

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: A43-00382
Date Received: 4/06/1989
Receipt No: 5006809
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: APR 01, 1880

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15S	24E	10	SW	SE	SE		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	7.000		

7. Total Quantity Appropriated is:
7.000 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

A43-00382

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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:
A43-00381, 00376, 04071, 02537

14. Remarks:

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

ALBION-IDAHO LAND CO.
Decree Plaintiff
A43-00382

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

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 6/30/94

06/28/2001

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

RIGHT NUMBER: 43-382

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

SOURCE: EDWARDS CREEK TRIBUTARY: ALMO CREEK

QUANTITY: 7 CFS

PRIORITY DATE: 04/01/1880

POINT OF DIVERSION:	T15S R24E S10	SWSESE	Within CASSIA County
	T15S R24E S13	SESWNW	Within CASSIA County
	T15S R24E S14	SWSENE	Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-31	7.00 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>			
T15S R24E S10	SESE	7.9	T15S R24E S13 NWNW 40
T15S R24E S13	SENW	15	T15S R24E S13 SWNW 40
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 S14 NWNW 6.6
T15S R24E S14	NENW	13	T15S R24E S14 NWNE 36
T15S R24E S14	SENW	35	T15S R24E S14 NENE 40
T15S R24E S14	SWNE	39	T15S R24E S14 SENE 40
T15S R24E S23	SESE	40	T15S R24E S23 NENE 41
T15S R24E S23	SWNE	41	T15S R24E S23 SENE 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	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

1152.5 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 43-381 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 700 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 700 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 1203 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-376, 43-380B, 43-381, 43-2537, 43-11227.

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

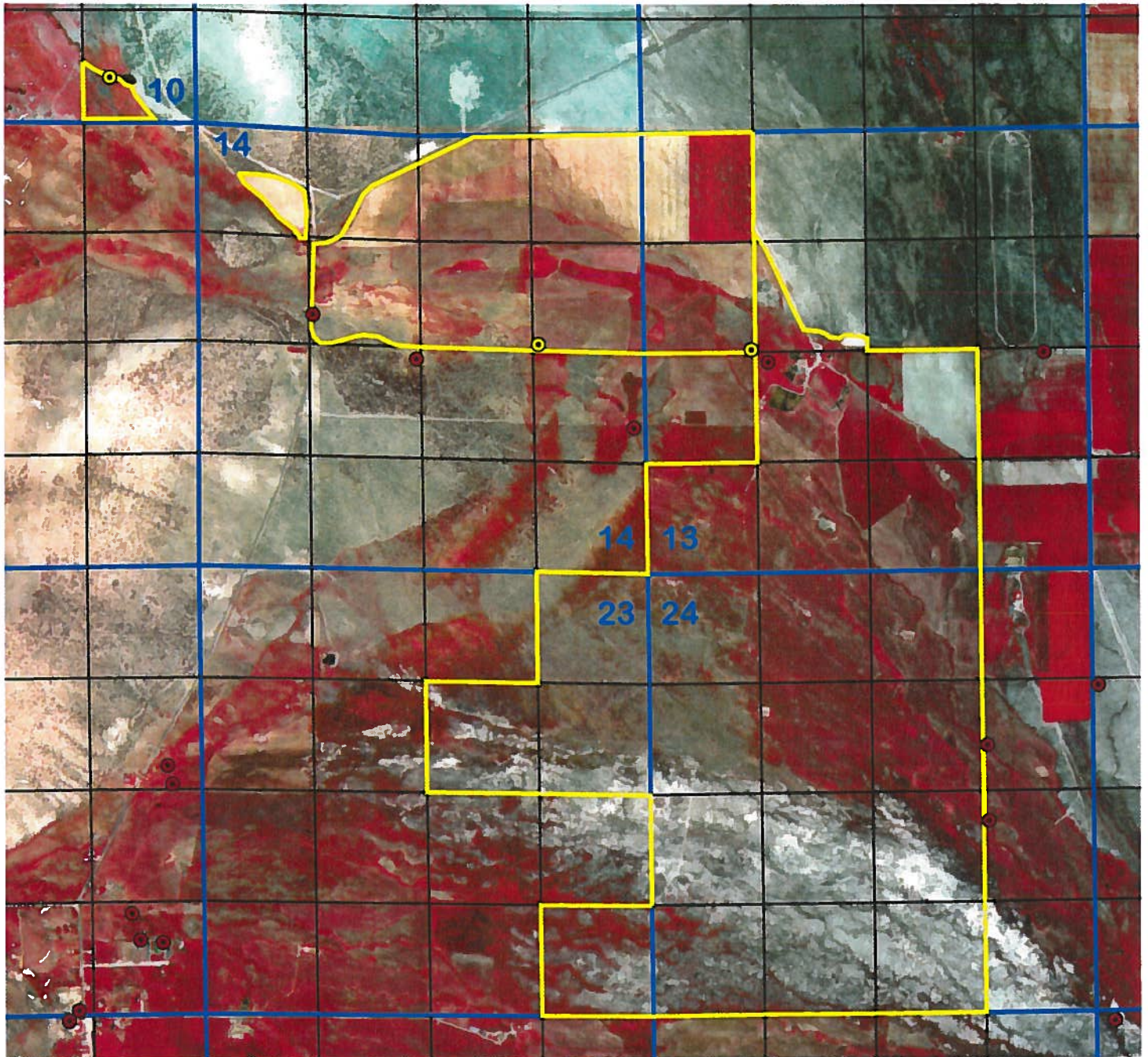
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM ALMO WATER COMPANY.

Idaho Department of Water Resources

RIGHT: 43-00382

RECOMMENDED PLACE OF USE
TWP 15S, RNG 24E,
Data entry on October 10, 2000



● RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE

SECTION LINES

QUARTER/QUARTER LINES



GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY 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: 43-382

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

CLAIM NUMBER: A/3-00382

TOTAL DIVERSION:	7.00 CFS
CONSUMPTIVE USE:	2300.00 AFA

Stage: DECREED

CASSIA County

100

TOTAL ACRES	920.0
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Presumption Flag:

1522

$1152.5 \text{ acres} \times 0.02 =$
 23.05 cfs
 $23.05 \text{ cfs} = 10 \text{ mld}$
 $23.21 = \text{picks}$

RECOMMENDATION NOTES

From: Vikie Hancock

6/28/01

Regarding: Claim 43-382

This right is based upon Jobe Adams decreed right 43-382 for 7 cfs of water from Edwards Creek and has the identical 840 acre decreed place of use as 43-381 for 7 cfs of water from North Fork Almo Creek. Both share the priority date 4-1-1880.

This right is subject to transfer #3218 which added a point of diversion in the SESE Section 10 to enable use of Edwards Creek in a gravity sprinkler irrigation system. This additional POD enabled use of this right on 284 acres in sections 13 and 14 that were not irrigated from this right prior to the transfer of POD. *See Field Exam notes. See transfer #3218 in file.* Note that this transfer did not change the place of use. Additional points of diversion found for flood irrigation to the original place of use are NWNESE Sec 13 and NENWSE Sec 14.

There is no language in the Jobe Adams that indicates that water decreed under 43-381 and 43-382 were intended to be supplemental to each other, therefore, there would have been 14 cfs, or 700 inches, available to irrigate the place of use listed in the decree. It is likely that this amount represented one inch per irrigated acre, as it appears that the entire 840 acres were probably not irrigated in 1880, as the bottom of the ranch is but marginally irrigated today. This right, then, would have been appurtenant to 700 acres at the time of the decree and still appurtenant to 700 acres today.

Although transfer 3218 did not administratively change the place of use, claimant states this right has been used within a permissible place of use that includes 7 acres in the NWNW sec 14, 8 acres in the SESE Section 10, 284 acres located within the N½ section 14 & W½NW section 13, and also 855 acres located within the SENW & S½ section 13 and portions of sections 23 and 24 since before commencement of the SRBA. There is, in fact, evidence included in the Almo Water Company v Darrington lawsuit that shows that 80 inches of this right was used by the previous owner, Louis Eames, to water a portion of the 284 acres in sections 13 and 14 as early as the 1930's under an exchange agreement with the Jones family.

Season of use was changed to conform to current IDWR standards. Combined limits were added to this right.

COMMUNICATION DOCUMENTATION

From: Vikie Hancock

May 11, 2000

Regarding:

Customer:

Various claims

Gary Jones

[illegible]

Gary and Brent Jones came to the office to discuss their claims. Gary filed a claim for his portion of decreed right **43-00380**. Brent and Gary Jones have now filed for the entire right, each claiming 80 acres and 0.75 cfs on North Almo Creek. Gary brought in proof of priority on his Tater Creek Claim **43-04071** indicating usage dating to the mid 1950's. He decided that a permissible place of use for decreed right **43-00382** would be the best way for him to describe his water usage from Edwards Creek.

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 **43-02538**.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.

MEMO TO FILE

From: Vikie Hancock

11/18/00

Regarding: Permit 43-7210
Gary R. Jones

Application for permit number 43-7210 was made to add additional land to the applicant's existing decreed water rights. No additional water was to be diverted. The source of water listed includes Edwards Creek and N. Fk. Almo Creek. The place of use is 40 acres in the NENE Section 13, T15S, R24E.

During an SRBA review and examination of his water rights on 3-14-2000, it was determined that the permit holder did not divert water from N. Fork Almo Creek into the gravity sprinkler system that conveys water to the place of use identified in this permit. Mr. Jones has 1.5 shares of Almo Water Company from Almo Creek, and decreed water rights from Edwards Creek totaling 8.6 cfs, that are conveyable to the pond in Section 10 and available to him for this system. The place of use of the entire sprinkler irrigation system was found by GIS to be 289 acres in the N½ Section 14 and W½NW Section 13. The amount of water delivered to Jones by Almo Water Company is variable according to supply. The decreed rights are: 43-378 for 1.6 cfs, decreed to a portion of the current place of use and recommended in the SRBA as a part of 43-11227. And 43-382 for 7.0 cfs, decreed to the S ½ of Section 13 and Section 24, recommended in the SRBA as appurtenant to the current place of use through an accomplished transfer pursuant to Idaho Code 42-1425.

Water is diverted from the Edwards Creek channel in the SESE Section 10 into a nearby pond, which lies at an elevation of 5560 feet, and flows into a 12 inch buried pipeline that runs roughly 2800 feet to a point close to the center of the NW quarter of Section 14. This point is at an elevation of 5420 feet. The water then enters a mainline that runs east through the center of the N½ of Section 14 and into the W½ NW¼ Section 13. Mr. Jones stated that he runs 12 quarter-mile sprinkler lines with mostly 1/8 inch nozzles.

Without calculating for friction loss within the 12-inch pipe, a 140 foot drop in elevation would produce 60.6 psi. 1/8 nozzles would discharge 3.62 gpm each. Using the standard 32 nozzles per quarter-mile line, there would be a total of 384 nozzles at 3.62 gpm = 1390 gpm or 3.1 cfs total discharge.

In addition, Mr. Jones has water rights from N. Fork Almo Creek appurtenant to 243 acres of the total place of use. These continue to be diverted from the historical point of diversion located in the SENW Section 14, and are used to flood irrigate. These decreed rights are: 43-376 for 2.5 cfs, 43-380B for .75 cfs, and 43-377 for 1.6 cfs which is recommended in the SRBA as part of 43-11227.

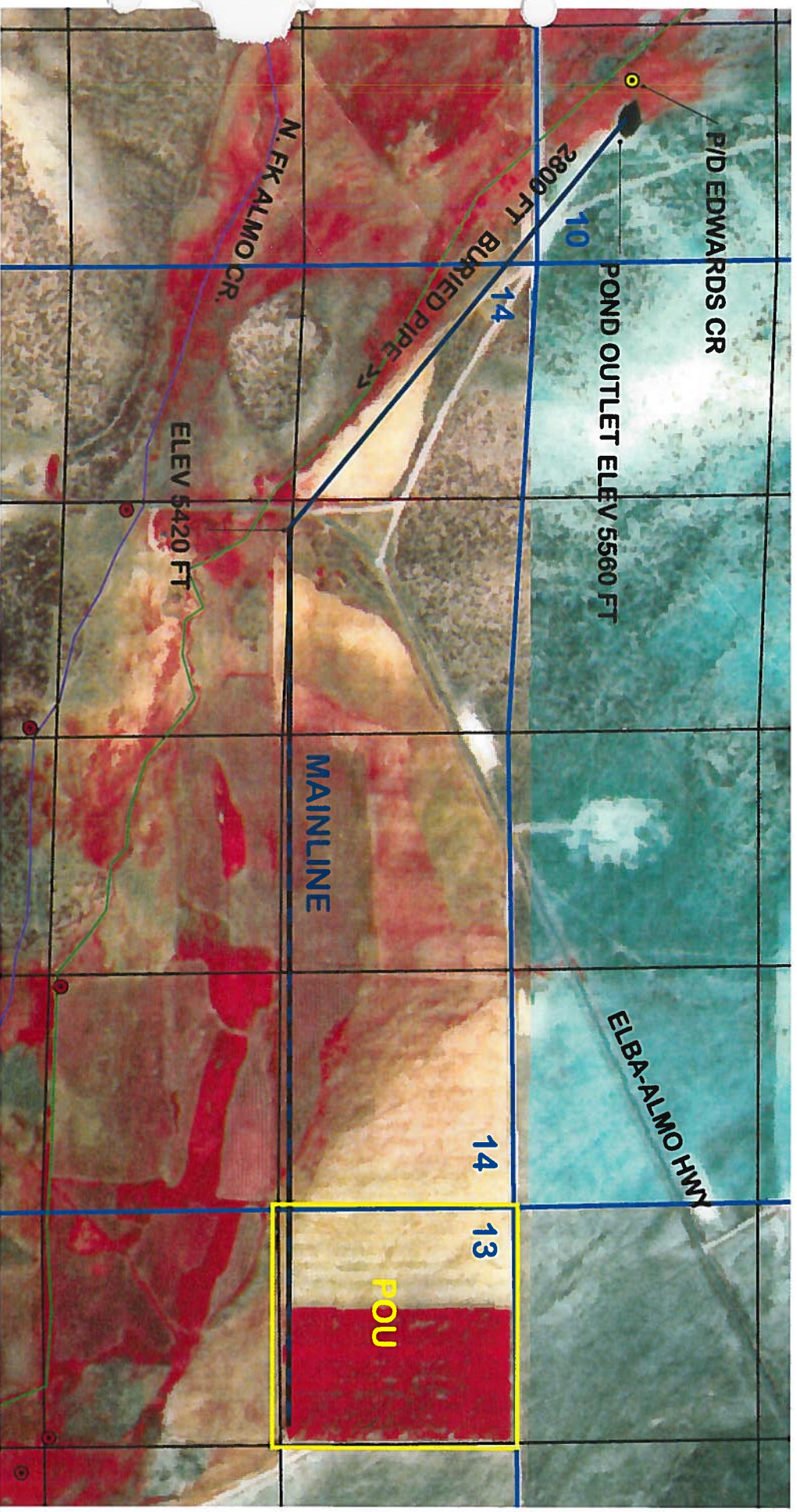
Decreed right 43-381 from N. Fk. Almo Creek is not appurtenant to the land under this sprinkler irrigation system.

On 3-14-2000, I observed the mainline extending through the N $\frac{1}{2}$ of Section 14 to the east boundary of the W $\frac{1}{2}$ NW $\frac{1}{4}$ of section 13. The 40 acres described in this permit showed obvious signs of having been irrigated the previous season. 1987 Napp aerial photography clearly shows this tract of land well irrigated in 1987.

It would seem that with a deletion of the source of N. Fk. Almo Creek, and the point of diversion in Section 14, water has been put to beneficial use as described under this permit.

43-7210
GARY JONES

FIELD NOTES



Field Exam Notes

Field Exam Date: 3-14-2000

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

Agent: Vikie Hancock *VH*

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.

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.

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.

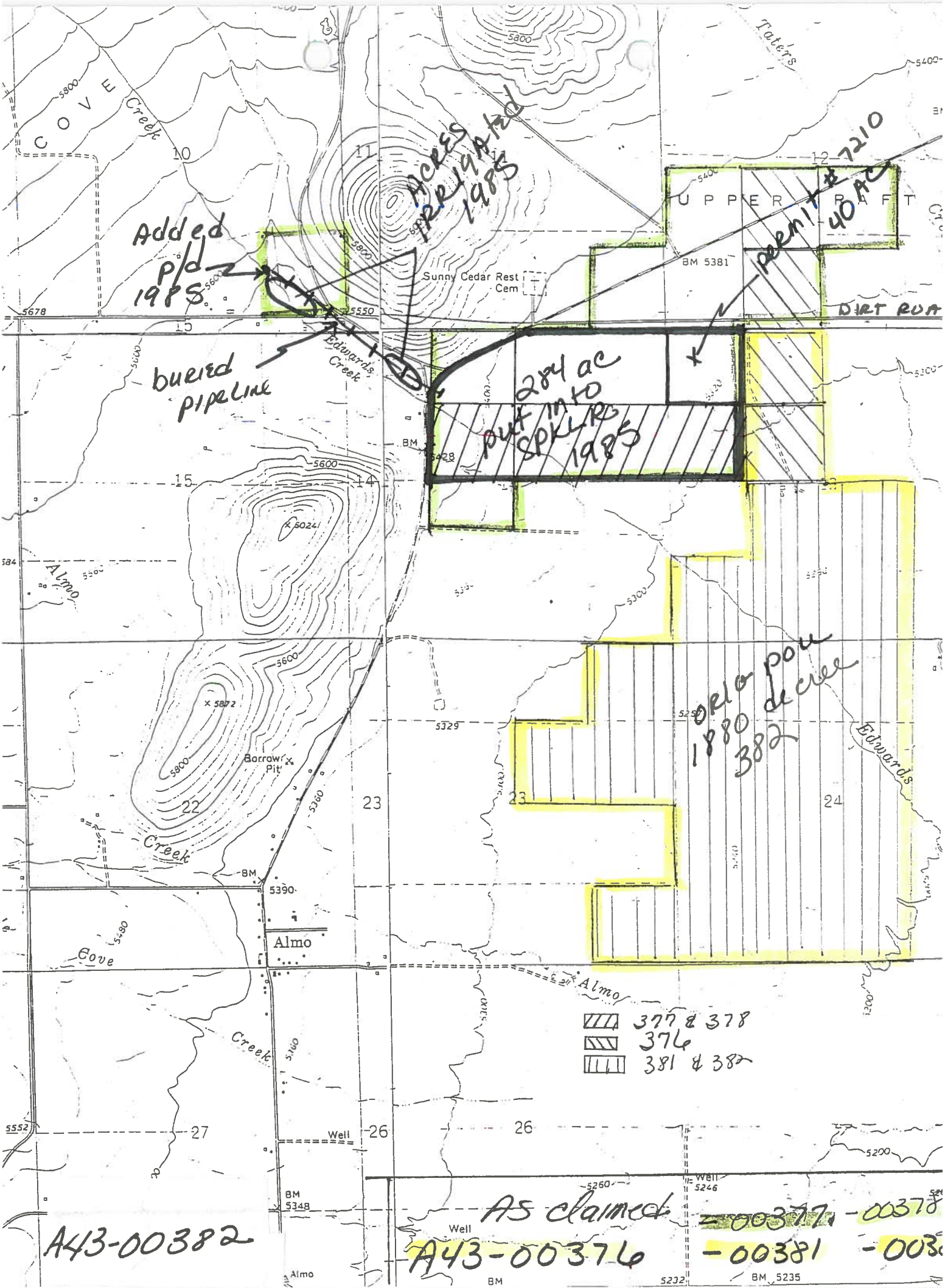
Either an enlargement claim for an additional 290+ acres, or a PPU limited to 840 acres within the total place of use, should be recommended to accurately reflect the water usage under this right.

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 NE~~NW~~^{SW} 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 E $\frac{1}{2}$ NW 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.

See additional exhibits with Claim file 43-376.



A43-00382

AS claimed
A43-00376
-00377 -00378
-00381 -00382

addition to the above right, for the irrigation of the land above described.

43-00379	<u>Jesse Jones</u> 1880-Apr. 1	1.2 s.f.	To be diverted from North Almo Creek for the irrigation of $SE\frac{1}{4}SE\frac{1}{4}$, Sec. 14, Twp. 15 S. R. 24 E.B.M., South $1\frac{1}{3}$ $NW\frac{1}{4}SE\frac{1}{4}$, Sec. 14, Twp. 15 S. R. 24 E.B.M. South $1\frac{1}{3}$ $NW\frac{1}{4}SW\frac{1}{4}$, Sec. 13 Twp. 15 S. R. 24 E.B.M., South $1\frac{1}{3}$ $NE\frac{1}{4}SE\frac{1}{4}$, Sec. 14, Twp. 15 S. R. 24 E.B.M.
380	1910-June 20	1.5 s.f.	To be diverted from North Almo Creek for the irrigation of $SE\frac{1}{4}SW\frac{1}{4}$ and $SW\frac{1}{4}SE\frac{1}{4}$, Sec. 14, Twp. 15 S. R. 24 E.B.M., $NE\frac{1}{4}NW\frac{1}{4}$ and $NW\frac{1}{4}NE\frac{1}{4}$, Sec. 14, Twp. 15 S. R. 24 E.B.M.
381	<u>William Jones</u> <u>Mary Ann Jones</u> 1880-Apr. 1	7 s.f.	To be diverted from North Almo Creek for the irrigation of $NE\frac{1}{4}SW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$, Sec. 13 $NW\frac{1}{4}NE\frac{1}{4}$, Sec. 24, Twp. 15 S. R. 24 E.B.M. $SE\frac{1}{4}SW\frac{1}{4}$, Sec. 13, $E\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, Sec. 24 Twp. 15 S. R. 24 E.B.M. $SW\frac{1}{4}SW\frac{1}{4}$, Sec. 13 $NE\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$, Sec. 23, $W\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$, Sec. 24, Twp. 15 S. R. 24 E.B.M.
382	1880-Apr. 1	7 s.f.	To be diverted from Edwards Creek for the irrigation of the above described land.
383 384 385	<u>William Shangles</u> 1879-Apr. 30 1884-Apr. 30 1885-Apr. 30	1 s.f. .8 s.f. 1 s.f.	To be diverted from South Almo Creek, for the irrigation of $E\frac{1}{2}SE\frac{1}{4}$, Sec. 30, $N\frac{1}{2}NW\frac{1}{4}$ $SW\frac{1}{4}NW\frac{1}{4}$, Sec. 32, Twp. 15 S. R. 24 E.B.M.
	<u>Almo Water Company,</u> <u>a corporation.</u>		
386	<u>M. B. Durfee right</u> 1878-Apr. 30	4 s.f.	To be diverted from Main Almo Creek for the irrigation of $E\frac{1}{2}SE\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}$, Sec. 2 $SW\frac{1}{4}NW\frac{1}{4}$ and $NW\frac{1}{4}SW\frac{1}{4}$, Sec. 23, Twp. 15 S. R. 24 E.B.M.
387	<u>H. R. Cahoon right</u> 1879-Apr. 30	2 s.f.	$E\frac{1}{2}NW\frac{1}{4}$, $NW\frac{1}{4}SW\frac{1}{4}$, Sec. 22, Twp. 15 S. R. 24 E.B.M.
388	<u>H. D. Durfee, Jr. right</u> 1879-Apr. 30	2 s.f.	$SW\frac{1}{4}$, Sec. 15, Twp. 15 S. R. 24 E.B.M.
389	<u>H. D. Durfee, Sr. right</u> 1879-Apr. 30	2 s.f.	$NE\frac{1}{4}$, Sec. 16, Twp. 15 S. R. 24 E.B.M.
390	<u>Wm. E. Johnston right</u> 1879-Apr. 15	1.9 s.f.	$SW\frac{1}{4}SW\frac{1}{4}$, Sec. 9 and $SE\frac{1}{4}NE\frac{1}{4}$ and $E\frac{1}{2}SE\frac{1}{4}$, Sec. 8, Twp. 15 S. R. 24 E.B.M.
391	<u>Thomas O. King right</u> 1880-Apr. 20	2 s.f.	$SW\frac{1}{4}SE\frac{1}{4}$, Sec. 23, $NE\frac{1}{4}NW\frac{1}{4}$, Sec. 20, Twp. 15 S. R. 24 E.B.M.
392 393	<u>Jacob Paden right</u> 1880-Apr. 30 1883-Apr. 30		$SW\frac{1}{4}$, $NW\frac{1}{4}SW\frac{1}{4}$, 15 S. R. 24 E.B.M.
394 395	<u>James T. Taylor</u> 1880-May 1 1883-May 1		S. R. 24 E.B.M.

Form No. 228/84
RECEIVED

Transfer No. 3218

Water Right No. _____

FEB 21 1986

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Southern District **ADPL**

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 824-5595

Post 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 _____ % of _____ % 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	
1218																			
0381-0382-376																			

Total number of acres to be irrigated _____

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years

If you describe in item D, REMARKS

B. DESCRIPTION OF PORTION RIGHT OWNED BY APPLICANT (If the 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 _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	

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 ¼ SE ¼, 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.

3. Change in place of use

- No Change
- a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed change.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer

c. Describe the lands or place of use to which the right will be transferred.

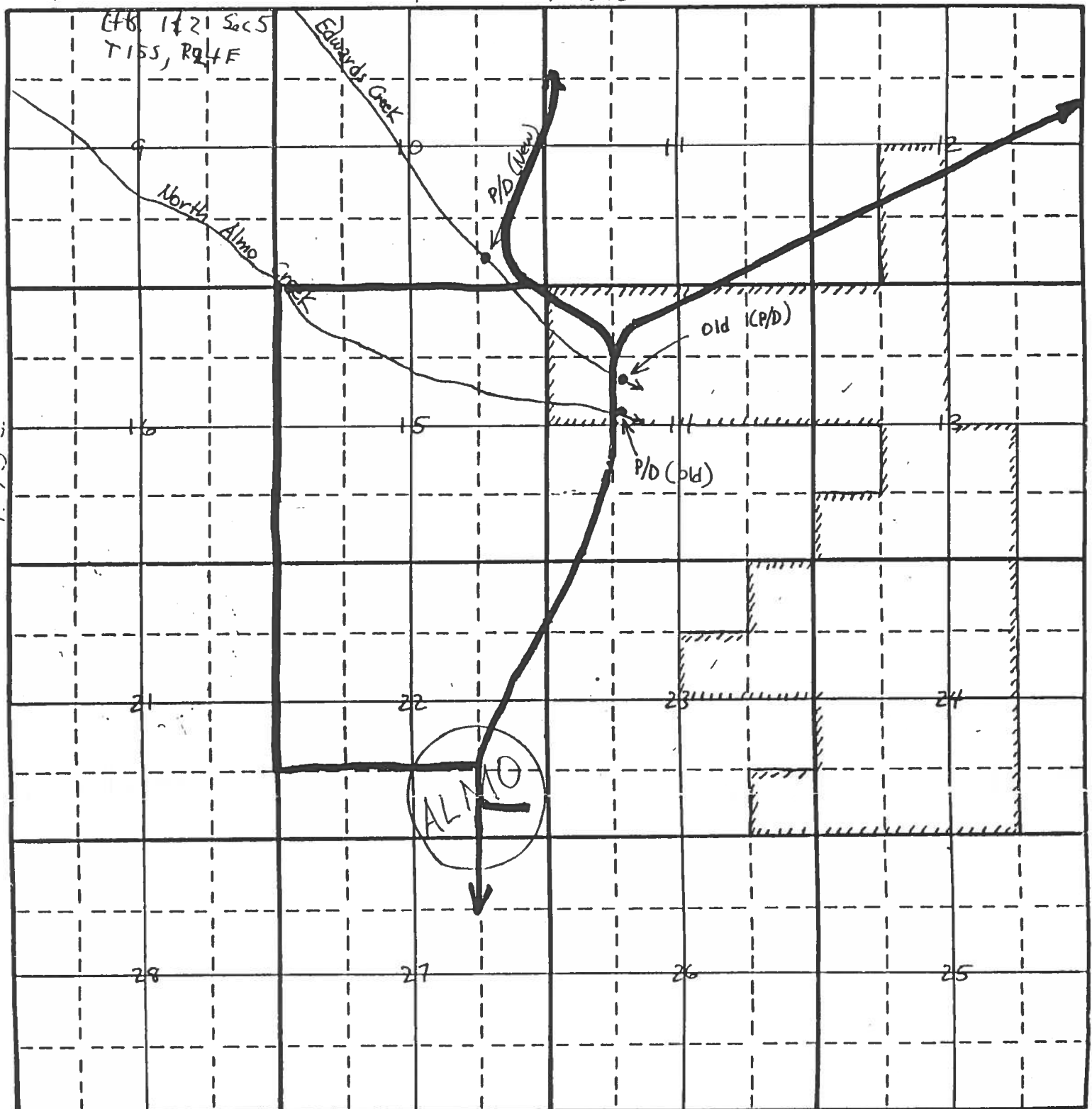
TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$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

Total number of acres to be irrigated _____

4. Describe any other water rights used for the same purpose as described above. _____
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the

land involved by section, township and range number.

← P/D in Almo Creek off of map. R.24E



SCALE: 2 inches equal 1 mile. Draw plan in ink.

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 Rftt 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.

R. C. Jones & Sons, Inc.
(Signature of Applicant)

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

Loree O. Halme
(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

A. Glen Sayton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by ADM Date 9/17/85

Protest filed by Arthur W. Wood with date

Prelim. check by JTB Fee \$50.00 \$36.730

~~Black wood for Stander withdrawn~~

Received by ADL Date 9/17/85

✓

Published in South Sea Press

Copies of protest forwarded by W. J. [unclear] 10/29/82

Pub. dates 10/10 & 10/17/15

Hearing held by BAF & LK Date 1/7/86

Watermaster recommendation requested on 9/30/25

Recommended for (approval) denial

rec'd. 10/31/85

by Lt Jim

Water Right No. 43-0381
43-0382

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. 43-0381 43-0382 Decreed to William & Mary Ann Jones
(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 43-0381 North Almo Creek 43-0382 Edwards Creek tributary to Edwards Creek Raft River
Raft River

4. Date of priority 4/1/1880 (Both rights)

5. Water is used for the following purposes:

43-0381 amount 7.00 cfs for Irrigation purposes from * Not listed in decree to _____
43-0382 amount 7.00 cfs for Irrigation purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 14.00 cubic feet per second

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 _____ 1/4 _____ 1/4, Section _____ Township _____
Range _____, B.M., _____ County _____
Additional points _____

3. 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	

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 14.00 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
- Point of diversion SE 1/4 NW 1/4, Section 14 Township 15S
Range 24E, B.M., Cassia County (New P/D)
- Additional points SESE Sec. 10 T15S, R24E, B.M. from
Edwards Creek, 2nd SE NW Sec 14 T15S., R24E from
Edwards Creek. (Old P/D)
3. Change in place of use (No Change)
- a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed change.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer

