

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 43-297B
Date Received: 6/7/89
Receipt No:
Received By:

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

1. Name of Claimant(s)

TINA LOOCK Phone: (208) 645-2369
OR
KENT S LOOCK
115 E CENTER
MALTA ID USA 83342

2. Date of Priority: 04/01/1894

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
13S	26E	14	NE NE NE	CASSIA

5. Description of diverting works:

CHECKDAM, HEADGATE, EARTHEN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.1	

7. Total Quantity Appropriated is:
0.1 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
13S	26E	12	SE NW	IRRIGATION	5
				Section Acres	5

Total Acres 5

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:

14. Remarks:

THIS CLAIM IS BASED ON A PORTION OF 43-00297 DECREE
CHANGE OF OWNERSHIP 6-20-95 TF. REC'D 5-4-95
CLAIM AMENDED TO CHANGE NAME CONNECTOR FROM AND TO OR. ADDRESS UPDATED TO CURRENT
POSTAL STANDARD. KKC 10-10-2000

15. Basis of Claim: Decreed

Kent Loock

115 East Center

Malta, ID 83342

Wish to change name
Connector to and/or

Kent Loock
Lina Loock

RECEIVED

OCT - 6 2000

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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A43-00297B
Date Received: 6/ 7/1989
Receipt No: S007601
Received By: th

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: KENT S LOOCK 208-645-2369
Address: HC 72 BOX 2102
MALTA ID 83342
AND
Name: TINA LOOCK 208-645-2369
Address: HC 72 BOX 2102
MALTA ID 83342

2. Date of Priority: APR 1, 1894

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
13S	26E	14	NE	NE	NE		CASSIA

5. Description of diverting works:
CHECKDAM, HEADGATE, EARTHEN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.100		

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

8. Total consumptive use is 15.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	26E	12	SE	NW		IRR	5.0
Section Acres							5.0
Total Acres							5.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
NONE

14. Remarks:
THIS CLAIM IS BASED ON A PORTION OF 43-00297 DECREE.

CHANGE OF OWNERSHIP 6-20-95 TF. REC'D 5-4-95.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

ALBION-IDAHO LAND CO.
Decree Plaintiff

JOBE ADAMS ET AL
vs Decree Defendant



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

MAR 02 1995

DATE OF CLOSING: 2-22-95

Department of Water Resources
Southern Region

LEGAL DESCRIPTION OF PROPERTY: Township 13S Range 26E
Section 12, SE 1/4 of NW 1/4 of 1/4 Govt. Lot BM.
Lot , Block , Subdivision/Townsite .
If you have additional legal descriptions, please attach separate sheet.

RECEIVED

☐ Served Only by a Public Service Water Supply (all water is received from a city or company that maintains water supply system, owns the water right, and bills the customer on a regular basis)

MAY 04 1995
Department of Water Resources
Southern Region

☐ Water Right Number(s)
Assigned by IDWR: A43-10370 and A43-00297B

☐ Name and Address of Former Owner/Claimant(s)(Seller): Terry and Darlene Briggs
P.O. Box 23

☐ New Owner/Claimant (Purchaser): Malta, Idaho 83342
Kent S. and Tina Look

☐ New Mailing Address: HC 72 Box 2102
Malta, Idaho 83342

☐ New Telephone Number: (208) 645 - 2369

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes x no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached:

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s): Kent S. Look Date 5-2-95
Tina Look Date 5-2-95

☐ Signature of Former Owner/Claimant(s): Terry W. Briggs Date 2-22-95
Darlene Briggs Date 2-22-95

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 4-25-95 By: HB

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

Change of Ownership

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: **A43-00297B**
Date Received: 6/ 7/1989
Receipt No: S007601
Received By: _____

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

1. Name: TERRY W BRIGGS 208-645-2590
Address: PO BOX 23
MALTA ID 83342
AND/OR
Name: DARLENE BRIGGS 208-645-2590
Address: PO BOX 23
MALTA ID 83342

2. Date of Priority: APR 1, 1894

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13S	26E	14	NE	NE	NE		CASSIA

5. Description of diverting works:
CHECKDAM, HEADGATE, EARTHEN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.100		

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

8. Total consumptive use is 15.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

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MAR 03 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	26E	12	SE	NW		IRR	5.0
Section Acres							5.0
Total Acres							5.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
NONE

14. Remarks:
THIS CLAIM IS BASED ON A PORTION OF 43-00297 DECREE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

ALBION-IDAHO LAND CO.
Decree Plaintiff

JOBE ADAMS ET AL
vs 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: _____

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): _____ Date: _____
_____ Date: _____

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MAR 03 1993

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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MAR 03 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

June 20, 1995

PHILIP E. BATT
Governor

KARL J. DREHER
Director

KENT S AND TINA LOOCK
HC 72 BOX 2102
MALTA ID 83342

RE: SRBA Claim(s) A43-10370 AND A43-00297B

Dear Mr. and Mrs. Loock:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer record of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script, reading 'Trish Fawcett'.

Trish Fawcett
Technical Records Specialist

enc.



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: 12 July 1989

LEGAL DESCRIPTION OF PROPERTY: Township 13 Range 26 E
Section 12, 1/4 of 1/4 of 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A43-10370 A43-00297B
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Tom & Marie Nitt
Malta, Idaho 83342
- ☐ New Owner/Claimant (Purchaser): Terry W & Darlene Briggs
- ☐ New Mailing Address: P.O. Box 23
Malta, Idaho 83342
- ☐ New Telephone Number: (208) 645 - 2590
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s) Terry W. Briggs Date 4-16-92
Darlene Briggs Date 4-16-92
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____
_____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 12/1/92 By: ADW

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 12/1/92 By: ADW

Claim Numbers of Split, if any:

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MAR 03 1993

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

Indexed

03001

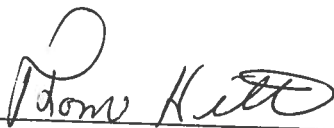
WARRANTY DEED

For Value Received

TOM HITT and MARIE HITT, husband and wife
the grantor s do hereby grant, bargain, sell and convey unto
TERRY W. BRIGGS and DARLENE BRIGGS, husband and wife
P. O. BOX 23 - MALTA, IDAHO 83342
the grantee s the following described premises, to-wit:

SEE "EXHIBIT A" FOR LEGAL DESCRIPTION

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said Grantee s
their heirs and assigns forever. And the said Grantors do hereby covenant to
and with the said Grantees, that they are the owner s in fee simple of said premises; that
said premises are free from all incumbrances except as above described, and that they will
warrant and defend the same from all lawful claims whatsoever.
Dated: July 12, 1989



TOM HITT



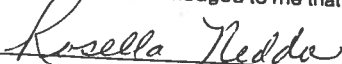
MARIE HITT

STATE OF IDAHO, COUNTY OF CASSIA:

On this 13th day of July, 1989, before me, a
notary public in and for said State, personally appeared

TOM HITT and MARIE HITT

known to me to be the person s whose name s are subscribed to the
within instrument, and acknowledged to me that they executed the same.



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MAR 03 1993

"EXHIBIT A"

TOWNSHIP 13 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 12: That part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 12 more particularly described as follows:

Commencing at the Southwest corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$;
thence South 89°29' East along the South boundary
of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, 244.00 feet; thence North 30.00
feet to the True Point of Beginning;
Thence North 193.60 feet;
Thence South 89°58' East 7.00 feet;
Thence North 0°14' West 96.40 feet more or less to
a point on the South boundary of that certain tract
of land deeded to the Church of Jesus Christ of
Latter Day Saints, Malta Ward, a Corporation Sole
as described in that certain Warranty Deed dated
July 30, 1947 and recorded August 28, 1947, in
Book 53 of Deeds, Page 99, records of Cassia
County, Idaho;
Thence following the South boundary of the above
mentioned property the following courses and
distances:
South 89°29' East measured (South 89°58' East
recorded) 340.00 feet;
North 22°18' East measured (North 21°49' East
recorded) 200.00 feet;
North 54°11' East measured (North 53°42' East recor-
ded) 217.00 feet more or less to an existing
fence;
Thence Southwesterly along said existing fence to a
point 30.00 feet North of the South boundary of
said SE $\frac{1}{4}$ NW $\frac{1}{4}$;
Thence North 89°29' West parallel to and 30.00 feet
North of the South boundary of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ 560.00
feet to the True Point of Beginning.

203001

RECORDED AT THE REQUEST OF
CASSIA COUNTY ABSTRACT

FILM 208

JUL 19 11 52 AM '89

CASSIA COUNTY, IDAHO
FRANK B. KEARNS
RECORDER

FEE 6.00 DEPUTY bh
CASSIA COUNTY ABSTRACT

264 July 89

By pm
L-103

Attached to Warranty Deed from Tom Hitt and Marie Hitt, husband and wife, to Terry W. Briggs and Darlene Briggs, husband and wife dated July 12, 1989.

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MAR 03 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

01-Dec-1992 16:12

Terry W &/or Darlene Briggs
PO Box 23
Malta, ID 83342

RE: SRBA Claims A43-00297B & A43-10370

Dear Mr. & Mrs. Briggs:

Pursuant to your notification filed last April that you presently own the property in which the above referenced adjudication claims are appurtenant, the Department has changed the record of the current owner as requested.

In review of your amended claim A43-10370 there is an apparent problem with the priority date being claimed. You are claiming a 1981 priority date for development of an irrigation use. If this is correct we will be required to recommend to the court that this claim be disallowed since it is in violation of the mandatory permit requirement for development of irrigation uses which was adopted in Idaho in 1963. If however, the priority date is incorrect and the irrigation was developed before 1963 I recommend that you amend the claim to correct this flaw.

Please find enclosed a copies of the computer records of the claims as presently recorded noting the change in claimant. Please review the record and if you have any corrections please contact this office.

Sincerely,

Allen Merritt, P.E.
Water Rights Supervisor

Encl:

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MAR 03 1993

Water Right Number - R43-00297B

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - - - + - - - - Address - - - - - +
*** C - CURRENT OWNER ***

TERRY W

BRIGGS

DARLENE

1 - PO BOX 23
2 -
3 -
City- MALTA
Phone - 208-645-2590
1 - PO BOX 23
2 -
3 -
City- MALTA
Phone - 208-645-2590
State- ID Zip- 83342

*** 0 - ORIGINAL OWNER ***

HITT

THOMAS L.

HITT

L. MARIE

1 - H.C. 72 BOX 2160
2 -
3 -
City- MALTA
Phone - 208-645-2337
1 - H.C. 72 BOX 2160
2 -
3 -
City- MALTA
Phone - 208-645-2337
State- ID Zip- 83342+ - - Priority Date - - + + - - Region - - - - + + - - Stage - - - - + + - - Status - - - - +
04/01/1894 17 SOUTHERN D - DECREED+ - - - - Source - - - - - + - - - - Tributary - - - - - +
CASSIA CREEK RAFT RIVER+ - - - - Rng Sec Tract Lot RFlg County Point of Diversion - - - - - +
13S 26E 14 NE NE NE (31) CASSIA+ - - - - Code Description Period From Period To Water Use - - - - - Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 0.100+ - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Consumptive Use - + + - - KW Usage - +
0.100 15.0+ - - - - Twn Rng Sec Tract Lot Acres Code Description County
13S 26E 12 SE NW 5.0 01 IRRIGATION (31) CASSIA

Total Acres: 5.0

MICROFILMED
MAR 03 1993

MAR 03 1993

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: A43-00297B
Date Received: 6/07/1989
Receipt No: 5007601
Received By: AD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: THOMAS L. HITT 208-645-2337
Address: H.C. 72 BOX 2160
MALTA, ID 83342
AND/OR
Name: L. MARIE HITT 208-645-2337
Address: H.C. 72 BOX 2160
MALTA, ID 83342

2. Date of Priority: APR 01, 1894

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
13S	26E	14	NE	NE	NE		CASSIA

5. Description of diverting works:
CHECKDAM, HEADGATE, EARTHEN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.100		

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

8. Total consumptive use is 15.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	26E	12	SE	NW		IRR	5.0
Section Acres							5.0
Total Acres							5.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
NONE

14. Remarks:
THIS CLAIM IS BASED ON A PORTION OF 43-00297 DECREE.

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

ALBION-IDAHO LAND CO.
Decree Plaintiff

vs

JOBE ADAMS ET AL
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 X 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): Thomas J. Hill Date: 6/5/89
L. Marie Hill Date: 6/7/89

State of Idaho)
County of Thur Falls) SS.

Subscribed and sworn (or affirmed) before me this 7th day
of June 19 89

Lee D. Menti
Notary Public

Seal

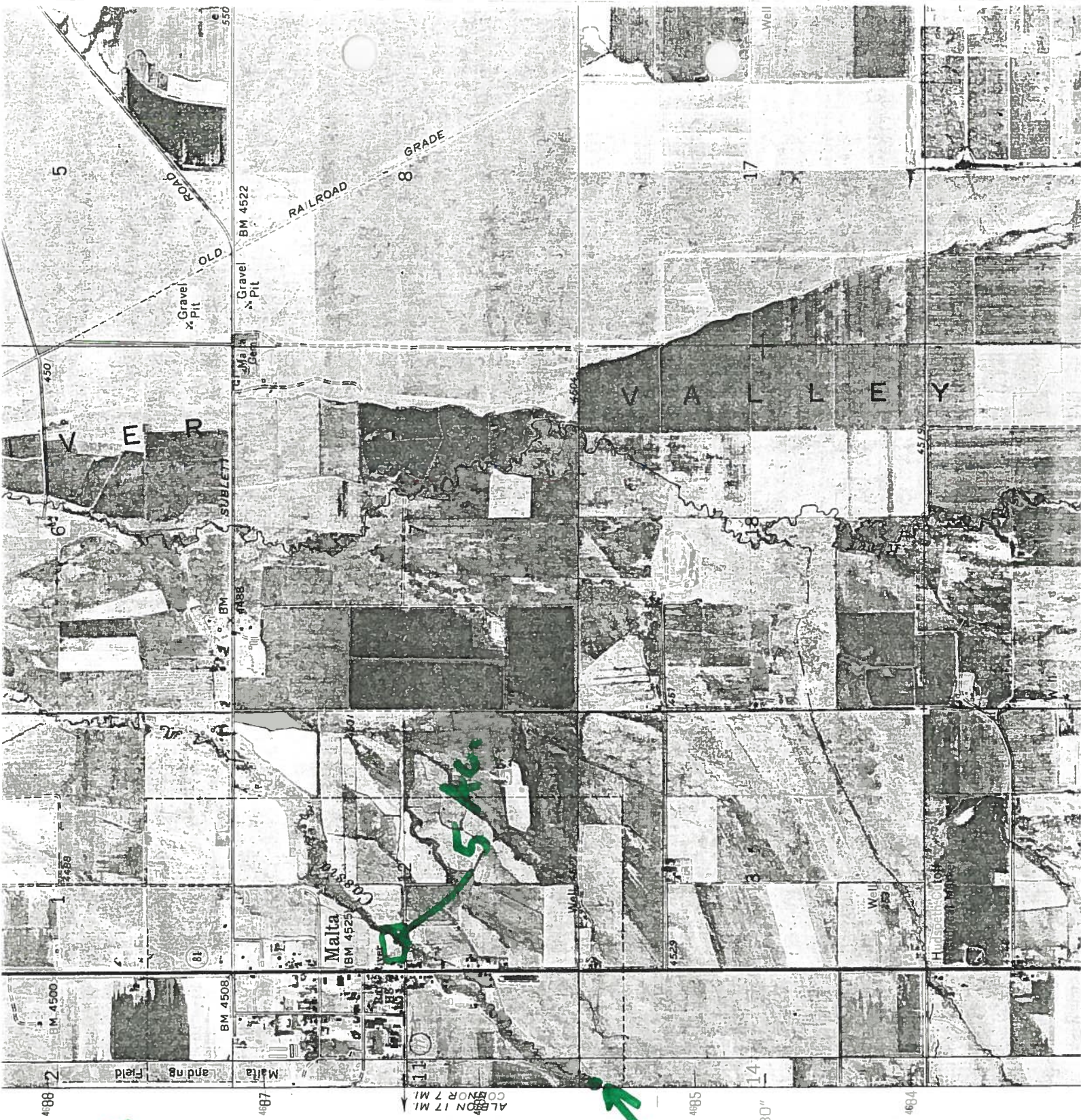
Residing at Kin Selvy, Id
My Commission Expires 6/30/92

443-00297B

T13S
R26E

700

MICROFILMED
MAR 03 1993





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

April 19, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

TINA LOOCK
PO BOX 84
MALTA ID 83342

RE: Property Located in Cassia County – T13S, R26E, SENW Sec 12 (Water Right 43-297B)

Dear Mrs. Loock;

This letter is to confirm this morning's conversation regarding your water right and point of diversion. Your right (43-297B) is decreed with Cassia Creek as the source. I read the review notes in your file and they said *the water was pumped from a dug hole that is lined with a culvert set on end just east of Cassia Creek*. You stated that the culvert has dried up so as long as you remove the culvert and do not pump from it, you can move your pump to the creek, provided it will still be within the same 10-acre tract. (See the enclosed map.)

I have also enclosed a **change of address** form. Please fill it out and return it to us so we can update our records to reflect your post office box.

If I can be of further assistance, feel free to contact me.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent

SCANNED

APR 19 2010



10-Ac tract

SCANNED
APR 18 2011

KC

05/10/2001

**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: 43-297B

TINA LOOCK
115 E CENTER
MALTA ID 83342
Telephone Number: (208) 645-2369

KENT S LOOCK
115 E CENTER
MALTA ID 83342
Telephone Number: (208) 645-2369

RECEIVED
JUN 13 2001
Department of Water Resource
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:

6-6-01

SIGNATURE:

Tina Loock
Kent Loock

Please print your name:

Tina Loock

Kent Loock

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

9-29-00

Art Bought in 1973

Sold 5Ac in 8/82?

no ground water used on ground (5Ac)

Grnd east of Cassia Cr. Dry (on 5Ac)

Remembers a little in west of Cassia Cr.

met with Art Whitaker

@ Desert Dog Cafe. @ 10:00AM.

10/10/2000

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

RIGHT NUMBER: 43-297B
NAME AND ADDRESS: KENT S LOOCK
TINA LOOCK
115 E CENTER
MALTA, ID 83342

SOURCE: CASSIA CREEK TRIBUTARY: Raft River

QUANTITY: 0.1 CFS

VERIFIED BY: KKC
10-10-00

PRIORITY DATE: 04/01/1894

POINT OF DIVERSION: T13S R26E S12 SWSNW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03-15 11-15

QUANTITY
0.10 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County
T13S R26E S12 SENW 4.3
4.3 ACRES TOTAL

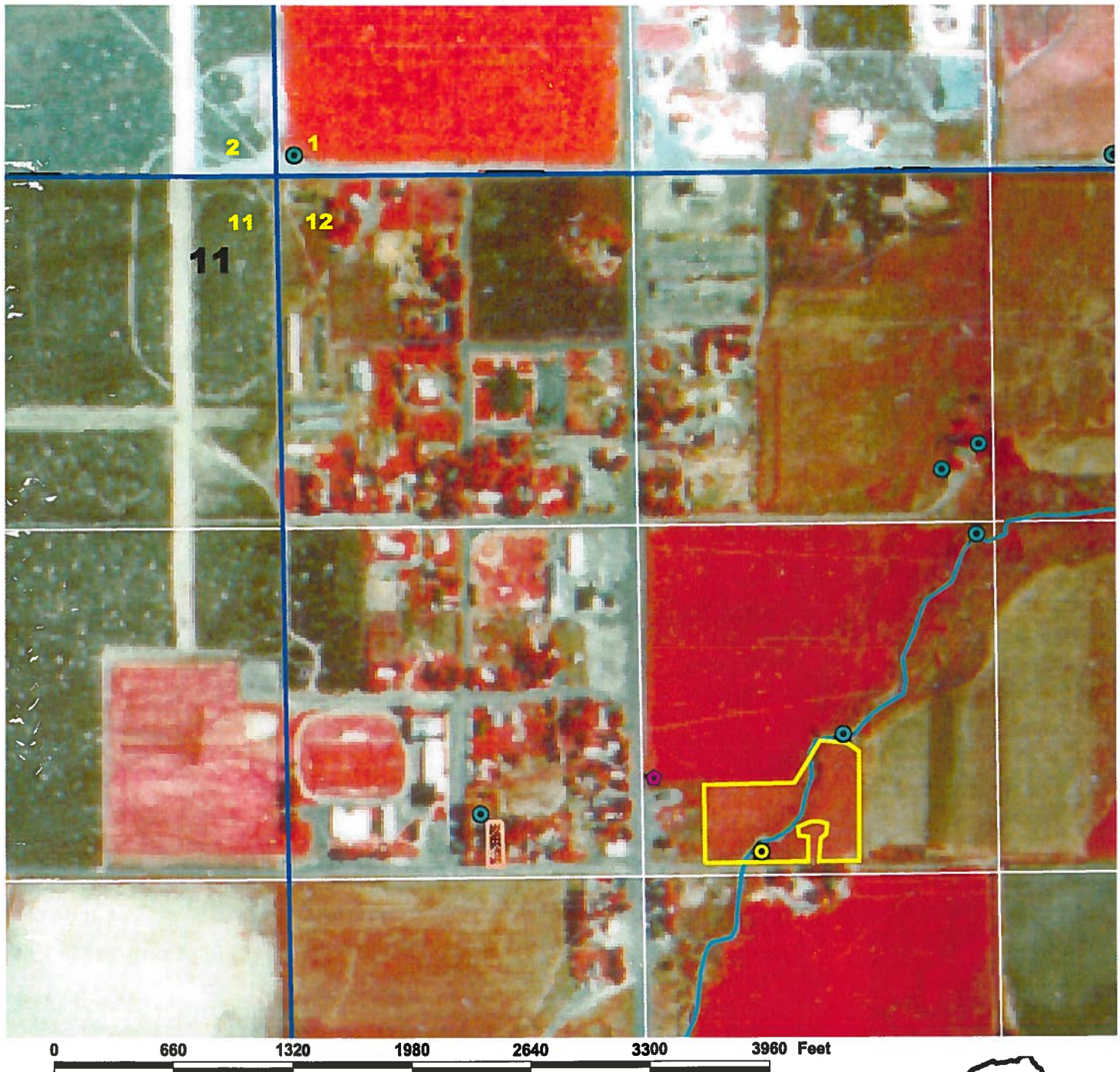
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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

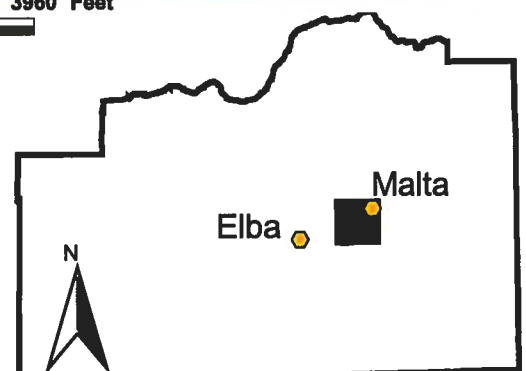
Idaho Department of Water Resources
RECOMMENDED PLACE OF USE FOR
43-297B



PLACE OF USE
TWP 13S, RNG 26E, SEC 12
Data entry on October 10, 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**



MEMO

FROM: Kelly K Christensen
TO: 43-297B, 43-10370
SUBJECT: OFFICE VISIT

DATE: October 6, 2000

The Looocks came in to discuss their adjudication claims. I explained my findings as follows.

43-297B

I visited with Art Whitaker concerning the history of the 5 acres now owned by the Looocks. He explained that the 120 acre decreed place of use was split many many years ago when the Church received the 22 acres currently owned by Grant Beyler. Art indicated that he has owned his portion for approximately 30 years. Prior to the commencement of the adjudication, Art sold the 5 acre parcel (without water rights) to Tom Hitt with the understanding that Hitt was going to build a shop on the property. For whatever reason this did not occur. Instead Tom cleared some of the brush and willows away from the Cassia Creek channel and proceeded to irrigate the entire 5 acres. Art stated that the ground east of Cassia Creek was rolling ground and that he had never irrigated a portion of that ground. The ground west of Cassia Creek was periodically irrigated from the Harper ditch currently used by Grant Beyler and others. The property changed hands twice after the Hitts ending with the Looocks. After reviewing Arts claims with him, he decided that he would not contest the Looock claim against the 1894 water previously decreed to the entire 120 acre parcel.

Irrigation continued on the property. The primary method of irrigation was via the pump in a dug hole that is lined with a culvert set on end and is just east of Cassia Creek. The water level in the 'hole' is directly dependent on the water level in Cassia Creek. As the water flow in Cassia Creek ceases, the water in the hole ceases.

Grant Beyler stated and the Looocks confirmed that the water used out of the Harper ditch is more wastewater from Grant's operation. Grant stated that when he is haying or not using a large head that he will turn some water into the ditch on the Looock property. I discussed this with the Looocks and we came to the agreement that that water was actually wastewater. I explained the elements of a wastewater claim and they are considering the merits of filing for that water in the adjudication.

RECOMMENDATION

I am recognizing that the 1894 water is appurtenant to the property and am recommending the irrigation of 4.3 acres. Although there is some evidence that a portion of the 4.3 acres were probably not irrigated in the past, as of 1987 as shown on the NAPP photography, that ground was fully irrigated. The original irrigation would have been

from the Harper ditch for the ground west of Cassia Creek and Art Whitaker's system for the ground east of Cassia Creek. I am, however, recognizing the pump system as an unrecorded transfer in point of diversion occurring prior to 1987 (actual date not known). As the water level in the culvert is directly dependent on the water level in Cassia Creek I am identifying the source as Cassia Creek rather than ground water. I explained to the Loochs that the pump would be regulated as other Cassia Creek diversions by the district. They indicated that they have been paying the annual assessment fees since they have owned the property. I am recognizing the claimed diversion rate of 0.10 cfs as valid as it is less than 1½ inch per acre. $(4.3 \text{ ac} * 0.03 \text{ cfs} = 0.129 \frac{\text{cfs}}{\text{acre}})$

43-10370

This right was claimed as a groundwater right based upon the well used to irrigate 22 acres for Grant Beyler (43-4162). Grant had signed an affidavit indicating that the well water had been used on the Looch property. I interviewed Grant on September 29, 2000. At that time Grant stated that the 5 acres of the Loochs was never part of the ground that he (Grant) historically managed. He did describe the surface water uses as described above. Grants statements corroborated those made by Art Whitaker and are better supported by the field conditions I observed. The only 'ground water' development on the property other than the domestic well was the pump system described above. I am recognizing that as a surface water diversion.

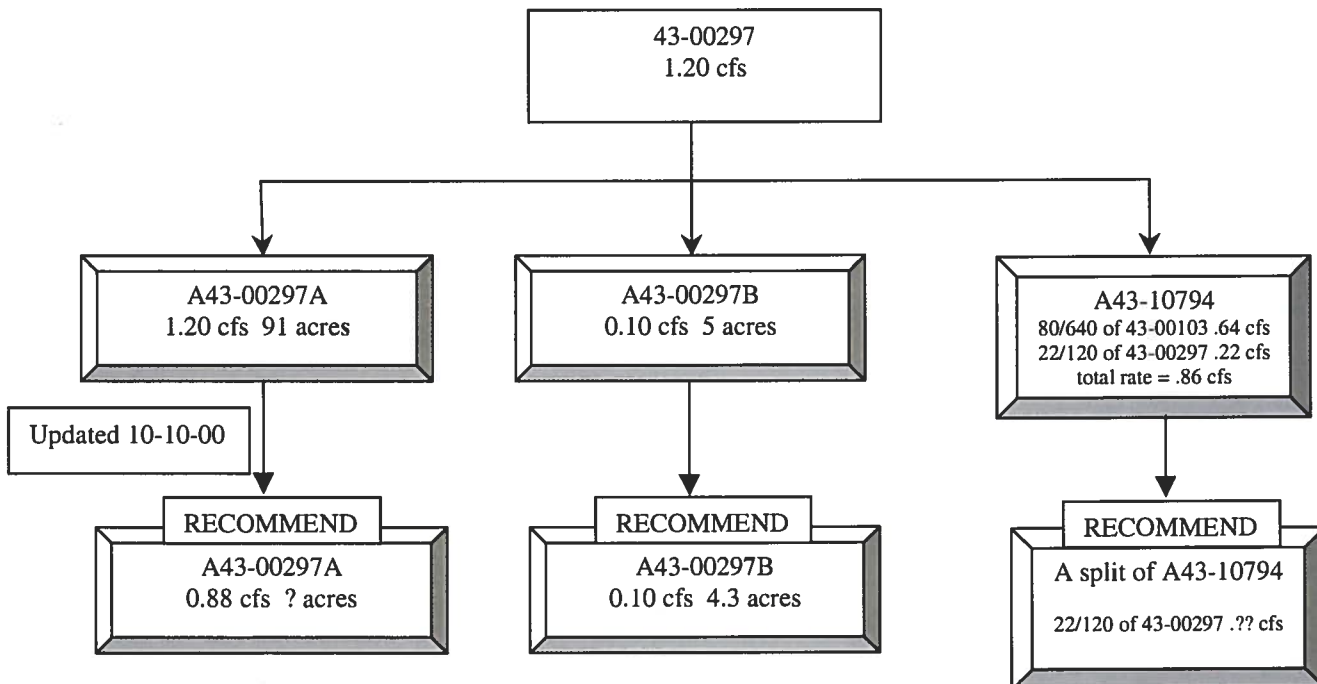
RECOMMENDATION

Therefore, I am recommending this claim for disallowal with the basis of my recommendation being 'NO BENEFICIAL USE FOUND.'

SPLIT ANALYSIS FOR 43-00297

2 Basin: 43		Starting Water Right: 00297						
S E L	Water Right No.	Name Last, First	O W N	Priority Date	STG/ STS	Source	Use Desc	S Y S
	43-00297	SHAW, CHARLES	C	04/01/1894	D/	CASSIA CREEK	IRR	WR
	A43-00297	SPLIT RIGHT COMBINED RIGHT RENUMBERED CLAIM	C C C	04/01/1894	/Z	CASSIA CREEK SPLIT RIGHT COMBINED RIGHT RENUMBERED CLAIM	IRR	AJ
	A43-00297A	WHITAKER, LARENE WHITAKER, ART	C C	04/01/1894	D/	CASSIA CREEK	IRR	AJ
	A43-00297B	LOOCK, KENT S LOOCK, TINA	C C	04/01/1894	D/	CASSIA CREEK	IRR	AJ
	R43-00297A	WHITAKER, LARENE WHITAKER, ART	C C	04/01/1894	D/	CASSIA CREEK	IRR	AJ
	R43-00297B	LOOCK, KENT S LOOCK, TINA	C C	04/01/1894	D/	CASSIA CREEK	IRR	AJ

GENERATED Wednesday, March 24, 1999



CLAIM NUMBER 43002970 DATE 10-10-00 TRANSFER NUMBER _____
43-10370 AGENT KKC CLAIMED ACRE TOTAL 5
 _____ GIS ACRE TOTAL 4.3

	TWP	RNG	SEC	NE				NW				SW				SE				
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
CLAIM	<u>13S</u>	<u>26E</u>	<u>12</u>								<u>5</u>									<u>5</u>
GIS											<u>4.3</u>									
RECOM											<u>4.3</u>									<u>4.3</u>
CLAIM																				
GIS																				
RECOM																				
CLAIM																				
GIS																				
RECOM																				

B43-DBPOU.SHP _____
 SHAPE NOS. _____

43-DBPOD.SHP _____
 NOS. DESCRIPTION _____
Sec 12 P/O is a pump out of a vertical culvert
SWSE NW that is dug into the ground near Cassia Cr.
the water level in the sump varies with
the flow in Cassia Creek and therefore
is considered Cassia Cr. as the source.

DBF TABLES UPDATED _____
 B43-DBPOU.DBF _____
 B43-DBPOD.DBF _____
 JPEG LAYOUT _____



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

October 3, 2000

KENT LOOCK
HC 72 BOX 2102
MALTA ID 83342

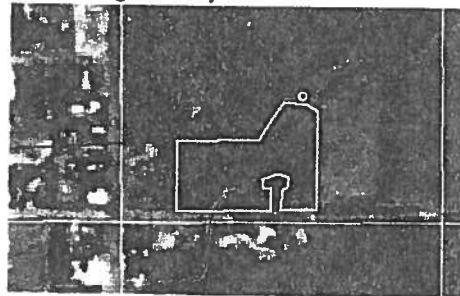
RE: SNAKE RIVER BASIN ADJUDICATION CLAIMS 43-297B AND 43-10370

Dear Mr Loock

I have been assigned to review the adjudication claims in your area. I have been working with Grant Beyler and Art Whitaker regarding their portion of rights decreed and/or claimed on their ground. As you have purchased ground that was previously owned by Art Whitaker, his knowledge of water use has a direct bearing on your adjudication claims.

43-297B is a part of the decreed Cassia Creek water originally appurtenant to 120 acres which includes your property. Art indicated that his intent when he sold the property was that it would be sold dry. He also indicated that he had irrigated a portion of the ground you now own but that a portion of the ground east of Cassia creek had never been historically irrigated. He also indicated that you and your predecessors had continued to irrigate some of the 5 acres after the sale. After reviewing his water rights Art indicated that he would not challenge your claim against 0.10 cfs of 43-297.

Based upon the information currently available I am planning on recommending 43-297B for the property outlined in the insert. That area includes Cassia Creek but excludes an approximation of the driveway and home site. I expect to recommend the delivery system and point of diversion that is used by Grant Beyler.



There are several problems with the groundwater claim. The first problem is that Grant indicated that the well water was always used on his 22 acres only. He did indicate that he would let surface water go down the ditch and onto your property when he was haying. He stated that ever sense the Church took over the 22 acres that they were managed independently from the rest of the decreed ground. This raises a large question as to the validity of your claim. The next issue is the actual point of diversion. It is my understanding that the claimed point of diversion is the pump in the culverts near Cassia Creek. If this is correct then the close proximity to Cassia Creek raises that possibility that the availability of water from that source is closely tied to Cassia Creek flows. It could be that Cassia Creek and the culvert water are hydrologically linked. Again, if this is true then the water source would be considered to be Cassia Creek water rather than groundwater.

As I have not met nor reviewed your water uses with you, I have not made any final decisions at this time. I have provided you with the above information to allow you an opportunity to research the historic uses on your property before we meet.

Please contact me at the Twin Falls office of the department so that we can set up a time to discuss your adjudication claims.

Sincerely

Kelly K Christensen
Sr Water Resource Agent
(208) 736-3033

43-297B Cassia Creek source
43-10370 Ground water source

Photos taken 9-20-2000
by: Kelly K Christensen

File: 43-297b 10370 loock

Pump location shown below

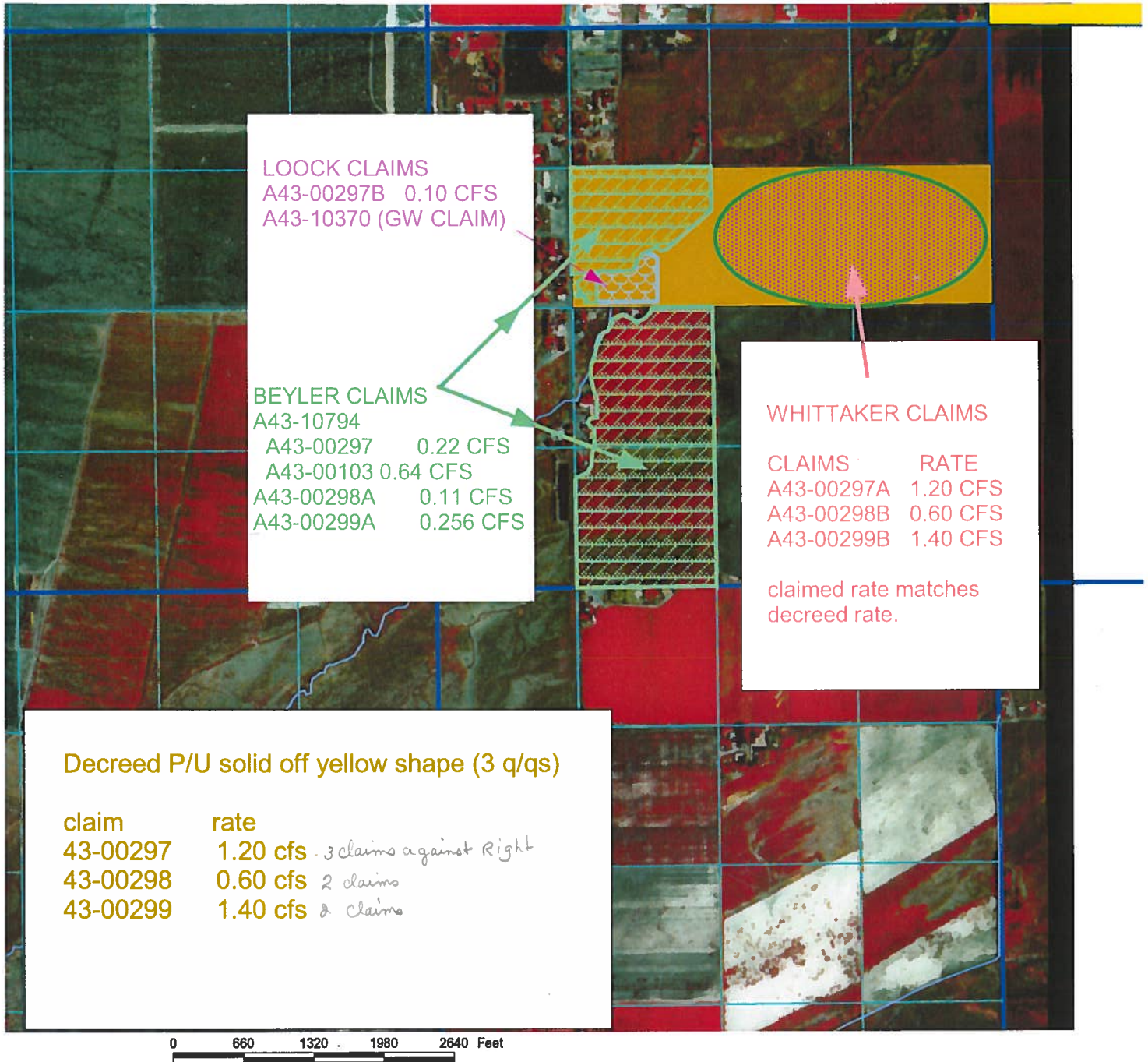
Cassia Creek



This photo was taken from the southwest corner of the place of use and is looking east on the right to northeast on the left. There is a ditch that runs along the western border of the place of use (running north/south). Cassia Creek roughly divides the property in half running from the southern border to the north border.



PRELIMINARY PLACE OF USE



TWP 13S, RNG 26E
FIELD EXAM DATE AGENT

JPEG LAYOUT CREATED _____
GIS PLACE OF USE PRESENTATION
1992 USDA-F AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

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

CASSIA CO.

