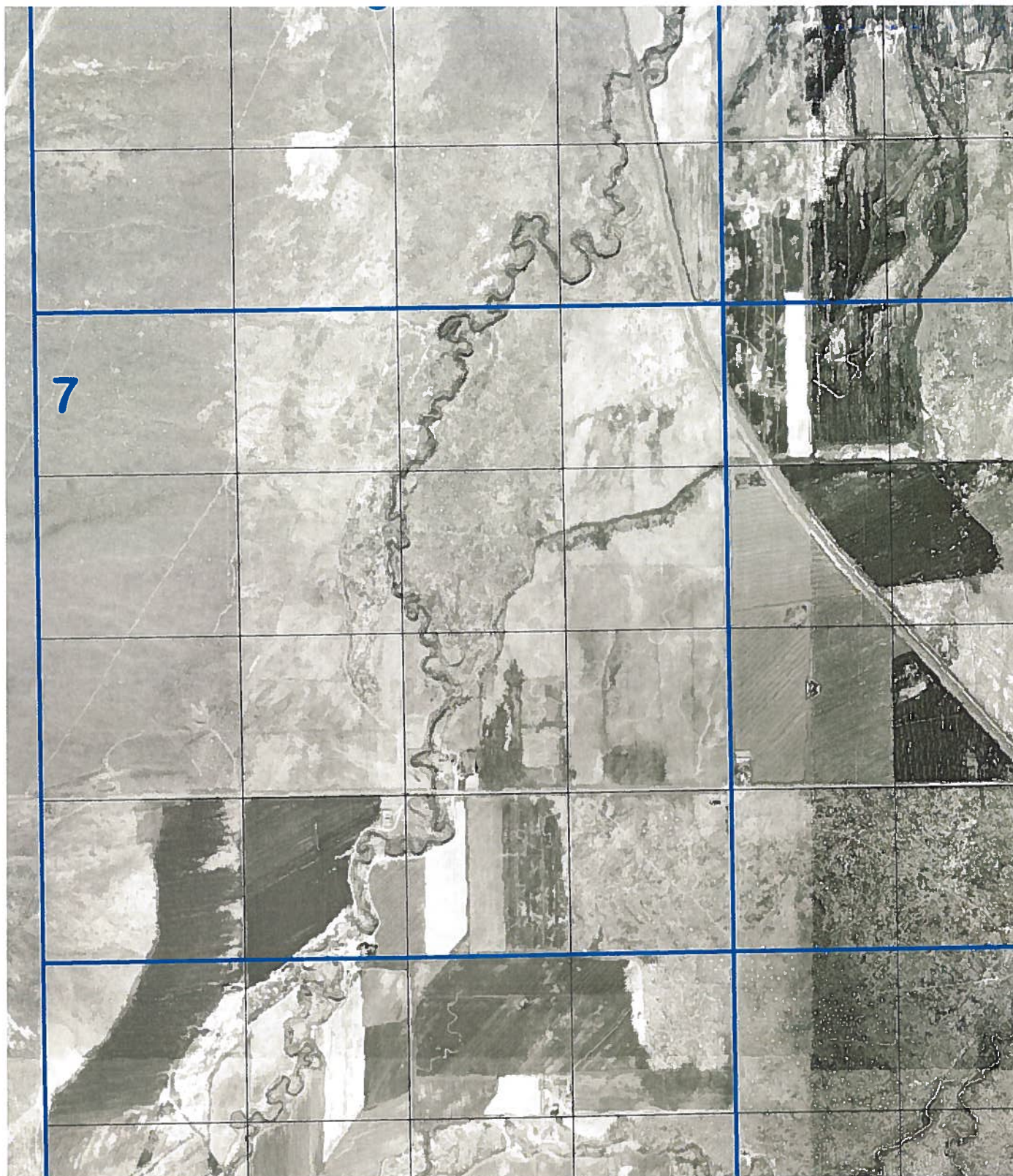


FILE NOTES



ARIMO

TWP 15S, RNG 27E



1962 AERIAL PHOTOGRAPHY

V HANCOCK

NOTE TO FILE

FROM: V. Hancock

9-5-2000

43-00111 is based upon a water right included in the Jobe Adams decree for 1.2 cfs of Raft River water for use on four identified 40 acre tracts, or a possible place of use of 160 acres. This 60 inches of water represents a portion of a water right for 160 inches included in the 1893 Lee Kirk -v- Bartholomew decree for use by William Holt upon four identified 40 acre tracts in Section 7, T15S, R27E. Transfer No. 112 was filed in 1912 to formally move this 1.2 cfs from a specific sixty acres in section 7 to sixty acres identified by map in section 8. This transfer, as well as the 1893 decree, was superceded by the 1928 Jobe Adams Decree. In addition to right 43-00111 for 1.2 cfs, the Jobe Adams also included the remaining 2.0 cfs from the Lee Kirk decree, and decreed it as water right **43-00222** for use upon the original four tract place of use, or another possible 160 acres.

In this case, it would not be reasonable to assume that the intent of the Jobe Adams Decree was to expand use of the 3.2 cfs, originally decreed for use on 160 acres at one inch per acre (by inference) in 1893, to the irrigation of 320 acres in 1928. In fact there is evidence, in this case, that the identification of forty-acre tracts does not indicate that the entire 40 acres was intended to be included in the place of use.

Right 43-00111 should be recommended for use on 60 acres within the claimed irrigated place of use identified by GIS.

Right 43-00222 should be recommended for use on 100 acres within the claimed irrigated place of use identified by GIS.

FILE NOTES

43 ac
 ARIMO 43-2263 & -10651 Limited to 258 ac
 43-222B, -315, -10650, -10649, -222A TWP 15S, RNG 27E
 -2263 & -10651 Limited to 325 ac

60 5	SW				5	AS ac/dec	incl expansion 5 ac
55	7 20	20	20	20	20 15	35 ac	180 ac
88	120	8 40 40	30 10 40	3 40	40 40	120 ac	120 ac
110	120	40 40 20	30 20 30	40 40	40 40	120 ac	120 ac
258 ac	260					275	325
							340 max with dec
ALL CLAIMS FILED BY K Bedke 110 1891							

ALL CLAIMS FILED BY K Bedke in 1991

LIC 2291 (10649) - SW
 LIC 2263 AS TRANS - GU
 V HANCOCK DEC 315, 316, 322 AS TRANS (315 & 10650)
 POSSIBLE DEC 222 AS TRANS
 1962 AERIAL PHOTOGRAPHY
 EXPANSION claim (10651) GU

Old (D) Number -

State-	Zip-
Alabama	35001
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Alabama	

State- Zip-

[illegible]

Code	Description	Period From	Water Use	Period To	Diversion Rate	Diversion Volume

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
2,000

Town	Rng	Sec	Tract	Lot	Acreage	Place of Use	Description	County
15S	27E	7	NW NE			01	IRRIGATION	(31) CASSIA
15S	27E	7	SW NE			01	IRRIGATION	(31) CASSIA
15S	27E	7	NE SE			01	IRRIGATION	(31) CASSIA
15S	27E	7	NW SE			01	IRRIGATION	(31) CASSIA

+ - - Other Rights for Same Use -

[illegible]

---+
(originals transferred)

11/11/1947

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date-	00/00/0000	Verified Date	- 03/26/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 43B
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 10/18/1928	Presumption Flag	-		

Trans. #149

43-0222

Affidavit for Change of Point of Diversion of Decreed Water Right

RECEIVED

JUL 23 1936

Department of Reclamation

STATE OF IDAHO,

County of Cassia

ss.

Frank Olson.

....., being first duly sworn, deposes and says: That his postoffice address is Bridge; That he is the owner of and using a certain water right, bearing date of priority of June, 20, 1887, 19xxxxxx for 2 cubic feet per second of the waters of Raft River, County of Cassia, State of Idaho, decreed to Andrew Olson, by decree of Judge Cavanah, of the Eleventh Judicial District of the State of Idaho, in and for the County of Cassia, in the case of Albion Land Company vs. John Adams. said decree bearing date of Oct. 18, 1928, for the purpose of irrigating the following described lands, situate, lying and being in Water Dist. No. 8 B, in the County of Cassia, and State of Idaho, to-wit: N. 1/2 Sec. 7 T. 15 R. 27 E.B.M.

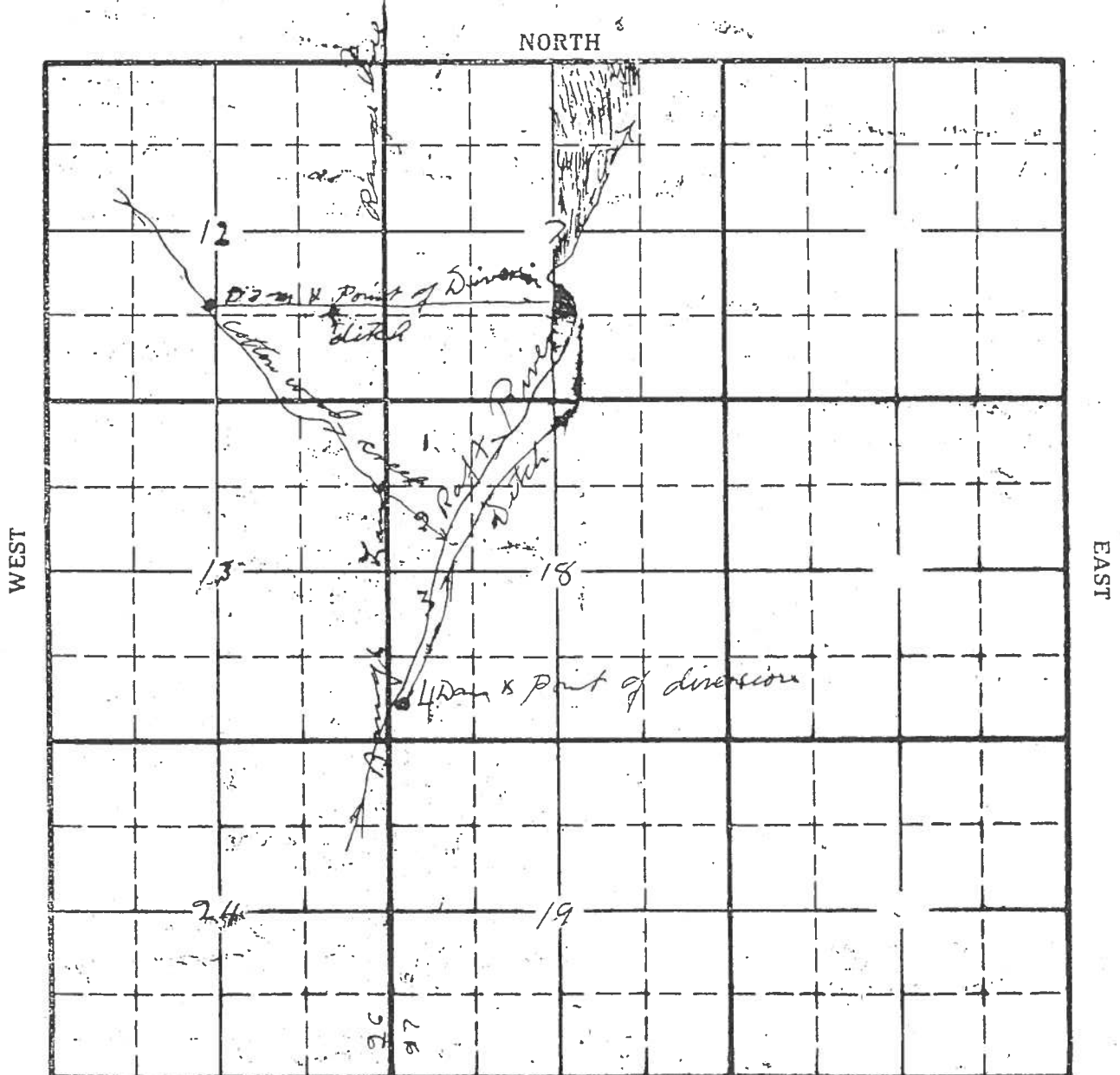
That he is the person (or representative of the corporation) to whom such right was issued, (or has become the owner thereof in the following manner: By Purchase from heirs

of Andrew Olson. Deceased

That said waters are now diverted from said stream in the Sw 1/4 Sw 1/4 of Sec. 18, Twp. 15, Range 27, and conducted to the above described lands through the Olson ditch, as per map filed herewith and of this affidavit made a part;

That affiant desires to change the point of diversion of said water from the point above described

Plot showing New Point of Diversion Also
Present Point to be used jointly
 No. _____, Date July 18 1936, Description Dam and point
of diversion in N.E. 1/4 SW 1/4 Sec 12 Tn 15
Range 26 E.B.M. Section 12 and 7
 Township 15, Range 26 and 27 Meridian.



COYOTE FORM No. 9P-5C

SOUTH

2 inches = 1 mile

NOTE: This map is for the purpose of showing the new point of diversion out of Cottonwood Creek for irrigating that portion of NW 1/4 of SW 1/4 and W 1/4 of NE 1/4 Sec. 7 Tn. 15 R. 27 E. B. M. which lies on West side of East River.

PROVIDED, that the amount of water which said James S. McGill shall be entitled to receive from the said Clear Creek shall not, at any time, when added to the amount he then is entitled to receive, or is receiving of the waters of Raft River, exceed one inch per acre or an aggregate of 4 s.f.

1909-Apr. 1 1.3 s.f. To be diverted from Raft River for the irrigation of $S\frac{1}{2}NE\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$, Sec. 32, Twp. 15 S. R. 26 E.B.M.

G. S. Marshall
Kate Marshall
1900-Mar. 1
1909-Mar. 1

.4 s.f.
.8 s.f.

To be diverted from Parke Creek for the irrigation of $SE\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$, Sec. 21, Twp. 13 S. R. 26 E.B.M.

1873-June 15

2 s.f.

To be diverted from Cassia Creek for the irrigation of $S\frac{1}{2}SW\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$ and $NW\frac{1}{4}SE\frac{1}{4}$, Sec. 21, Twp. 13 S. R. 26 E.B.M.

R. M. Maxfield
Annie Maxfield
1887-Apr. 30
1894-Apr. 1

.8 s.f.
1.2 s.f.

To be diverted from Green Canyon Creek for the irrigation of $E\frac{1}{2}NW\frac{1}{4}$, Sec. 17 and $SE\frac{1}{4}SW\frac{1}{4}$, Sec. 8, Twp. 14 S. R. 25 E.B.M. Also a further tract of land described as follows: Beginning 14 rods 10 inches South of the NE corner of $SE\frac{1}{4}SW\frac{1}{4}$, Sec. 8, Twp. 14 S. R. 25, thence South 65 rods, 15½ feet 2 inches; thence West 80 rods, thence North 65 rods 15½ feet 2 inches; thence East 80 rods to place of beginning.

North American Mortgage Co.
1888-July 1

.8 s.f.

To be diverted from Cassia Creek for the irrigation of $SW\frac{1}{2}SE\frac{1}{4}$, $SE\frac{1}{2}SW\frac{1}{4}$, Sec. 14, Twp. 13 S. R. 26 E.B.M.

1886-July 1

.4 s.f.

To be diverted from Cassia Creek for the irrigation of $NE\frac{1}{4}NW\frac{1}{4}$, $NW\frac{1}{4}NE\frac{1}{4}$, Sec. 23, Twp. 13 S. R. 26 E.B.M.

1894-Apr. 1

2.4 s.f.

To be diverted from Cassia Creek for the irrigation of $NE\frac{1}{4}NW\frac{1}{4}$, $NW\frac{1}{4}NE\frac{1}{4}$, Sec. 23, Twp. 13 S. R. 26 and $SW\frac{1}{4}SE\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$, Sec. 14, Twp. 13 S. R. 26 E.B.M.

North American Mortgage Co.
1880-Apr. 30

.4 s.f.

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

I. J. Neddo
Alice Neddo
1881-Apr. 1
1882-Apr. 1
1894-Apr. 1
1908-May 10

.9 s.f.
.8 s.f.
2.6 s.f.
1.2 s.f.

To be diverted from Cassia Creek for the irrigation of $SW\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$ and Lots 6 and 7, Sec. 6, Twp. 13 S. R. 27 E.B.M.

Frederick J. Nye
and Hanna Nye
1905-Oct. 1

3.2 s.f.

To be diverted from Cassia Creek for the irrigation of $S\frac{1}{2}NE\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$, Sec. 13, Twp. 13 S. R. 26 E.B.M.

Andrew Olsen
Pauline Olsen
1887-June 20

2 s.f.

To be diverted from Raft River for the irrigation of $N\frac{1}{2}SE\frac{1}{4}$, $W\frac{1}{2}NE\frac{1}{4}$, Sec. 7, Twp. 15 S. R. 27 E.B.M.