

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: A43-00246
Date Received: 5/30/1989
Receipt No: 1003760
Received By: AB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ORVIL BEECHER
Address: BOX 465
ELBA, ID 83326
208-638-5564

2. Date of Priority: APR 30, 1880

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

4. Point of Diversion:

Township	Range	Section	1/4	of	1/4	of	1/4	Lot	County
14S	24E	12	NW		NE		NW		CASSIA

5. Description of diverting works:
HEADGATE ON CREEK, FLOOD IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.300		

7. Total Quantity Appropriated is:
0.300 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
13S	25E	32	SE		SW		IRR	38.0

Section Acres 38.0

Total Acres 38.0

A43-00246

Page 1

Date: 05/30/89

MICROFILMED
MAR 02 1993

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:
A4300247

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

ALBION-IDAHO LAND CO.
Decree Plaintiff

vs

JOBE ADAMS ET. AL., AMENDED
Decree Defendant

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: 1

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): Carol E. Pencher Date: 5/30/89
Date: _____

State of Idaho)
County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 30th day
of May 19 89

Anna Baunhoff
Notary Public

Seal

Residing at _____
My Commission Expires December 7, 1994
Anna Baunhoff, Notary Public
Residing at Boise, Idaho

R24E R25E

A43-05246

286 R 24 E R 25 E 35'

288

289

CONNOCK 3.9 MI.

290

32' 30"

291

Elba
Cem

MICROFILMED
MAR 02 1993





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

September 13, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

GARY NELSON
PO BOX 465
ELBA ID 83326

RE: ADJUDICATION REVIEW OF CLAIMS A43-00246, A43-00247, A43-00248, A43-10277, AND
A43-10279

Dear Gary

I am in the process of completing the recommendations for your adjudication claims. There are a few areas that need your input.

The decreed rights A43-00246, A43-00247, A43-00248 are tentatively recommended for 36 acres within the SESW of Sec 32. A43-00246 and A43-00247 are still in Orvil Beecher's name. A change of ownership is necessary. Other than that, I do not see any problems with these rights.

Although we discussed the development for A43-10277 (the spring near the center of the property) I do not have any documentation to substantiate the claimed priority date. I have to have that information before I can make a recommendation on that right. As the property was part of the Jobe-Adams decree, the earliest priority date that can be recognized is one day after the decree date or 10-19-1928. That is assuming that the spring was developed before the decree was finalized but for some unknown reason, not included in the decree. I have identified 5.6 acres using the department GIS system as being irrigated from a gravity system. This claim is also in Orville's name and requires a change of ownership.

A43-10279 is the claim for Black Sand Creek and Franks Hollow water diverted at the point where the Barker ditch goes under Dry Creek and also meets highway. The diversion structure is a culvert leading from Dry Creek to the Barker ditch. Although the majority of water may actually arise or come from the two claimed sources, the actual diversion is from Dry Creek and any water from other sources that reach that channel is then considered to be Dry Creek water. I expect to recommend this claim with Dry Creek as the source. This claim does not have evidence of priority either. If the first time that the Dry Creek water was intentionally diverted into the Barker Ditch was when the highway department installed the culvert then that would be the priority date. If there was a previous diversion structure that the culvert replaced, then the date that the earlier structure was constructed would be the priority date. I cannot recommend this right either, until I obtain evidence of priority. This claim needs to be included in the change of ownership from Orvil to the current owner.

I did not see any problems with the claims for the home property. If you have any questions please contact me at the above number.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

Enclosure

11/30/2000

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

RIGHT NUMBER: 43-246
NAME AND ADDRESS: GARY NELSON
PAULA NELSON
1950 S 1192 W
ELBA, ID 83326

VERIFIED BY *KKC*

SOURCE: CASSIA CREEK
CROSS CREEK
TRIBUTARY: RAFT RIVER
CASSIA CREEK

QUANTITY: 0.3 CFS

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02
CFS PER ACRE. COMBINED RIGHT NOS. 43-246, 43-247, 43-248, 43-10277,
AND 43-10279.

PRIORITY DATE: 04/30/1880

POINT OF DIVERSION: T14S R24E S12 NWNENW Within CASSIA County
T14S R25E S6 NWSWNE 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	0.30 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County
T13S R25E S32 SESW 36

36 ACRES TOTAL

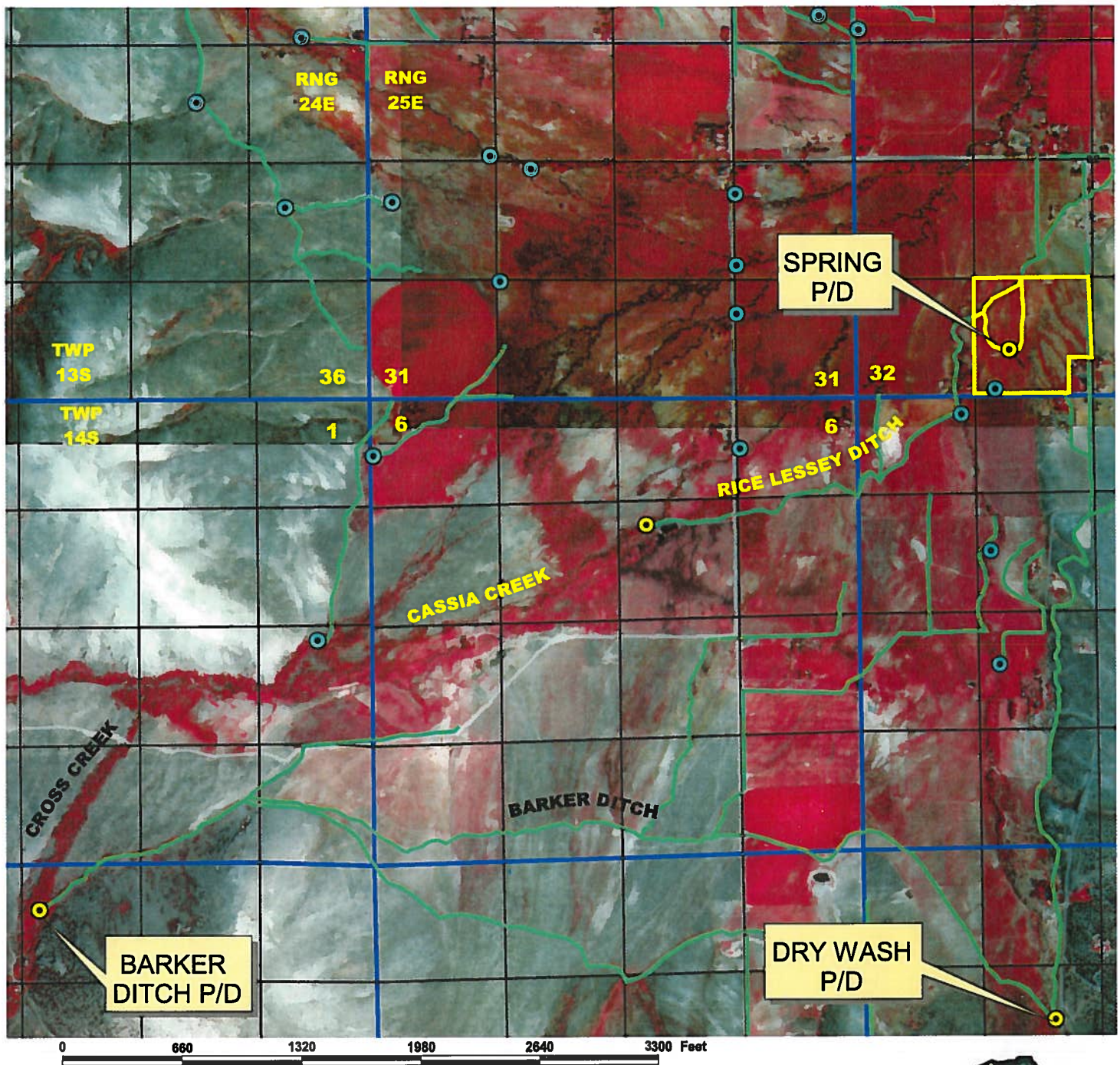
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 36 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED
RIGHTS: 43-246, 43-247, 43-248, 43-10277, AND 43-10279.

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

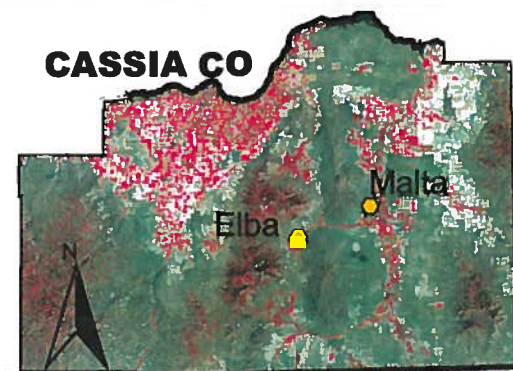
RECOMMENDED PLACE OF USE FOR 43-246, 43-1247, 43-248, 43-10277, and 43-10279



PLACE OF USE
TWP 13S, RNG 25E, SEC 32
Data entry on November 30, 2000

GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

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



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			KRC 6-12-95	N	KRC 6-19-95	KRC "		
POINT OF DIV	Y		"	Y	"	"		
SOURCE			"	Y	"	"		
PLACE OF USE	Y		"	Y	"	"		
DIV. AMOUNT CFS/VOLUME			"	N	"	"		
CONSUMPTIVE USE	-		KRC 6-19-95	Y	"	"		
PURPOSES OF USE			"	N	"	"		
PERIOD OF USE	Y		"	Y	"	"		
BASIS OF CLAIM			"	N	"	"		
REMARKS								

BARCODE UPDATED
WHOM/DATE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

09:08:25
06/01/95

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A43-00246

LAST: PARRISH
ADDRESS:
CITY: ELBA
PHONE NUMBER: 208-000-0000
STATE: ID ZIP: 00000

OWNER CODE: 0

LAST: PARRISH
ADDRESS:
CITY: ELBA
PHONE NUMBER: 208-000-0000
STATE: ID ZIP: 00000

OWNER CODE: 0

LAST: BEECHER
ADDRESS: BOX 465
CITY: ELBA
PHONE NUMBER: 208-638-5564
STATE: ID ZIP: 83326

OWNER CODE: C

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

~~INDEXED~~ GARY NELSON

PHONE NUMBER: (____) ____-____

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

PHONE NUMBER: (____) ____ - ____

DIRECTIONS TO PROPERTY / NOTES:

[illegible]

A. AJ CLAIM: # A43-00246 PRIORITY DATE: 04-30-1880

STAGE: D

B. WR RECORD: # 43-00246 PRIORITY DATE: 04-30-1880

STAGE: D

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

Y(✓) N()

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

Y() N(✓)

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

Y() N(✓)

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

PROOF OF BENEFICIAL USE SUBMITTED

N/A(✓) Y() N()

FIELD EXAM COMPLETED

N/A(✓) Y() N()

FIELD EXAM SENT TO STATE OFFICE

N/A(✓) Y() N()

LICENSE ISSUED

N/A(✓) Y() N()

* 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?

N/A(✓) Y() N()

* 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?

Y(✓) N()

NOTES:

The claimed date matches the decree date & the claimed
P/4 matches the decree P/4 therefore I accept the priority
date as claimed.

RECOMMENDED PRIORITY DATE:

04-30-1880

REVIEWED BY

KRC

DATE

6-19-95

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
A43-00246	14S	24E	12	NW	NE	NW			CASSIA	BAKER DITCH	

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX R PREFIX

*

* 21 A PREFIX CLAIMS WITH THIS POD

** 19 R PREFIX CLAIMS WITH THIS POD

WR RECORDS IN SAME 40 ACRE TRACT

BAKER DITCH
SECOND P/D
14S 25E S40 W50 N15

NONE

SOURCE: CASSIA CREEK

TRIB: RAFT RIVER

CROSSCR FOR BAKER DITCH.

B. WR POINT OF DIVERSION AND SOURCE:

4300246 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: CASSIA CREEK

TRIB: RAFT RIVER

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

N/A (X) 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 (X)

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

Y (X) N ()

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

N/A () Y (X) 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 (X)

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

Y (X) 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 6-12-95)

NAME OF EXAMINER KRC

Y () N ()

OTHER (DESCRIBE IN NOTES BELOW)

with
Qualitative

A. ROOT WATER RIGHT NUMBERS: A43-00246
R43-00246

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
13S	25E	32	SE	SW		BEECHER, ORVIL	A43-00246 / 38.0	43-00246 / 1.0			
			SE	SW		CHURCH OF JESUS CHRIST LATTER	R43-04160 / 1.0				
			SE	SW		BEECHER, ORVIL	R43-10277 / 38.0				
			SE	SW		BEECHER, ORVIL	R43-10279 / 38.0				
			SE	SW		CHURCH OF JESUS CHRIST LATTER	A43-04160 / 1.0				
			SE	SW		BEECHER, ORVIL	A43-00247 / 38.0	43-00247 /			
			SE	SW		BEECHER, ORVIL	A43-10276 /				
			SE	SW		BEECHER, ORVIL	A43-10277 / 38.0				
			SE	SW		BEECHER, ORVIL	A43-10279 / 38.0				
			SE	SW		BEECHER, ORVIL	R43-10276 /				
			SE	SW		BEECHER, ORVIL	R43-00246 / 38.0				
			SE	SW		BEECHER, ORVIL	R43-00247 / 38.0				
			SE	SW		CASSIA CREEK IRRIGATION CO.		43-00015 /			
			SE	SW		PARRISH, F. C.		43-00248 /			
			SE	SW		BEECHER, ORVIL E.		43-04080 / 10.0			
			SE	SW		BARKER, RUEL		43-04167 / 35.0			

36 36

ADDITIONAL POU FOUND

TOTAL ACRES A43-00246 38.00 40.00
POU COUNTY: CASSIA

36

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

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

() N(✓)

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A43-00246	CASSIA CREEK	BEECHER, ORVIL	0.300	0.007		
R43-00246	CASSIA CREEK	BEECHER, ORVIL	0.300	0.007		
A43-00247	CASSIA CREEK	BEECHER, ORVIL	0.300	0.007		
R43-00247	CASSIA CREEK	BEECHER, ORVIL	0.300	0.007		
A43-04160	GROUNDWATER	CHURCH OF JESUS CHRIST LATTER	0.070	0.070		
R43-04160	GROUNDWATER	CHURCH OF JESUS CHRIST LATTER	0.070	0.070		
A43-10277	SPRING	BEECHER, ORVIL	0.300	0.007		
R43-10277	SPRING	BEECHER, ORVIL	0.300	0.007		
R43-10279	BLACK SAND CREEK	BEECHER, ORVIL	0.660	0.017		
A43-10279	BLACK SAND CREEK	BEECHER, ORVIL	0.660	0.017		
A43-10279	FRANKS HOLLOW	BEECHER, ORVIL	0.660	0.017		
A43-10279	FRANKS HOLLOW	BEECHER, ORVIL	0.660	0.017		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
R43-04160	DOMESTIC	CHURCH OF JESUS CHRIST LATTER	FROM 01-01 TO 12-31	0.070 CFS	
A43-04160	DOMESTIC	CHURCH OF JESUS CHRIST LATTER	FROM 01-01 TO 12-31	0.070 CFS	
A43-10276	DOMESTIC	BEECHER, ORVIL	FROM 01-01 TO 12-31	0.040 CFS	
A43-10276	STOCKWATER	BEECHER, ORVIL	FROM 01-01 TO 12-31	0.030 CFS	
R43-10276	DOMESTIC	BEECHER, ORVIL	FROM 01-01 TO 12-31	0.040 CFS	
R43-10276	STOCKWATER	BEECHER, ORVIL	FROM 01-01 TO 12-31	0.030 CFS	

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

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: A4300247

(✓) N()

full overlap on 34 acres with wife, 00247

A43-10277 in full overlap with above claims

overlapping right on PZ

A43-00246 complete overlap on 36 acres

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

* 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.

N/A() Y(✓) N()

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y() N(✓)

G. SHOULD THE CLAIMED POB 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 POB: () ORTHOPHOTOQUAD, IDNR NO. DD-30; () TOPOGRAPHIC QUAD, IDNR NO. _____;

() NAPP, IDNR NO. (382-42 DD-30 NW); ☒ ASCS PHOTO; () OTHER P-28 1978 Feb 18,

NOTES:

See Attached narrative

RECOMMENDATIONS:

TOTAL ACRES: 36 N/A(☐)

REVIEWED BY: KTC DATE: 6-19-95



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
222 SHOSHONE ST E
TWIN FALLS ID 83301
(208) 736-3033

PHILIP E BATT
GOVERNOR

KARL J DREHER
DIRECTOR

ORIVILLE BEECHER CLAIMS ANALYSIS

The claims are used on a portion of 40 acres within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32. The decree describes two exclusions of 50 feet and 20 feet along the south and east sides of the section for roadways. These exclusions total slightly greater than 2 acres. Also excluded is a lot in the southeast corner of the section of 1.5 acres. This ground is currently church property. All of the rest of the quarter is irrigated except for the pond area and ditch areas that are considered negligible. The total recommended acreage for this quarter is 36 acres. There are 3 decreed rights from Cassia Creek, one beneficial use claim from an unnamed stream locally known as Dry Wash, and one beneficial use claim for a spring fed pond all for the irrigation for all or a portion of the claimed place of use.

CASSIA CREEK - CROSS CREEK DIVERSIONS

DECREEED RIGHTS: 43-00246	4-30-1880	0.30 CFS claimed as of 6-1-95
43-00247	4-30-1882	0.30 CFS claimed as of 6-1-95
43-00248	4-30-1886	<u>0.10 CFS claimed as of 8-2-95</u>
	total	0.70 CFS

The decree generically describes most tributaries as Cassia Creek within this geographical area, and Cross Creek is one so described. The Cross Creek water is delivered through the Barker ditch and irrigates a majority of the property. Cassia Creek water is delivered through the Rice Lessey Ditch and irrigates approximately 2 acres in the northwest corner of the recommended P/U. The decreed rights are taken arbitrarily from either source regardless of priority date therefore these rights are recommended for all of the P/U.

The Barker ditch enters the property at the southeast corner of the quarter/quarter and secondary ditches run north and west along the borders to irrigate the P/U via flood irrigation. The southeast corner of the property is the highest point of elevation on the property. The Barker ditch continues north (along the eastern border of the P/U to eventually reach additional users.

The re-diversion from the Rice Lessey ditch is shared with Ruel Barker for his property that lies directly north of this property.

SPRING DIVERSION

CLAIMED RIGHT: A43-10277

The spring is diverted by a small pond located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of section 32 that is within the place of use recommended for the other rights. The delivery system is ditches

running northeast and northwest from the pond to the Rice Lessey Ditch. The spring water can only be applied to ground north of the pond in a roughly U shaped pattern. The pond is used to accumulate the spring water and then divert a greater flow for irrigation purposes. Water from the Barker ditch can be diverted into the pond and then delivered to the ground covered by this system.

This use was not recognized in the Jobe Adams decree, although the spring was undoubtedly being used. Therefore I am recognizing this use for a priority date of 1 day after the decree or, 10-19-1928. For the 5.6 acres identified through arcview and at 0.11 cfs.

DRY WASH DIVERSION

CLAIMED RIGHT: A43-10279

The Dry Wash is diverted into the Barker ditch via a buried pipeline that runs from a cement structure that was constructed by the highway department at the point where the Dry Wash leaves the right-of-way for the Elba-Arco highway. That stream channel is normally dry during the late spring and summer months. The diversion point is located in Twp 14S; Rng 25E; Sec 8; NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ B.M. The Dry Wash water is applied to the irrigated ground through the same delivery system as the Cross Creek Water. Although live flow from Franks Hollow and Black Sand Creek are the predominate sources for water for Dry Wash, the actual diversion is from Dry Wash and is therefore recommended as such.

This system was not identified in the Jobe Adams decree and therefore I am recognizing this use with a priority date of 1 day after the decree or 10-19-1928 for the same 36 acres covered by the decreed rights. I am recognizing this right at the claimed rate of 0.66 cfs which is slightly less than 1 in per acre.

I am recommending the source as Dry Wash per the narrative above.

A. ALL CLAIMED USES:

44-10-31 Dept Street.

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A43-00246 IRRIGATION	FROM 12/15 TO 12/15	0.300 CFS	

TOTAL DIVERSION RATE/VOLUME 0.300 CFS

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
43-00246 IRRIGATION	FROM TO	0.300 CFS	
TOTAL DIVERSION RATE/VOLUME		0.300 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.

Y() N()

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:

The decreed rate for this right is the other rights decreed from Cross Creek/Carroll Creek are less than 1" per acre and the pump ten capacity is capable of delivering well in excess of the decreed Rate supplying 8 ft. more of the decreed rate in the limiting factors for this claim.

AJ CLAIM TOTAL DIVERSION RATE: 0.300 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.300 CFS

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

N/A () Y () N ()
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 _____, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 36 x 0.02 CFS/ACRE = 720 CFS
(Taken from pou review)

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y () N ()
IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y () N ()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

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

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = _____ AF/A

ACRES 36 x CONSUMPTIVE VOL. AF/A FOR AREA 3

TOTAL CONSUMPTIVE USE 108 AF/A

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

00246 = .30
00247 = .30
00248 = .10
170 CFS

*for Cont b.
use remarks*

NOTES:

MR RECORD CONDITIONS/REMARKS:
SEE DECREE FOR FURTHER DESCRIPTION OF P. U.

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

PURPOSE OF USE	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE CFS	EXAMINER	VOL. AF/A	EXAMINER	USE	EXAMINER
IRRIGATION	03-15	11-15	0.300				0.0	
"1"	4-1	10-31		1.30				
TOTAL FOR THIS RIGHT			0.300	1.30			0.0	

NON-IRRIGATION USES CLAIMED:

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

REVIEWED BY: KKC

DATE: 6-19-98

FLAG:

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

*108 for coal.
11/18
11-29-99
KCC*

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: 43-00246

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
0.300

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	R43-00246	0.300	R43-00246	0.300	43-00246	0.300
TOTAL CFS		0.300	0.300		0.300	

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 ()?FIELD
EXAMINER
Y () N ()

NOTES:

N/A

AUTHENTICATION:

SIGNATURE:



DATE:

11-29-99

NAME OF FIELD EXAMINER:

TITLE:

Sylvia Pearson, Agt

LIST OF MAPS USED AND ATTACHMENTS

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 DD-30-1976 IDMR ID NO. _____

Y() N()

() TOPOGRAPHIC

DATE FIELD CHECKED _____ IDMR ID NO. _____

Y() N()

() NAPP

DATE OF PHOTO 7-31-87 IDMR ID NO. 382-42

Y() N()

() ASCS AERIAL PHOTO

DATE OF PHOTO 1978 P-28 IDMR ID NO. DD-30NW

Y(X) 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 PAGES

NOTES

() LICENSING FIELD EXAM

DATE OF FIELD EXAM _____

Y() N()

() WATER RIGHT LICENSE

DATE LICENSE SIGNED _____

Y() N()

() IDMR APPROVED TRANSFER

DATE TRANSFER APPROVED _____

Y() N()

() SYSTEM DESCRIPTION

DATE DRAWN _____

Y() N()

() PHOTOGRAPHS

DATE(S) PHOTOS TAKEN _____

Y() N()

() SPLIT RIGHT REVIEW

DATE REVIEW COMPLETED _____

Y() N()

() HUBBLE ANALYSIS

DATE ANALYSIS COMPLETED _____

Y() N()

() CONVEYANCE LOSS ANALYSIS

DATE ANALYSIS COMPLETED _____

Y() N()

() FLOW MEASUREMENT CALCULATIONS

DATE SYSTEM MEASURED _____

Y() N()

() OTHER _____

DATE _____

Y() N()

() OTHER _____

DATE _____

Y() N()

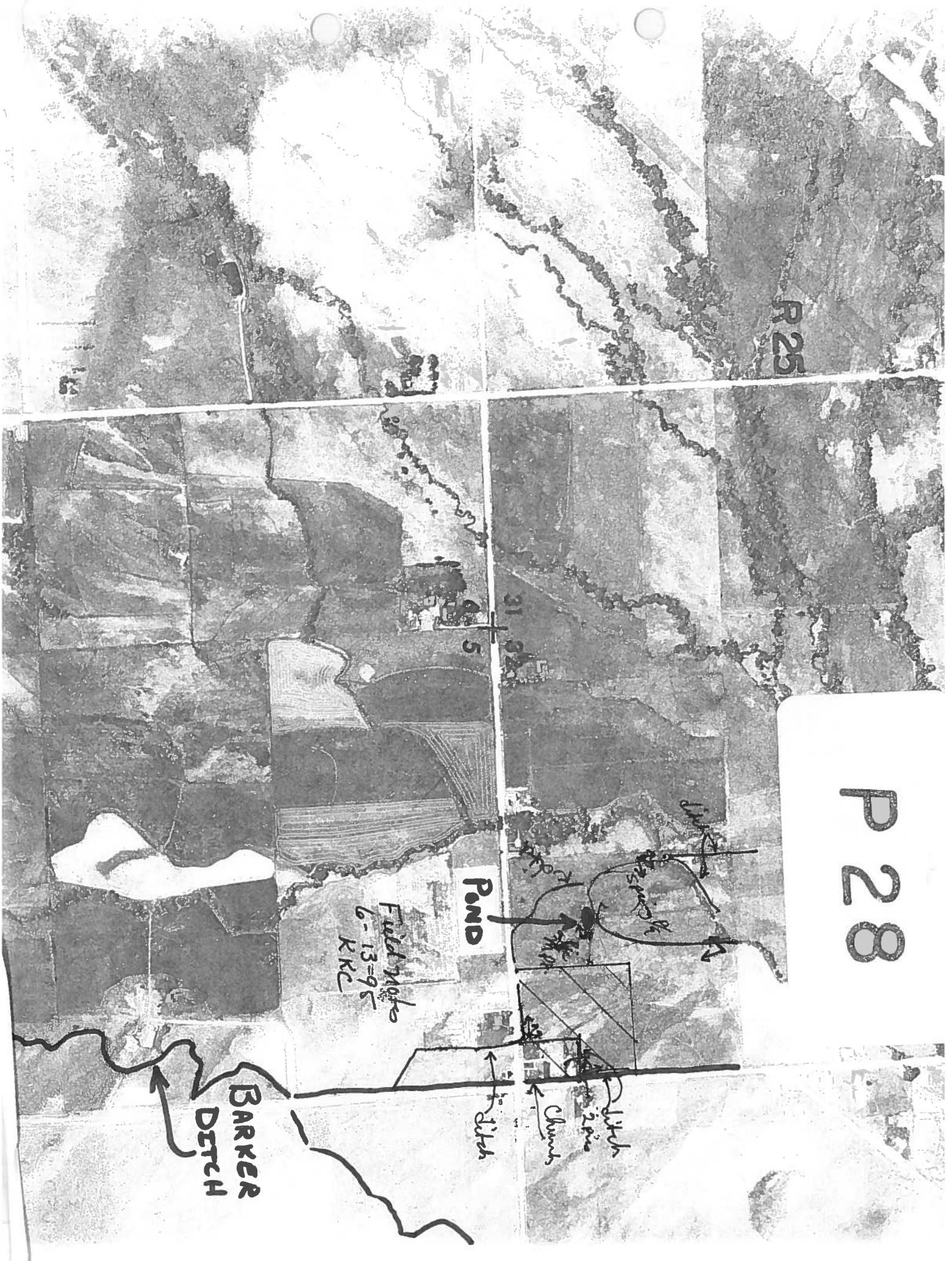
P 28

R 25

Pond

Field notes
6-13-95
KRC

BARKER
DITCH



CLAIM # A43-10277 AND A43-00246
DATE PHOTOS TAKEN; 06-12-95
PICTURE SET # 1

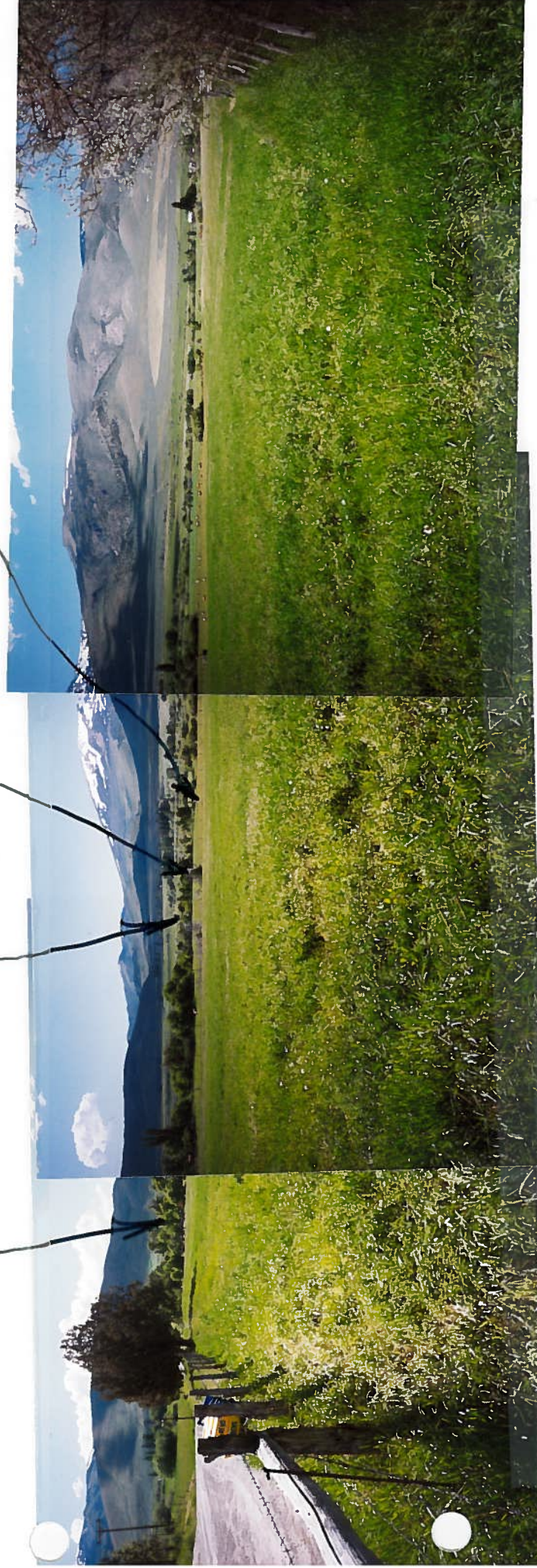
You are looking north on the right down the church's western property fence and you are looking east on the left along the southern border of the recommended P/U. This photo shows irrigation to this corner.

TOM OTTLEY FARMSTEAD

CASSIA CREEK

*THE RICE-LESSY DITCH
IS IN THE
CLOSEST TREE LINE*

PHOTO SET 1 SPRING



CLAIM # A43-10277 AND A43-00246
DATE PHOTOS TAKEN; 06-12-95
PICTURE SET # 2

Left
This photo set is looking north on the right down the Barker Ditch and west northwest on the right. This photo location is just north of the northern fence border of the Church and shows that all of the ground in this area is irrigated. The Elba - Almo highway is just beyond the fence on the right.



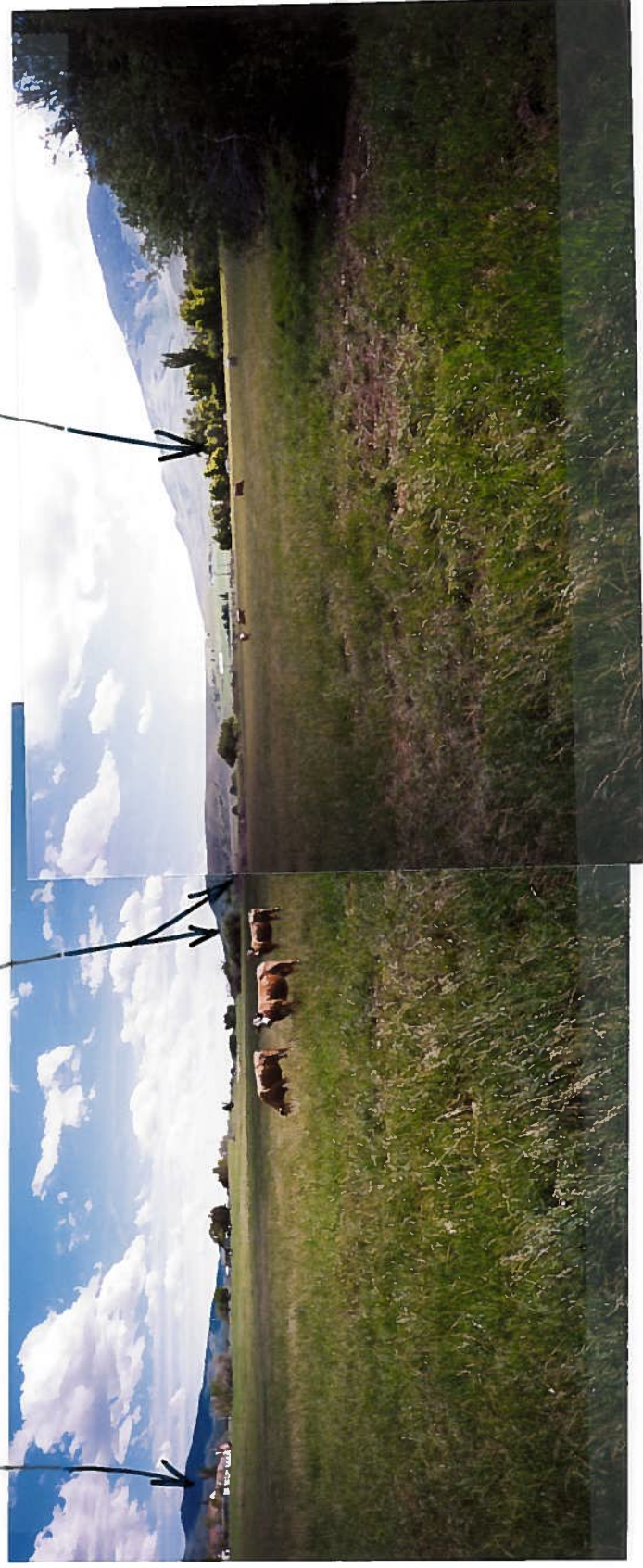
CLAIM # A43-10277 AND A43-00246
DATE PHOTOS TAKEN; 06-12-95
PICTURE SET # 3

You are looking southeast on the left toward the Church to south southwest on the right. The photo location is just east of the point where the Rice-Lessy ditch leaves the property on the northern border of the P/U. This ground is within the horseshoe area that is downstream from the spring shown in photo set 1.

CHURCH

SPRING AND POND

TOM OTTLEY FARMSTEAD



CLAIM # A43-10277 AND A43-00246
DATE PHOTOS TAKEN; 06-12-95
PICTURE SET # 4

This photo set is looking north along the western border of this P/U and shows the diversion structure that carries water north and northeast to irrigate the small triangular parcel of ground north of the Rice-Lessy ditch. This P/D is shared with Barker for his ground north of this P/U.

BARKER P/U SHARED P/D

NORTH FENCELINE

RICE-LESSY DITCH

ELBA - ALMO HIGHWAY

