

29407

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: A43-00402
Date Received: 5/31/1989
Receipt No: NOV3787
Received By: B

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KENNETH S. BLACK 208-824-5593
Address: BOX 103
ALMO, ID 83312

OR
Name: JAY L. BLACK 208-824-5593
Address: BOX 103
ALMO, ID 83312

2. Date of Priority: APR 01, 1880

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
14S	25E	31	SW	SW	SW		CASSIA
15S	25E	6	SW	SE	NW		CASSIA
			NE	NE	SW		CASSIA

5. Description of diverting works:
3 HEADGATES IN CREEK, TO GRAVITY DITCHES, PIPELINE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.200		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15S	25E	6	NE		NE	1	IRR	35.0
			NW		NE	2	IRR	27.0
			SE		NE		IRR	29.0
			NE		NW	3	IRR	23.0
			NW		NW	4	IRR	40.0
			SW		NW	5	IRR	40.0
			SE		NW		IRR	10.0
			NE		SE		IRR	40.0
Section Acres								244.0
Total Acres								244.0

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:
43-00403, A43-02247, A43-02279

14. Remarks:

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

ALBION-IDAHO LAND CO.
Decree Plaintiff

JOBE ADAMS ET AL
Decree Defendant

vs

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Jay L. Black Date: May 31, 1989
Date: _____

State of Idaho)
County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 31st day
of May 19 89

Seal

Anna Baunhoff
Notary Public

Anna Baunhoff, Notary Public
Residing at _____
My Commission Expires December 7, 1994

S

T 14 S
T 15 N

NATIONAL

FOREST

COVE

Stream

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COMMUNICATION DOCUMENTATION

From: Vikie Hancock

February 2, 2004

Regarding:

Customer:

Grape Creek / Summit Creek

Jay Black

Jay Black came into the office in response to a letter he received from the USFS dated Jan 26, 2004, regarding his lack of a recorded water right on Summit Creek in Cassia County.

Jay Black, Ron Ward and Clark Ward all have SRBA decreed rights on Grape Creek (decree date June 2002). At the time of my recommendations, I was unaware that their diversions from Grape Creek included water diverted from Summit Creek and injected into the Grape Creek Channel approximately 1.5 miles upstream of their uppermost claimed point of diversion. Therefore, Summit Creek was not included as a source and the point of diversion was not included in their SRBA decreed rights.

Grape Creek was included in the Jobe Adams Decree of 1929, and Jay Black told me this date that most likely the ditch from Summit Creek to Grape Creek was constructed not long after Grape Creek was put to use by the original homesteaders. He knows that it existed when he was a small child and he remembers that in or around 1967 his family put in a permanent structure to divert the entire flow of Summit Creek to Grape Creek, cutting off the original Summit Creek channel all together. Before that time they cleaned and repaired the diversion each year. He also remembers that the Forest Service noticed the newly constructed permanent structure and disapproved, however they did not ask to have the dam removed.

Two options exist in the SRBA for the Wards and Mr. Black to obtain a recorded historical water right on Summit Creek:

- 1) File late claims on Summit Creek base upon beneficial use with a priority date one day after the Jobe Adams decree. Combined, the rights based upon beneficial use and the Grape Creek rights based upon the Jobe Adams decree would be limited to the diversion rate decreed, which was already one inch per acre.
- 2) Ask to have the SRBA decrees set aside, corrected and re-decreed with the addition of Summit Creek as a source and the points of diversion and injection added to their SRBA decreed rights. Priority 4-1-1880.

Mr. Black felt that the most correct was to have his SRBA decrees set aside and corrected to include Summit Creek. His opinion is that the use of Summit Creek was inadvertently left out of the Jobe Adams as it was inadvertently left out of the SRBA. He believes that the ditch from Summit to Grape existed well before 1929 and that a priority date of that year would not accurately reflect

their right. He estimates that 0.5 cfs is the entire flow of Summit Creek and that it is already counted in the Grape Creek rights.

As of this date there is only one recorded water right on Summit Creek . SRBA decreed right 43-10657 is for instream stockwater use in the name of USFS. Priority date is 5/1/1880. POU is just above the Black/Ward diversion from Summit to Grape Creek.

Mr. Black is going to inform Ron and Clark Ward that he intends to petition the Court to set aside his decree. I gave him the Court's address and asked him to keep me informed after they had their hearing so that I could make the new recommendations and keep the process going.

Jay Black 43-402 } -1880
43-404 }

Ron ward 43-406 - 1880

Clark ward 43-407 - 1880

Jay Black also has rights 43-403 & 43-405
for high water on Grape Creek which he
does not think he needs to amend.

DA

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 43-10657 V2

WATER RIGHT NUMBER: 43-10657 V2

Owner Type

Current Owner

Name and Address

UNITED STATES OF AMERICA ACTING THROUGH
 USDA FOREST SERVICE
 550 W FORT ST MSC 033
 BOISE, ID 83724
 (208)387-0835

Priority Date: 05/01/1880

Basis: Beneficial Use

Status: Active

Source

SUMMIT CREEK

Tributary

SINKS

Beneficial Use

STOCKWATER

From To

6/01 to 9/30

Diversion Rate

0.020 CFS

Annual Volume

Total Diversion:

0.020 CFS

Location of Point(s) of Diversion

SUMMIT CREEK	NE1/4NE1/4	Sec. 26, Twp 14S, Rge 24E, B.M.
CASSIA County	(Beginning of Reach)	
SUMMIT CREEK	SW1/4NW1/4	Sec. 25, Twp 14S, Rge 24E, B.M.
CASSIA County		
SUMMIT CREEK	SW1/4NW1/4	Sec. 25, Twp 14S, Rge 24E, B.M.
CASSIA County	(Injection)	
SUMMIT CREEK	SW1/4NW1/4	Sec. 25, Twp 14S, Rge 24E, B.M.
CASSIA County	(Ending of Reach)	

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	24E	25						X	X		X	X				X	X		
14S	24E	26	X																

Conditions of Approval:

1. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Decreed June 2000

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-10657 V2

2. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

1. Point of Diversion WATER FROM SUMMIT CREEK IS DIVERTED INTO A DITCH IN THE SWNW, T14S, R24E, S25 AND CARRIED TO GRAPE CREEK.
2. Explanatory FOREST SERVICE RECORD ID = 0414 17040210 05 0002

Comments:

1. RBROWN 4/27/1999 REVISION
- Comment: ADDED DITCH DESCRIPTION

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag: NONE RECEIVED
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

SubCase:

SubCase Number: 43-10657
Class: 1
SF5 Filed Date: 4/28/1999
Special Master Recom Signed Date: 5/7/1999
Attorney Assigned: NICHOLAS B SPENCER
Adjudication Agent:
Basis of Claim:
Date Filed: 7/7/1998 Objection Status: Active



United States
Department of
Agriculture

Forest
Service

Intermountain Region

324 25th Street
Ogden, UT 84401
801-625-5605

File Code: 2720-3

Date: JAN 26 2004

Mr. Jay L. Black
P.O. Box 103
Almo, ID 83342

**REGISTERED – RETURN
RECEIPT REQUESTED**

Dear Mr. Black:

We met with you and the Wards in September 2003, to review the Summit Creek Ditch and your applications for Agriculture Irrigation and Livestock Watering System easements (commonly referred to as "Ditch Bill" easements). While reviewing the system, we took the opportunity to survey the location of the point of diversion and ditch with a Global Positioning System unit.

Ditch Bill easements are authorized by Public Law 99-545. This act stipulates criteria that must be met in order to obtain an easement. One criterion requires the applicant to have a valid existing water right for the water conveyed by the water system. By law, the Forest Service cannot issue a permanent Ditch Bill easement without a valid water right.

Your application indicates that water right A43-00406, a water right owned by all of the persons using the Summit Creek Ditch, is the water right associated with your water systems on Grape Creek. This water right does not appear to authorize the water you take from Summit Creek. Upon further review of the State water records, we could not find any right to you or the Wards for the Summit Creek water you divert off the National Forest.

At this time, the State water right records would indicate you do not have a water right for Summit Creek on National Forest System lands, and your application and those of the Wards do not meet all criteria for the Ditch Bill easement. This problem will need to be remedied, and we suggest you contact:

Idaho Department of Water Resources (IDWR)
Southern Region Office
1341 Fillmore Street
Suite 200
Twin Falls, Idaho 83301
Phone: (208) 736-3033



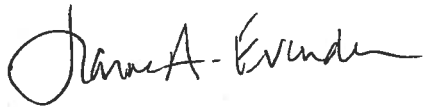
J. L. Black

Specifically, you will need to provide a water right that recognizes your right to divert water from Summit Creek at a point of diversion shown on the enclosed map. As mentioned earlier, the ditch and point of diversion were surveyed and the map was prepared from the survey information.

We think this matter should be of some importance and we are willing to work with you. We would appreciate your earliest consideration of this matter. Please initiate action through the IDWR within the next 2 months.

Please contact Jim Nutt at 208-331-5941 or Bob Klarich at 801-625-5159 if you have questions regarding this letter or your easement application. If you file for the Summit Creek diversion, please contact Jim or Bob after you file with IDWR.

Sincerely,



JEANNE A. EVENDEN
Director, Lands

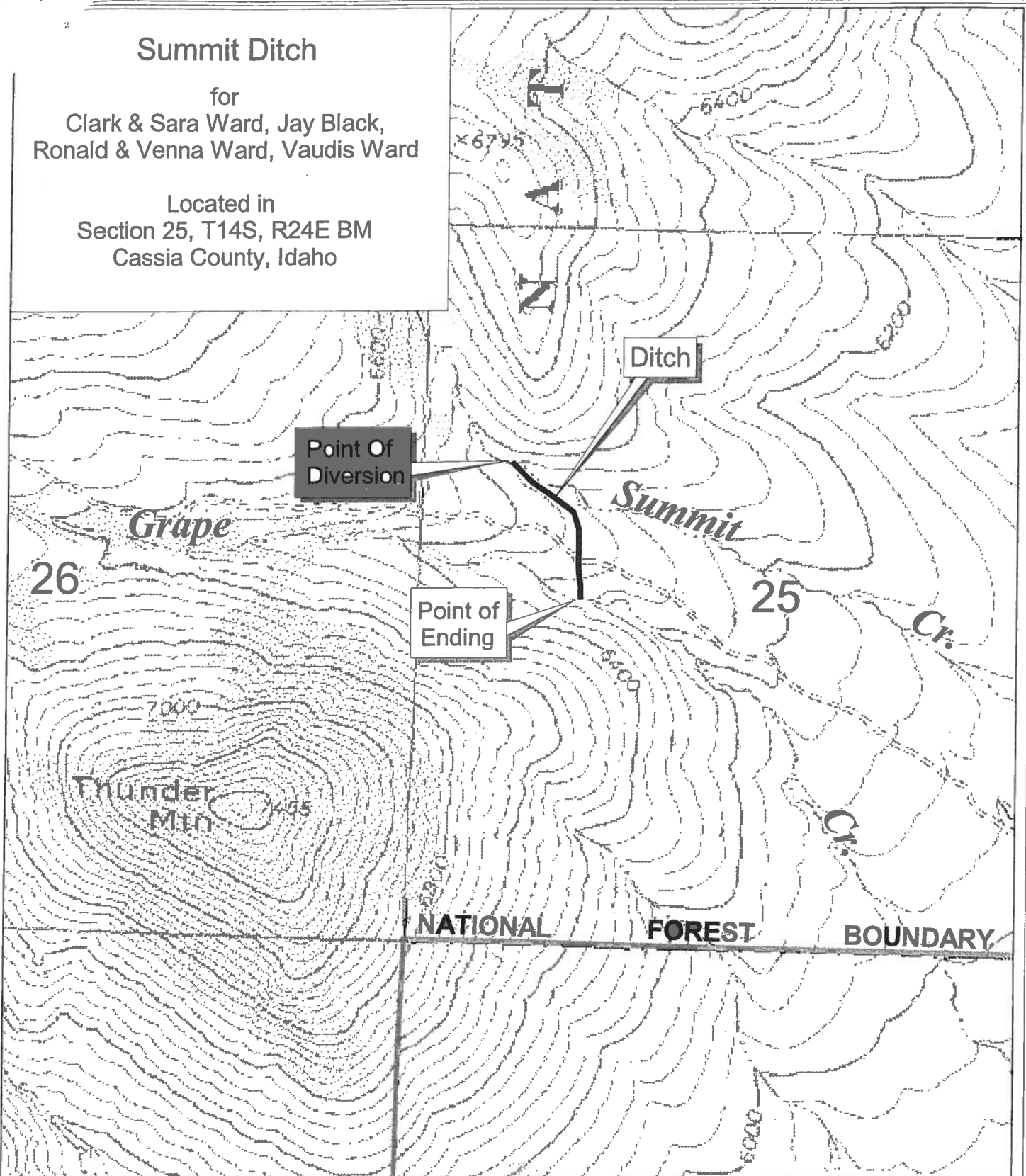
Enclosure

ALL 1880
Jay Black
43-402
43-404
Clark Ward
43-407
Ron Ward
43-406

Summit Ditch

for
Clark & Sara Ward, Jay Black,
Ronald & Venna Ward, Vaudis Ward

Located in
Section 25, T14S, R24E BM
Cassia County, Idaho



The Point of Diversion is located southerly 1700 feet more or less and easterly 640 feet more or less from the NW corner of Section 25.



0 500 1000 1500 2000 Feet

SOURCE: USGS 7.5 Minute Quadrangle
Jim Sage Canyon

PROJECTION: UTM Zone 12
DATUM: NAD 27

M.Loros
1-22-2004

PD 6-28-02

06/05/2001

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

RIGHT NUMBER: 43-402

NAME AND ADDRESS: JAY L BLACK
KENNETH S BLACK
PO BOX 103
ALMO, ID 83312

SOURCE: GRAPE CREEK

TRIBUTARY: RAFT RIVER

QUANTITY: 3.2 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 10.4 CFS. COMBINED RIGHT
NOS.: 43-403A, 43-404, 43-105, 43-2247, 43-2279, 43-10304 AND
43-13030.

PRIORITY DATE: 04/01/1880

POINT OF DIVERSION:	T14S R25E S31	LOT 4	SWSWSW	Within CASSIA County
	T14S R25E S31	LOT 4	SWSWSW	Within CASSIA County
	T14S R25E S31	LOT 4	SWSWSW	Within CASSIA County
	T15S R25E S6		SWSSENW	Within CASSIA County
	T15S R25E S6		NENESW	Within CASSIA County
	T15S R25E S6		NESESW	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	3.20 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>									
T15S R25E S6	LOT 1	NENE	31	T15S R25E S6	LOT 2	NWNE	27		
T15S R25E S6		SWNE	23	T15S R25E S6		SENE	26		
T15S R25E S6	LOT 3	NENW	24	T15S R25E S6	LOT 4	NWNW	44		
T15S R25E S6	LOT 5	SWNW	43	T15S R25E S6		SENE	11		
T15S R25E S6		NESW	35	T15S R25E S6	LOT 6	NWSW	9.4		
T15S R25E S6		SESW	14	T15S R25E S6		NESE	23		
T15S R25E S6		NWSE	38	T15S R25E S6		SWSE	30		

378.4 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 43-403A IS LIMITED TO THE
IRRIGATION OF THE SAME 244 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 378 ACRES IN A
SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-403A, 43-
404, 43-105, 43-2247, 43-2279, 43-10304 AND 43-13030..

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

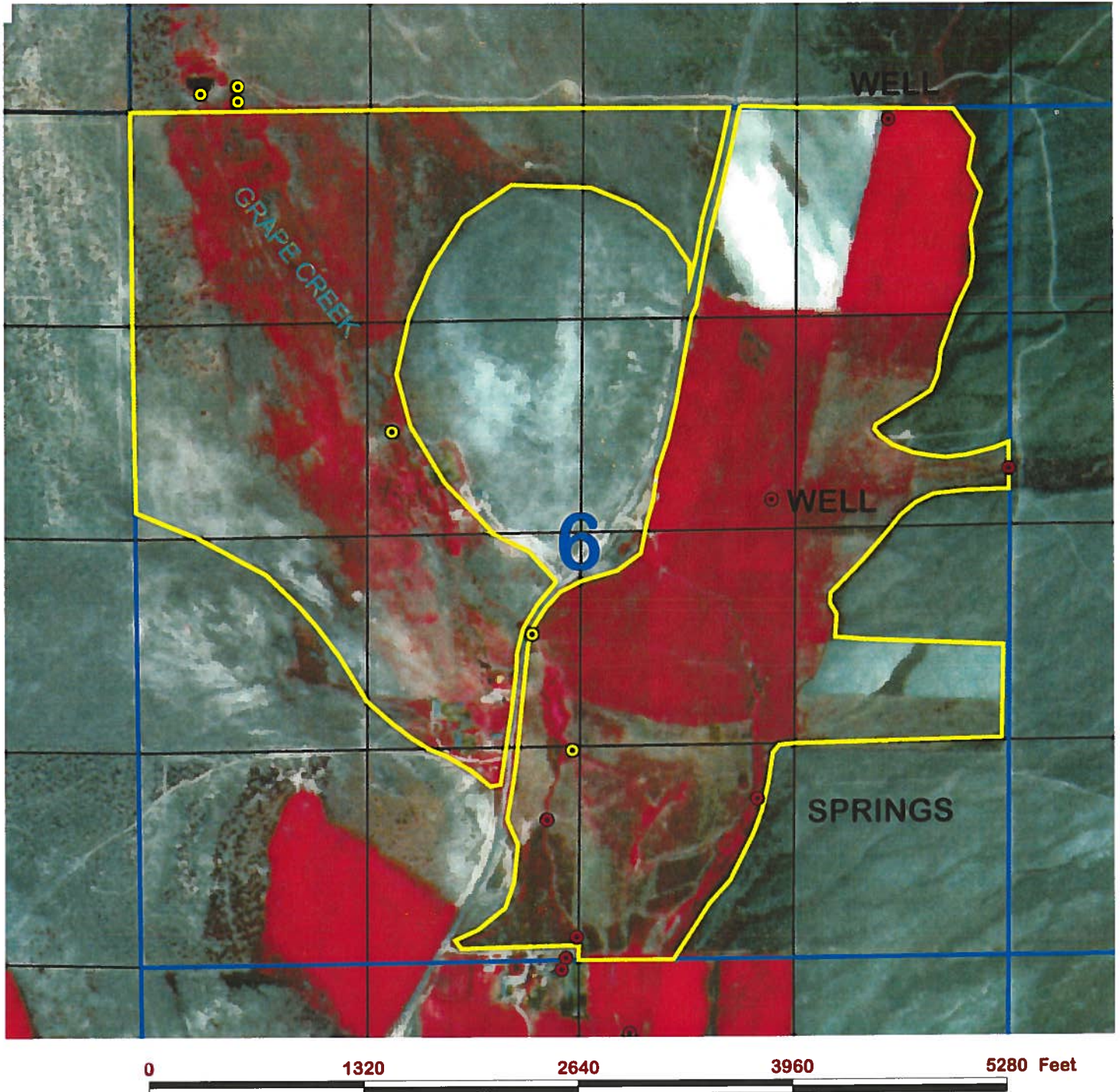
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Idaho Department of Water Resources

RIGHTS: 43-402, 43-403A, 43-404, 43-405,
43-2247, 43-2279, 43-10304, 43-13030

RECOMMENDED PLACE OF USE
TWP 15S, RNG 25E, SEC 06
Data entry on June 5, 2001



○ RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE

SECTION LINES

QUARTER/QUARTER LINES



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

11/08/2000

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

RIGHT NUMBER: 43-402

NAME AND ADDRESS: JAY L BLACK
KENNETH S BLACK
BOX 103
ALMO, ID 83312

SOURCE: GRAPE CREEK TRIBUTARY: RAFT RIVER

QUANTITY: 3.2 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 7.5 CFS. COMBINED RIGHT NOS.:
43-403A, 43-404, 43-405, 43-2247, 43-2279, 43-10304. *13030*

PRIORITY DATE: 04/01/1880

POINT OF DIVERSION: T14S R25E S31 LOT 4 SWSWSW Within CASSIA County
T15S R25E S6 SWSSENW Within CASSIA County
T15S R25E S6 NENESW Within CASSIA County
T15S R25E S6 NESESW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04-01 10-31	3.20 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

T15S R25E S6 LOT 1 NENE	31	T15S R25E S6 LOT 2 NWNE	27
T15S R25E S6 SWNE	23	T15S R25E S6 SENE	22
T15S R25E S6 LOT 3 NENW	24	T15S R25E S6 LOT 4 NWNW	44
T15S R25E S6 LOT 5 SWNW	43	T15S R25E S6 SENW	11
T15S R25E S6 NESW	35	T15S R25E S6 LOT 6 NWSW	9.6
T15S R25E S6 SESW	14	T15S R25E S6 NESE	23
T15S R25E S6 NWSE	38	T15S R25E S6 SWSE	30

374.6 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 43-403A IS LIMITED TO THE
IRRIGATION OF THE SAME 244 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 375 ACRES IN A
SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-403A, 43-
404, 43-405, 43-2247, 43-2279, 43-10304.

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.

OWNER CODE	NAME & ADDRESS
C	KENNETH S BLACK
C	JAY L BLACK

PRIORITY	DATE	WATER USE
04/01/1880	IRRIGATION	

USE PERIOD
FROM TO

DIVERSION RATE DIVERSION VOLUME

DIVERSION
VOLUME

03-15 11-15
4-1 10-3
TOTAL DIVERSION:

3.20 CFS

3.20 CFS

Water Source: GRAPE CREEK

Tributary to: RAFT RIVER

Stage: DECREASED

Point(s) of Diversion:

T14S	R25E	S31
T15S	R25E	S06

MSMSM
MSSEM

NEHESH
W. E. S. W. &

CASSIA County
CASSIA County

Place of use Legal Description for: IRRIGATION

NE

IRRIGATION

五

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SE

[illegible]

TOTAL ACRES

244-0

POU County: CASSIA

Other Rights: 43-00403, A43-02247, A43-02279

Dates: **Exam Made Date:**

Verified Date: 04/08/1985

Misc: Water District Number: 43D

Field Inspection Flag:
Presumption Flag:

4402 & 4403 limited to
navigation & some
dred as no poll

~~609 (437)~~

0-0

C & S (ppa)

Combined limits

pph 375 ac

RECOMMENDATION NOTES

From: Vikie Hancock

11/7/00

Regarding: Claims 43-402, 3.2 cfs
and 43-403, 3.2 cfs

These claims are based upon two rights in the 1928 Jobe Adams decree appurtenant to the same place of use. The tracts identified in the decree, as well as the combined diversion amount of 6.4 cfs from Grape Creek, indicates that a maximum total of 320 acres are included in the decreed place of use. GIS analysis shows that it is unlikely that the entire 320 acres were irrigated in the 1880s. This claim for 244 acres within the decreed place of use is probably more accurate given the topography of the area.

The water decreed under these rights are co-mingled with other water from Grape Creek and also groundwater, and used to both flood and sprinkler irrigate a total of 375 acres. My recommendation is that when combined these rights are limited to the irrigation of the same 244 acres within the permissible place of use identified.

6-5-01

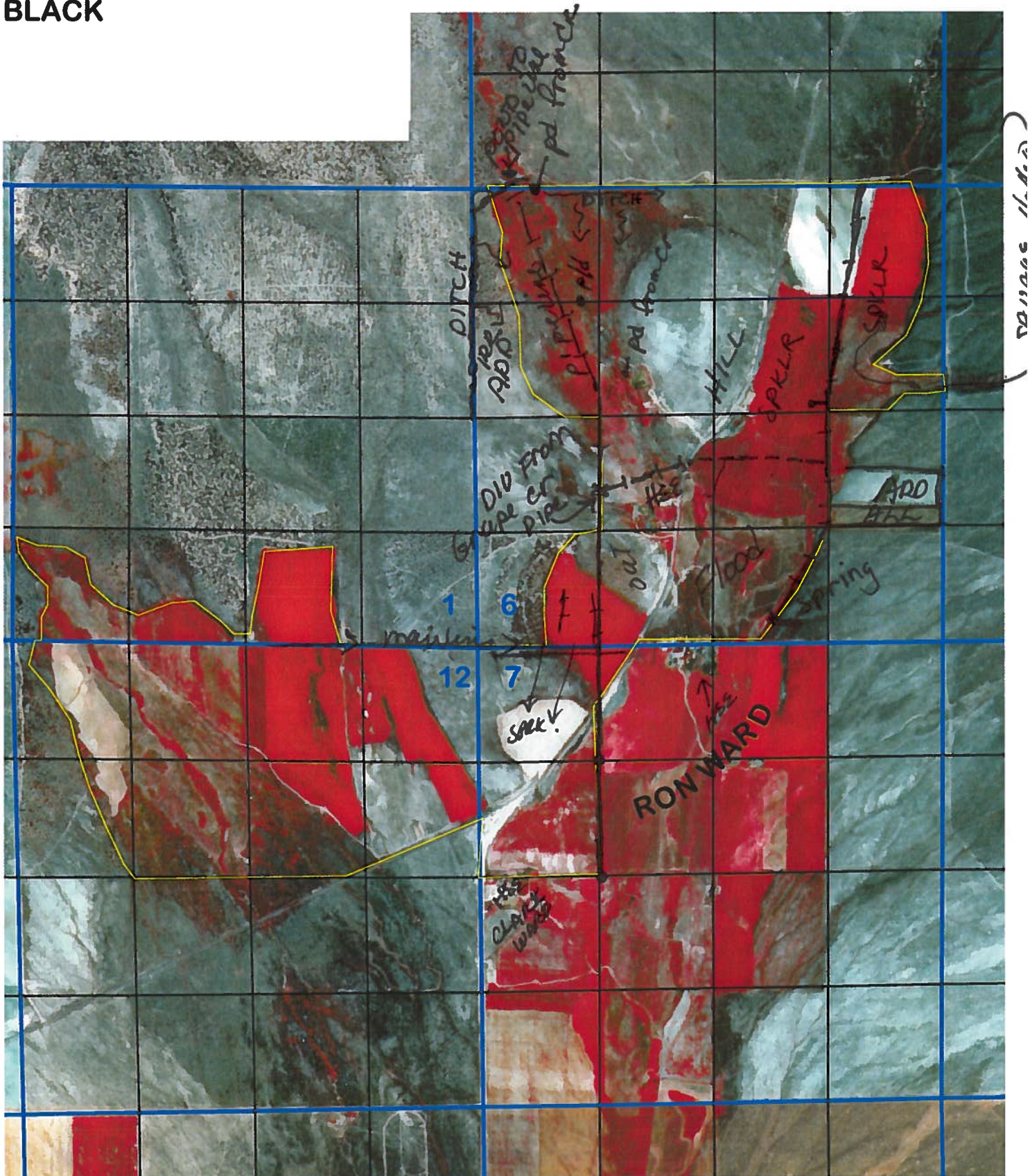
 Per language in the decree, 43-403(A) is for "high water" and thus not subject to the 1 inch per acre limitation.

402	3.2	1880
403	3.2	1881 (high water)
404	3.2	1880
405	0.8	1890
10.4 cfs decreed		

VH

BLACK

TWP 15S, RNG 25E
Sections 6, 7
TWP 15S, RNG 24E
Sections 1, 12



V HANCOCK

Date: [REDACTED]-1999
10-1-99

1987/1988 NAPP PHOTOGRAPHY

43-00402

Field Exam Notes

Field Exam Date: 10-01-1999

Claim No: A43-00402, -00403A, -00404, -00405, -02279, -02247, 04069, A43-07144, -10304

Claimants: Jay L. Black, Kenneth Black, J. Spencer Black

Agent: Vikie Hancock

Mr. Jay L. Black and Agent Jeanne Robertson accompanied me on this field exam. In response to a question regarding any updates of address or ownership of these claims, Mr. Black said that J. Spencer Black should be removed from all the claims. I explained that some sort of deed of conveyance would be needed, and he said that could be provided.

This ranch has two irrigation systems. Both include both surface and groundwater, sprinkler and flood irrigation.

Claims **A43-00402, -00403A, -00404, and -00405** are based upon Jobe Adams decreed rights to Grape Creek. There were four original ranches that used all the water of Grape Creek, and Blacks own two of those ranches. It is agreed by the three current users of Grape Creek that the decrees on Grape Creek represent four total shares: Black has 2 shares, Ron Ward has 1 share and Clark ward has 1 share. Until the recent past, the water was used on a timed rotation. In the early 1980s a pond and two pipelines were constructed that convey Grape Creek water from a diversion point in the SWSW Section 31 T14S R25E. An 8 inch pipe goes to property irrigated by Clark Ward. A 12 inch pipe diverts water to property irrigated by Jay Black and Ron Ward. *(See claim files A43-00406 and A43-00407 for information about the other claimants' systems).*

The buried pipeline runs southeast through Jay Black's land until it intersects the $\frac{1}{4}$ section line between the SWNW and SENW of section 6. It then follows this line directly south. Approximately one quarter of the way south into the SW $\frac{1}{4}$ of section 6, there is a valve where claimant has a piped diversion that conveys the water east and into the main sprinkler line. It mixes with groundwater from the two wells licensed under 43-02279 and water from the spring claimed as A43-10304. Sprinkler irrigation from this source occurs in the NE $\frac{1}{4}$ section 6 and the N $\frac{1}{2}$ SE $\frac{1}{4}$ section 6.

Claimant also has a surface diversion from Grape Creek in the SWSWSW Section 31, T14S R25E. The ditch from this diversion runs west along the North section line of section 6 and south along the west section line of section 6 to flood irrigate the NW $\frac{1}{4}$ of section 6, excluding the hill. Another diversion from the Grape Creek channel is located on the southeastern edge of the hill in the SENW section 6. It is used to irrigate to the west of the creek and specifically the old orchard. Two surface diversions are located on the east side

of the highway. One is just after Grape Creek crosses under the highway. The ditch from this diversion runs southeasterly and then turns east to cross the south end of the NWSE. The difference in vegetation between the land sprinkled north and the land flooded south of this ditch can clearly be seen on the GIS layout. The last diversion from Grape Creek also goes out to the east and is located in the SE NE SW of the section.

Claim **A43-02279** is based upon a license for ground water issued in 1965. The first well in the SESWNE was supplemented by a second well in the NENENE in 1980. These two wells are interconnected and mingle with the water from the Grape Creek pipeline, and with the spring. The second well in the NENENE is powered by a diesel motor, and Mr. Black stated that it pumped 140 gpm, and that both wells were dependant on groundwater recharge that typically takes place in spring. He said he thinks that the irrigation Ron Ward does from Grape Creek on his pasture in section 31 prolongs the time that he can use his wells in section 6. Sprinkler irrigation from this source occurs in the NE $\frac{1}{4}$ and the N $\frac{1}{2}$ SE $\frac{1}{4}$ of section 6. The place of use claimed represents an accomplished transfer from the tracts licensed, and from the data on the 1980 transfer application.

Claim **43-10304** is on a spring that is located in the SWSE section 6. A 5 hp pump is used to pump the water from this spring into a reservoir built after 1987. From the reservoir the water is piped into the main sprinkler lines. Before the reservoir was constructed, the water from the spring was pumped directly into sprinkler lines. Claimant said that this water is mainly used to run sprinklers up a draw in the S $\frac{1}{2}$ of the NESE section 6. He runs one $\frac{1}{4}$ mile line with 5gpm sprinkler heads. He said that the spring was always a wet spot and that the farm garden was there in the old days. However, through the years the meadow was drained by using tiles and then perforated pipe, and the water was directed toward the spring, so that there is more water available now than when the place was first homesteaded.

Claimant also uses water from **Savage Hollow Creek**, although he has not filed a claim for it. It is used to flood irrigate a draw in the SENE section 6, and also out into the field below it when the water is sufficient. Savage Hollow Creek is tributary to Grape Creek. Clark Ward filed a claim on Savage Hollow Creek for irrigation use to protect his right to the water after it joins Grape Creek, even though he has no diversion on Savage Hollow Cr. Clark Ward is aware of Mr. Black's irrigation use of Savage Hollow, but Mr. Black is reluctant to file a claim on it. During my conversation with Clark Ward, I said that it may be good for me to meet jointly with him, Ron Ward and Jay Black to see what they wanted to do about Savage Creek so that all interests are protected.

Claim **A43-02247** was brought to my attention by Agent Kelly Christensen after my field exam of the Black property. It is based upon a license for the water of Grape Creek. It seems to be of a date that would make it superceded by the Jobe Adams Decree, but further investigation is required due to the particulars of this license.

A second system is used by Mr. Black in sections 1 and 12 T15S R24E. This is a combination of groundwater and surface water from Tater Creek. *See claim file A43-04069 for additional information and photos.*

FIELD EXAM NOTES AND PHOTO LOG

Claim Nos: Various - Jay L Black Date 10-01 1999

Claimant / Area of Concern: Grape Creek Tater Cr, GW Page 1 of

Roll	Pic #	Description
29B	1	Pipe from Spring - GRS SITE R100117 A Pld for Spring
	2-5	Pole from Spring looking west
	6-7	Pond that spring water is conveyed to
	8	Well at GRS Site R100118A in SE SW NE Sec.
	9-13	Pole from well above ↑
	14	Savage Creek Drainage from well above
30	1	Well License 07144 GRS Site R100119A in NW NE Section 12
	2	Ditto
	6-9	Pan from well site above
	10	Tater Creek diversion structure. 3 ditches left & right are irrigation channels, middle is Tater creek. (top diversion)
	11	Tater creek above diversion structure
	12	Tater creek diversion R100120A
	13	Tater creek diversion 20B
	14	Tater creek channel at ↑ diversion
31	1	Tater creek diversion to East R100120B
	2	Tater creek diversion to West R100120C
	3	" " East R100121A
	4-5	Grape Creek diversion at Hwy R100121B
	6	Grape Creek diversion to East R100121C

Notes: 7 Grape Cr diversion above house in Section 1 R100121D Agent: Vikie Hancock

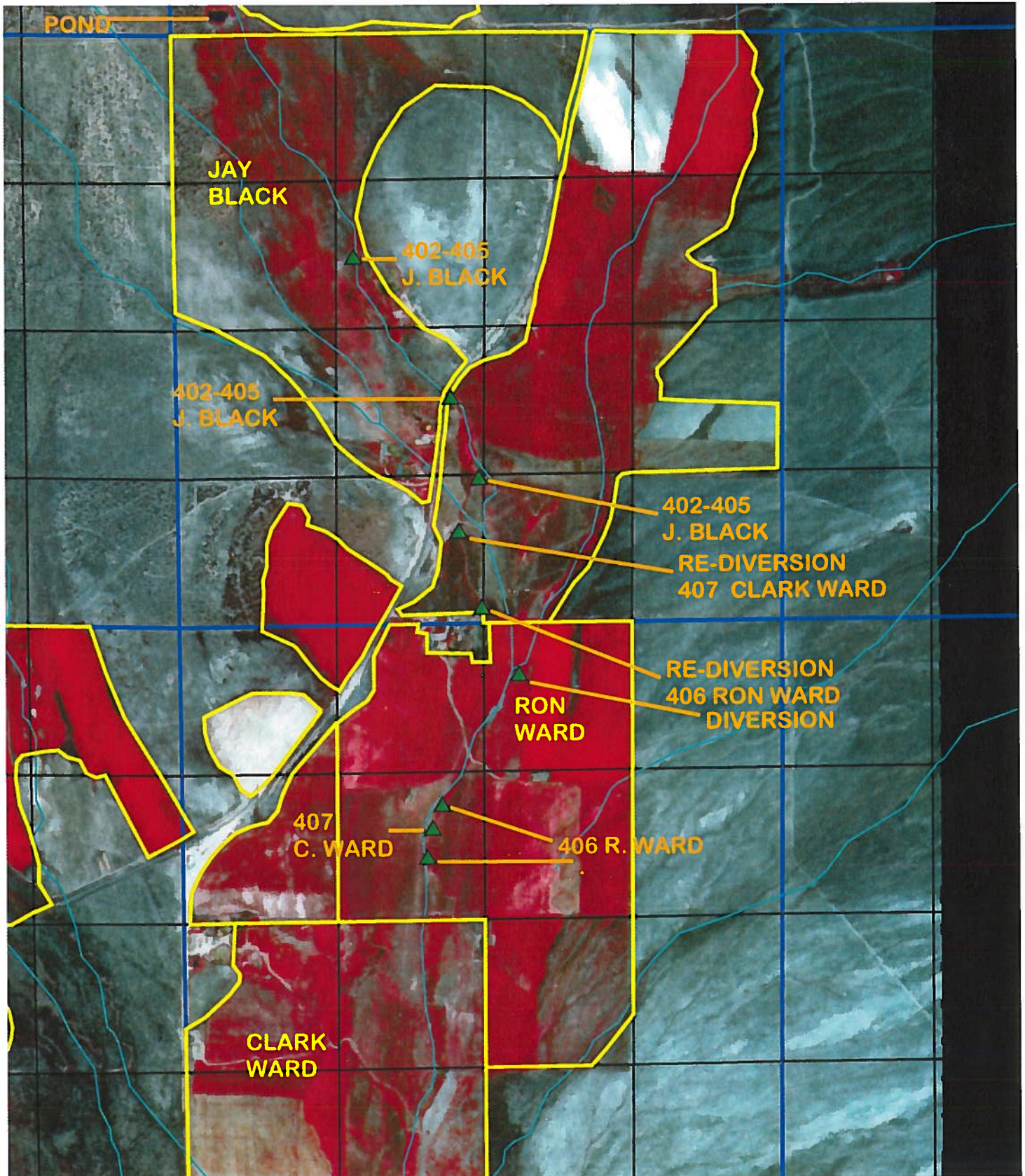
Roll 27-1 Diversion to pasture in Sec 16 from Pond

Roll 28-12, 13, 14 Pasture at top of Section 16

FILE NOTES

GRAPE CREEK DIVERSIONS

TWP 15S RNG 25E



V. HANCOCK

1987 NAPP AERIAL PHOTOGRAPHY

Diversion from
Grape Creek to
Pipe Line

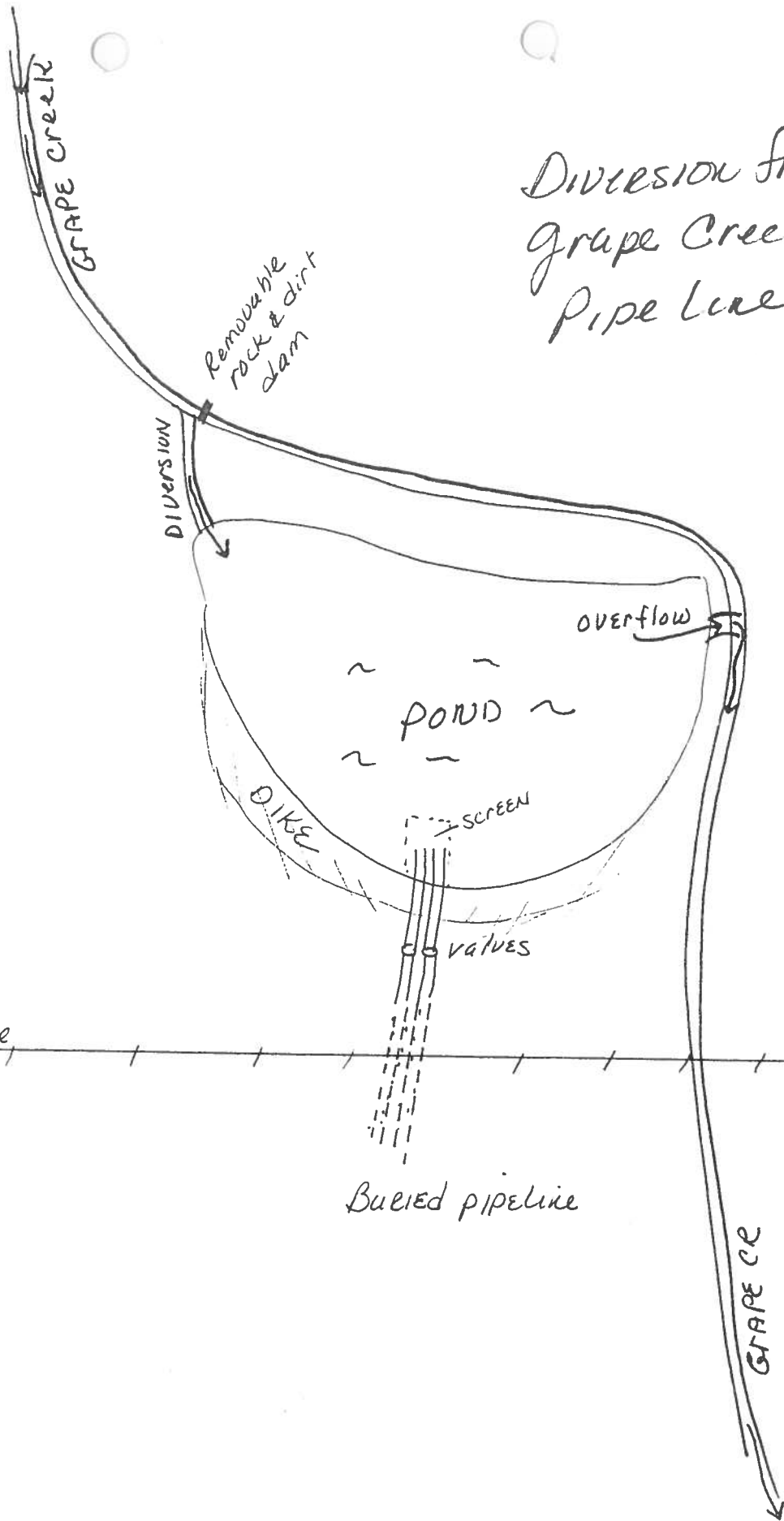
Rng 25 E

T 14 S

36 31
1 6

T 15 S

Fence Line



43-00402

43-00406

3-00477	<u>J. P. Jensen right</u> 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.
3-00396	<u>Geo. D. Graham right</u> 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	<u>C. V. Spencer right</u> 1882-Apr. 30	2 s.f.	$NW\frac{1}{4}$, Sec. 25, Twp. 15 S. R. 24 E.B.M.
398	<u>Jno. Miller right</u> 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	<u>Charles Heath right</u> 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	<u>Henry T. Eames right</u> 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	<u>Robert J. Eames right</u> 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:

Chas. Wake and the other heirs
at law of Eliza Wake
1880-Apr. 1 3.2 s.f.
1881-Apr. 1 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. 320

Asael Lowe and other heirs at
law of John Lowe, deceased.
1880-Apr. 1 3.2 s.f.
1890-Apr. 1 .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. 200

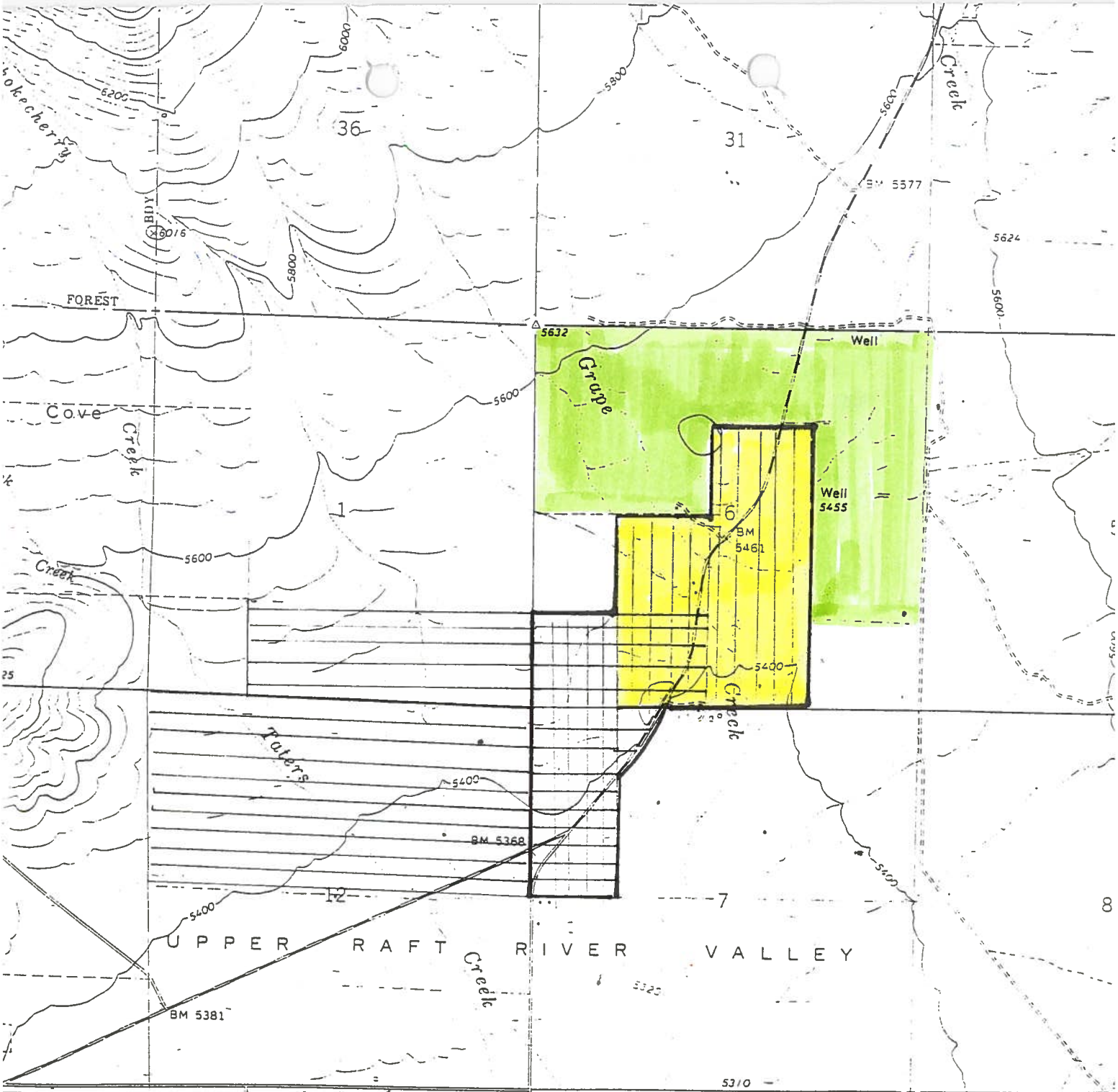
John C. Ward and
Nellie Ward
1880-Apr. 1 3.2 s.f.

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. 160

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. 160

160
Amor



-  DECREE Tracts 402, 403
-  DECREE Tracts 404, 405
-  LICENSE 2279 TRACTS
-  LICENSE 7144 TRACTS

CLAIMS 43-00404
43-00405

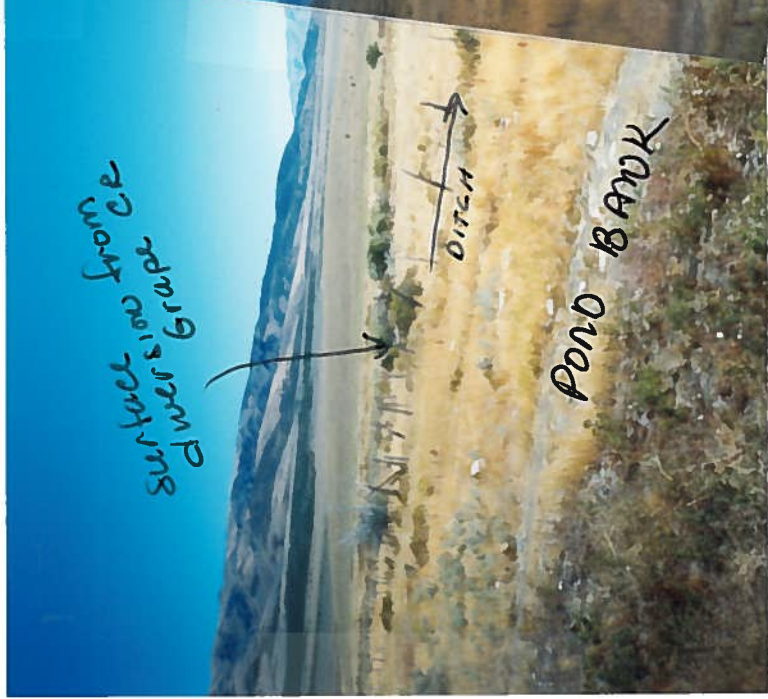
B-00402

Roll 27
Box 1



Pipeline from Pond. POU TOP OF SEC 6
POND IN SECTION 31

Roll 28
Box 1



POU TOP OF SECTION 6. DITCH RUNS ALONG FENCE LINE
FROM GRAPE CREEK TO WEST. IRRIGATES BY FLOODING



043-00402 thru-004105



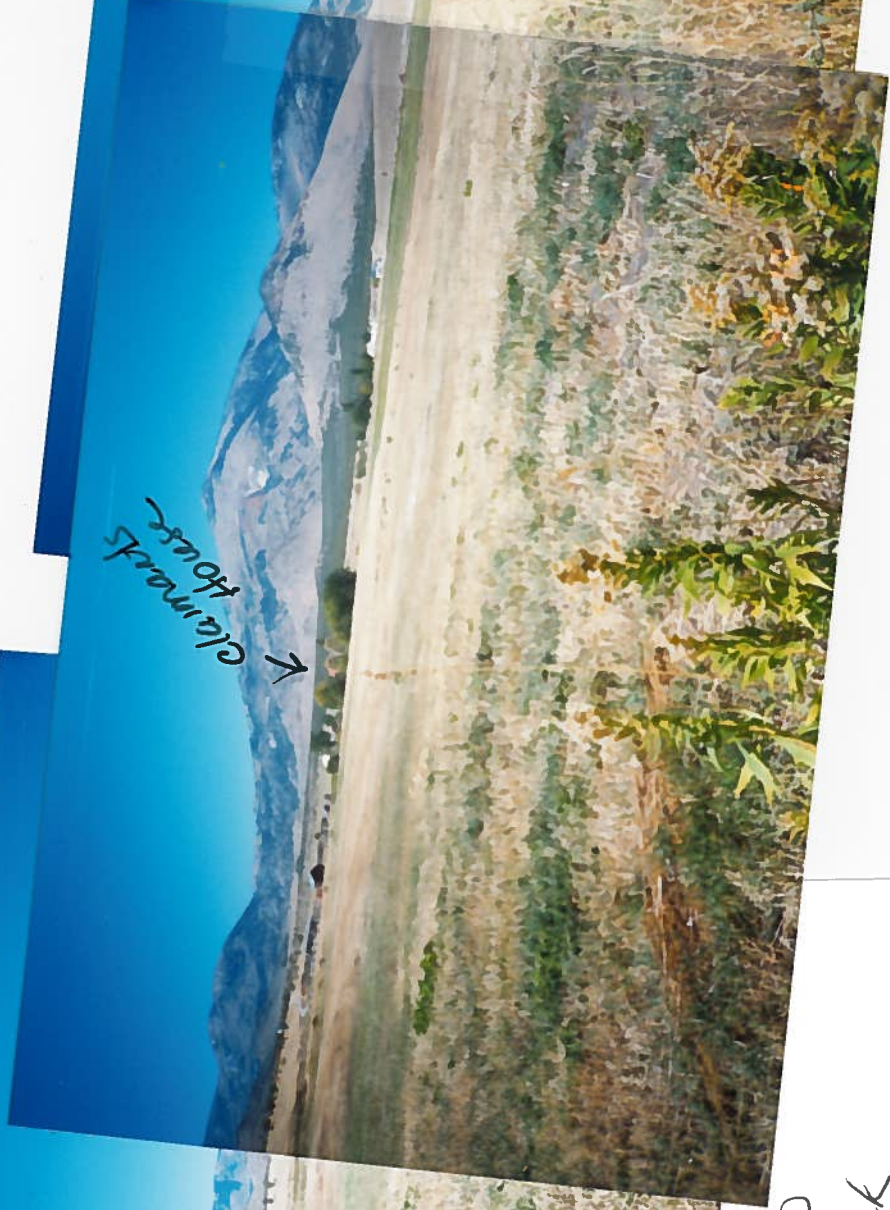
Grape Creek diversion just to East of Hwy
GPS Site R100121B. Sec 6 SW NE NE



Grape Creek diversion SITE R100121C
Sec 6 NE SE SW

NOV. 11/11/12

-00402 and



Location of the Spring looking SW to NW mostly flood irrigated from Grape Creek



Diversion on Grape Creek upstream
of Claimants' house. Used on orchard
in past. Not used for several years
as water plentiful enough to reach
orchard from diversions to west.
GPS Site R100121 D