

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: A43-00376
Date Received: 4/06/1989
Receipt No: 5006801
Received By: AD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: R. O. JONES & SONS INC. 208-824-5588
Address: P.O. BOX 137
ALMO, ID 83312

2. Date of Priority: JUN 20, 1910

3. Source: NORTH ALMO CREEK Trib. to: ALMO CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15S	24E	14	SE	SW	NW		CASSIA

5. Description of diverting works:
HEADGATE TO PIPELINES, DITCHES & SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.500		

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

8. Total consumptive use is 2300.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	24E	13	NE	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0

A43-00376

Page 1

Date: 04/06/89

MICROFILMED
MAR 03 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	24E	13	SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
						Section Acres	280.0
		23	NE	NE		IRR	40.0
	SW		NE		IRR	40.0	
	SE		NE		IRR	40.0	
	SE		SE		IRR	40.0	
						Section Acres	160.0
		24	NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
						Section Acres	480.0
						Total Acres	920.0

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:
A43-00382, 00381, 04071, 02537

14. Remarks:

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

ALBION-IDAHO LAND CO.
Decree Plaintiff
A43-00376

Page

vs
2
JOBE ADAMS ET AL
Decree Defendant
Date: 04/06/89

MICROFILMED
MAR 03 1993

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: 0

For Organizations:

I do solemnly swear or affirm that I am President of

Title

R. D. Jones & Sons, Inc., that I have signed the foregoing

Organization

document in the space below as President of

Title

R. D. Jones & Sons, Inc. and that the statements contained in the

Organization

foregoing document are true and correct.

Richard D. Jones
Signature of Authorized Agent

Pres. R. D. Jones & Sons, Inc.
Title and Organization

4/6/89
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 6th day
of April 19 89

[Signature]
Notary Public

Seal

Residing at Kimberly, Id.

My Commission Expires 6/30/99

06/28/2001

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

RIGHT NUMBER: 43-376

NAME AND ADDRESS: R O JONES & SONS INC
PO BOX 137
ALMO, ID 83312

SOURCE: NORTH FORK ALMO CREEK TRIBUTARY: ALMO CREEK

QUANTITY: 2.5 CFS

PRIORITY DATE: 06/20/1910

POINT OF DIVERSION: T15S R24E S14 SWSNW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04-01 10-31	2.50 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County					
T15S R24E S13	NENW	40	T15S R24E S13	SENW	40
T15S R24E S13	NESW	38	T15S R24E S13	SESW	40
T15S R24E S13	NWSE	40	T15S R24E S13	SWSE	40
T15S R24E S24	NWNE	40	T15S R24E S24	NENW	40

318 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 125 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 920 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-381 AND 43-2537.

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.

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 43D.

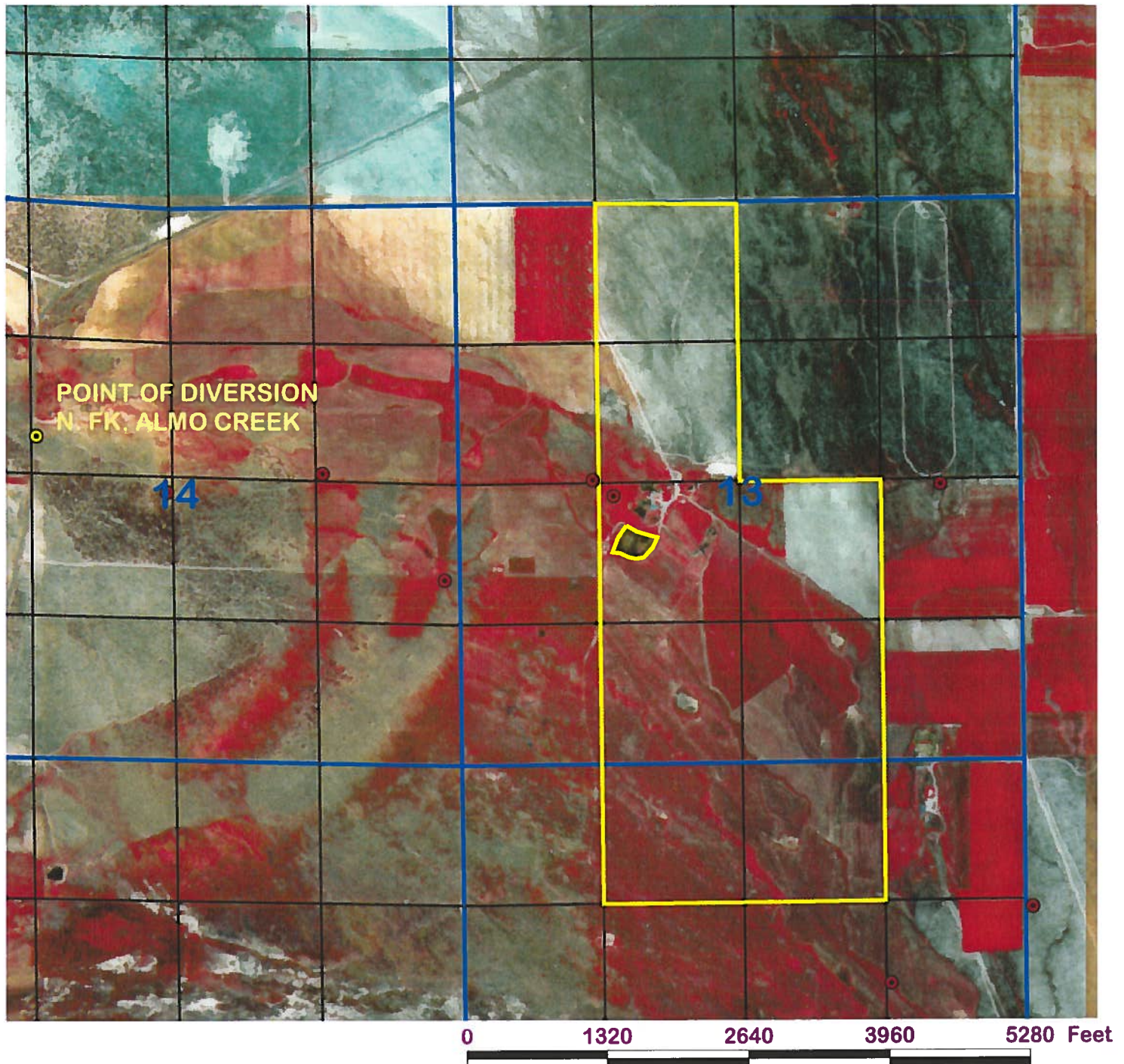
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

Idaho Department of Water Resources

RIGHTS: 43-376

RECOMMENDED PLACE OF USE
TWP 15S, RNG 24E
Data entry on June 27, 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

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: 43-376

R O JONES & SONS INC

PO BOX 137

ALMO ID 83312

Telephone Number: (208)824-5588

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:

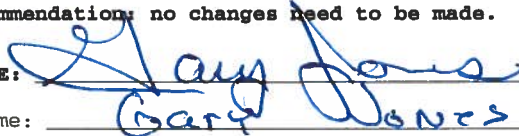
3. Give a brief explanation as to why you disagree with these portions:

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

DATE:

7-6-01

SIGNATURE:



Please print your name:

Gary Jones

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



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 28, 2001

Gary Jones
PO Box 137
Almo, Idaho 83312

RE: Snake River Basin Adjudication (SRBA)
43-376

Dear Gary,

Enclosed are revised recommendations for claim numbers 43-381 and 43-376 to reflect a change in place of use for surface water. Because 43-376 was decreed to the 80 acres in question, because of the land's location, and because it appeared that the acreage was marginally irrigated up to and in 1987, I do not believe that a right with senior priority was used on those tracts prior to the Adjudication. I have given the acres represented by decree 43-376 a permissible place of use within the area also recommended for license 43-2537.

I appreciate your information and cooperation in the investigation of your SRBA claims. Don't hesitate to contact me if you have questions or concerns about these or other claims as the Adjudication progresses.

Sincerely,

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

RECOMMENDATION NOTES

From: Vikie Hancock

6/28/01

Regarding: Claim 43-376

This claim is based upon a Jobe Adams decreed right with priority of 1910. The place of use for this right includes 160 acres, however only 2.5 cfs, or 125 inches, from N. Fork Almo Creek were awarded for irrigation.

Review of the land appurtenant to this decree indicates that it was unlikely that the entire upper 80 acres (E½SW¼ Sec 12) of the place of use was ever irrigated in 1910 using flood methods from the source *see field exam notes*. During conversations with claimant Gary Jones, I understood that only groundwater was now used on the lower 80 acres (E½ NW¼ Sec 13) of the decreed place of use, and that through an accomplished transfer, the place of use was now entirely located in the south half of section 13 and in section 24, except for a 15 acre portion in the SENW of section 13.

During the Notice of Error process, Mr. Jones contacted me and said that he was using surface water in sprinkler lines on the 80 acres in the E½ NW Sec 13 and believed that there was historical use of irrigation from surface water on those acres. He said that he would like to have it included in the place of use as he had claimed. I questioned him about that, since I had understood that only ground water was used there under right 43-2537 as I had recommended. I also pointed out that from 1978 aerial photos it appeared unlikely that surface water had been used on that 80 acres before the sprinkler system was in. I said that I had been willing to recommend groundwater there as it did not represent an enlargement of the groundwater acres and that I could assume that the movement into that 80 acres had begun by 1987 but perhaps not accomplished by the time the NAPP photo was taken. I told him that if he wanted to use surface water on that 80, he may need to dry up other acres below and file for a transfer.

The claimant called back and agreed that the irrigation may have been marginal, but insisted that there were ditches there that could have conveyed creek water before they were plowed up. Note that right 43-376 from N. Almo Creek is clearly decreed to the E½ NW Section 13 but is of a priority date that would be briefly available each year if at all. In 1985, transfer #3218 listed the POU of this right as unchanged from the decree. Historical flood type irrigation of the decreed place of use would always have been difficult and marginal. I decided there was enough evidence to recommend these 80 acres within the POU of this surface water right, and of GW right 43-2537, only. If Mr. Jones wishes to expand his use of water with a senior priority date onto these acres I believe he should file a transfer.

I believe that the 125 inches awarded in the decree represented the maximum number of acres irrigated at that time. Unless other information is obtained, my recommendation is for 2.5 cfs on 125 acres within a permissible place of use.

Season of use was changed to conform to current IDWR standards.

10/10/2000

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

RIGHT NUMBER: 43-376

NAME AND ADDRESS: R O JONES & SONS INC
PO BOX 137
ALMO, ID 83312

SOURCE: ALMO CREEK, N. FK. TRIBUTARY: ALMO CREEK

QUANTITY: 2.5 CFS

PRIORITY DATE: 06/20/1910

POINT OF DIVERSION: T15S R24E S14 SWSENW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04-01 10-31	2.50 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

T15S R24E S13	SENW	15	T15S R24E S13	NWSE	40
T15S R24E S13	NESW	38	T15S R24E S13	SWSE	40
T15S R24E S13	SESW	40	T15S R24E S13	SWSW	40
T15S R24E S23	SENE	40	T15S R24E S23	SESE	40
T15S R24E S23	NENE	41	T15S R24E S23	SWNE	41
T15S R24E S24	SWNW	40	T15S R24E S24	NWSE	40
T15S R24E S24	NESW	40	T15S R24E S24	NWSW	40
T15S R24E S24	SWSE	40	T15S R24E S24	SESW	40
T15S R24E S24	SWSW	40	T15S R24E S24	NWNE	40
T15S R24E S24	NENW	40	T15S R24E S24	NWNW	40
T15S R24E S24	SWNE	40	T15S R24E S24	SENW	40

855 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 125 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 920 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-381 AND 43-2537.

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

Water Right 43-376

*child per
NOE
contact w
claims*

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.

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
WATER DISTRICT 43D.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

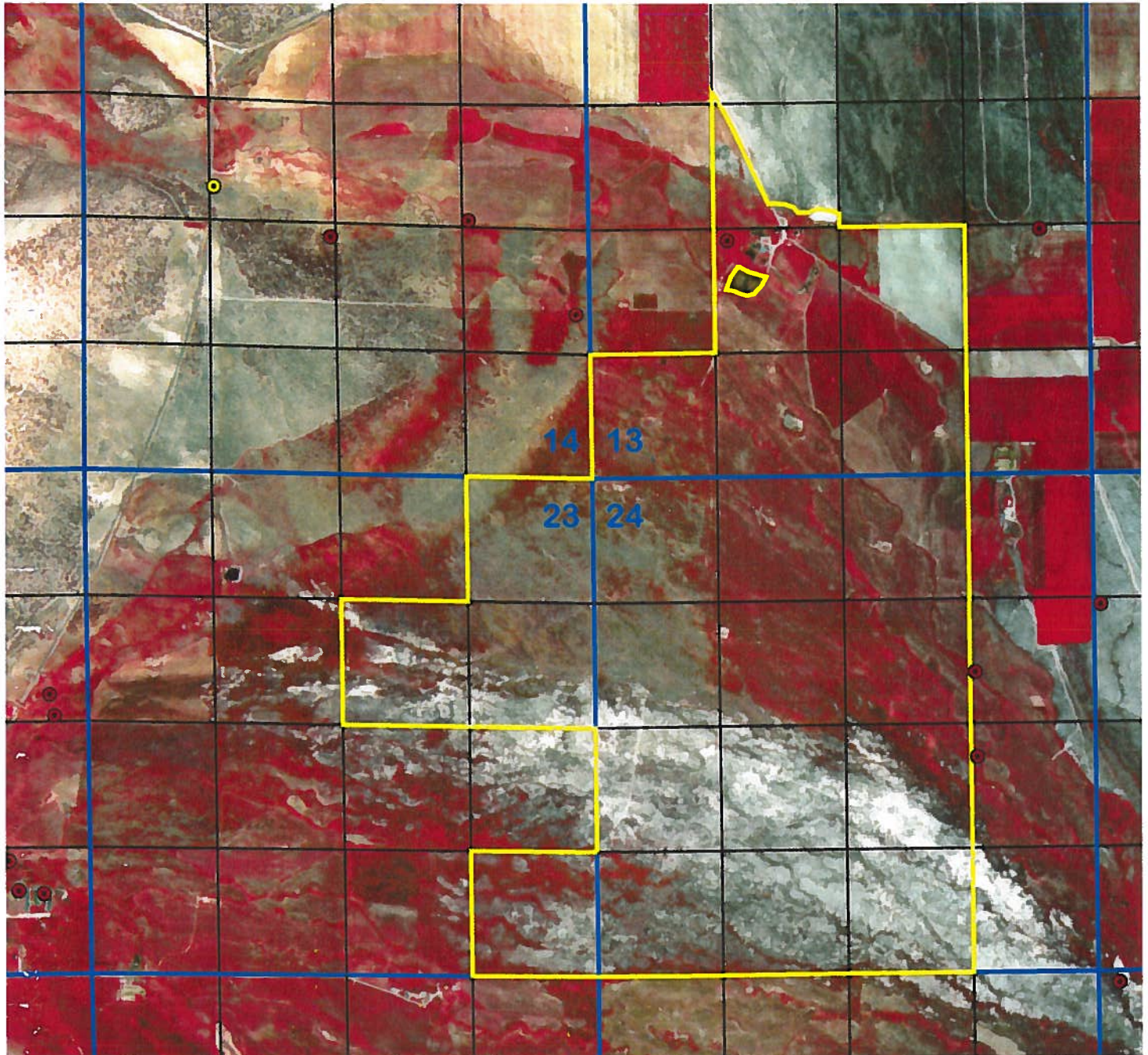
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

ch's 2

Idaho Department of Water Resources

RIGHT: 43-00376, 43-00381

RECOMMENDED PLACE OF USE
TWP 15S, RNG 24E,
Data entry on October 6, 2000



● RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE

SECTION LINES

QUARTER/QUARTER LINES

*ch9'd pw
POU*



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

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	R O JONES & SONS INC	06/20/1910	IRRIGATION	03-15 11-15 4-1 to 10-31	2.50 CFS	2300.00 AFA

TOTAL DIVERSION: 2.50 CFS
CONSUMPTIVE USE: 2.50 CFS

Water Source: ALMO CREEK, NORTH *TK* Tributary to: ALMO CREEK
Stage: DECREED

Point(s) of Diversion: T15S R24E S14 CASSIA County

Place of use legal Description for: IRRIGATION

NE												NW												SW												SE											
T	R	S	:	NE	NE	SE	:	NE	NE	SE	:	T	R	S	:	NE	NE	SE	:	NE	NE	SE	:	T	R	S	:	NE	NE	SE	:	NE	NE	SE	:	T	R	S	:	NE	NE	SE	:	T	R	S	:
15S	24E	13	:	40	40	40	:	40	40	40	:	15S	24E	13	:	40	40	40	:	40	40	40	:	15S	24E	13	:	40	40	40	:	40	40	40	:	40	40	40	:	40	40	40	:	40	40	40	:
15S	24E	23	:	40	40	40	:	40	40	40	:	15S	24E	23	:	40	40	40	:	40	40	40	:	15S	24E	23	:	40	40	40	:	40	40	40	:	40	40	40	:	40	40	40	:	40	40	40	:
15S	24E	24	:	40	40	40	:	40	40	40	:	15S	24E	24	:	40	40	40	:	40	40	40	:	15S	24E	24	:	40	40	40	:	40	40	40	:	40	40	40	:	40	40	40	:	40	40	40	:
				TOTAL ACRES																																											
				920.0																																											

POU County: CASSIA

Non-Irrigation Uses: NONE

Other Rights: A43-00382, 00381, 04071, 02537

Dates: Exam Made Date: 05/06/1985

Misc: Water District Number: 430

Field Inspection Flag: D
Presumption Flag: D

645
618

K46 135 ac

See page

RECOMMENDATION NOTES

From: Vikie Hancock

10/9/00

Regarding: Claim 43-376

This claim is based upon a Jobe Adams decreed right with priority of 1910. The place of use for this right includes 160 acres, however only 2.5 cfs, or 125 inches, from N. Fork Almo Creek were awarded for irrigation.

Review of the land appurtenant to this decree indicates that it was unlikely that the entire upper 80 acres of the place of use was ever irrigated in 1910 using flood methods from the source *see field exam notes*. Through an accomplished transfer, the place of use is now entirely located in the south half of section 13 and in section 24, except for a 15 acre portion in the SENW of section 13. None of the water represented by this right is used in Section 12 as decreed. Based upon these observations, I believe that the 125 inches awarded in the decree represented the number of acres irrigated at that time. Unless other information is obtained, my recommendation is for 2.5 cfs on 125 acres within a permissible place of use.

Season of use was changed to conform to current IDWR standards.

COMMUNICATION DOCUMENTATION

From: Vikie Hancock

March 30, 2000

Regarding:

Customer:

Various claims

Gary Jones

[illegible]

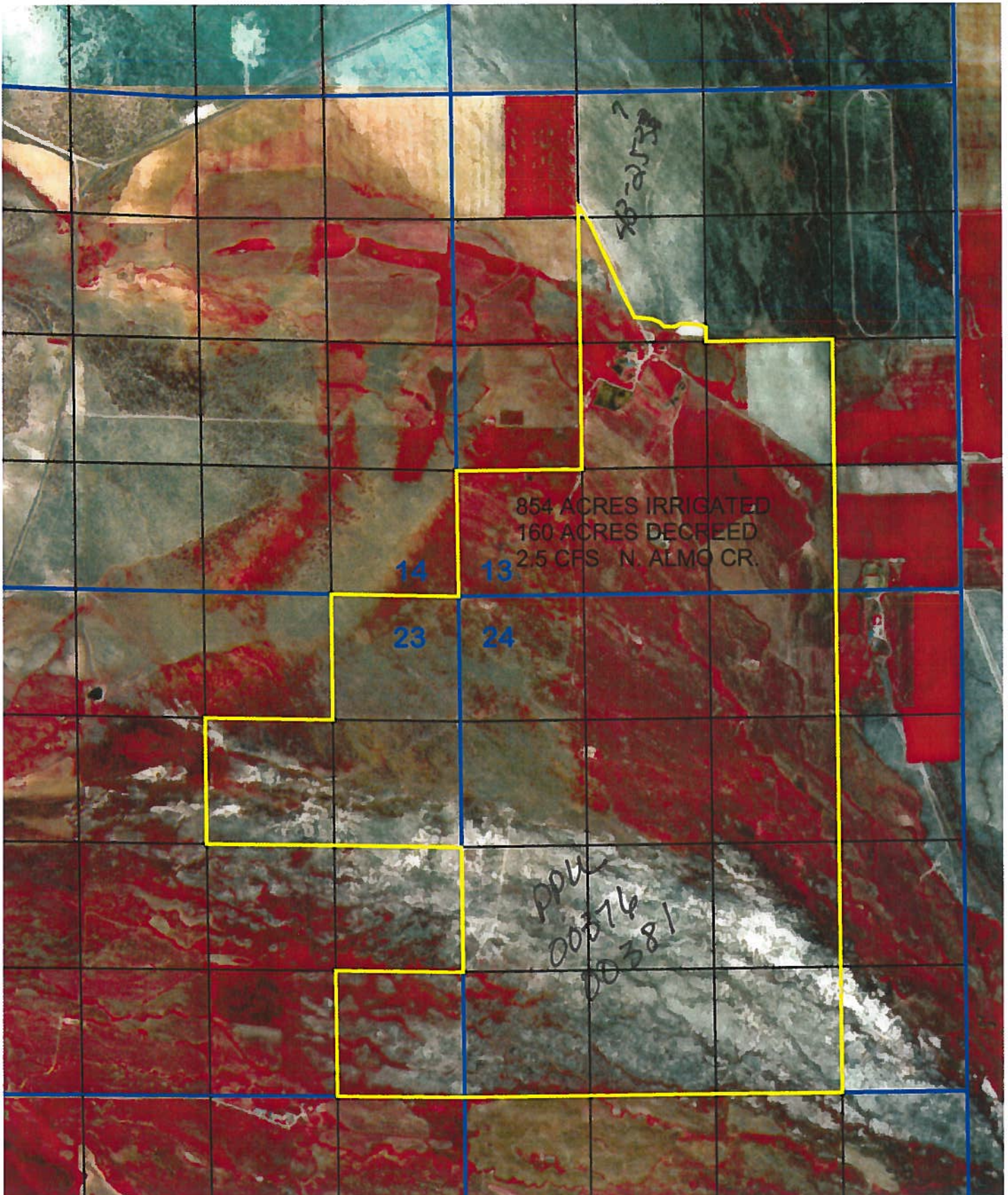
Claimant came into the office to discuss several issues brought up at our meeting in Almo on March 14th. Mr. Jones has decided to keep the various claims under the same ownership as originally filed.

Regarding claim **A43-00377**, it was decided to re-number the claim and keep the two sources within one claim. Claims **-00376** and **-00381** should be recommended within the PPU outlined. The 80 acre parcel north of the R.O. Jones house will not be included, as it is only irrigated by sprinkler using groundwater represented by **43-02534**.⁷ Claimant is planning to file on his portion of decreed right **43-00380**, also filed on by Brent Jones. The current place of use was identified for Tater Creek claimed by **43-04071**. He will get proof of priority for beneficial use. Three options were discussed for claim **43-00382** on Edwards Creek: A permissible place of use of 840 acres within the expanded acres covered by the sprinkler system; an enlargement claim; and an accomplished transfer from the original place of use to the land now irrigated by sprinkler.

FILE NOTES

CLAIM NO(S): A43-00376

TWP 15S, RNG 24E
SEC 13, 14, 23, 24



V. HANCOCK

DATE: 3-21-2000

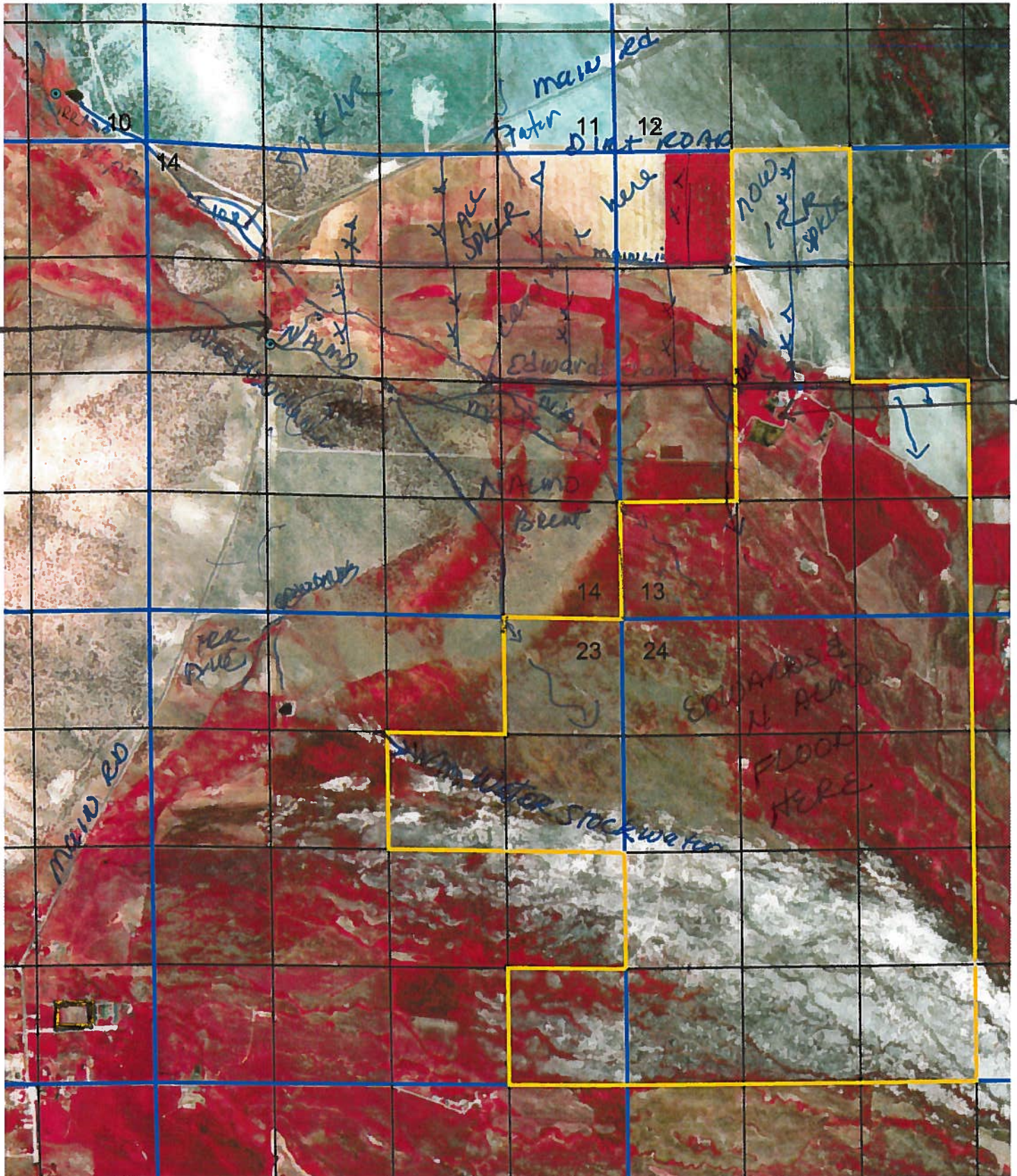
1987/88 NAPP PHOTOGRAPHY

FIELD NOTES

CLAIM NO(S): A43-00376, -00381, -00382
- 02537, -04071

OVERVIEW

GARY JONES HOUSE



V HANCOCK

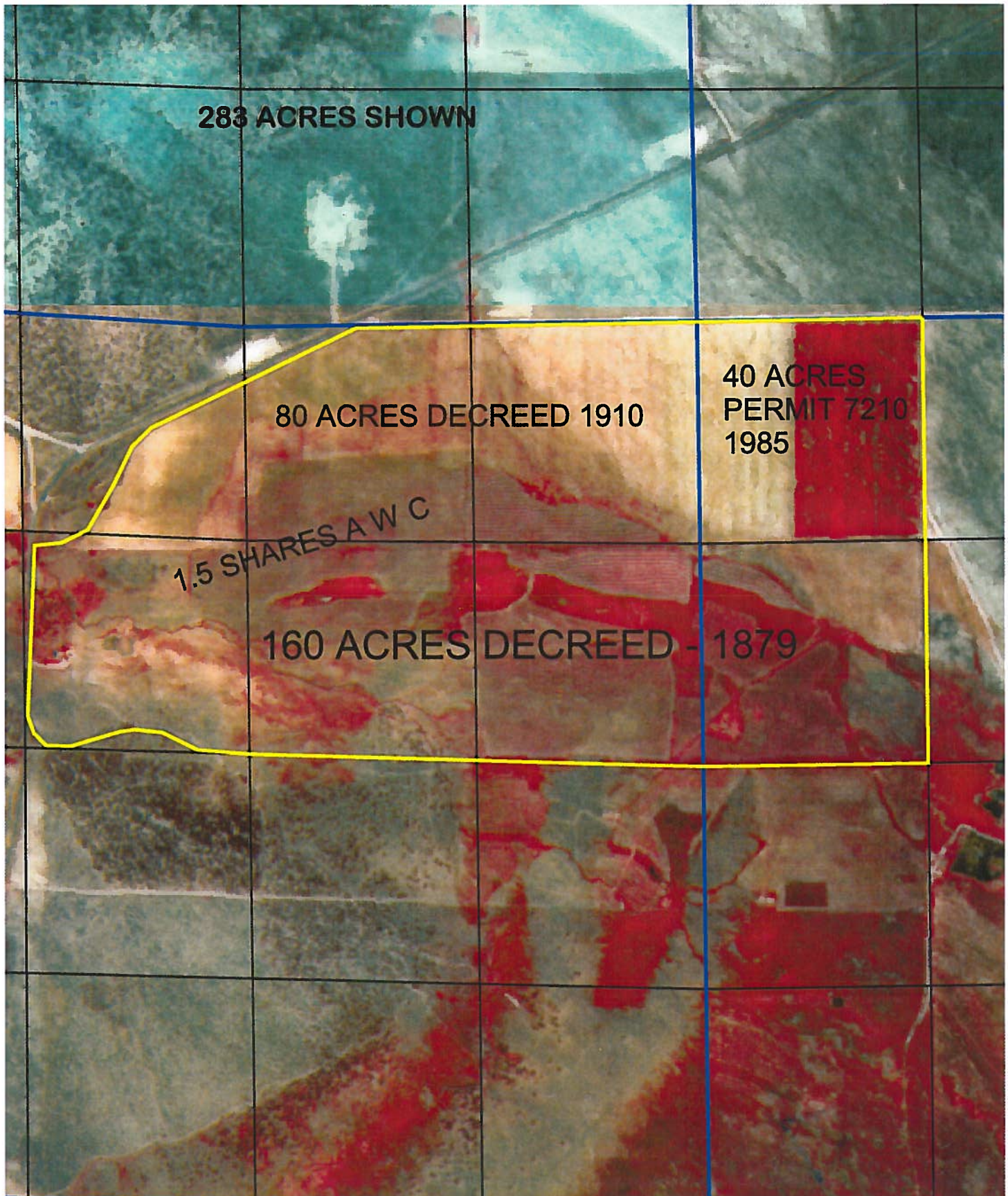
Date: 3/14/2000

00377

FILE NOTES

CLAIM NO(S): VARIOUS, GARY JONES

**TWP 15S, RNG 24E
SEC 13, 14**



V. HANCOCK

DATE: 3-21-2000

1987/88 NAPP PHOTOGRAPHY

$1.6 (1879) + 0.75 (1910) = 2.35 \text{ cys} + \text{AWC} + \text{Edwards 382 Right per.}$

Field Exam Notes

Field Exam Date: 3-14-2000

Claim No: Various, Gary and R.O. Jones

Agent: Vikie Hancock

I met with Gary and Richard Jones at Gary's house in Almo. We discussed the various claims filed by Both Gary and R.O. Jones & Sons. Gary has since purchased his father's farm and runs the two properties as one farm.

In 1985 a transfer #3218 was filed, for various decreed rights owned by R.O. Jones, to add a point of diversion on Edwards Creek in the SESE Section 10, where the claimants constructed a pond and pipeline to serve a gravity sprinkler system "on land once irrigated by flooding." Although there was no change in place of use for any of the rights, the land on which the gravity sprinkler system was installed was land located in the E $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ Section 14 and the W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 13. Claimant installed one 12-inch buried pipe that runs from the point of diversion to the very center of the NW corner of section 14. There it is put into a mainline that runs due east through the center of the north half of section 14 and into the W $\frac{1}{2}$ NW Section 13. Claimant states the system can run approximately 12 quarter-mile sprinkler lines with mostly 1/8 inch nozzles. There is another 4-inch pipe from the point of diversion that runs to a field just to the west of the highway in the NWNW Section 14. This field is also sprinkler irrigated.

A point of diversion in SESE Section 10, on Edwards Creek, was added to rights decreed on both Edwards Creek and North Almo Creek, though Gary and Richard Jones state that only Edwards Creek and the shares of Almo Water Company water are diverted and put into the pipeline. Only one decreed right on Edwards Creek, 43-00378, was appurtenant to the acreage on which the sprinkling system was installed at the time of the transfer. However, 7.0 cfs from Edwards Creek decreed as 43-00382 was also available to the claimant if there was an unrecorded transfer of place of use. North Almo Creek water is still used upon this same ground but is used only for flood irrigation. Transfer #3218, as it pertains to rights on N. Almo Creek, is assumed to have not been accomplished.

1 $\frac{1}{2}$ shares of AWC is delivered from Almo Creek into Edwards Creek above the diversion in Section 10 for use in the gravity irrigation system. In 1985, the Department split a license and a statutory claim held by Almo Water Company and changed a portion of both into the name of Jones, per the aforementioned transfer #3218. This was in error, as the Jones did not wish to remove shares from Almo Water Company, just to change the point of diversion. They have, in fact, continued to receive and use their 1 $\frac{1}{2}$ shares in AWC. Note that Jones did not claim his portion of the split license 43-02232 or stat claim 43-04228. However, Almo Water Company claimed their split, not whole, portion of each right.

SEE CLAIM
FILE
43-1122-
for map

Gary Jones is successor in interest to the Helen Edwards water rights as specified in the Jobe Adams Decree as 43-00377 and 43-00378. He purchased the property from Louis Eames whose rights were confirmed in a lawsuit known as Almo Water Company vs Ivan Darrington, District 8E (now 43D) Water master. Claimant has combined the two rights, one on Edwards Creek for 1.6 cfs, and one on North Almo for 1.6 cfs, with the same priority date of 1879, in one claim **A43-00377**. In the Jobe Adams, the right to Edwards Creek is supplemental to the right on North Almo. I believe that the claimant may want to split this claim so as to differentiate each source. When the Eames portion of the property was purchased, it also came with the aforementioned 1½ shares of Almo Water Company water. Also at this time, claimants say that much more than the decreed 160 acres were being irrigated. Gary Jones claimed that he expanded into the NWNW of Section 13 (see permit #43-07210) but that the rest was already being farmed. * SEE 43-380B

It does seem clear from 1976 aerial photos, that most of the land now owned by Gary Jones east of the Elba-Almo highway, and south of the dirt road which runs along the north section line of sections 13 and 14, was irrigated prior to the gravity sprinkler system put in circa 1985. A portion of another decreed right, 43-00380 on N. Almo Creek with a priority date of 1910, is appurtenant to the NENW and NWNE of Section 14 and should be claimed. This would account for the additional acres being irrigated. Note that Brent Jones claimed the entire 43-00380 right, but that only half of it is appurtenant to his property.

Claim 43-00376 is based upon a decree for 2.5 cfs of water from N. Almo Creek, priority date 1910. The decreed place of use is the E½ NW of section 13 and the E½ SW section 12. This land is up high and away from the diversion from N. Almo, and as the priority date indicates, developed late. Undated ASCS aerial photos found in permit file 43-07210 used for a field exam in 1991 identifies the water courses for Edwards Creek, and the water diverted from N. Almo, as they once ran through the farm. Except for portions of the W½ of the SENW Section 13, there are no ditches evident that would have conveyed water from N. Almo to the decreed place of use; nor are there any apparent on the low altitude ASCS photos #P34 and Q34 from 1978. The 1987 NAPP photo is similar. This 80 acres appears to have been marginally irrigated, if at all, for some time prior to 1978, and probably irrigated with runoff water from the north. The claimant stated that he does not irrigate north of the dirt road (i.e.: section 12) from anything but runoff water and Tater Creek when it is available. He also told me that he now uses sprinkler irrigation from the well licensed under 43-02537 to irrigate the E½ NW of section 13, as claimed under that right. Photo evidence suggests that water from N. Almo Creek has only been used on a diagonal portion of the SENW of section 13. Therefore, the water use represented by this decreed right has been, at some time, moved by accomplished transfer to lands which are included in the place of use south of the center line of section 13, and to a limited extent in the SENW Section 13. (Transfer #3218, as it pertains to 43-00376 is assumed to have not been accomplished).

Claim 43-00381 is for 7.0 cfs from N. Almo Creek, priority date 1880. The decreed place of use is 840 acres in Sections 13, 24 and 23, which exactly matches the adjudication claim with the exception of an additional 80 acres claimed in the E½NW Section 13. In reviewing 1987 NAPP photography, 1976

high and 1978 low elevation ASCS aerial photos, I see no evidence that water was conveyed to any but the SW corner of that particular 80 by surface ditches from N. Almo Creek in the years prior to 1987. Claimant Gary Jones said that he did irrigate the entire 80 acres with sprinkler irrigation from the well licensed under right 43-02537. The land looked to be developed and irrigated during my limited field exam this date. Baring additional information, I am inclined to recommend this right for use on the original decreed acreage. Note that, perhaps as a result of transfer #3218, the Allocations database was changed to reflect that the source for this right was Edwards Creek. The SRBA claim was filed on N. Almo Creek, and it is assumed that transfer #3218, as it pertains to this right, was not accomplished.

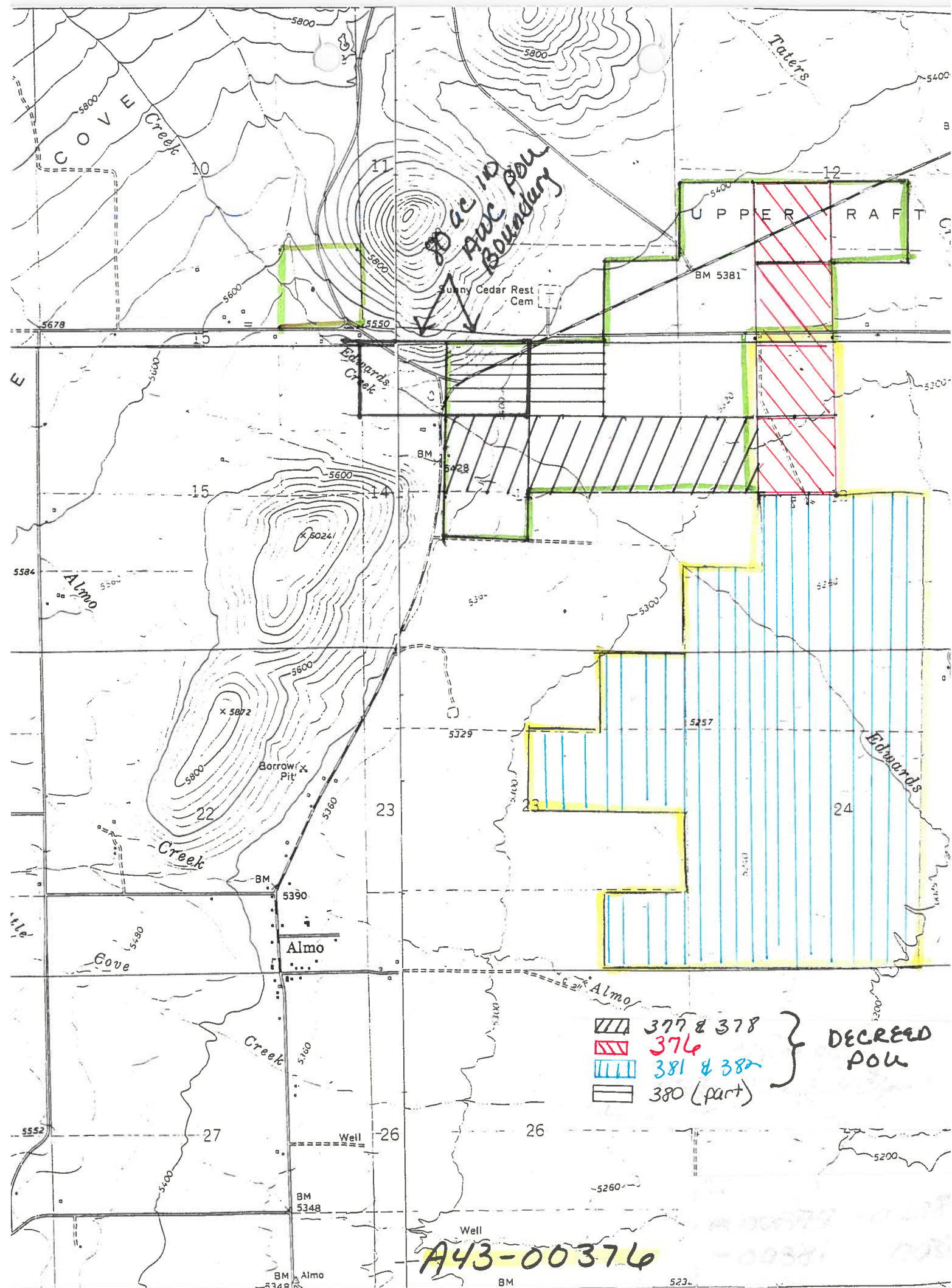
Claim **43-00382** is for 7.0 cfs from Edwards Creek, priority 1880. The decreed place of use for this right is exactly the same as that for 43-00381. A point of diversion in SESE Section 10 was added to this right so that the waters of Edwards Creek could be used in the gravity irrigation system which was developed to irrigate the E $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ Section 14 and the W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 13. Water from this right also irrigates the field in the NWNE Section 14 and also a small area that is flood irrigated in the SESE Section 10. The lands now under gravity sprinkler irrigation, and flooded in Section 10, represent a change in place of use of this right that occurred in 1985. Edwards Creek may also be diverted in the SW $\frac{1}{4}$ of section 13 to flood irrigate the original decreed place of use, as the sprinkler system does not use the entire 7.0 cfs of this right. I do not see evidence that water from this source was used over the entire E $\frac{1}{2}$ NW of Section 13 prior to 1987, as claimed.

Either an enlargement claim for an additional 290+ acres, or a PPU limited to 840 acres within the total place of use, should be recommended to accurately reflect the water usage under this right.

The claimed place of use for **A43-02537** represents an accomplished transfer of place of use since the license was issued. The well is now used to irrigate the E $\frac{1}{2}$ NW of Section 13, instead of the SENW and SWNE of Section 24. Claimant states that the well is mostly used to flood irrigate at this time but he intends to move more toward a sprinkler system. It appeared during my limited field exam that this right was being used as claimed. The well is located in the extreme NW corner of the NENW Section 13.

A43-04071 is based upon a statutory claim to Tater Creek for 3.6 cfs with an 1880 priority date. According to the claimant, there is not often water available for use at his point of diversion on Tater Creek. He showed me his point of diversion, which is just south of the Almo-Elba Highway, as Tater creek passes under it. He says that he diverts the creek to the west here, and the portion of it going to the east is used by Brent Jones. (Brent Jones did not file a claim on Tater Creek). This stat claim, as well as stat claims by Eames 43-04067, Robert Ward 43-04068, Glen Jones 43-04070 and Black 43-04069 were protested when filed in 1976. The claimants and the protestant, Jack Erickson, agreed that all the stat claims should have the same priority date of 1880. The only SRBA claims filed on Tater Creek are this one and A43-04069 by Jay Black. This claim has no proof of priority filed to substantiate the 1880 priority date. Gary Jones says that, when available, he uses Tater Creek, as well as runoff water, to irrigate the pasturelands he owns above the dirt road at the top of his sprinkler irrigated fields. This property was not owned by R.O. Jones at the time the statutory claim 43-04071 was filed, but was owned by Louis

Eames. The stat and SRBA claims as filed by R.O. Jones claim a place of use south of the dirt road. The conveyance ditch through the E½NW of Section 13 is still evident in the 1987 NAPP photo and appears to be the historical place of use for this claim. Actual date this water was put to beneficial use is unknown at this time.



Chas. Van Kirk
1880-Apr. 30

1.3 s.f.
.5 s.f.

To be diverted from Green Canyon Creek Waters of Antelope Springs, for the irrigation of a tract of land commencing at the NE corner of the Southeast Quarter of Sec. 6, Twp. 14 S. R. 25 E.B.M., then South 14 rods for a place of beginning, thence South 306 rods, thence West 80 rods, thence North 306 rods, thence East 80 rods to place of beginning, except road rights of way.

F. C. Vosburg
1921-June 18

1.4 s.f.

To be diverted from Cassia Creek for the irrigation of $S\frac{1}{2}NE\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, Sec. 23, Twp. 13 S. R. 28 E.B.M.

Amend

ALMO CREEK.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That Almo Creek and its tributaries, viz., Sythe Creek, Edwards Creek, Stine Creek, Blacksmith Fork Creek and Grape Creek, do not contribute to the supply of the water users out of Raft River and its tributaries in the irrigation of the land, and that said Almo Creek hereby is set apart as a separate water district and that the users of water from Raft River and its tributaries have no interest whatever in the use of the waters of Almo Creek and the distribution of the same; that the use of the waters of Almo Creek in accordance with the priorities hereinafter decreed, or otherwise shall not be considered as a violation of the injunctive provisions of this decree so far as the users of water from Raft River and its tributaries are concerned.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That the various parties hereinafter named be, and hereby are, awarded and decreed for use in the irrigation of their lands the following and various amounts of water hereby specifically mentioned with the priorities as hereinafter specified and set out for the irrigation of their particular tracts of land hereinafter described, to-wit:

43-00373 Henry D. Belnap
1879-Apr. 15 1.8 s.f. To be diverted from South Almo Creek for the irrigation of $SW\frac{1}{4}SW\frac{1}{4}$, Sec. 9, $SE\frac{1}{4}NE\frac{1}{4}$ and $E\frac{1}{2}SE\frac{1}{4}$, Sec. 8, Twp. 15 S. R. 24 E.B.

374 Henry R. Cahoon
1879-Apr. 30 2 s.f. To be diverted from South Almo Creek for the irrigation of $E\frac{1}{2}NW\frac{1}{4}$, $NW\frac{1}{4}NW\frac{1}{4}$ and $NE\frac{1}{4}SW\frac{1}{4}$, Sec. 22, Twp. 15 S. R. 24 E.B.M.

375 Ida Jones Cahoon
1880-Apr. 1 1.2 s.f. To be diverted from North Almo Creek for the irrigation of the following: Beginning at the NE corner of $NW\frac{1}{4}SW\frac{1}{4}$, Sec. 13, thence West 240 rods, thence South 53 rods $5\frac{1}{2}$ feet, thence East 240 rods, thence North 53 rods $5\frac{1}{2}$ feet, to place of beginning, containing 80 acres

376 Ida Jones Cahoon
1910-June 20 2.5 s.f. To be diverted from North Almo Creek for the irrigation of $NE\frac{1}{4}SW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$, Sec. 12, $NE\frac{1}{4}NW\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, Sec. 13, Twp. 15 S. R. 24 E.B.M.

377 Helen Edwards
1879-Mar. 17 1.6 s.f. To be diverted from North Almo Creek for the irrigation of $SW\frac{1}{4}NW\frac{1}{4}$, Sec. 13, $SW\frac{1}{4}NE\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, Sec. 14, Twp. 15 S. R. 24 E.B.M.

378 1879-Mar. 17 1.6 s.f. To be diverted from Edwards Creek.
This right is supplemental and not in

FEB 21 1986

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

Southern District

APPLICATION FOR TRANSFER OF WATER RIGHT**To Change the Point of Diversion and/or the Place of Use**Name of applicant R. O. Jones & Sons Inc. Phone 824-5588
824-5595Post Office address Almo, Idaho 83312**A. DESCRIPTION OF RIGHT AS RECORDED**1. Right evidenced by: (See Attached Sheets)

a. Decree No. _____ Decreed to _____ (Name)

in case of _____ vs _____

dated in _____ in _____ county of _____
(Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired _____

3. Source of water _____ tributary to _____

4. Date of priority _____

5. Water is used for the following purposes:

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)6. Total amount of water under right: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is _____ 1/4 of _____ 1/4 of Section _____

Township _____ Range _____, B.M., in _____ County

Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

(See Attached Sheets)

2- T# 3218

B. DESCRIPTION OF PORTION ☐ RIGHT OWNED BY APPLICANT (If the ☐ re right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. Place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information

- a. Amount of water to be diverted _____ c.f.s. &/or _____ acre feet
- b. Description of diverting works Pipeline & sprinklers & old headgates & ditches.
- c. Describe the reasons for the proposed changes To be able to add a point of div. on Edwards Creek to allow diversion into a pipeline for gravity sprinkler irrigation of the lands presently flood irrigated.

2. Change in point of diversion

↙ New P/D on Edwards Creek to be diverted into pipeline.

Point of diversion SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 10 Township 15S.

Range 24E., B.M., Cassia County

Additional points Old P/D on Edwards Creek SENW Sec 14 T15S, R24E.

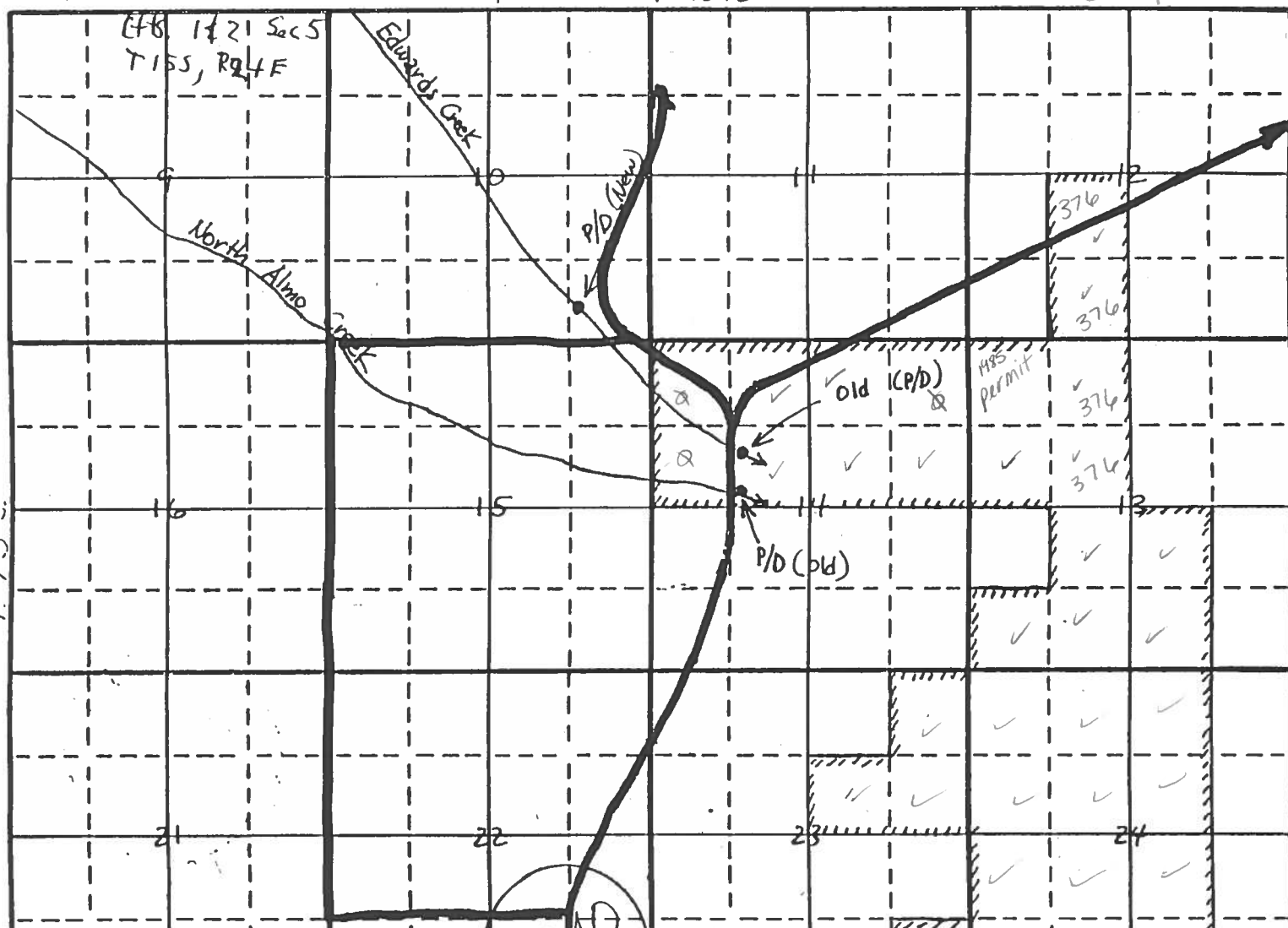
Old P/D on North Almo Creek SENW Sec 14 T15S, R24E.



- land involved by section, township and range number.

R.24E

$V =$ decreed rights N^{th}

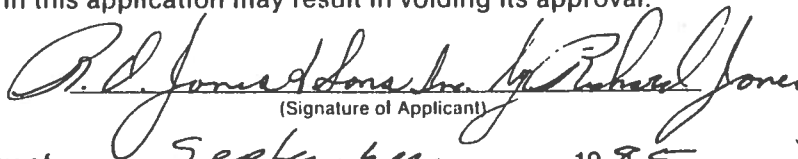


D. REMARKS

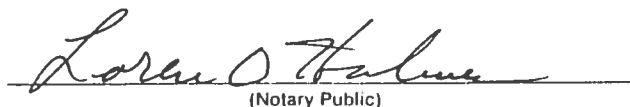
U.S.G.S. Quad sheet shows North Almo Creek Trib to Edwards Creek however these streams do not flow together but are tributary to the R2H River drainage. Water from the various creeks are delivered independently from each other.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.


(Signature of Applicant)

Subscribed and sworn to before me this 17 day of September, 1985.


(Notary Public)

My commission expires Life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

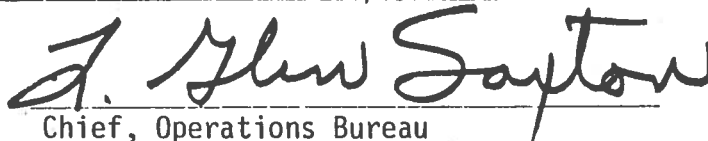
43-0376/0377/0378/

This is to certify that I have examined Application for Transfer of Water Rights No. 0380/0381/0382/2232B/4228B

and said application is hereby APPROVED, subject to the following limitations and conditions:

1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
2. Use of water under these rights is subject to control by the watermaster of State Water District No. 43D, Almo Creek.
3. Approval of this transfer does not confirm portion of Rt. 43-4228 identified herein.
4. The total rate of diversion under rights 43-0377 & 43-0378 shall not exceed 1.6 cfs.
5. Rate of diversion under Rt. 43-2232B shall not exceed 0.75 cfs.
6. Rate of diversion under Rt. 43-4228B shall not exceed 0.31 cfs.
7. The total rate of diversion under this transfer shall not exceed 19.91 cfs.

Witness my hand this 18 day of February, 1986


Chief, Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant _____ Phone _____

Post Office address _____

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 43-0376 Decreed to Jones Cahoon (Name)
in case of Albion-Idaho Land Co. vs Jobe Adams, et. al.
dated in 10/18/1928 in U.S. Dist. Court Idaho Southern Div. county of _____
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant. If the applicant is not the original holder of the water right, explain how it was acquired _____

3. Source of water North Almo Creek tributary to Edwards Creek
Raft River

4. Date of priority 6/20/1910

5. Water is used for the following purposes: * Not Listed in Decree
amount 2.50 cfs for Irrigation purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 2.50 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is * Not Listed in Decree 1/4 of _____ 1/4 of Section _____

Township _____ Range _____, B.M., in _____ County

Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
15S	24E	12									X			X					

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____ Township _____
Range _____, B.M., _____ County _____
Additional points _____

3. Place of use: _____

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information

- a. Amount of water to be diverted 2.50 c.f.s. &/or _____ acre feet
- b. Description of diverting works _____

- c. Describe the reasons for the proposed changes _____

2. Change in point of diversion

North Almo Creek (old P/D)

Point of diversion SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 14 Township 15 S.
Range 24 E, B.M., Cassia County (New P/D)

Additional points From Edwards Creek within SESE Sec. 10, T.15S
R24E, B.M. and from Edwards Creek within SENW Sec 14
T.15S., R.24E. (old P/D)