

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: A43-00337

Date Received: 2/28/1989

Receipt No: S006400

Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: E. BRUCE DURFEE 208-824-5566
Address: P.O. BOX 187
ALMO, ID 83312
OR
Name: ELBERT L. DURFEE 208-824-5566
Address: P.O. BOX 187
ALMO, ID 83312
OR
Name: KENT DURFEE 208-824-5536
Address: P.O. BOX 175
ALMO, ID 83312

2. Date of Priority: APR 30, 1882

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
16S	24E	14	NW	NE	SE		CASSIA
			NE	SE	SE		CASSIA

5. Description of diverting works:
CONCRETE DIVERSION AND EARTH DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/01	0.800		

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

8. Total consumptive use is 100.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A43-00337

Page 1

Date: 02/28/89

MICROFILMED

MAR U 3 1993

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
16S	24E	12	NW SE		IRR	40.0
Section Acres						40.0
Total Acres						40.0

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:

THIS IS REFERENCE RIGHT FOR THE FOLLOWING WATER RIGHTS:
A43-00148, A43-02058, A43-02214, A43-02051 (RAFT RIVER)
A43-10014, A43-02560, A43-02552, A43-04018 (GROUNDWATER)
A43-02200 (CIRCLE CREEK)

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 10/18/1928

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): Kent R. Dwyer Date: 2/28/89

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 28th day
of February 19 89 Stuart O. O.
Notary Public

Seal

Residing at Twin Falls
My Commission Expires Dec 7, 1994

06/14/2001

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: 43-337

E BRUCE DURFEE

PO BOX 187

ALMO ID 83312

Telephone Number: (208)824-5566

RECEIVED

JUL 24 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:

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

DATE: 7-7-01

SIGNATURE: E. Bruce Durfee

Please print your name: E. Bruce Durfee

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

06/14/2001

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

RIGHT NUMBER: 43-337

NAME AND ADDRESS: E BRUCE DURFEE
PO BOX 187
ALMO, ID 83312

SOURCE: RAFT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.8 CFS

PRIORITY DATE: 04/30/1882

POINT OF DIVERSION: T16S R24E S14 NWNESE Within CASSIA County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04-01 10-01

QUANTITY
0.80 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

T16S R24E S12	NESW	15	T16S R24E S12	NWSW	4.2
T16S R24E S12	NESE	40	T16S R24E S12	NWSE	40
T16S R24E S12	SWSE	40	T16S R24E S12	SESE	40

179.2 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 40 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 349 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-337, 43-2200, 43-13043, 43-13045, 43-13047, 43-13049, 43-13051, 43-13053.

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

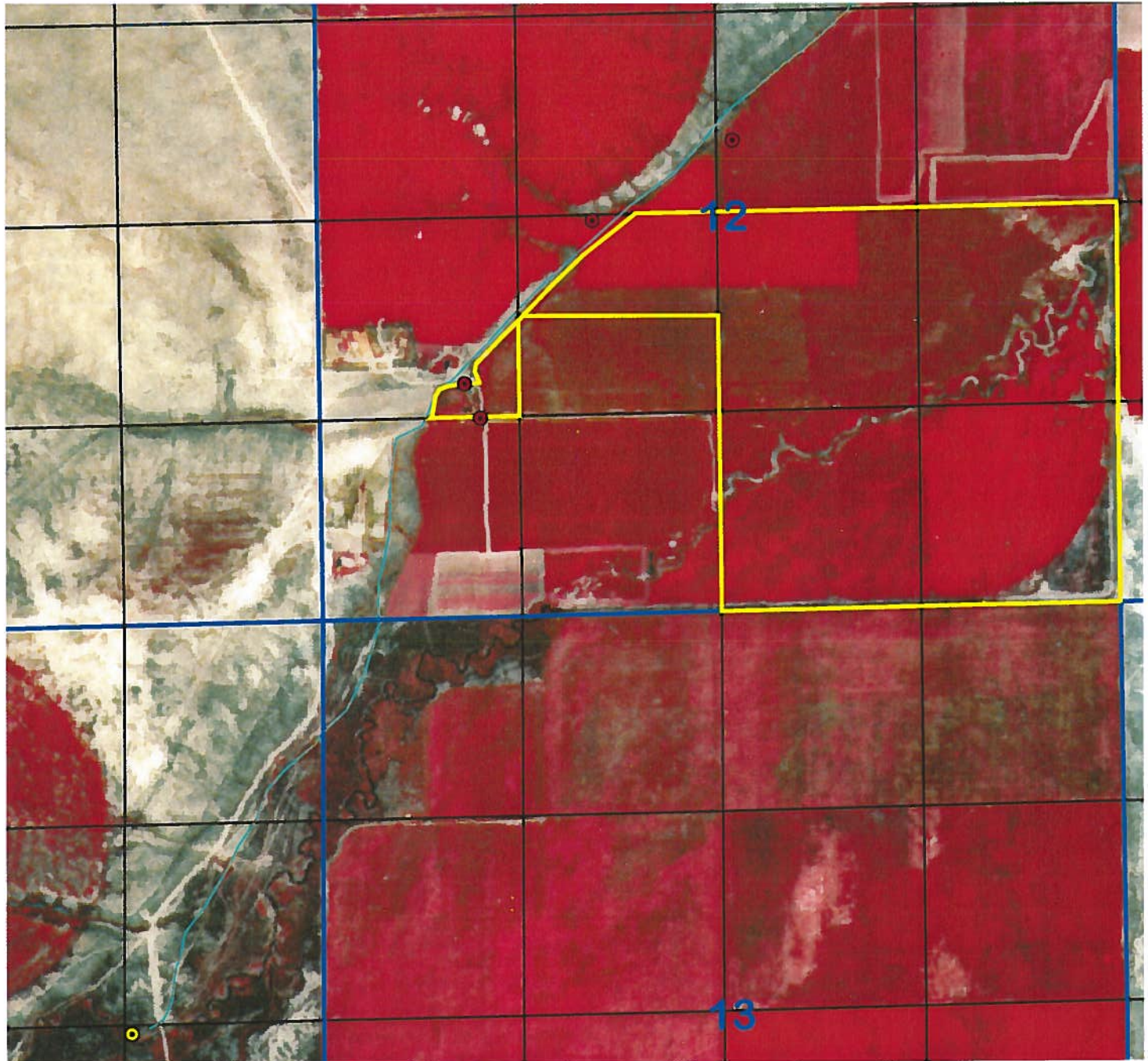
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Idaho Department of Water Resources

RIGHTS: 43-337, 43-13043, 43-13045

SOURCE: RAFT RIVER

RECOMMENDED PLACE OF USE
TWP 16S, RNG 24E,
Data entry on June 11, 2001



0 1320 2640 3960 5280 Feet

● 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

02/01/2001

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

RIGHT NUMBER: 43-337

NAME AND ADDRESS: KENT DURFEE
PO BOX 175
ALMO, ID 83312

E BRUCE DURFEE
PO BOX 187
ALMO, ID 83312

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.8 CFS

WHEN COMBINED, RIGHT NOS. ~~43-148~~, 43-337, 43-2051, 43-2058, 43-2200, 43-2214, 43-2552, 43-2560, 43-4018, 43-10014 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 04/30/1882

POINT OF DIVERSION: T16S R24E S14 NWNESE Within CASSIA County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04-01 10-01	0.80 CFS

PLACE OF USE:

any ppw (

IRRIGATION Within CASSIA County			
T16S R24E S12	NESW	34	T16S R24E S12 NWSW 4.6
T16S R24E S12	SWSW	25	T16S R24E S12 SESW 40
T16S R24E S12	NESE	40	T16S R24E S12 NWSE 40
T16S R24E S12	SWSE	40	T16S R24E S12 SESE 40

263.6 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 40 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 432 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-148, 43-337, 43-2051, 43-2058, 43-2200, 43-2214, 43-2552, 43-2560, 43-4018, 43-10014.

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

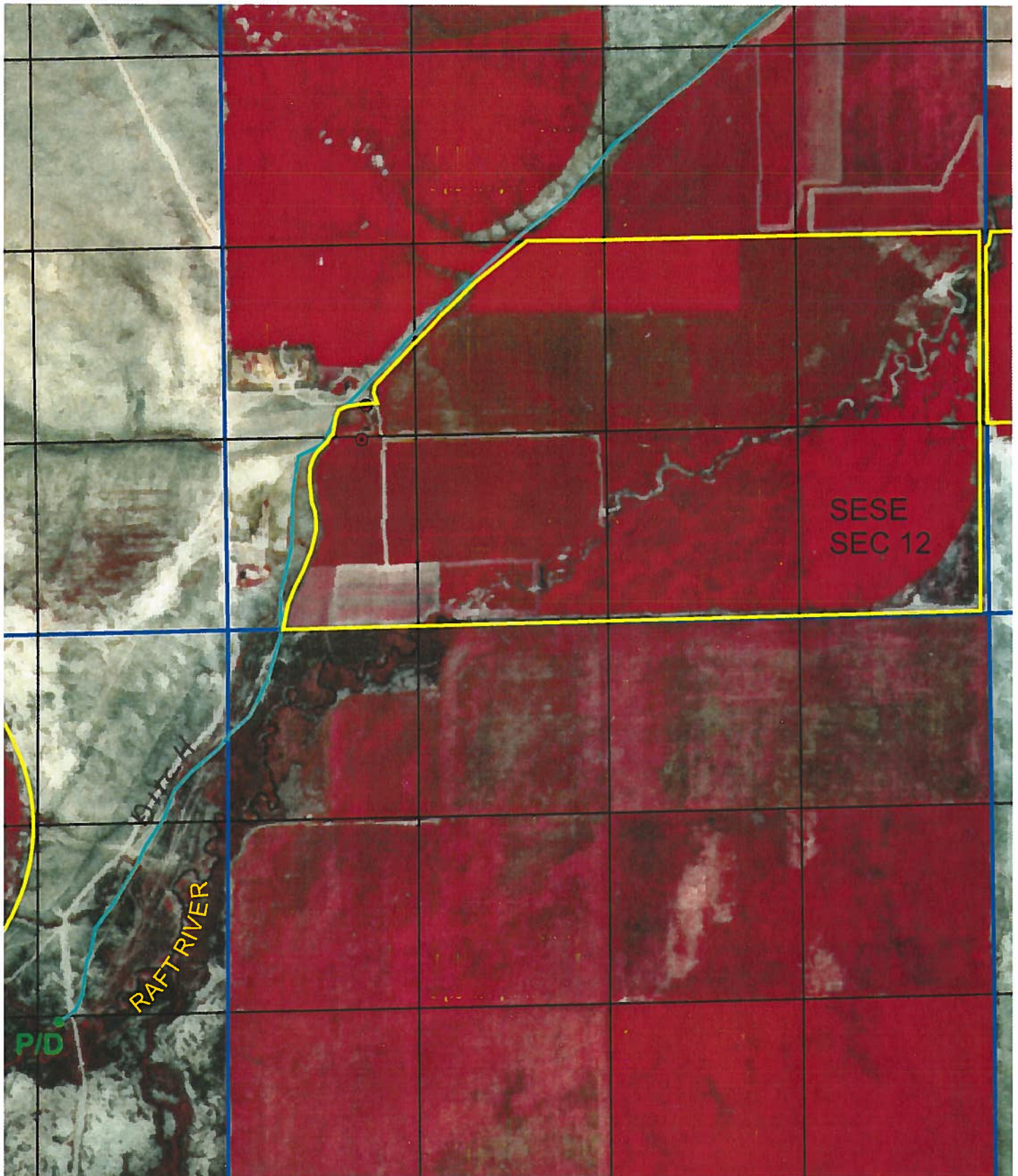
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

any
Right only used
on Bruce Durfee
land as original
decree.
DPA

FILE NOTES

**CLAIM NO(S):43-00148, -00337, -2214,
-2058, -2051 (RAFT R. SURFACE WATER)**

**TWP 16S, RNG 24E
SECTION 12**



V. HANCOCK

1987 NAPP AERIAL PHOTOGRAPHY

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

RECEIVED**JUN 19 2001**

Department of Water Resources
Southern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	43-387			43-2560	-
	43-2200			43-4018	-
	43-148	-		43-10014	-
	43-2051	-			
	43-2552	-			

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Bruce & Kent Durfee

4. New Owner/Claimant(s)

Bruce Durfee

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

PO Box 187

City, State and ZIP Code

Almo, ID 83312

New Telephone Number

() _____

5. Date you acquired the property

Approx 1990

0047

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

ALL OF 43-337 & 43-2200 plus

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
A PORTION OF Water Right and/or Adjudication Claim Number <u>43-148 - 2051, 2552, - 3560</u> <u>43-4018, & 43-10014</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		<u>Per meeting with V Hancock</u>
Domestic		<u>6-8-2001</u>
Other		
Total		

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

X 7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

E Bruce Dwyer

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

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

RECEIVED

JUN 19 2001

Department of Water Resources
Southern Region

236446

WARRANTY DEED

THIS INDENTURE, made this 25 day of Jul,
1985, between ELBERT L. DURFEE, also known as ELBERT DURFEE and
GRACE A. DURFEE, husband and wife, of Almo, Idaho, hereinafter
called the "Grantor", and E. BRUCE DURFEE and KAY H. DURFEE,
husband and wife, whose address is Almo, Idaho, 83312, hereinafter
called the "Grantee".

W I T N E S S E T H:

That the Grantor for and in consideration of the sum of
Ten Dollars (\$10.00), lawful money of the United States of America,
and other good and valuable consideration, to the Grantor in hand
paid by the Grantee, the receipt whereof is hereby acknowledged,
has granted, bargained and sold and by these presents does grant,
bargain and sell, convey and confirm unto the Grantee, and to the
heirs and assigns of Grantee, forever, all of the following
described real estate situated in the County of Cassia, State of
Idaho, to-wit:

TOWNSHIP 16 SOUTH, RANGE 24 EAST OF THE BOISE
MERIDIAN, CASSIA COUNTY, IDAHO

Section 10: $E\frac{1}{2}E\frac{1}{2}$
Section 12: $S\frac{1}{2}NW\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}S\frac{1}{2}$
Section 14: $N\frac{1}{2}SE\frac{1}{4}$; $E\frac{1}{2}NE\frac{1}{4}$
Section 15: $NW\frac{1}{4}$; $NE\frac{1}{4}NE\frac{1}{4}$
Section 22: $SW\frac{1}{4}$; $N\frac{1}{2}SE\frac{1}{4}$; $SW\frac{1}{4}SE\frac{1}{4}$
Section 23: $W\frac{1}{2}NW\frac{1}{4}$
Section 27: $NW\frac{1}{4}NW\frac{1}{4}$

SUBJECT TO:
1985 and subsequent years taxes, levies and
assessments; Agreement for Easement and Right
of Way per instrument number 181075 in Book
8 of Bills of Sale and Agreement at page 327,
records of Cassia County, Idaho (affects

PARSONS, SMITH, STONE & FLETCHER
LAWYERS
BURLEY, IDAHO

property located in Sections 14, 15 and 23, Township 16 South, Range 24 East Boise Meridian; Agreement for Purchase of power with Raft River Rural Electric per instrument No. 12314 on Film No. 24, Cassia County, Idaho, as affects SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, Township 16 South, Range 24 East Boise Meridian; Right of Way contained in Warranty Deed recorded as Instrument Number 31368 on Film 43, records of Cassia County, Idaho; Agreement for purchase of power recorded as Instrument number 36574 on Film 51, records of Cassia County, Idaho and Geothermal Lease and Agreement with Raft River Rural Electric recorded as Instrument number 64034, on Film 77, records of Cassia County, Idaho.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property as well in law as in equity of the Grantor.

TO HAVE AND TO HOLD, all and singular the above-mentioned and described premises, together with appurtenances unto the Grantee and to the heirs and assigns of Grantee forever.

The Grantor shall and will warrant and by these presents will forever defend the said premises in the quiet and peaceable possession of the Grantee, and the heirs and assigns of the Grantee against all and every person and persons whomsoever lawfully claiming the same, except as aforesaid.

IN WITNESS WHEREOF, the Grantor has executed this Deed the day and year first above written.

Eileen R. Curlee
Grace A. Curlee

1 STATE OF IDAHO)
2 County of Frank) ss

3 On this 28 day of Feb in the year 1985, before me,
4 the undersigned, a Notary Public in and for said State, personally
5 appeared ELBERT L. DURFEE, also known as ELBERT DURFEE and
6 GRACE A. DURFEE, husband and wife, known or identified to me to
be the persons whose names are subscribed to the within instrument,
and acknowledged to me that they executed the same.

7 [Signature]
Notary Public for Idaho
8 Residing at [Signature]

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
900
LC: Day 205
Almo, id

RECORDED AT THE REQUEST OF
Elbert L. Durfee
265
FEB 28 3 10 PM '85
236446

~~100.00 AFA~~

Pou1 - RQ6 40 ac
 GCU - ~~1349 43B~~
 Smt - SW & GCU limited to 415 ac & ~~330 ac~~

40.0

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED
JUN 22 2000
Department of Water Resources
Snake River Region

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

1. Water Right No(s): _____
 Adjudication Claim No(s): A43 02552 A43 10014 A43 02560
A43-00148, -00337, -02058, -02200, -02214, -02051
2. The following **REQUIRED** information must be submitted with this form:
 - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
 - AND
 - B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claims(s).
(These are usually attached to your deed or on file with the county.)
 - OR
 - C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.
3. Name and Address of Former Owner/Claimant
Elbert L. Durfee
Almo ID. 83312
4. New Owner/Claimant(s)
E. Bruce or Kent R. Durfee
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
P.O. Box 187 or P.O. Box 175
Almo ID. 83312
 New Mailing Address
 City, State and ZIP Code
 New Telephone Number
(208) 824-5566 824-5536
5. Date you acquired the property _____
6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below **only if the water right(s) or claim(s) need to be split between owners.** If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right _____ Number and type of stock _____
 Diversion rate in CFS _____ Number of homes you acquired _____ Other uses _____
7. Signature of New Owner(s) or Claimant(s)
E. Bruce Durfee
Kent R. Durfee
 Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.
FATHER. ELBERT DURFEE APPEARED

CERTIFICATION OF VITAL RECORD

STATE OF IDAHO

IDAHO DEPARTMENT OF HEALTH AND WELFARE
COOPERATIVE CENTER FOR HEALTH STATISTICS

CERTIFICATE OF DEATH

DATE FILED: NOVEMBER 13, 1995

STATE FILE NUMBER: 95-06803

DECEDENT: ELBERT LORENZO DURFEE

DATE OF DEATH: NOV. 06, 1995 PLACE OF DEATH: ALMO, IDAHO

DATE OF BIRTH: FEB. 12, 1906 PLACE OF BIRTH: IDAHO

AGE: 89 YEARS SEX: MALE VETERAN? NO

MARITAL STATUS: MARRIED SPOUSE (MAIDEN): GRACE AFTON ROOKER

SOCIAL SECURITY NUMBER: 518-42-6679 RESIDENCE: ALMO, IDAHO

FATHER: LORENZO DURFEE
FATHERS BIRTHPLACE: UTAH
MOTHER (MAIDEN): ANNA ABBY BRUESCH
MOTHERS BIRTHPLACE: NEW MEXICO

MORTUARY: PAYNE MORTUARY
MORTICIAN: JOSEPH W. LARSEN

BURLEY, IDAHO
DISPOSITION: BURIAL

CERTIFYING CORONER: PAUL B. YOUNG

AUTOPSY: NO

1. CAUSE OF DEATH, UNDERLYING CAUSE LAST:

INTERVAL

METASTATIC CANCER OF THE COLON

5 MONTHS

2. OTHER CONDITIONS CONTRIBUTING TO DEATH BUT UNRELATED TO ABOVE CAUSES:

NONE LISTED

MANNER OF DEATH: NATURAL

I certify that this is a true and correct reproduction or abstract of an official
record filed with the IDAHO COOPERATIVE CENTER FOR HEALTH STATISTICS.

NOVEMBER 14, 1995

DATE ISSUED: _____

Jane S. Smith

JANE S. SMITH
State Registrar



Raft River

00148	1882	0.8	40ac
00337	1882	0.8	40ac
02051	1909	2.2	110ac
02058	1911	0.8	40ac
02214	1917	0.12	6ac
		<u>4.72</u>	<u>236ac</u>

Creek Ce

0-2200 1915 0.5 25ac

$$5.22 / 261 = .02 \text{ a/s/ac}$$

2200 (circle) LIC 1915		(12)
LIC 1917 2200	148 DECREE 1882	337 DECREE 1882
2058 LIC 1911	2051 LIC 1909	



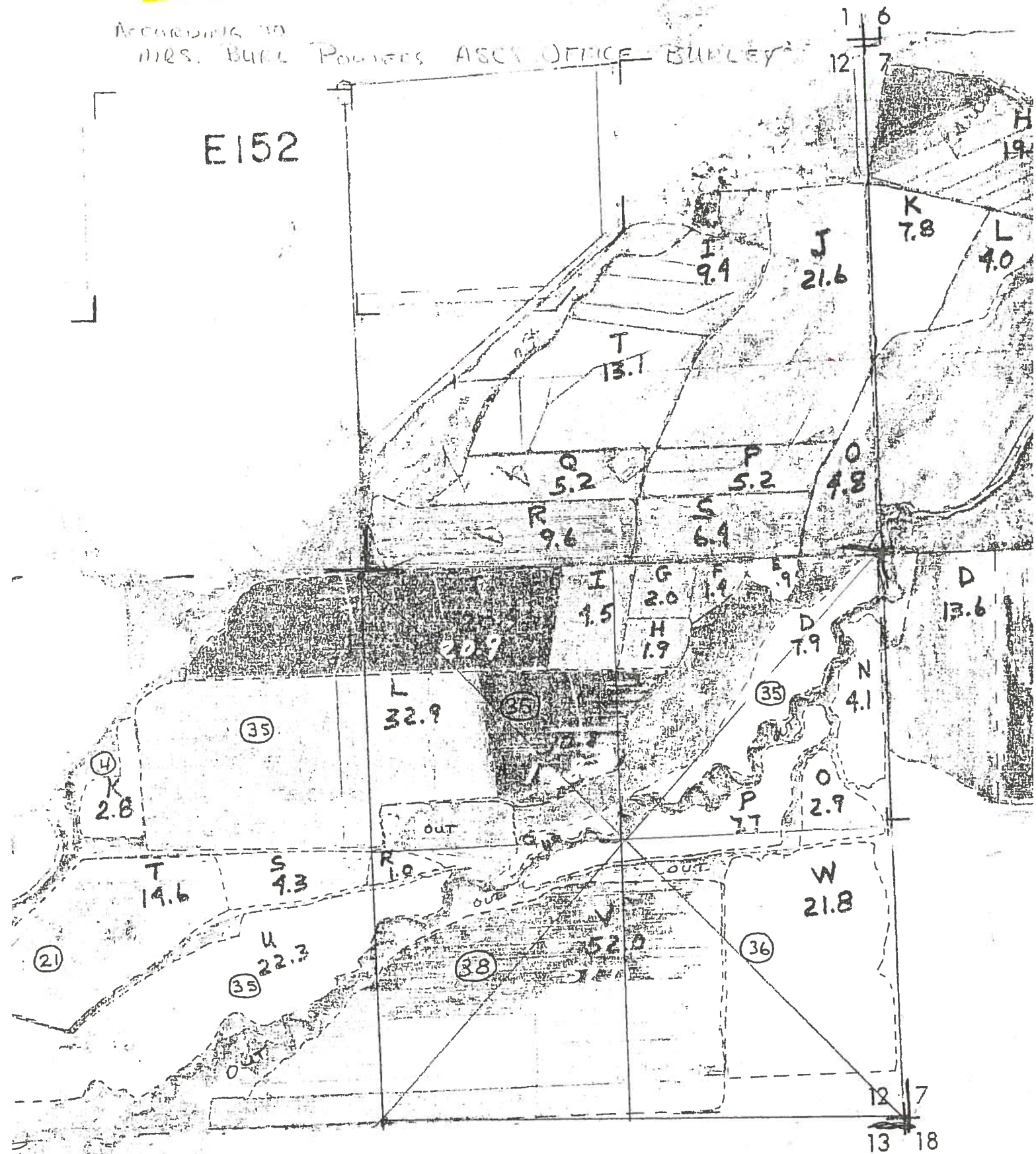
MAPS USED:
 ASCS
 ORTHO
 NAPP
 BLM

DATE: A43-02200
 A43-00337
 A43-00148
 A43-02214
 A43-02058
 A43-02051

1968 FLIGHT

According to
MRS. BUREAU POWERS ASST. OFFICE BURLEY

E152



($\angle = 217, 12/92$)

2 1
11 12 1957 FLIGHT

MRS BURL
POWERS
ASCS OFFICE
BURLEY

E152
2-2

E86
1-4

7.6

12.5

4 4.5

10.7

6.3

5.0

I 4.4
G 2.0
H 1.9

L	M	N	O	P
8.7	6.6	4.5	4.3	10.8

Q 7.7

R 19.0

5.6.9

4 20.7

G.6

18.9

11 12

14 13

(Σ=164, 12/92)

43-00337

Field Exam Notes

Field Exam Date: 8-26-99

Claim Nos: A43-00148, -00337, -02051, -02058, -02214.
Surface rights, Bruce Durfee

Agent: Vikie Hancock

The above claims are for surface rights on Raft River.

A43-00148 and -00337 are based on rights to Raft River decreed in the Jobe Adams decree of 1928. Both have priority dates of 1882.

A43-02051, -02058, -02214 are based upon licenses issued for water from Raft River in 1909, 1911 and 1917, respectively. Note that claim A43-02200 is based upon a license for Circle Creek in 1915, appurtenant to the N ½ of section 12, and not included in the analysis.

All decrees and licenses were issued to different parties on separate acreages that Elbert Durfee (father now deceased) and his sons Bruce and Kent subsequently purchased, and farm. It appears that neither of the rights decreed in 1928 supercedes any licenses, as they are not appurtenant to any of the same tracts.

From a history of the irrigation documented in file 43-4018 for the investigation of Transfer #2851, it is determined that groundwater was tapped as a source for the irrigation of the lands in the S ½ of section 12 as early as 1942. ASCS maps from 1957 and 1962 show a total of 163 acres irrigated out of the 236 licensed and decreed acres for Raft River water in the S ½ of section 12. Possible explanations are that the diminished availability of Raft River water had caused a decreased number of acres to be irrigated in the years following the issuance of the three licenses and the two decrees, as is evidenced by the need for supplemental groundwater. It is also probable that the number of acres calculated as identified in the Jobe Adams decree was excessive. A portion of decreed right 148, for the NESW, was most likely uphill of the conveyance ditches of the day, and a portion of decreed right 337, for the NWSE, included the actual Raft River and it's historically unstable banks. In addition, the license exam for right 43-02058 failed to note a steep hillside that encompasses 18 of the 40 acres licensed, which claimant agrees has never been irrigated.

A field exam conducted August 26, 1999 found a diversion in the NW NE SE Section 14, and ditches still in place for the conveyance of water from Raft River to the place of use. Claimant stated that the amount of water available is limited due to their priority dates. Because of the limited nature of the source, the claimant has not spent the time or money necessary to incorporate the

surface water into his current sprinkler system, as was done when only had lines were used. Claimant said that they quit using surface water in their sprinklers when the pivots were put in, sometime in the late 1970s or early 1980s. When water is available from Raft River to fill their decrees and licenses, they use ditches to flood irrigate the south half of section 12. In reality, they have seldom had more than enough to irrigate the SESE in recent years. It should be noted that, since the 1987 NAPP aerial photo was taken, the channel of Raft River has been moved by the claimant. It now flows east along the south boundary of section 12, and north along the east boundary of section 12. See GIS layout for description of ditches still in use.

Based upon IDWR policy, the surface water rights will be recommended even though there is evidence that there has been little use of them in recent years due to the unavailability of water. Surface water rights will be limited to 1 inch per acre when combined with groundwater rights.

*See Claim file 43-148 for photos,
GIS Layout, description of ditches.*

Lorenzo Twitichell1887-Apr. 30
1894-Apr. 1.5 s.f.
2.7 s.f.To be diverted from Cassia Creek for the irrigation of $SW\frac{1}{4}SE\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$ and Lots 3 and 4, Sec. 30, Twp. 13 S. R. 25 E.B.

327

John C. Ward
Nellie Ward
1882-Apr. 30

2.5 s.f.

To be diverted from Raft River for the irrigation of $E\frac{1}{4}NE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, Sec. 12, Twp. 16 S. R. 24 E.B.M., Lots 1 and 2, $NE\frac{1}{4}NW\frac{1}{4}$, $NW\frac{1}{4}NE\frac{1}{4}$, Sec. 7, Lots 1, 2, 3 and 4, Sec. 6, Twp. 16 S. R. 25 E.B.M.W. A. Ward and
Mrs. W. A. Ward1874-Dec. 31
1877-Apr. 30
1880-Apr. 30
1894-Apr. 30.6 s.f.
1 s.f.
4 s.f.
.48 s.f.To be diverted from Cassia Creek for the irrigation of $W\frac{1}{4}NE\frac{1}{4}$, Sec. 32, $SW\frac{1}{4}SE\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$, Sec. 29, Twp. 13 S. R. 25 E.B.M. excepting therefrom a tract beginning at the NE corner stake of the NE corner of the $SW\frac{1}{4}SE\frac{1}{4}$, Sec. 29, Twp. 13 S. R. 25, thence West 12 rods, thence South 67 rods, thence East 12 rods, thence North 67 rods, to the place of beginning, the same containing 5 acres and 4 rods; also excepting therefrom the following: Commencing at the NW corner of the $NE\frac{1}{4}$ of Sec. 32 aforesaid, thence East $17\frac{1}{2}$ rods, thence South 160 rods, thence West $17\frac{1}{2}$ rods, thence North 160 rods to the place of beginning.1874-Apr. 30
1883-Apr. 30
1885-Apr. 30
1882-Apr. 30.7814 s.f.
.235 s.f.
.9374 s.f.
.782 s.f.To be diverted from Cassia Creek for the irrigation of $SE\frac{1}{4}NW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, Sec. 31, Twp. 13 S. R. 25 E.B.M., also the following described tract: Beginning at the NW corner of the $SE\frac{1}{4}$ of said Sec. 31, running thence East 44.49 rods, thence South 18 rods, thence West 44.49 rods, thence North 18 rods to the place of beginning.

1906-May 26

1.6 s.f.

To be diverted from Cottonwood Creek for the irrigation of $SW\frac{1}{4}NE\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$, Sec. 30, Twp. 13 S. R. 25 E.B.M.

337

Glenn S. White and
Sarah Jane White
1882-Apr. 30

.8 s.f.

To be diverted from Raft River, April 1 to October 1, for the irrigation of $NW\frac{1}{4}SE\frac{1}{4}$, Sec. 12, Twp. 16 S. R. 24 E.B.M.L. A. Ward
1885-Apr. 30
1885-Apr. 30

1.6 s.f.

To be diverted from Stinson Creek All springs on said land, for the irrigation of H. E. Survey No. 204, embracing a portion of Twp. 13 S. R. 24 E.B.M., described as follows, to-wit: Beginning at corner No. 1, from which corner of Secs. 33 and 34, Twp. 13 S. R. 24, and Sec. 3 and 4, Twp. 14 S. R. 24 E.B.M. bears South $24^{\circ}24'$ West 41.73 chains distant, thence North $75^{\circ}0'$ West 21.85 chains to corner No. 2, thence North $52^{\circ}47'$ West 28.7 chains to corner No. 3, thence North $14^{\circ}45'$ East 11.12 chains to corner No. 4, thence North $60^{\circ}49'$ East 13.22 chains to corner No. 5, thence South $69^{\circ}19'$ East 41.76 chains to corner No. 6, thence South $20^{\circ}47'$ West 27.29 chains to corner No. 1, the place of beginning.

ALBION-IDAHO LAND COMPANY

-vs-

JOBE ADAMS, et al

DECREE #992 10-18-1928

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. STEED HEARING

A43-00337

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

IDWR Employee/Agent Frank Hitchcock

September 8, 1997 1:34pm

NAME:
OLEN WARD-UPPER RAFT RIVER

RE:
RECORDS FOR USAGES RELATED
STEED/REEDSPRINGS-HEARING.

WALK-IN AT 9:20-CW-WANTED ALL USAGES "LICENSES" FOR BRUCE DUFEE,
KENT DUFEE, BRENT JONES AND BILL JONES.

DISCUSSED HIS PROTEST RE: STEED USAGES AND FLOWS FROM THE STEED
ACRES.

REVIEWED BASIN 43 SEL/ALPHA CLAIMS RECORDS FOR UPPER RAFT RIVER
CLAIMS ASSIGNED TO FH AND DID AN AJS58 QUERY FOR THE CLAIMS OF THE
NOTED PEOPLE. COLLATED BY NUMBER AND PUT COPIES OF THE NAME LISTS
USED WITH EACH SET.

WARD CALLED BACK AT 11:42 TO CONFIRM THE JONES CLAIMS BEING PULLED.
HE STOPPED IN SHORTLY AFTER NOON TO PICK UP THE PROOFS LEFT FOR HIM
AT THE FRONT DESK.