



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

**PHILIP E. BATT
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

January 22, 1998

JAY AND SHARON BLACK
PO BOX 103
ALMO ID 83312

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim #A43-00404, A43-04069 &
A43-10300

Dear Mr. & Mrs. Black:

Thank you again for responding so quickly. I have processed the notice of the change in ownership of the above-referenced water right claims and changed our records accordingly.

Copies of Adjudication Claim Profile Reports prepared from our computer database are enclosed for your review. If you have any questions, please call me at 800/451-4129.

If your mail delivery address changes in any form, please contact us in writing so we can update our records to assure you receive important notices concerning your water right claims.

Sincerely,

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

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

Enclosures:

Adjudication Claim Profile Reports
"How You Will Receive Notice...."

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED
DEC 18 1997
Department of Water Resources

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

1. Water Right No(s).: A43-10300 A43-04069 A43-00404
Adjudication Claim No(s).: AJ 5809 NP AJ 5809 NP AJ 5809 NP
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant Jay L Black
J Spencer Black
4. New Owner/Claimant(s) Jay L. Black Sharon B Black
Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
New Mailing Address Box 103
City, State and ZIP Code Almo, Idaho 83312
New Telephone Number (208) 824-5593
5. Date you acquired the property 1995
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s) Jay L. Black
Sharon B Black

(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

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

0-598 Modified 43-10300 + 43-04069. Waiting for add'l. info re 00404.
01-22-98 Modified 43-00404.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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Phone: (208) 327-7900 FAX: (208) 327-7866

**PHILIP E. BATT
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

January 5, 1998

RECEIVED

JAN 16 1998

Department of Water Resources

JAY L AND SHARON BLACK
PO BOX 103
ALMO ID 83312

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim #A43-00404

Dear Mr. and Mrs. Black:

Thank you for sending me copies of the tax notices and attaching them to the Adjudication Claim Profile Reports I'd previously sent you. I am returning the set for claim #A43-00404 with a map attached and the sections highlighted. I still need some additional help please.

Sec. 6 (highlighted in pink): Please mark the place of use of your 17 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$.

Sec. 7 (highlighted in green): Please mark the places of use in this section.

I appreciate both your patience and promptness in sorting through this ownership change.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

Enclosures:

Adjudication Claim Profile Report
Tax Notices for Sections 6 and 7
Map

Attention: Sally

I highlighted in pink where the Grape Creek water is used so if there are questions later on it may help. Hope this is OK.

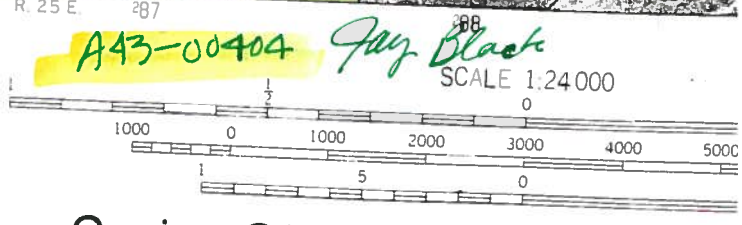
Jay



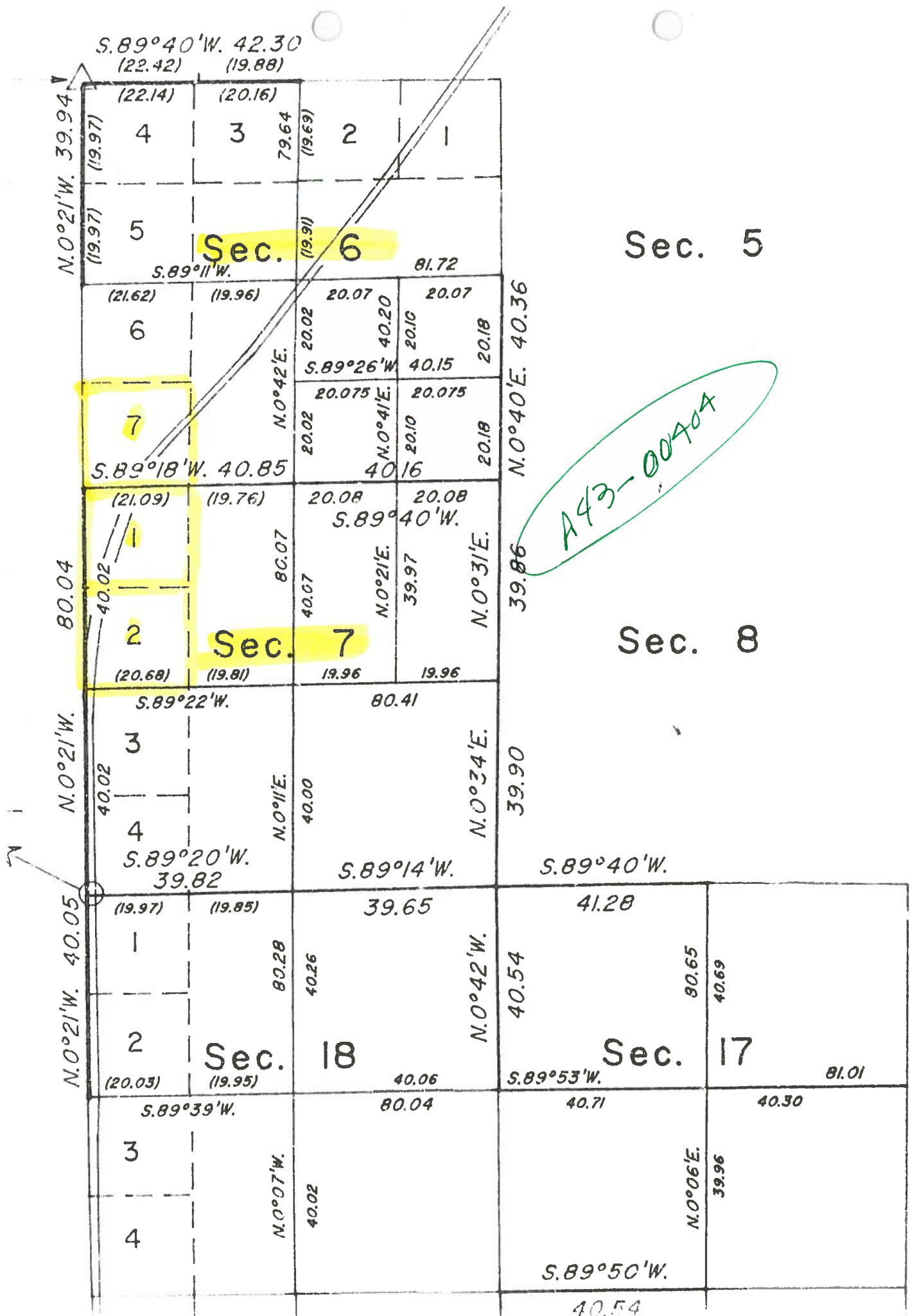
Survey
Conservation Service
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T15S R25E, Sec. 6
RECEIVED
JAN 16 1997
Sec. 7

Department of Water Resources



Copies Of The M



HECK PAYABLE TO:1997 TAX BILL/RECEIPTPARCEL NUMBER
REKSONRP15S25E06000
COUNTY TAX COLLECTORBI # 14259 CODE AREA -00L 53,1
VERLAND PH 678-7202I 61,0
ID 83318
1/2 HALF DUE2ND HALF DUEFULL DUETOT MV114,1
627.70TAX 627.70TAX 1,255.40HM-15,9
LATE
INT
COST
TOTNET MV98,1
WAC5.0
TOT ACS236.5

BLACK JAY L
& BLACK SHARON P H/W
P O BOX 103
ALMO ID 83312
SWNE W1/2SE, LOT 7
E1/2SW LESS T 3071
S 6 T 15 R 25
1977 HILLCREST 14X68
TAXING DISTRICT RATE AMOL
COUNTY .003308889 324.
SCH DIST 151 .007195157 706.
ELBA-ALMO HWY .001304680 128.
FLOOD DIST 15 .000000000
ALMO REC .000371346 36.
DISTRICT TOTAL .012180072 1,195.
SOLID WASTE FEE 60.
AMOUNT DUE 1,255.

RECEIVED
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Department of Water Resources

*** IMPORTANT ***
PLEASE READ BOTH FRONT AND BACK
PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE APPLIED TO THE OLDEST DELINQUENT YEAR.
TO AVOID LATE CHARGES, PAYMENTS MUST BE RECEIVED OR POSTMARKED BY THE DUE DATE.
KEEP TOP PORTION FOR YOUR RECORDS.
PERSONAL CHECKS ARE YOUR RECEIPT SUBJECT TO BANK CLEARANCE.

DATE BY CK/CASH
DATE BY CK/CASH

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH PAYMENT
PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH PAYMENT
PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

JAY L1997 BLACK, JAY L10
14259142

AMOUNT DUE 627.70
COUNTY
E0600000A
PEN
INT
COST
TOT
IF NOT PAID ON OR BEFORE JUNE 20, 1998
PAID CHECK #
BY CASH

2ND HALF TAX
AMOUNT DUE 627.70
CASSIA COUNTY
RP15S25E060000A
70-00
PEN
INT
COST
TOT
DELINQUENT IF NOT PAID ON OR BEFORE DECEMBER 22, 1997
DATE PAID
PAID BY

1ST HALF TAX
AMOUNT DUE 627.70
FULL TAX
AMOUNT DUE 1,255.
PEN
INT
COST
TOT
CHECK #
CASH

ECK PAYABLE TO:
REKSON
COUNTY TAX COLLECTOR
ERLAND PH 678-7202
ID 83318

1997 TAX BILL/RECEIPT
BILL# 14264 CODE AREA 00-00 L

PARCEL NUMBER
RP15S25E07257
6

HALF DUE	2ND HALF DUE	FULL DUE	TOT MV	
4.20	4.20	8.40		6
TAX	TAX			
LATE	LATE			
INT	INT			
COST	COST			
TOT	TOT		TOT ACS	2.0

BLACK JAY L & BLACK SHARON H/W RURAL ROUTE ALMO ID 83312	TAXING DISTRICT COUNTY .003308889 SCH DIST 151 .007195157 ELBA-ALMO HWY .001304680 FLOOD DIST 15 .000000000 ALMO REC .000371346 AMOUNT DUE .012180072	RATE 2. 4. . . . 8.
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T 3688 S 71T 15 R 25
CONTIGUOUS WITH 15S25E073000

A43-00404

01-20-98 Assessor's Ofc said
3000 = NW NW
She also said they own land
in the NE NW, but Mr. Black
didn't mark the NE NW on map.

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DEC 18 1997
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TE BY CK/CASH
TE BY CK/CASH

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PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH PAYMENT
PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

JAY L 1997 BLACK, JAY L 19
14264 142

AMOUNT DUE	2ND HALF TAX	AMOUNT DUE	1ST HALF TAX	AMOUNT DUE	FULL TAX
4.20		4.20		8.	

COUNTY E072575A	PEN INT COST TOT	CASSIA COUNTY RP15S25E072575A 70-00	PEN INT COST TOT	PEN INT COST TOT
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IF NOT PAID ON OR BEFORE JUNE 20, 1998 CHECK # CASH	DELINQUENT IF NOT PAID ON OR BEFORE DECEMBER 22, 1997 CHECK # CASH	TXNT
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HECK PAYABLE TO:
REKSON
COUNTY TAX COLLECTOR
ERLAND PH 678-7202
ID 83318
HALF DUE
62.86

1997 TAX BILL/RECEIPT
BILL # 14265
CODE AREA 00-00
L

PARCEL NUMBER
RP15S25E07300
10.0

2ND HALF DUE
TAX 62.86
LATE
INT
COST
TOT

FULL DUE
TAX 125.72
LATE
INT
COST
TOT

TOT MV 10.0
WAC 1.4
TOT ACS 82.0

BLACK JAY L
& BLACK SHARON P H/W
P O BOX 103
ALMO ID 83312

TAXING DISTRICT	RATE	AMOUNT
COUNTY	.003308889	34.
SCH DIST 151	.007195157	74.
ELBA-ALMO HWY	.001304680	13.
FLOOD DIST 15	.000000000	
ALMO REC	.000371346	3.
AMOUNT DUE	.012180072	125.

LOT 1, LOT 2 LESS T 4305
S 7 1/2 T 15 R 25

143-00404

RECEIVED

DEC 18 1997

Department of Water Resources

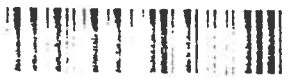
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TE BY CK/CASH
TE BY CK/CASH

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH PAYMENT
PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

JAY L 1997 BLACK JAY L 15
14265 142



2ND HALF TAX
62.86

AMOUNT DUE 62.86



1ST HALF TAX
62.86

AMOUNT DUE 62.86

FULL TAX
125.72

125.72

COUNTY
E073000A

PEN
INT
COST
TOT

CASSIA COUNTY
RP15S25E073000A
70-00

PEN
INT
COST
TOT

PEN
INT
COST
TOT

NOT PAID ON OR BEFORE JUNE 20, 1998
AID CHECK #
Y CASH

DELINQUENT IF NOT PAID ON OR BEFORE DECEMBER 22, 1997
DATE PAID CHECK #
PAID BY CASH

DIVERSION
 VOLUME

Stage: DECREED

CASSIA County
CASSIA County

A diagram of a cell with a nucleus. A label 'N' with an arrow points to the nucleus.

TOTAL ACRES

Other Rights: 43-00405, 43-02279, A4307144

Objection Filed Date:

Presumption Flag:

RECEIVED
DEC 18 1997
Department of Water Resources



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 26, 1997

recalled 12-15-97. Will put in mail today.
JAY BLACK
BOX 103
ALMO ID 83312

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim #A43-00404, A43-04069 & A43-10300

Dear Mr. Black:

We will be submitting water right claims to the SRBA Court for decree in the near future, and I need your assistance please.

Your Claim #A43-10300 is missing the quarter-quarter section for the Place of Use. I have enclosed a map of the property description shown on water right claim #A43-10300. Please mark the location of the Place of Use on the map and return it to me by December 10, 1997.

The Cassia County Assessor records reflect you and Sharon Black as the new owners of the property connected with water right claims A43-00404 and A43-04069. I have enclosed an ownership change form for your possible use.

Please return the documents to me no later than December 10, 1997, and call me toll-free at 1-800/451-4129 if you have any questions.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:state
Enclosures:

Map

Adjudication Profile Reports (A43-00404, A43-04069
& A43-10300)

Form 42-248/42-1409(6)

5000

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: A43-00404
Date Received: 5/31/1989
Receipt No: 17003787
Received By: AB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

OR
Name: J. SPENCER 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 ON CREEK, GRAVITY TO DITCHES

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	SW		NE ✓		IRR	25.0
			NE		SW ✓		IRR	35.0
			SW		SW		IRR	17.0
			SE		SW ✓		IRR	35.0
			NW		SE ✓		IRR	40.0
			SW		SE ✓		IRR	30.0
							Section Acres	182.0
		7	NE		NW		IRR	5.0
			NW		NW		IRR	30.0
			SW		NW		IRR	23.0
					Section Acres	58.0		
					Total Acres	240.0		

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:
43-00405, 43-02279, A4307144

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

Anna Baunhoff
Notary Public

Seal

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

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.

UAT

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

*Decreed
June 2000*

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 VolumeTotal 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.

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



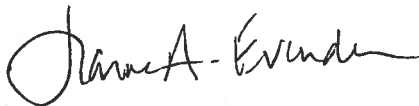
J. L. Black

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

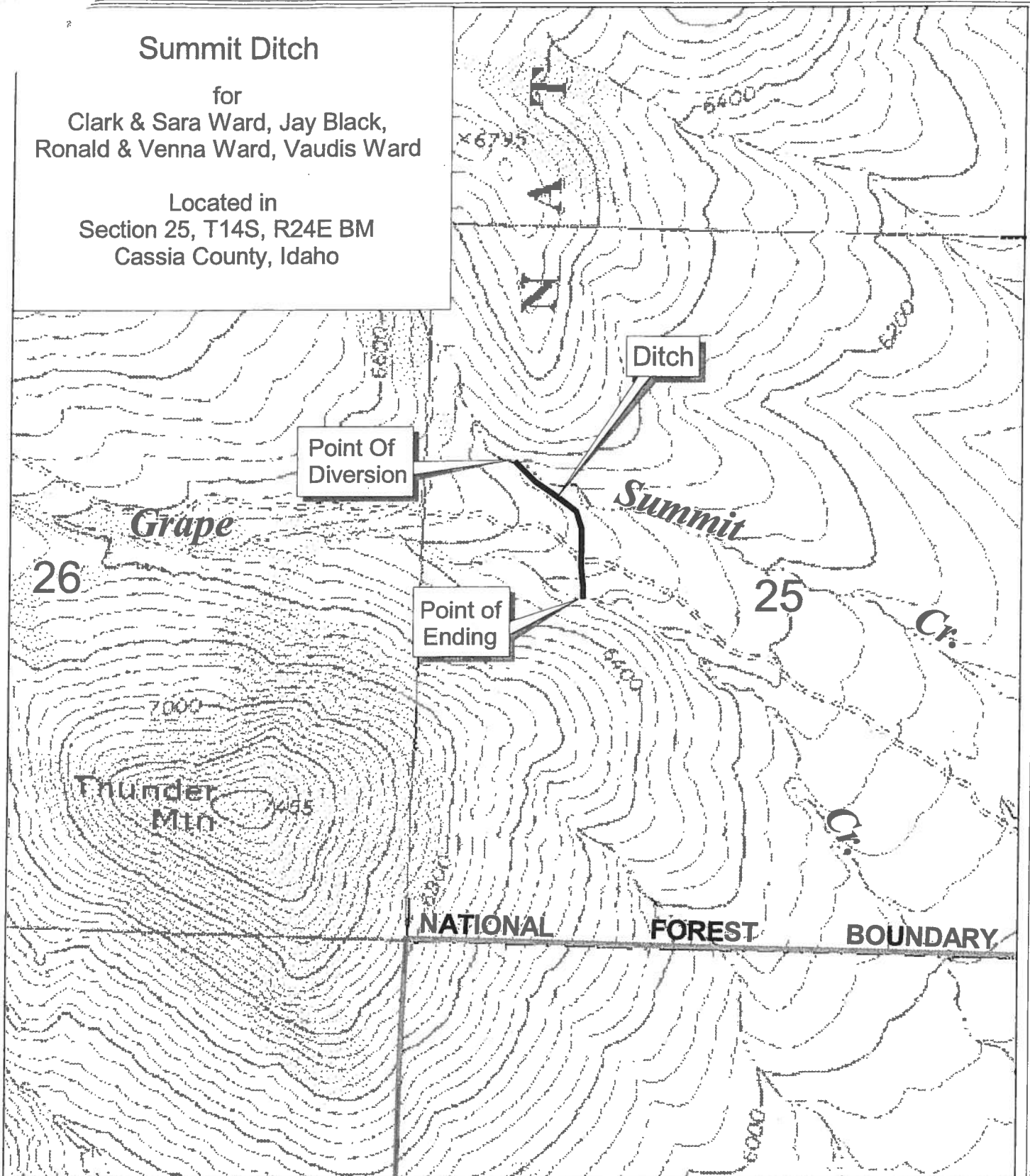
Enclosure

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

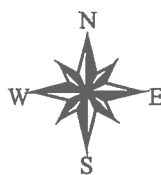
Summit Ditch

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: 43-404

NAME AND ADDRESS: JAY L BLACK
SHARON P 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.: 43-402, 43-403A, 43-405, 43-2247, 43-2279, 43-10304,
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		SWSENW	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. 43-405 IS LIMITED TO THE
IRRIGATION OF THE SAME 200 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.: 43-402, 43-403A, 43-
405, 43-2247, 43-2279, 43-10304, 43-13030.

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

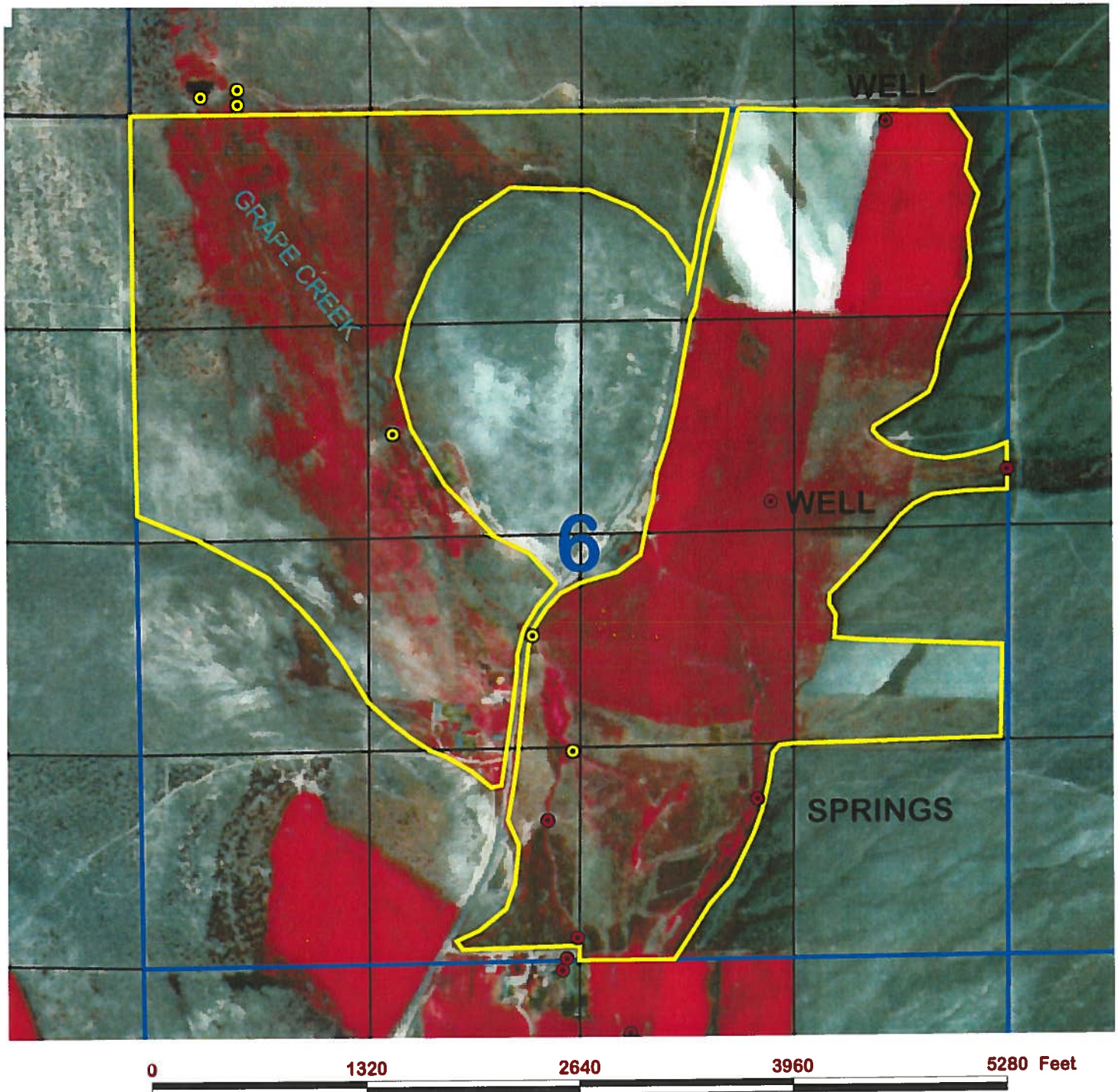
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE
DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS
MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY
OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

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: 43-404

NAME AND ADDRESS: JAY L BLACK
SHARON P 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 7.5 CFS. COMBINED RIGHT NOS.:
43-402, 43-403A, 43-405, 43-2247, 43-2279, 43-10304.

43-13030

PRIORITY DATE: 04/01/1880

10.4 see note w/ 43-403A decree

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

ADD POOS SWSW SEC 31

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 LOT 1 SWNE	23	T15S R25E S6 LOT 2 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 LOT 4 SENW	11
T15S R25E S6 LOT 5 NESW	35	T15S R25E S6 LOT 6 NWSW	9.6
T15S R25E S6 LOT 5 SESW	14	T15S R25E S6 LOT 6 NESE	23
T15S R25E S6 LOT 5 NWSE	38	T15S R25E S6 LOT 6 SWSE	30

374.6 ACRES TOTAL

378 - added 43-13030

USE OF THIS RIGHT WITH RIGHT NO. 43-405 IS LIMITED TO THE
IRRIGATION OF THE SAME 200 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.: 43-402, 43-403A, 43-
405, 43-2247, 43-2279, 43-10304.

43-13030

378

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

Per noE mty
w/claimant
6-5-01
JAH

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.

404 & 405 limited to
the same 300 as
w/ 400 APR

See file 43-00402

RECOMMENDATION NOTES

From: Vikie Hancock

11/7/00

Regarding: Claims 43-404, 3.2 cfs
and 43-405, 0.8 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 4 cfs from Grape Creek, indicates that a maximum total of 200 acres are included in the decreed place of use. Claimant did not indicate, during my field exam, that water from Grape Creek was used to irrigate the SWSW Section 6 or the NW $\frac{1}{4}$ section 7 as claimed in the SRBA. These lands are outside the original decreed place of use.

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 200 acres within the permissible place of use identified.

*RE: comb diversion limits.
See note concerning highwater right 43-403A
in that claim file*

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 ¼ and the N ½ SE ¼ 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 ½ of the NESE section 6. He runs one ¼ 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.*

43-00477	<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.
13-00396	<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:

3-00402 403	<u>Chas. Wake and the other heirs</u> <u>at law of Eliza Wake</u> 1880-Apr. 1 1881-Apr. 1	3.2 s.f. 3.2 s.f. 6.4 = 320"	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 ac
404 405	<u>Asael Lowe and other heirs at</u> <u>law of John Lowe, deceased.</u> 1880-Apr. 1 1890-Apr. 1	3.2 s.f. .8 s.f. 4.0 = 200"	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 ac
406	<u>John C. Ward and</u> <u>Nellie Ward</u> 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	<u>Orville Ward and</u> <u>Nina Ward</u> 1880-Apr. 1			

ALBION-IDAHO LAND COMPANY

-vs-

JOBE ADAMS, et al

DECREE #992 10-18-1928

m Grape Creek for the
 $W\frac{1}{4}$, Sec. 13, Lot 3,
c. 7, Twp. 15 S. R.

Amended