

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: A43-00386
Date Received: 8/01/1989
Receipt No: S008726
Received By: SCC

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: ALMO WATER COMPANY 208-824-5738
Address: ATTN: PRESIDENT
DOUGLAS WARD
P.O. BOX 102
ALMO, ID 83312

2. Date of Priority: APR 30, 1878

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15S	24E	5	SW	NE	NE		CASSIA
		16	NE	NE	SE		CASSIA

5. Description of diverting works:
HEADGATES, CANALS, PIPELINES, DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	4.000		

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

8. Total consumptive use is 12846.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	24E	3	NE	NW		IRR	40.0
			NW	NW		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres		
15S	24E	3	SE	NW		IRR	40.0		
			SW	SW		IRR	40.0		
			SE	SW		IRR	40.0		
			SW	SE		IRR	40.0		
		Section Acres						240.0	
		4	NE	SE		IRR	20.0		
			SE	SE		IRR	40.0		
			Section Acres						60.0
			9	NE	NE		IRR	40.0	
		SE		NE		IRR	40.0		
		SW		NW		IRR	40.0		
		SE		NW		IRR	40.0		
		NE		SW		IRR	40.0		
		SE		SW		IRR	40.0		
		NE		SE		IRR	40.0		
		NW		SE		IRR	40.0		
SW	SE			IRR	40.0				
SE	SE			IRR	40.0				
Section Acres						400.0			
10	NE	NE			IRR	40.0			
	NW	NE		IRR	40.0				
	SW	NE		IRR	40.0				
	SE	NE		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				
	NE	SE		IRR	40.0				
	NW	SE		IRR	40.0				
	SW	SE		IRR	40.0				
	SE	SE		IRR	40.0				
	Section Acres						600.0		
14	NW	NE		IRR	40.0				
	NE	NW		IRR	40.0				
	NW	NW		IRR	40.0				

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	120.0
		15	NE	NE	IRR	40.0
			NW	NE	IRR	40.0
			SW	NE	IRR	40.0
			SE	NE	IRR	40.0
			NE	NW	IRR	40.0
			NW	NW	IRR	40.0
			SW	NW	IRR	20.0
			SW	NW	IRR	20.0
			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
					Section Acres	480.0
		16	NE	NE	IRR	40.0
			NW	NE	IRR	40.0
			SW	NE	IRR	40.0
			SE	NE	IRR	40.0
			NE	SE	IRR	40.0
			NW	SE	IRR	40.0
			SW	SE	IRR	40.0
			SE	SE	IRR	40.0
					Section Acres	320.0
		21	NE	SE	IRR	40.0
			SE	SE	IRR	40.0
					Section Acres	80.0
		22	SW	NE	IRR	10.0
			SE	NE✓	IRR	40.0
			NE	NW	IRR	40.0
			NW	NW	IRR	40.0
			SW	NW	IRR	40.0
			SE	NW	IRR	40.0
			NW	SW	IRR	40.0
			SW	SW	IRR	40.0
			SE	SW	IRR	40.0
			SW	SE	IRR	12.0
			SE	SE✓	IRR	10.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	352.0
		23	NW	NE	IRR	40.0
			NE	NW	IRR	40.0
			NW	NW	IRR	40.0
			SW	NW	IRR	40.0
			NE	SW	IRR	40.0
			NW	SW	IRR	40.0
			SW	SW	IRR	40.0
			SE	SW	IRR	40.0
			NE	SE	IRR	40.0
			NW	SE	IRR	40.0
			SW	SE	IRR	40.0
					Section Acres	440.0
		25	NE	NE	IRR	40.0
			NW	NE	IRR	40.0
			SW	NE	IRR	40.0
			SE	NE	IRR	40.0
			NE	NW	IRR	40.0
			NW	NW	IRR	40.0
			SW	NW	IRR	40.0
			SE	NW	IRR	40.0
					Section Acres	320.0
		26	NE	NE	IRR	40.0
			NW	NE	IRR	40.0
			SW	NE	IRR	40.0
			SE	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
			NE	SE	IRR	40.0
			NW	SE	IRR	40.0
					Section Acres	480.0
		27	NE	NE	IRR	10.0
			NW	NE	IRR	40.0
			SW	NE	IRR	40.0
			SE	NE	IRR	20.0
			NE	NW	IRR	40.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	24E	27	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
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0

Section Acres 510.0

Total Acres 4402.0

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

A43-00391, A43-00387, A43-04228A, A43-02232A

14. Remarks:

ALMO WATER COMPANY IS AN IDAHO WATER COMPANY THAT IS INCORPORATED
AND WAS ORGANIZED BY LANDOWNERS FOR IRRIGATION PURPOSES.
AT THE P/D IN SEC. 16 THE CREEK BECOMES THE CONVEYANCE FOR THE
CANAL CO.

AMENDMENT NOTES

ADDED 120 ACRES AND CHANGED LEGALS ON ANOTHER 120 ACRES.
TWO RECEIPTS: S008726 AND S012748.
NOTICE OF APPEARANCE IS REMOVED.

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 Organizations:

I do solemnly swear or affirm that I am President of Almo Water Co., that I have signed the foregoing document in the space below as President of Almo Water Co. and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent

President of Almo Water Co.
Title and Organization

10/12/90
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 12th day
of October 19 90

Steve Call
Notary Public

Seal

Residing at Twin Falls
My Commission Expires Dec 7, 1994

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: A43-00386
Date Received: 8/01/1989
Receipt No: S008726
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALMO WATER COMPANY
Address: ALMO, ID 83312

2. Date of Priority: APR 30, 1878

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
15S	24E	5	SW	NE	NE		CASSIA
		16	NE	NE	SE		CASSIA

5. Description of diverting works:
HEADGATES, CANALS, PIPELINES, DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	4.000		

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

8. Total consumptive use is 12846.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
15S	24E	3	NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SE	NW		IRR	40.0

A43-00386

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Date: 08/02/89

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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15S	24E	3	SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			SW		SE		IRR	40.0
			Section Acres					240.0
		9	SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
			Section Acres					320.0
		10	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		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
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
			Section Acres					600.0
		14	NW		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			Section Acres					120.0
		15	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0

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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15S	24E	15	NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	20.0
			SE		NW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	500.0
		16	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	320.0
		21	NE		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	80.0
		22	SW		NE		IRR	10.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			SW		SE		IRR	12.0
			SE		SE		IRR	10.0
							Section Acres	352.0
		23	NW		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15S	24E	23	SW		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
							Section Acres	440.0
		25	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
							Section Acres	320.0
		26	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		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
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
							Section Acres	480.0
		27	NE		NE		IRR	10.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	20.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	24E	27	NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0

Section Acres 510.0

Total Acres 4282.0

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

A43-00391, A43-00387, A43-04228A, A43-02232A

14. Remarks:

ALMO WATER COMPANY IS AN IDAHO WATER COMPANY THAT IS INCORPORATED
AND WAS ORGANIZED BY LANDOWNERS FOR IRRIGATION PURPOSES.

AT THE P/D IN SEC. 16 THE CREEK BECOMES THE CONVEYANCE FOR THE
CANAL CO.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 10/18/1928

ALBION-IDAHO LAND CO.

Decree Plaintiff

vs

JOBE ADAMS ET AL

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ 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 _____ of
_____, Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
MAR 03 1993

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

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

CIVIL CASE NUMBER: 39576
Ident. Number A43-00386
Date Received _____
Receipt Number 5008726

RECEIVED

JUN 28 1989

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM
TO A

WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

JUL 28 1989

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) Almo Water Company Phone () _____

Mailing Address Almo, Idaho Zip 83312

2. Date of Priority (Only one (1) per claim) April 30, 1878

3. Source of water supply (a) Almo Creek
which is tributary to (b) Raft River

4. a. Location of existing point of diversion is: Township 15S Range 24E Section 5,
NE 1/4 of NE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of CASSIA

Additional points of diversion if any: Section 16 NE 1/4 of SE 1/4, then after from Creek

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Headgates, Canals, Pipelines, Ditches

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3-15 to 11-15 amount 4 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 4 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 12846 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
			See Attached page																

Total number of acres irrigated 4282

11. In which county (ies) are lands listed above as place of use located? CASSIA

12. Do you own the property listed above as place of use? Yes _____ No X
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None ()

14. Remarks: Almo Water Company is An Idaho water company that is incorporated and was organized by landowners for irrigation purposes.

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Last Name Almo Water Company Ident No. _____

Copies: White -State, Yellow-Claimant

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
15S	24E	3					40	40		40			40	40			40		240
15S	24E	9							40	40	40			40	40	40	40	40	320
15S	24E	10	40	40	40	40		40	40	40	40	40	40	40	40	40	40	40	600
15S	24E	14		40			40	40											120
15S	24E	15	40	40	40	40	40	40	20	40			40	40	40	40		40	500
15S	24E	16	40	40	40	40									40	40	40	40	320
15S	24E	21													40			40	80

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
15S	24E	22			10	40	40	40	40	40		40	40	40			12	10	352
15S	24E	23		40			40	40	40		40	40	40	40	40	40	40		440
15S	24E	25	40	40	40	40	40	40	40	40									320
15S	24E	26	40	40	40	40	40	40	40	40	40	40			40	40			480
15S	24E	27	10	40	40	20	40	40	40	40	40	40	40	40	40	40	40		510

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	

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Total number of acres irrigated _____

15. Basis of Claim (check one) ☐ Beneficial Use ☐ Posted Notice ☐ License ☐ Permit ☐ Decree ☐
If applicable provide IDWR Water Right Number 43-0386
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____
For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President
of Almo Water Company, that I have signed the foregoing
document in the space below as President of Almo Water Company
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Douglas R Whipple

Title and Organization President Date _____

State of Idaho/or _____)
County of CASSIA) SS.

Subscribed and sworn (or affirmed) before me this 26 day of July 19 89

SEAL

Notary Public Douglas R Whipple

Residing at Burley, Idaho

My Commission Expires Aug. 1992

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, Douglas R Whipple will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Douglas R Whipple

Address P.O. Box 249, Burley, Id.

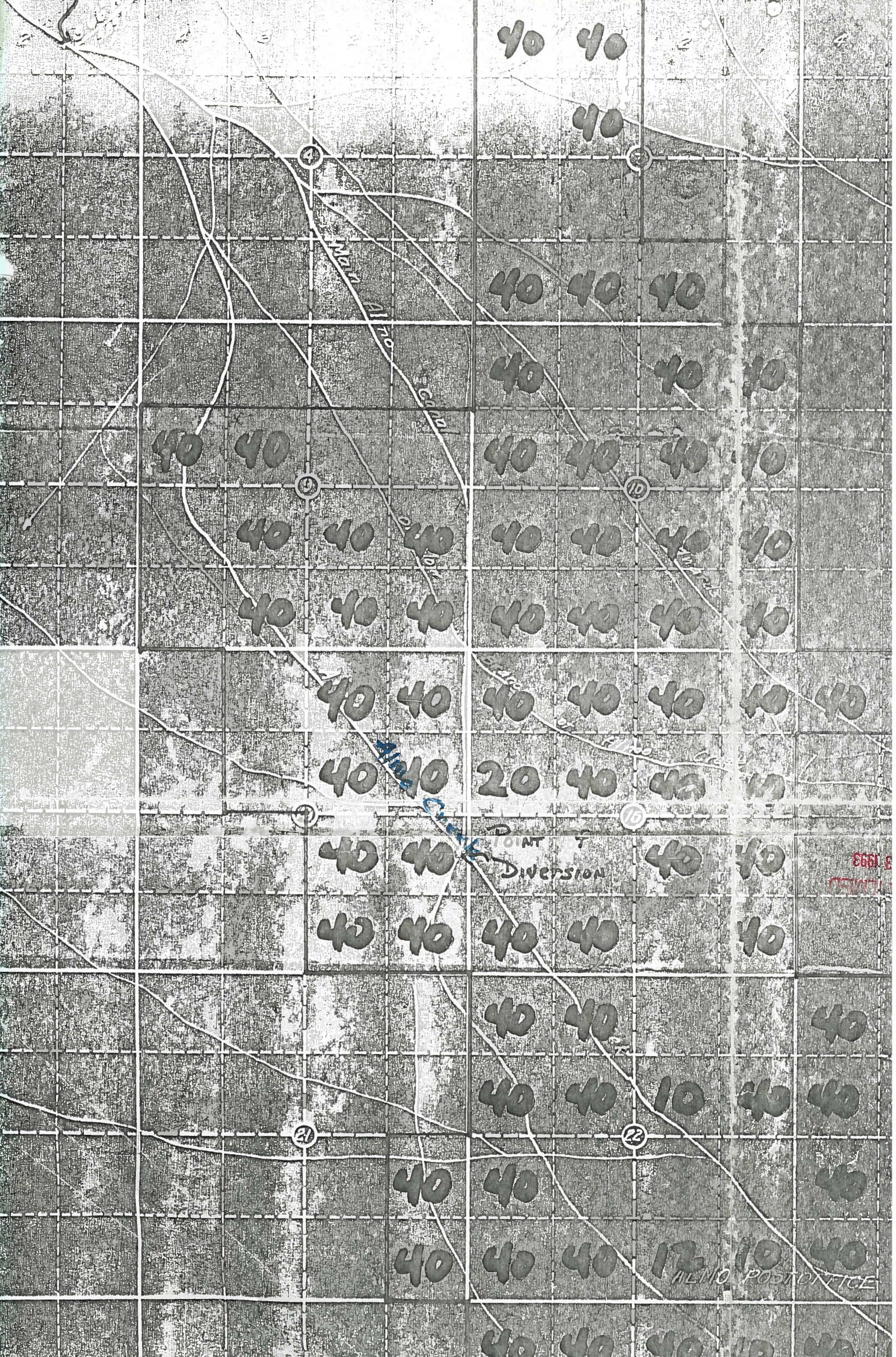
Date July 26, 1989

MICROFILMED
MAR 03 1993

Last Name Almo Water Comp Ident. Number _____

Copies White-State, Yellow-Claimant

Admission Ticket to the ...



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40

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POINT
DIVERSION

ALNO POST OFFICE

E661

Whipple's Law Offices, Chartered

111 WEST 15TH STREET
POST OFFICE BOX 249
BURLEY, IDAHO 83318
(208) 678-5574

ATTORNEYS AT LAW
DOUGLAS R. WHIPPLE
~~VAL SIEGEL~~

July 27, 1989

RECEIVED

JUL 28 1989

Idaho Department of Water Resources
2148 4th Avenue East
Twin Falls, Idaho 83301

Department of Water Resources
Southern Region Office

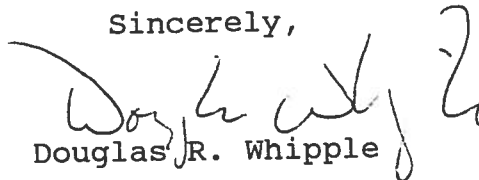
RE: Revised Water Rights Claims of the Almo Water Company

To Whom It May Concern:

Enclosed, please find the revised water right claims of the Almo Water Company, along with checks totaling \$2,741.27. These checks represent over half of the total amount owed to the Department of \$4,582.00.

If you have any questions or there is a problem with the claims, please let me know.

Sincerely,


Douglas R. Whipple

DRW: mmw
pc: file

MICROFILMED

MAR 03 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Doug Whipple
P.O. Box 249
Burley, ID 83318

RECEIVED

JUL 26 1989

Department of Water Resources
Southern Region Office

RE: SRBA Claim

Dear Claimant:

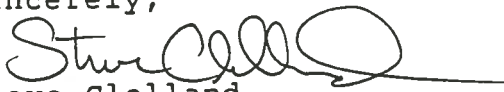
Please find enclosed your claim and your check # LIST ^{Attached} for \$ 3221.27 which you submitted to our office. I am returning these pursuant to rule 10,4 of the Department's Adjudication Rules and Regulations. In checking your claim it appears that the following items need clarification:

- () Item #2 Priority date (day/month/year)
- (✓) Item #4 Point of Diversion Legal Description 1/4-1/4 Descriptions
- () Item #6 Uses descriptions
- () Item #9 Description of Non-irrigation uses
- (✓) Item #10 Place of Use Legal Description
- () Item #16 Signature & Notarization
- () Improper fee (THE CORRECT FEE IS \$ _____)
- (✓) Other or Remarks

* Keep envelope w/ file to show filing by 6-27-89 Deadline.

If you will make the necessary corrections and return your claim with the correct fee and a copy of this letter within 30 DAYS of the date of this letter, your filing will be considered timely and will not be assessed an additional late fee of \$ 50.00.

Sincerely,


Steve Clelland
Water Right's Agent

enc:

MICROFILMED

MAR 03 1993

Form 42-1409(10)-1
5/88

Date Received

JUN 01 1989

RECEIVED

JUL 28 1989

State of Idaho
Department of Water Resources

Department of Water Resources

REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)Department of Water Resources
Southern Region Office

The Idaho Department of Water Resources will consider this form as a request that the claimant be granted an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Cassia County Joint School District No. 151, Almo Water Company & Douglas Ward
Name of Claimant

Post Office Box 249
Post Office Address

Burley, Idaho 83318
City, State, Zip Code

RECEIVED

JUN 28 1989

Cassia
County(s) where Place of Use is located Department of Water Resources
Southern Region Office

June 8, 1989
Date Claim Originally Due

All Water Rights for the above claimants.

Identify water right(s) for which extension is requested

State reason(s) why an extension of time is requested:

This attorney waited to examine the claims until the Dept. set up its office in Cassia County. I have attempted to stop in to work on claims, but have been unable to find a free assistant. I have also attempted to schedule an appointment for help but now discover that there is no free time available. I have set up an all day meeting at the Department's Twin Falls office on June 20, 1989 to review the above claims.

Claimant requests an extension to June 27, 1989.

Douglas R. Whipple
Signature

Attorney for the above claimants.
Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby
X granted denied,

and the filing deadline extended to 6/27, 1989.

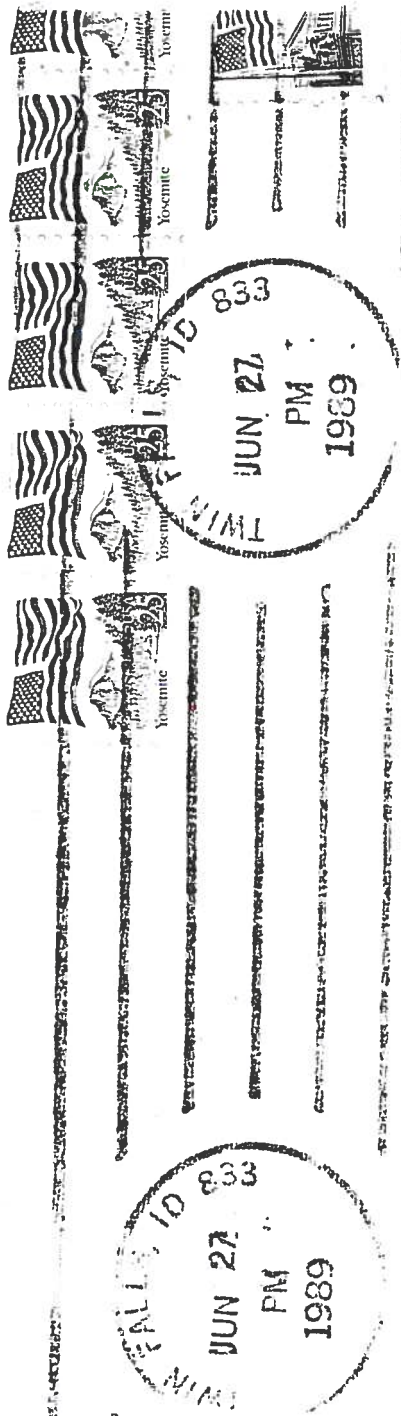
Signed this 7 day of June, 1989.

[Signature]
Director or his designated agent

MICROFILMED

MAR 03 1993

R. Whipple
y at Law
x 249
Idaho 83318



Idaho Dept. of Water Resources
2148 4th Avenue East
Twin Falls, Idaho 83301

MICROFILMED
MAR 03 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

.Aug. 25, 1989

Re: A43-00337
A43-00386
A43-02232A
A43-04228A
A43-00391

.ALMO WATER COMPANY
.C/O DOUGLAS WHIPPLE
.P O BOX 249
BURLEY ID 83318
Dear Claimant(s):

Please find enclosed your receipt and a copy of a computer generated claim based on the information from your original claim(s) which has been entered in our computer records.

Please review the computer generated claim for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of you claim(s), please contact this office.

Yours truly,

A handwritten signature in cursive script, appearing to read 'Judy'.

Judy Givens
Adjudication Secretary

/jg

Enclosures:

MICROFILMED
MAR 03 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

4/25

R. KEITH HIGGINSON
Director

Almo Water Company

Doug Whipple
P.O. Box 249
Burley, ID 83318

1943-00386 5/1/89 5008726
00387
00391
02232A
04228A

RE: SRBA Claim

Dear Claimant:

Please find enclosed your claim and your check # LIST for \$ 3221.27 which you submitted to our office. I am returning these pursuant to rule 10,4 of the Department's Adjudication Rules and Regulations. In checking your claim it appears that the following items need clarification:

- () Item #2 Priority date (day/month/year)
- (✓) Item #4 Point of Diversion Legal Description $\frac{1}{4}$ - $\frac{1}{4}$ Descriptions
- () Item #6 Uses descriptions
- () Item #9 Description of Non-irrigation uses
- (✓) Item #10 Place of Use Legal Description
- () Item #16 Signature & Notarization
- () Improper fee (THE CORRECT FEE IS \$ _____)
- (✓) Other or Remarks

** Keep envelope w/ file to show filing by 6-27-89 Deadline.*

If you will make the necessary corrections and return your claim with the correct fee and a copy of this letter within 30 DAYS of the date of this letter, your filing will be considered timely and will not be assessed an additional late fee of \$ 50.00.

Sincerely,


Steve Clelland
Water Right's Agent

enc:

MICROFILMED

MAR 03 1993

Pay to
the order of

Idaho Dept. of Water Resources \$ 100.00
One Hundred and no/100 Dollars

B.L. EVANS BANK
(208) 673-5301
P.O. BOX 517
ALBION, IDAHO 83311

For

water filing Beatrice Durfee

1241014611 92 06136 11 1745

Rocky Mountain Bank Note

Rainbow White

Floral Accent

Rocky Mountain Bank

JUN 28 1989

WATER RIGHT

ACQUIRED UNDER STATE LAW

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) Almo Water Company Phone () _____

Mailing Address Almo, Idaho Zip 83312

2. Date of Priority (Only one (1) per claim) April 30, 1879

3. Source of water supply (a) Almo Creek
which is tributary to (b) Raft River

4. a. Location of existing point of diversion is: Township 15S Range 24E Section _____,
_____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of CASSIA

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

MICROFILMED

MAR 03 1993

Copy

APRIL 5, 1990

 MEMO TO FILE

TO: DON SHAFF

FROM: STEVE CLELLAND

RE: OVERLAP ACRES CREDIT ON AR/NO. S000042
 RECEIPT S008726
 ALMO WATER COMPANY
 A43-00386
 A43-00387
 A43-00391
 A43-02232A
 A43-04228A

ON FEB. 6, 1990 DOUG WARD, PRESIDENT OF ALMO WATER COMPANY, CAME TO ME TO REQUEST A REFUND CREDIT TO REDUCE THE AMOUNT OF FEES SHOWN ON AR/NO. S000042. I RAN THE PLACE OF USE $\frac{1}{4}$ - $\frac{1}{4}$ COMPARISON REPORT TO FIND WHAT OTHER CLAIMS OVERLAPPED ACRES AND MAPPED THOSE OUT ON A MAP. SEE MAP #1 ATTACHMENT. IT APPEARS THERE HAS BEEN DUAL FEES COLLECTED ON THE FOLLOWING ACRES:

NAME	CLAIM NO.	RECEIPT NO.	ACRES PAID
ERICKSON	A43-02186	S006634	105
WOODBURY	A43-00373 A43-00389 A43-00477 A43-02594	S008595	400
JONES, GARY	A43-00377	S006803	73
JONES, GLEN	A43-10164	S007095	10
DURFEE, E. BRUCE	A43-10013	S006400	80
DURFEE, CURTIS	A43-10076	S006781	149
TAYLOR	A43-10218 A43-10217 A43-04008	S007288	203 8 235
J.E. TRACY INC.	A43-02532C	C007257	180

MICROFILMED

MAR 03 1993

PLEASE REVIEW THE ATTACHED SUPPORTING DOCUMENTS. THIS REQUEST IS NOT FOR A REFUND OF MONEY BUT TO CREDIT THEIR A/R AND REDUCE THE BALANCE DUE. WHEN THAT ISSUE IS RESOLVED THEY HAVE SOME CORRECTIONS TO MAKE ON THE P/U. SEE MAP #2 FOR THE CHANGES. THIS WOULD ADD AMENDMENT FEES OF \$120.00. THE FINAL TOTAL THAT WOULD BE DUE WITH THE OVERPAYMENT CREDIT AND AMENDMENT FEES WOULD BE \$417.00 WITH INTEREST DUE ON THE \$297.73 AT THE TIME OF PAYMENT.

PLEASE LET ME KNOW IF YOU NEED FURTHER INFORMATION AND/OR THE RESULTS OF YOUR REVIEW. AS SOON AS THE OVERPAYMENT ISSUE IS SETTLED I NEED TO MAKE THE REQUESTED AMENDMENTS FOR ALMO WATER COMPANY AND SEND THE CLAIMS TO BE SIGNED, NOTARIZED AND RETURNED TO THE FILE. THE FINAL PAYOFF WOULD BE MADE AT THIS TIME ALSO.

THANK YOU.

MICROFILMED
MAR 03 1993

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No:

500872

ALMO WATER COMPANY
C/O DOUGLAS WHIPPLE
P.O. BOX 249
BURLEY, ID 83318

Date:
Time:

08/01/89
16:22:03

Received
From:

ALMO WATER CO./INDIVIDUAL
Type of Payment

Program Acct Class

Amount

ADJUDICATION FEE

0410162 9337 6490

\$2,791.27

Total

\$2,791.27

AR/ND 5000042 Total Claim Fee
CHECK 14-CKG

\$4,532.00 Current Bal.

\$1,740.00

WR/ND: A43-00387 A43-00086 A43-02232A A43-04228A A43-00371

Idaho Department of Water Resources

Region: SOUTHERN

Signature: 

#1373 J.E. TRACY \$ 80⁰⁰
#1378 Quarter Circle 280⁰⁰
#863 Neil Durfee 73⁰⁰
#3136 Edna CAHOON 60⁰⁰
#1745 Harold Durfee 100⁰⁰
#2258 Oscar Jones 6⁰⁰
#1716 Douglas WARD 322²⁷

#2648 Buddy Ward \$100⁰⁰
#2628 William H. Tracy 310⁰⁰
#1105 E. Bruce Durfee 200⁰⁰
#1923 Whipple's Law Office 50⁰⁰
#979 Glen Jones 390⁰⁰
#2308 IVAN DORRINGTON 40⁰⁰
#2397 Taylor Herefords 480⁰⁰

MICROFILMED

MAR 03 1993

COMMUNICATION DOCUMENTATION

From: Vikie Hancock

November 14, 2001

Regarding: B43 Director's Report

Customer: Almo Water Company

Buddy Ward, the water master of Almo Creek stopped by my office today to see how the Adjudication process was coming. I told him that the director's report had been issued and that all rights as recommended were now out on CD. He said he supposed their lawyer (Almo Water Company's) was aware of all that. I told him that he should contact the attorney and make sure that he was informed of it, and that if the attorney had questions he could call me.

Note that I was aware that Almo Water Company may have retained an attorney through a conversation with claimant Gary Jones of Almo. Subsequently, I sent written correspondence to Doug Ward, AWC President, in which along with other issues I inquired if the Company wished me to correspond with their attorney. I received no reply and did not receive notice of appearance from any attorney. I failed to ask Buddy Ward what attorney the Company had retained.

PD 6-28-02

IDAHO DEPARTMENT OF WATER RESOURCES 09/11/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

NAME AND ADDRESS: ALMO WATER COMPANY
ATTN: PRESIDENT
DOUGLAS WARD
PO BOX 102
ALMO ID 83312

SOURCE: ALMO CREEK TRIBUTARY: RAFT RIVER

QUANTITY: 4.00 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 72.02 CFS. COMBINED RIGHT NOS.: 43-386,
43-2232A, 43-10797, 43-10823.

PRIORITY DATE: 04/30/1878

POINT OF DIVERSION:

T15S R24E S5 SWNE NE Lot 1 Within CASSIA County

T15S R24E S16 SE NE 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	4.000 CFS

PLACE OF USE:

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED
TOTAL OF 3601 ACRES WITHIN THE BOUNDARY OF ALMO WATER COMPANY IN A
SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-386, 43-2232A,
43-10797, 43-10823.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 200 ACRES WITHIN THE PLACE OF
USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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: Decreed

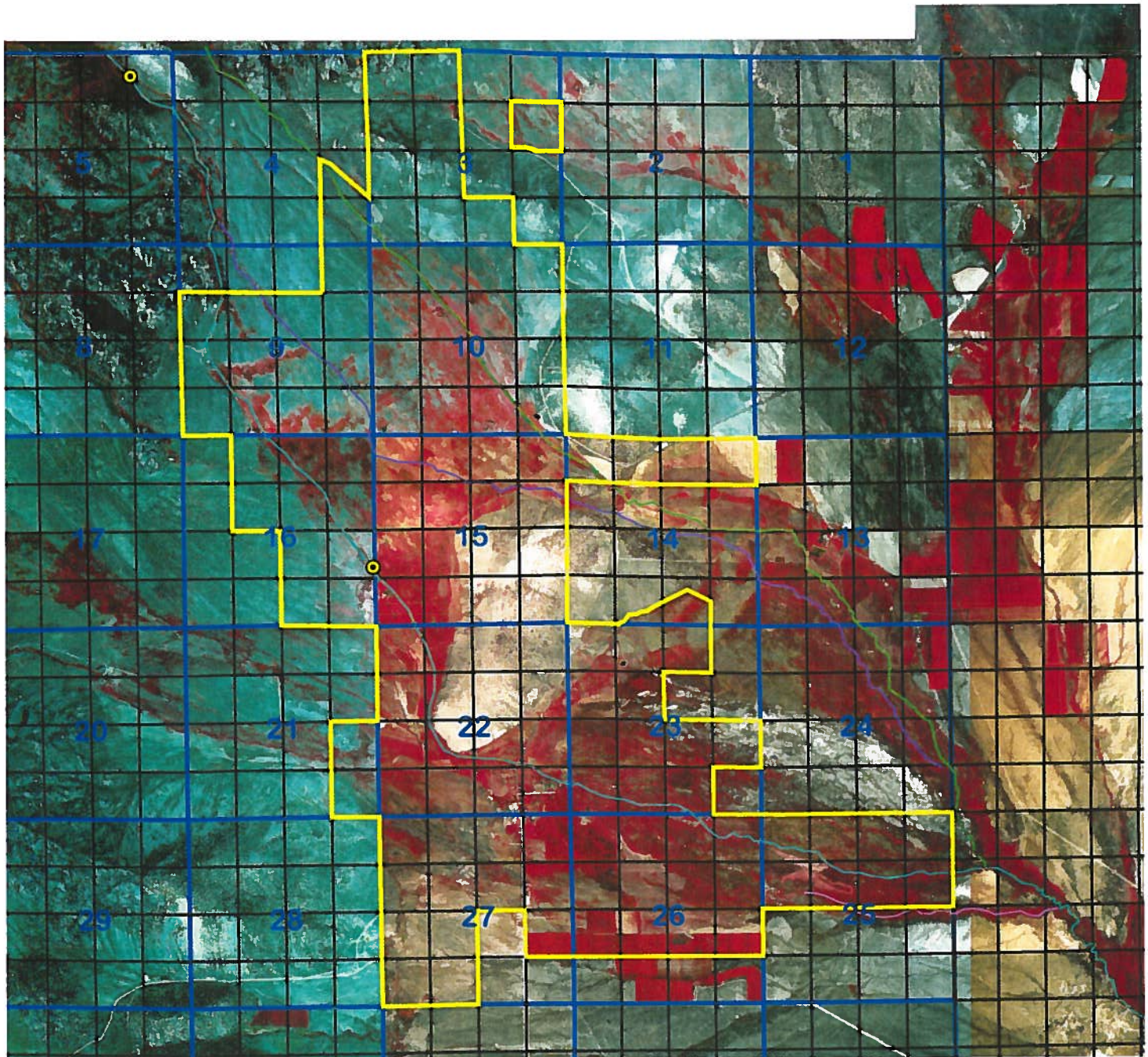
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

PD 6-28-02

Idaho Department of Water Resources

**RIGHTS: 43-386, 43-2232A,
43-10797, and 43-10823**

**RECOMMENDED PLACE OF USE
TWP 15S, RNG 24E,
Data entry on January 30, 2001**



ALMO WATER COMPANY BOUNDARY

○ RECOMMENDED POINT OF DIVERSION

□ RECOMMENDED PLACE OF USE

□ SECTION LINES

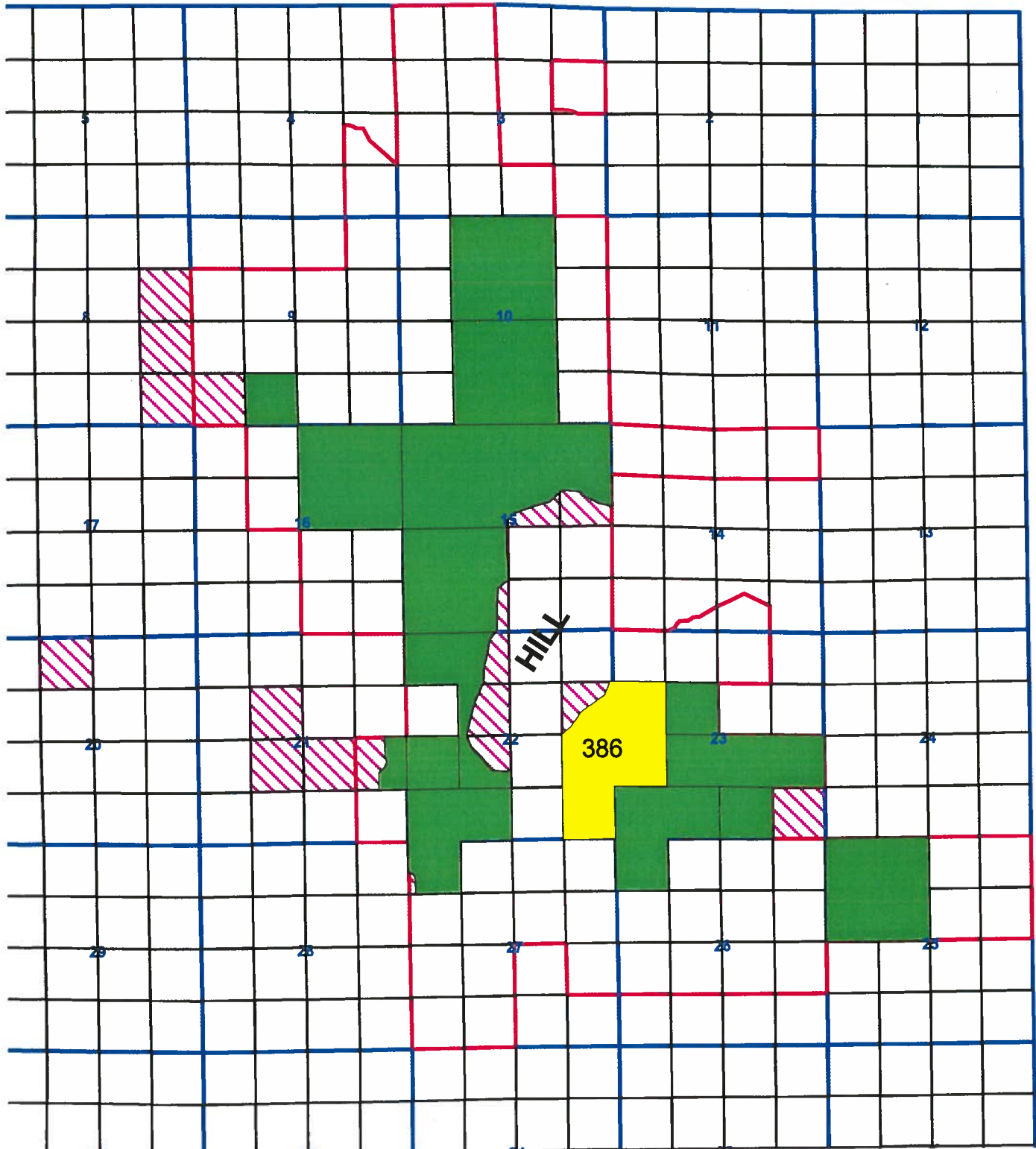
□ QUARTER/QUARTER LINES



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

ALMO WATER COMPANY
DECREED RIGHTS INCLUDED IN 43-386
HIGHLIGHTED IN YELLOW SOLID

ACRES POSSIBLE TO BE IRRIGATED WITHIN
DECREED TRACTS = 183



ALMO WATER COMPANY DECREE ACRES ANALYSIS							
DECREE NUM	MAX ACRES DECREED	REC'D CFS	DUPLICATE ACRES	NOT IRRIGATED	HILL	ALLOWED NET ACRES	
386	200	4.00				200	
374 & 387	200	2.76			62	138	
388	160	2.00			4	156	
389	160	2.00				160	
390	160	1.90		45 - per License FE		115	
391	80	2.00				80	
392 & 393	200	4.00	40 - of 386			160	
394 & 395	320	3.20			35	285	
396	160	0.23		140 - no conveyance		20	
397	160	2.00				160	
398	160	1.00				160	
399	120	1.00				120	
400	160	1.00				160	
401	160	1.00				160	
477	120	1.50	80 - of 398 & 390			40	
	2520	29.59	120	185	101	2114	2114
				43-2232A LICENSED ACRES			2525
				SUB TOTAL			4639
				LESS OVERLAP ACRES			<1038>
				TOTAL ACRES WITH WATER RIGHTS			3601
	3601 X 0.02 = 72.02 CFS						

IRR AC SHAPEFILE = 4387
AC WITHOUT WR = 786

07/24/2001

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

RIGHT NUMBER: 43-386

NAME AND ADDRESS: ALMO WATER COMPANY
ATTN: PRESIDENT
DOUGLAS WARD
PO BOX 102
ALMO, ID 83312

SOURCE: ALMO CREEK TRIBUTARY: RAFT RIVER

QUANTITY: 4 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF ~~60.6 CFS~~ 72.02. COMBINED RIGHT
NOS.: 43-386, 43-2232A, 43-10797, 43-10823.

PRIORITY DATE: 04/30/1878

POINT OF DIVERSION: T15S R24E S5 LOT 1 SWNE NE Within CASSIA County
T15S R24E S16 SENESE 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	4.00 CFS

PLACE OF USE: PLACE OF USE IS WITHIN THE BOUNDARIES OF ALMO WATER COMPANY.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL
OF 3030 ACRES WITHIN THE BOUNDARY OF ALMO WATER COMPANY IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 43-386, 43-2232A, 43-10797, 43-10823.

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.

*Revised
9-10-01
VH*

COMMUNICATION DOCUMENTATION

From: Vikie Hancock

6/19/2001

Regarding:

Almo Water Company Claims

Contact:

Cordell Sheridan
Jim Sheridan
Brent Jones
Doug Ward, President
Ted Tracy
Bud Ward, Watermaster

The above persons representing Almo Water Company came to the office this date to discuss my preliminary recommendations for right numbers 43-386, 43-2232A, 43-4228A, 43-10797 & 43-10823.

They expressed concern that I had determined that two of the 1879 priority rights, 43-373 and 43-374, were duplicate rights and thus not included in their * claims. This reduced by 3.8 cfs the amount of water available to them with a 1879 priority date. They will attempt to find evidence that one or both of these rights should be included in their claims and that they have a priority date of 1879.

We also discussed the reason for my disallowal of beneficial use claim 43-4228A because they had never submitted proof of beneficial use. I explained that they needed to provide me with the years that the additional lands were first irrigated and I that affidavits from current or previous owners would be acceptable if enough details were provided to substantiate the date. I also told them that I was skeptical that more water was diverted onto these lands as all the water was supposedly licensed in 1918. Watermaster Bud Ward said that more than 3030 inches of water was available in Almo Creek at times.

We also discussed the Bruce Durfee claim to Stines Creek and the 1970 AWC vs Ivan Darrington decree as it affected Stines creek and the North Fork Almo and Edwards Creek rights.

** 43-373 & 43-374 were claimed as a portion of combined right 43-10823.*

CLAIM NUMBER: A43-00386

03-15-11-15	4.00 CFS
~~4-1 to 10-3~~	-----
TOTAL DIVERSION:	4.00 CFS
CONSUMPTIVE USE:	12846.00 AFA

Tributary to: RAFT RIVER

CASSIA County
CASSIA County

5

Joe
William
PP & Partners
Aut Limited
ac

Other Rights: A43-00391, A43-00387, A43-04228A, A43-02232A

AT THE P/D IN SEC. 16 THE CREEK BECOMES THE CONVEYANCE FOR THE CANAL CO.

AMENDMENT NOTES
ADDED 120 ACRES AND CHANGED LEGALS ON ANOTHER 120 ACRES
TWO RECEIPTS: S008726 AND S012748.
NOTICE OF APPEARANCE IS REMOVED. ✓

Verified Date:

Field Inspection Flag: D
Presumption Flag:

[illegible]

COMMUNICATION DOCUMENTATION

From: Vikie Hancock

6/11/2001

Regarding:

Customer:

Almo Water Company

Cordell Sheridan

[illegible]

Cordell Sheridan called to see how the Almo Water Company could determine if someone else had filed on water that they considered theirs. I told him that they probably would best wait for the actual Director's Rept to come out so that all the claims would be in and filed to the best of my knowledge. I told them that I wasn't sure how the CD of recommendations would be set up, but that there would be directions sent with their final recommendations. I told him that I would assist them to search if needed.

I said that now was the time to review their own claims and get back to me if they found errors. Cordell said that the Almo Water Company board had not gone over the preliminary recommendations for Almo Water Company yet. They had set up a meeting last week and the president - Doug Ward - had not shown up with the documents. I emphatically encouraged the board to look at those recommendations as soon as possible and get back to me if they had questions or concerns.

COMBINED RIGHTS, ALMO WATER COMPANY

	<u>Cfs</u>	<u>Acres</u>	
• 43-2232A Diversion rate and number of acres as licensed assuming accomplished transfer of POU	49.7	2525	<u>2525</u>
• 43-386 200 acres as decreed per decreed diversion rate of 4 cfs	4.0	200	
• 43-10797 Diversion rate as corrected, acres calculated at 1 inch per acre	16.93	910	
• 43-10823 Diversion rate as corrected. Acres calculated at one inch per acre	7.9	395	<u>1505</u>
• 43-4288A Disallow for lack of proof of priority for beneficial use	--	--	

Sub Total.....	<u>4030</u>
Less overlap acres	- 1000

Total Acres allowed.....3030

3030 X 0.02 = 60.6 cfs

Combined limits equal 3030 acres and 60.6 cfs for the above rights.

1-30-01 VPK

RECOMMENDATION NOTES

From: Vikie Hancock

1/30/01

Regarding: 43-386, 43-10797, 43-10823

Claims based upon decreed rights
Almo Water Company

The above claims are based upon rights decreed to Almo Water Company in the 1928 Jobe Adams Decree. The rights awarded to Almo Water Company in the Jobe Adams are based, with some modifications, upon rights decreed to the Company in the 1893 Lee Kirk v Bartholomew decree.

Both decrees state that 1 inch per acre is the duty of water in the decree. The Lee Kirk, in fact, states in the findings that 1 inch per acre has been awarded to the claimants in the decree.

The 1893 Lee Kirk awards a combined total of 1610 inches of water to claimants that subsequently pool their water and form Almo Water Company. The 1928 Jobe Adams Decree awards 1505 inches of water to Almo Water Company, breaking the awards out into rights which still bear the names identified with them in the Lee Kirk and preserving the individual associated priority dates.

Comparing the individual rights from both decrees, it is noted that some diversion rate awards are decreased and some are increased. We can only assume that the succeeding decree makes corrections to more accurately reflect irrigation use in 1928. There are obvious errors in both the Lee Kirk and Jobe Adams decrees, but by using the assumed superceding numbers, 1505 acres are included under the decreed place of use for Almo Water Company.

The above referenced claims are combined rites grouped by priority date. They have been investigated and corrections have been made for duplications of rights and other errors. See individual claim files for documentation. The places of use of the above rights have been calculated using the 1 inch per acre specified in the Jobe Adams decree and will limit each right within the PPU of the water company. There are also combined limits with the decreed rights and overlapping licensed right 43-2232A.

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., thence 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, $SW\frac{1}{4}NE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, 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

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13-00879

Jesse Jones
1880-Apr. 1 1.2 s.f.

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

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 1/3 NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, Twp. 15 S. R. 24 E.B.M. South 1/3 NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13 Twp. 15 S. R. 24 E.B.M., South 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

William Jones
Mary Ann Jones
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

William Shangles
1879-Apr. 30 1 s.f.

384

1884-Apr. 30 .8 s.f.

385

1885-Apr. 30 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.



Almo Water Company,
a corporation.

386

M. B. Durfee right
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. 22 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

H. R. Cahoon right
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

H. D. Durfee, Jr. right
1879-Apr. 30 2 s.f.

SW $\frac{1}{4}$, Sec. 15, Twp. 15 S. R. 24 E.B.M.

389

H. D. Durfee, Sr. right
1879-Apr. 30 2 s.f.

NE $\frac{1}{4}$, Sec. 16, Twp. 15 S. R. 24 E.B.M.

390

Wm. E. Johnston right
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

Thomas O. King right
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

Jacob Paden right
1880-Apr. 30 2 s.f.

NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26, S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, Twp. 15 S. R. 24 E.B.M.

393

James T. Taylor right
1880-May 1 1.6 s.f.

N $\frac{1}{2}$, Sec. 15, Twp. 15 S. R. 24 E.B.M.

394

395

43-00477	J. P. Jensen right July 31-1882	1.5 s.f. ✓	$S\frac{1}{2}SW\frac{1}{4}$, Sec. 9, $NW\frac{1}{4}SE\frac{1}{4}$, Sec. 10, Twp. 15 S. R. 24 E.B.M.
13-00396	Geo. D. Graham right 1883-Apr. 30	1.5 s.f. ✓	$N\frac{1}{2}SE\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, Sec. 21, Twp. 15 S. R. 24 E.B.M.
397	C. V. Spencer right 1882-Apr. 30	2 s.f. ✓	$NW\frac{1}{4}$, Sec. 25, Twp. 15 S. R. 24 E.B.M.
398	Jno. Miller right 1882-Apr. 30	1 s.f. ✓	$E\frac{1}{2}SW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$, Sec. 10, Twp. 15 S. R. 24 E.B.M.
399	Charles Heath right 1883-May 31	1 s.f. ✓	$S\frac{1}{2}SW\frac{1}{4}$, Sec. 22 and $NW\frac{1}{4}NW\frac{1}{4}$, Sec. 27, Twp. 15 S. R. 24 E.B.M.
400	Henry T. Eames right 1884-Mar. 31	1 s.f. ✓	$E\frac{1}{2}NW\frac{1}{4}$ and $W\frac{1}{2}NE\frac{1}{4}$, Sec. 10, Twp. 15 S. R. 24 E.B.M.
401	Robert J. Eames right 1884-Apr. 30	1 s.f. ✓	$E\frac{1}{2}SE\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$, Sec. 23, Twp. 15 S. R. 24 E.B.M.

GRAPE CREEK

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That Grape Creek, heretofore mentioned as a tributary of Almo Creek be, and hereby is, set off as a separate water district, and that the defendants and cross-complainants hereinafter named shall have the exclusive right to the use of the waters of Grape Creek to the extent of their various appropriations hereinafter set forth for the irrigation of their respective tracts of land hereinafter described, and that such right is independent of and superior to the rights of the various users of water from Almo Creek, and that the use of the water by said parties hereinafter named shall not be considered as a violation of the injunctive provisions of this decree, and that the use of all of said waters by the herein-after named defendants shall not be construed as an invasion of the rights of the water users of Almo Creek; that as between the hereinafter named defendants, their priorities and rights to use the waters of said Grape Creek be, and hereby are, fixed as follows:

3-00402 403	Chas. Wake and the other heirs at law of Eliza Wake 1880-Apr. 1 1881-Apr. 1	3.2 s.f. 3.2 s.f.	To be diverted from Grape Creek High water of Grape Creek for the irrigation of $NW\frac{1}{4}$, Sec. 6, Twp. 15 S. R. 25 E.B.M., also Lots 1 and 2, and $NE\frac{1}{4}SE\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}$, Sec. 6, Twp. 15 S. R. 25 E.B.M.
404 405	Asael Lowe and other heirs at law of John Lowe, deceased. 1880-Apr. 1 1890-Apr. 1	3.2 s.f. .8 s.f.	To be diverted from Grape Creek for the irrigation of $SW\frac{1}{4}NE\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$, Sec. 6, Twp. 15 S. R. 25 E.B.M.
406	John C. Ward and Nellie Ward 1880-Apr. 1	3.2 s.f.	To be diverted from Grape Creek for the irrigation of $NW\frac{1}{4}NE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, Sec. 7, Twp. 15 S. R. 25 E.B.M.
407	Orville Ward and Nina Ward 1880-Apr. 1	3.2 s.f.	To be diverted from Grape Creek for the irrigation of $NE\frac{1}{4}NW\frac{1}{4}$, Sec. 13, Lot 3, $NE\frac{1}{4}SW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$, Sec. 7, Twp. 15 S. R. 25 E.B.M.

INTENT IS
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IT IS FURTHER ORDERED, ADJUDGED AND DECREED that each of the parties hereto, both plaintiff and defendants, cross-complainants and interveners, together with their heirs, successors, assigns, agents, servants and employees are hereby severally particularly restrained and enjoined from using, attempting to use, diverting or attempting to divert, any of the waters of said Raft River or its tributaries as hereinbefore defined and set out in any manner except as hereinbefore provided and set out and in strict accordance with the terms of this decree.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That each of the parties hereto, both plaintiff and defendants, cross-complainants and interveners shall pay their own costs expended in this cause, such costs being filing fees, marshall's fees, publication fees, witness fees and reporter's fees. That the cost of securing maps, blue prints, necessary expenses of the commissioner including stenographer's expenses incurred in the drawing of this decree, be, and hereby are, fixed at the sum of \$2132.90, of which sum the following named parties shall pay the amount hereinafter specified, and that the commissioner, W. G. Bissell, be, and hereby is adjudged to have a lien upon the property of each of the several parties in this decree described for the amount of costs hereby taxed against each of said parties, viz.:

Albion-Idaho Land Company	\$262.90
Orlando Bateman and Ella Bateman	19.80
J. <u>Edwin</u> Barker and Teggie Barker	4.40
Alfred H. Barker and the other heirs at law of Brigham O. Barker, deceased	11.00
Samuel H. Barker and Susie Barker	11.00
Osmer W. Ball	17.60
Cecil Beecher	1.10
E. U. Beecher	3.85
O. F. Beecher and Sina Beecher	5.50
Clifford Beecher and Hazel Beecher	\$12.10
Sadie Beecher	16.50
Henry E. Bigler	11.00
H. R. Booth and Maggie Booth	8.80
J. R. Booth and Jennie Booth	8.80
Joshua B. Brown	8.80
Sarah Bulware	4.40
Phillip Burrows	17.60
Burt J. Cottle and Ethel Cottle	2.20
Sarah Maria Darrington	4.40
J. Edward Darrington	3.84
H. F. Deardorff	35.20
J. P. Fabrick	17.60
First National Bank of Brigham City, Utah	4.40
Charles Gamble, Jr. and Chrissy Gamble	8.80
Louis J. Gunnell	26.40
Sarah H. Gunnell	4.40
Frank Goff and Mrs. Frank Goff	8.80
L. P. Hall and Charlotte Hall	4.40
Joseph Harper and Sarah Harper	8.80
Wells Hadfield and Synthia Hadfield	6.60
Margaret Hawkins	15.40
O. T. Hawkins and Jennie Hawkins	33.55
R. K. Hepworth and Jane Hepworth	4.40
George Hepworth	1.10
Mrs. Jane Hitt	4.40
J. C. Hitt	8.80
J. R. Hitt and Jennie Hitt	4.40
James B. Hitt	25.30
Ellen Hoagland	8.80
Ray O. Holley and Pearl Holley	2.20
Robert Hutchinson and Martha Hutchinson	8.80
David Hubbard	2.75
Annie Hubbard	.55
Joseph R. Hurd	1.65
Mrs. J. S. Hutchinson	4.40
International Mortgage Bank	315.79
David W. Jones and Violet Jones	8.80
Wm. Jones and Maryann Jones	26.40
Stella Livingston	15.40

S. H. Lloyd	8.80
A. Lounsbery	24.20
Ralph A. Lounsbery	25.30
Hanna McFarlane	8.80
J. S. McGill	19.80
G. S. Marshall and Kate Marshall	28.60
R. M. Maxfield and Annie Maxfield	8.80
North American Mortgage Co.	24.20
I. J. Neddo and Alice Neddo	11.00
Frederick J. Nye and Hanna Nye	8.80
Andrew Olsen and Pauline Olsen	8.80
Oregon Mortgage Company	39.60
J. H. Ottley and Sarah Ottley	7.15
Fred H. Ottley and Abbie C. Ottley	8.80
Ether Park	8.80
Elba Park	
Asel B. Parrish and Ethel Parrish	1.10
A. F. Parish and Ida Parish	17.60
F. C. Parish and Lilly Parish	1.10
Frederick W. Parish	8.80
A. J. Peterson and Laura Peterson	6.60
J. C. Pettingill and Agnes Pettingill	4.40
A. D. Pierce and Bula Pierce	22.00
W. J. Pierce	17.60
John Popleton and Mrs. John Popleton	\$ 8.80
Portland Mortgage Company	22.00
Mrs. E. S. Rasmussen	8.80
J. Edward Rasmussen	2.75
Frank D. Rasmussen and Mrs. Frank D. Rasmussen	4.40
Silvia D. Rice	15.40
Ada C. Rice	13.20
Wm. H. Robertson	8.80
Orson J. Sanders and Cloe Sanders	13.20
Marion Savage and Rose Savage	8.80
David E. Sawyer	8.80
George M. Scott and Maggie Scott	17.60
Settlers Land & Water Company	
Willis Sears and Lulu Sears	7.70
Charles L. Sears and Sadie Sears	8.80
Harry Shaw	19.80
Charles Shaw	6.60
Jessie Shill and Lavilla Shill	6.60
Frank G. Schodde, Fred Schodde and George Schodde	13.20
T. R. Smith	8.80
John O. Smith and Flossie Smith	13.20
Joseph O. Smith and Luella Smith	8.80
W. H. Smoot and Adelia Smoot	4.40
C. N. Strevel	13.20
Winslow R. Taylor	17.60
Thomas Taylor, Jr. and Lena Taylor	8.80
Taylor Bros., a co-partnership	
L. O. Taylor and John W. Taylor	15.40
C. W. Thomas, Administrator	11.00
D. E. Tracy and Mary Tracy	4.40
Fannie Tracy	8.80
Lorenzo Twitchell	8.80
John C. Ward and Nellie Ward	26.40
W. A. Ward and Mrs. W. A. Ward	20.90
Glenn S. White and Sarah Jane White	4.40
Ed Whittaker and Josephine Whittaker	4.40
Frank S. Whittaker and Matilda Whittaker	4.40
D. J. Whittaker and Florence Whittaker	4.40
Benjamin Willmore	33.00
Willard W. Wickle	8.80
Henry L. Wickle	8.80
H. W. Wickle and May Wickle	8.80
A. J. Udy	3.30
Joseph Udy and Nettie Udy	8.80
M. C. Udy and Mary Udy	15.40

Chas. Van Kirk	4.40
F. C. Vosburg	8.80
Henry D. Belnap	8.80
Henry R. Cahoon	8.80
Ida Jones Cahoon	4.40
Helen Edwards	4.40
Jesse Jones	17.60
William Jones and Mary Ann Jones	46.20
William Shangles	8.80
Almo Water Company	129.80
Chas. Wake and the other heirs at law of Eliza Wake	17.60
Asael Lowe and other heirs at law of John Lowe, deceased	11.00
Orville Ward and Nina Ward	8.80
	<u>\$2132.90</u>

Dated at Boise, Idaho, this 18th day of October, 1928.

CHARLES C. CAVANAH
U. S. District Judge.

Endorsed, Filed October 23, 1928
W. D. McReynolds, Clerk
By M. Franklin, Deputy

UNITED STATES of AMERICA }
DISTRICT OF IDAHO } ss.

I, W. D. McREYNOLDS, Clerk of the United States District Court for the District of Idaho, do hereby certify that the foregoing copy of DECREE in the case of Albion-Idaho Land Company, a corporation, Plaintiff, vs. Jobe Adams, et al, Southern Division No. 992 Civil has been by me compared with the original, and that it is a correct transcript therefrom and of the whole of such original, as the same appears of record and on file at my office and in my custody.

In testimony whereof, I have set my hand and affixed the seal of said Court in said District this 23rd day of October, 1928.

(SEAL)

W. D. McREYNOLDS
Clerk.

By M. Franklin
Deputy.

Filed for record at request of Bissell & Bird at 10:15 A.M., April 15, 1929.
Fee: \$25.50

B. F. Wilson County Recorder

IN THE DISTRICT COURT OF THE UNITED STATES,
FOR THE DISTRICT OF IDAHO, SOUTHERN DIVISION.

Albion Idaho Land Company,
a corporation.

Plaintiff.

-vs-

Jobe Adams, et al,

Defendants.

IN EQUITY No. 922.

ORDER OF COURT AMENDING DECREE.

Upon presentation of the above stipulation to the Court, it is hereby ordered, adjudged and decreed that the decree heretofore entered in this cause, be, and the same is hereby amended to conform to the terms of the within stipulation, and that this order shall have the force and effect of said decree.