

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: A43-00407
Date Received: 5/30/1989
Receipt No: M003762
Received By: JD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: VAUDIS J. WARD 208-824-5560
Address: HC 61, BOX 1560
ELBA, ID 83326
OR
Name: CLARK W. WARD 208-824-5560
Address: HC 61, BOX 1560
ELBA, ID 83326
OR
Name: SARA JANE WARD
Address: HC 61 BOX 1560
ELBA, ID 83326

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	Lot	County
14S	25E	31		SW	SW		CASSIA
15S	25E	6	NE SE SW	SW	SE		CASSIA
		7	NE	SE	NW		CASSIA

5. Description of diverting works:
POND, HEADGATE, PIPELINE TO DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.200		
STOCKWATER	01/01	12/31	0.070		

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

8. Total consumptive use is 451.9 Acre Feet Per Annum.

A43-00407

Page 1

Date: 08/11/89

MICROFILMED
MAR 03 1993

9. Non-irrigation uses:
S/ 200 HEAD CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	25E	7		NW		STOCK	
				SW		STOCK	
			NE	SW		IRR	40.0
			NW	SW	3	IRR	40.0
			SE	SW		IRR	40.0
				SE		STOCK	
						Section Acres	120.0
		17		SW		STOCK	
		18		NW		STOCK	
			NE	NW		IRR	40.0
				SW		STOCK	
				SE		STOCK	
						Section Acres	40.0
						Total Acres	160.0

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A43-07112, A43-04110, A43-02044, A43-10291

14. Remarks:
ALL OF THE SURFACE RIGHTS INCLUDED WITH IN THE RIGHTS DESCRIBED
IN PARAGRAPH 13 ARE CONSTANTLY SUBJECT TO SHORTAGE. THEREFORE
WHATEVER WATER IS AVAILABLE FROM THOSE SURFACE RIGHTS, IF SHORT
IS SUPPLEMENTED BY THE WELLS AND USED INTERCHANGEABLY ON THE LAND
CLAIMED IN PARAGRAPH 13.

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

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 Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ 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 _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 26, 1997

RECEIVED

SEP 30 1997

Department of Water Resources
Southern Region

TRISH FAWCETT
IDAHO DEPT OF WATER RESOURCES
1341 FILLMORE ST SUITE 200
TWIN FALLS ID 83301-3380

RE: ADDRESS & OWNERSHIP CHANGES FOR SOUTHERN REGION

Dear Ms. Fawcett:

Enclosed is a list of southern region records that our office changed. After the records were changed I realized I should have sent them to your office to do the changes.

I apologize for the inconvenience.

The first item (for Basin 43) is a change of address for attorney Ray Rigby that was sent to us from Boise.

The second item (for Basin 72) is a change of ownership from San Felipe Ranch to Mountain Springs Ranch LLC that was sent to us from San Felipe Ranch.

If you have questions, do not hesitate to contact me.

Sincerely,

Jennifer Hoagland
Technical Records Specialist

Enclosure

RECEIVED

SEP 30 1997

Department of Water Resources
Southern Region

SD-1151-2

Idaho Department of Water Resources
Selection File Maintenance, Screen II

Date 09/25/97
Time 09:46:2

Go to Page ____

Page: 1

34-00057	34-00058	34-00187A	34-12432	34-00195D
34-00196C	34-00796	34-00834	34-00836	34-02277
34-02480B	34-02491E	34-07075	34-10484	34-10490
34-12431	A01-00175	A21-00083	A21-00141	A21-02035
A21-02037	A21-04153	A21-10166	A21-11088	A21-11146
A21-11147	A22-00654	A22-00655	A22-07069	A22-07103
A22-07114	A22-07230	A22-11162	A34-00211	A34-00676A
A34-00801	A34-00802	A34-02075	A34-07146	A34-10688
A34-10694	A34-10701	A34-10706	A34-10709	A43-00407
A43-00419	A43-02044	A43-02215	A43-04110	A43-07112
A43-10290	A43-10291	-	-	-
-	-	-	-	-
-	-	-	-	-
-	-	-	-	-

A21-04153 }
A22-10166 }

Ray. Rigby ~~was~~ ^{is} owner, all other numbers he
is the attorney.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83726-0000
Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

SEP 30 1997

Department of Water Resource
Southern Region

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 19, 1997

RAY W RIGBY
~~25 N 200 E~~ P.O. Box 250
REXBURG ID 83440

9-15-97 Records
NOT modified.
-ps

RECEIVED

AUG 28 1997

Re: Snake River Basin Adjudication (SRBA)
Change of Address

Department of Water Resources

Dear Mr. Rigby:

IDWR has been notified by the U.S. Post Office the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water rights and those of your clients can be sent only to the address on your water rights or as otherwise changed by you.

I have enclosed a Selection File Contents sheet which lists not only water rights under your name as Claimant, but also those of your clients.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the properties connected with the water rights referenced above, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the claim record.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

Enclosure

The address is correct as shown above or as otherwise changed.

Claimant/Attorney For Claimant Signature

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
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ELBA, ID 83326
OR
Name: CLARK W. WARD 208-824-5560
Address: HC 61, BOX 1560
ELBA, ID 83326

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			CASSIA
15S	25E	6	SW	SE			CASSIA
		7	SE	NW			CASSIA

5. Description of diverting works:
POND, HEADGATE, PIPELINE TO DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.200		
STOCKWATER	01/01	12/31	0.070		

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

8. Total consumptive use is 451.9 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 200 HEAD CATTLE

A43-00407

Page 1

Date: 06/01/89

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	25E	7		NW		STOCK	
				SW		STOCK	
			NE	SW		IRR	40.0
			NW	SW	3	IRR	40.0
			SE	SW		IRR	40.0
				SE		STOCK	
						Section Acres	120.0
		17		SW		STOCK	
		18		NW		STOCK	
			NE	NW		IRR	40.0
				SW		STOCK	
				SE		STOCK	
						Section Acres	40.0
						Total Acres	160.0

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

A43-07112, A43-04110, A43-02044, A43-10291

14. Remarks:

ALL OF THE SURFACE RIGHTS INCLUDED WITH IN THE RIGHTS DESCRIBED IN PARAGRAPH 13 ARE CONSTANTLY SUBJECT TO SHORTAGE. THEREFORE WHATEVER WATER IS AVAILABLE FROM THOSE SURFACE RIGHTS, IF SHORT IS SUPPLEMENTED BY THE WELLS AND USED INTERCHANGEABLY ON THE LAND CLAIMED IN PARAGRAPH 13.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

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 Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ 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 _____

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

Date Received

Receipt Number

443-00407

5-30-89

MO03762

RECEIVED
MAY 30 1989
Department of Water Resources

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Clark W. Ward or, 208 824-5560
Sara Jane Ward or, 208 824-5560
Vaudis J. Ward, a widow Phone (208) 824-5559

Mailing Address HC 61, Box 1560, Elba, Idaho Zip 83326

2. Date of Priority (Only one (1) per claim) April 1, 1880

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

4. a. Location of existing point of diversion is: Township 15S Range 25E Section 6,
1/4 of SW 1/4 of SE 1/4, Govt. Lot, B.M., County of Cassia

Additional points of diversion if any: Twp. 15S, Rge. 25E, Sec. 7, SE1/4NW1/4; Twp. 14S,
Rge. 25E, Sec. 31, SW1/4SW1/4

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. pond, headgate, mouth of pipeline and
pipeline to the land. For the surface rights, headgates and lateral ditch
are used.

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MAR 03 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4-1 to 11-1 amount 3.2 or _____

For Stockwatering purposes from 1-1 to 12-31 amount 0.070 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3.27 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 451.90 acre feet per annum. for this and other claims.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 200 head of cattle

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	
15S	25E	7							S	S	S	S	S	S	S	S	S	S	120
15S	25E	18					S		S	S	S	S			S	S	S	S	40
15S	25E	17									S	S	S	S					

Total number of acres irrigated 160

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 x No _____
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.

43-07112; 43-04110; 43-02044; The Big Spring; Savage Keg & Cliff or None ()

14. Remarks:

All of the surface rights included within the rights described in paragraph 13 above are constantly subject to shortage. Therefore, whatever water is available from those surface rights, if short, is supplemented by the well and used interchangeably on the lands claimed in paragraph 13 above.

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MAR 03 1993

Last Name ward Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

SEE ATTACHED MAP

A 16x16 grid of squares. Each square contains a crosshair pattern formed by two perpendicular dashed lines intersecting at the center. The grid is composed of 16 columns and 16 rows of these squares.

MICROFILMED

MAR 03 1993

Copies: White-State, Yellow-Claimant

Last Name Ward Ident No.

Ident No.

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number 43-00407
Court 11th (now 5th) Jud. Dist. Case Number _____ Decree Date 10-18-28
Plaintiff vs Defendant Albion-Idaho Land Co. v. Jobe Adams et al.

16. Signature (s)

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

Number of attachments 4

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

Signature of Claimant (s)

Robert W. Ward
Sara Jane Ward
Vandis J. Ward

5/24/89

Date 5/24/89

Date 5/24/89

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or _____)

) SS.

County of Madison)

Subscribed and sworn (or affirmed) before me this 24th day of May 1989

SEAL

Notary Public

Debra A. Keller

Residing at

Rexburg, Idaho

My Commission Expires

11-15-93

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Ray W. Rigby 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

Ray W. Rigby

Address 25 N. 2nd E., POB 250, Rexburg, Idaho

Date 5/24/89

MICROFILMED

MAR 03 1993

Last Name Ward Ident. Number _____

Copies White-State, Yellow-Claimant

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: M003762

COPY TO FILE # A4300407

6/26/89 AB

Date: 05/30/89
Time: 19:18:15

NUMBERS PUT ON RECEIPT
ORIGINAL ONLY HAD TOTAL \$

Received

From: O.U. RANCH/WARD, VAUDIS

Type of Payment	Program Acct Class	Amount
SNAKE RIVER BASIN GENERAL ADJUD. FEES	0410162 9337 6490	\$995.00
Total		\$995.00

CHECK 526

WR/NO: A43-07112 A43-10290 A43-00419 A43-10291 A43-04110
A43-10292 A43-00407 A43-10293 A43-02044

Idaho Department of Water Resources

Region: MOBILE I

Signature: _____

MICROFILMED
MAR 13 1993

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.

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.

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.

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. 18, 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.

MICROFILMED
MAR 03 1993

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 hereinafter 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

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.

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 $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6, Twp. 15 S.R. 25 E.B.M.

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.

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. 18, Lot 3, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 7, Twp. 15 S.R.

MICROFILMED

MAR 03 1993

he beautiful



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

July 18, 1995

MS. PORTIA JENKINS
LEGAL ASSISTANT
RIGBY THATCHER ANDRUS
PO BOX 250
REXBURG, ID 83440-0250

RE: MR. RIGBY'S NOTICE OF APPEARANCE FOR SRBA CLAIMS IN THE NAME
OF VAUDIS J., CLARK W., AND SARA JANE WARD IN IDWR BASIN 43

Dear Portia:

As we discussed in our phone conversation last Friday, 07-14-1995, when you returned my call, I have corrected the ownership of the above claims to show Mr. Rigby having signed the claims as the Notice of Appearance attorney. Please note the enclosure showing the A coding for the claim numbers that correspond to the Ward filings in Basin 43.

I also enclose copies of the department's claim proof report showing the updated record for the Ward claims as represented to you. Please review the file memo enclosed that shows I will keep in touch with Mr. Rigby in the future to notify him of the field exam when we get to it and any other issues as they develop.

Thank you, as usual, for your help in getting our own error(s) corrected to make your client's claims accurate and both our jobs a lot easier down the road.

Glad to hear that your family is well and thanks again for the article on the son-in-law. Best wishes.

Sincerely,

Francis G. Hitchcock
Water Resource Agent, Sr.

cc: enclosures

*included set of
proof reports too*

COPY

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A43-00407 ET ALL

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Frank Hitchcock

July 14, 1995 9:57am
10:25

NAME:

TF PORTIA JENKINS, RIGBY'S OFFICE

RE:

A43-00407 ET AL/WARD, V.

I HAD CALLED THE DAY BEFORE (07-13-1995) TO TELL HER THAT CLAIM-TAKING HAD MISSED MR. RIGBY'S NOA SIGNATURE IN THE CODING OF OWNERSHIP. SINCE MS. JENKINS IS A FRIEND OF MINE AND MR. RIGBY'S LEGAL ASST. IS FELT THAT CONTACTING HER WAS APPROPRIATE TO EXPLAIN THE PROBLEM.

SHE WILL GET A COPY OF THIS MEMO AND A COPY OF THE COMPLETED OWNERSHIP CODE CHANGE(S) SINCE THERE ARE EIGHT CLAIM NUMBERS SUBJECT TO MR. RIGBY'S REPRESENTATION. I WILL LIST THEM BY CLAIM NUMBER IN THE CORRESPONDENCE TO HER.

SHE AGREED THAT IT SOUNDED APPROPRIATE TO COMMUNICATE WITH HER AT THE OUTSET AND THAT IF AND WHEN I NEED TO DO THE FIELD EXAM I WILL NOTIFY THE FIRM ATTN MR. RIGBY AS PER OUR EXAM MANUAL. ANY FURTHER CONTACTS WILL BE TO MR. RIGBY PER THE MANUAL. CC TO FILE(S).

6/9/94

COMMUNICATION DOCUMENTATION

Claim No.A43-00407 ET AL

—
This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Frank Hitchcock

04-21-1995 9:00 AM

A REVIEW OF THIS FILE FOR PLOTTING PDS FOR MEASUREMENT THIS SEASON REVEALS THE FOLLOWING:

- ①
1. ORIGINAL CLAIMS SIGNED BY ATTORNEY RAY RIGBY BUT NO ATTORNEY CODE FOUND ON PROOF QUERY OR ON SEL FILES FOR 43.
 2. NO EVIDENCE OF PRIORITY RETURN(S) FOR THE BENEFICIAL USE CLAIMS.
 3. LETTER COPY TO CLAIMANT 02-06-1992 RE: SYSTEM ANALYSIS AND A LEGAL ANALYSIS FOR A43-02215, -02044 AND -10290. DUE TO THE ERROR NOTED IN ITEM 1 ATTORNEY DIDN'T SEE THIS CONTACT ABOUT THE ISSUES. A COPY OF THE LETTER AND A REQUEST FOR OUTCOME(S) TO KKC 04-20-95.
 4. ATTORNEY ADDRESS INCOMPLETE AND NO PHONE NUMBER.

① Attorney file updated w/ claimant name, claim #s.
04-24-95 by FH.

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

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	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

<u>Source</u>	<u>Tributary</u>
SUMMIT CREEK	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	6/01 to 9/30	0.020 CFS	
	<u>Total Diversion:</u>	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 Recorn 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



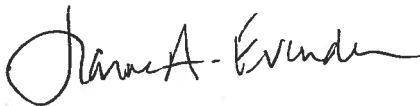
J. L. Black

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

06/14/2001

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

RIGHT NUMBER: 43-407

NAME AND ADDRESS: CLARK WARD
SARA JANE WARD
VAUDIS J WARD
HC 61 BOX 1560
MALTA, ID 83342

SOURCE: GRAPE CREEK TRIBUTARY: RAFT RIVER

QUANTITY: 3.2 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 04/01/1880

POINT OF DIVERSION:	T14S R25E S31	LOT 4	SWSWSW	Within CASSIA County
	T15S R25E S6		NESESW	Within CASSIA County
	T15S R25E S7		NESENW	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
STOCKWATER	01-01 12-31	0.05 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County							
T15S R25E S18		NENW	40	T15S R25E S18	LOT 1	NWNW	40
T15S R25E S18	LOT 2	SWNW	39	T15S R25E S18		SESW	40
T15S R25E S18		NESW	40	T15S R25E S18	LOT 3	NWSW	38
T15S R25E S7		NESW	39	T15S R25E S7	LOT 3	NWSW	37
T15S R25E S7	LOT 4	SWSW	40	T15S R25E S7		SESW	40
STOCKWATER Within CASSIA County							
T15S R25E S18		NENW		T15S R25E S18	LOT 1	NWNW	
T15S R25E S18	LOT 2	SWNW		T15S R25E S18		SESW	
T15S R25E S18		NESW		T15S R25E S18	LOT 3	NWSW	
T15S R25E S7		NESW		T15S R25E S7	LOT 3	NWSW	
T15S R25E S7	LOT 4	SWSW		T15S R25E S7		SESW	

393 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 383 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 43-407, 43-2215, 43-4110, 43-
7112, 43-10290, 43-13029.

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

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

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.

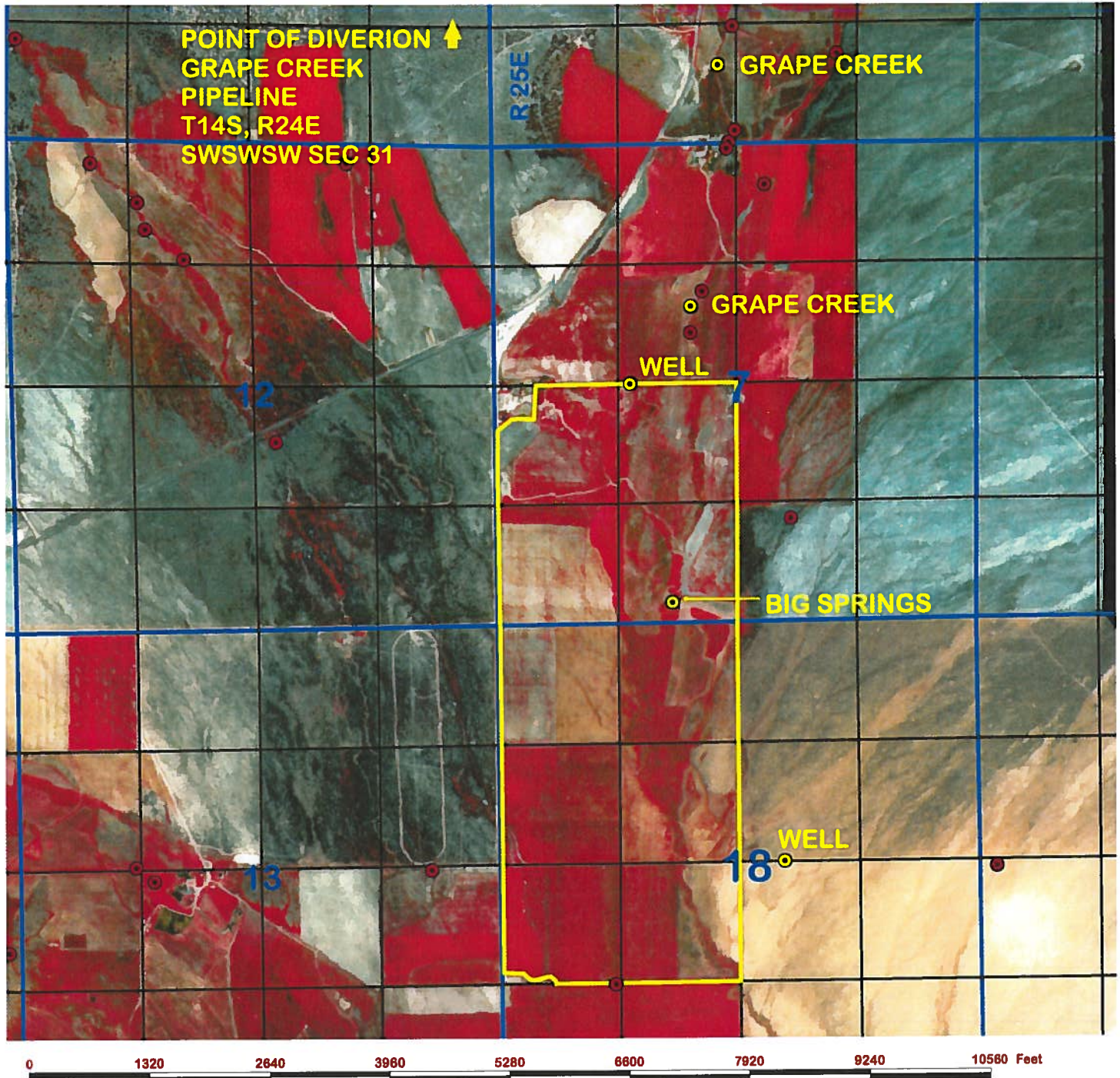
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

STOCKWATER 200 RANGE CATTLE

Idaho Department of Water Resources

RIGHTS: 43-407, 43-2215, 43-4110,
43-7112, 43-10290, 43-13029

RECOMMENDED PLACE OF USE
TWP 15S, RNG 25E,
Data entry on June 14, 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

01/26/2001

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

RIGHT NUMBER: 43-407

NAME AND ADDRESS: CLARK W WARD
SARA JANE WARD
VAUDIS J WARD
HC 61 BOX 1560
ELBA ID 83326

maia

SOURCE: GRAPE CREEK

TRIBUTARY: RAFT RIVER

QUANTITY: 3.2 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 6.86 CFS. COMBINED RIGHT
NOS.: 43-407, 43-2115, 43-4110, ~~43-7112~~, 43-10290.

PRIORITY DATE: 04/01/1880

POINT OF DIVERSION:	T14S R25E S31	LOT 4	SWSWSW	Within CASSIA County
	T15S R25E S6		NESESW	Within CASSIA County
	T15S R25E S7		NESENW	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
STOCKWATER	01-01 12-31	0.05 CFS

PLACE OF USE:

ch (

IRRIGATION Within CASSIA County									
T15S R25E S18		NENW	40	T15S R25E S18	LOT 1	NWNW	40		
T15S R25E S18	LOT 2	SWNW	40	T15S R25E S18		SESW	40		
T15S R25E S18		NESW	40	T15S R25E S18	LOT 3	NWSW	39		
T15S R25E S7		NESW	39	T15S R25E S7	LOT 3	NWSW	33		
T15S R25E S7	LOT 4	SWSW	41	T15S R25E S7		SESW	40		
STOCKWATER Within CASSIA County									
T15S R25E S18		NENW		T15S R25E S18	LOT 1	NWNW			
T15S R25E S18	LOT 2	SWNW		T15S R25E S18		SESW			
T15S R25E S18		NESW		T15S R25E S18	LOT 3	NWSW			
T15S R25E S7		NESW		T15S R25E S7	LOT 3	NWSW			
T15S R25E S7	LOT 4	SWSW		T15S R25E S7		SESW			

393

392 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF *342* ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 43-407, 43-2215, 43-4110, 43-
7112, 43-10290.

*43-13029**383*

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

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

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

STOCKWATER 200 RANGE CATTLE

05/11/2001

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 15, 2001

Water right number: 43-407

SARA JANE WARD
HC 61 BOX 1560
ELBA ID 83326
Telephone Number: (208)824-5560

CLARK W WARD
HC 61 BOX 1560
ELBA ID 83326
Telephone Number: (208)824-5560

VAUDIS J WARD
HC 61 BOX 1560
ELBA ID 83326
Telephone Number: (208)824-5560

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

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

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

DATE: 6/4/01 SIGNATURE: [Signature]
Please print your name: _____

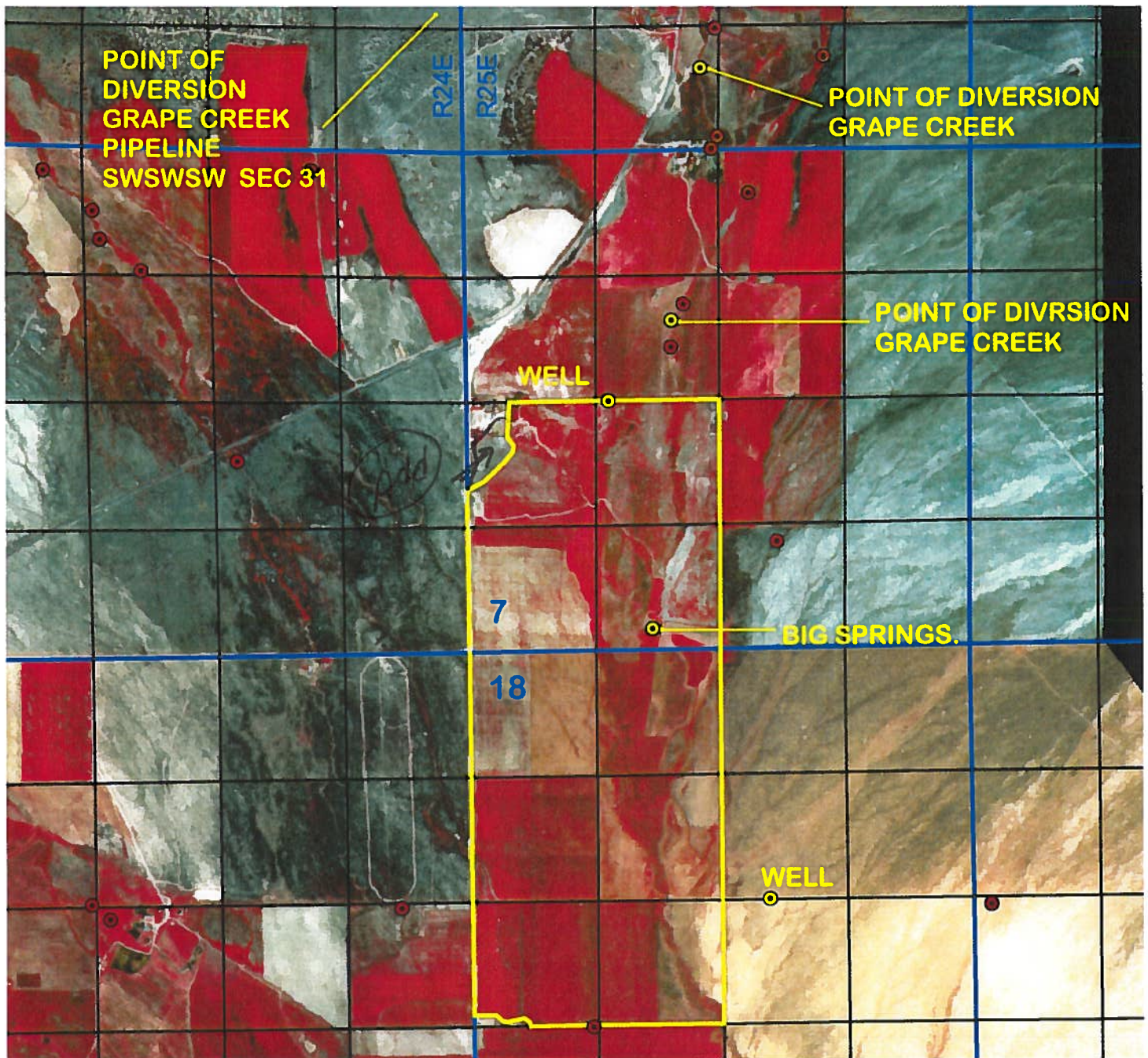
IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

*Chq'd POW
bu adding Dist. sec 7
w no SW
per conversation
with claimant
NOE.*

Idaho Department of Water Resources

RIGHTS: 43-407, 43-2215,
43-4110, 43-7112, 43-10290

RECOMMENDED PLACE OF USE
TWP 15S, RNG 25E,
Data entry on January 25, 2001



- RECOMMENDED POINT OF DIVERSION
- RECOMMENDED PLACE OF USE
- SECTION LINES
- QUARTER/QUARTER LINES



*Ch'd per
not meeting
6-4-01*

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

CLAIM NUMBER: A43-00407

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	VAUDIS J WARD	04/01/1880	IRRIGATION	04-01 11-01	3.20 CFS	
C	CLARK W WARD		STOCKWATER	01-01 12-31	0.08 CFS	

TOTAL DIVERSION:
CONSUMPTIVE USE: 3.28 CFS
451.80 AFA

Water Source: GRAPE CREEK
Tributary to: RAFT RIVER
Stage: DECREED

Point(s) of Diversion: T14S R25E S31
T15S R25E S06
S07
CASSIA County
CASSIA County
CASSIA County

Place of use Legal Description for: IRRIGATION

NE	NW	SW	SE	SUM
T R S : Lt Ac Lt Ac Lt Ac Lt Ac	NE NE NE NE NE	NE NE NE NE NE	NE NE NE NE NE	
15S 25E 7 :				120.0
15S 25E 17 :				40.0
15S 25E 18 :				160.0
				TOTAL ACRES

Place of use Legal Description for: STOCKWATER

NE	NW	SW	SE	SUM
T R S : Lt Ac Lt Ac Lt Ac Lt Ac	NE NE NE NE NE	NE NE NE NE NE	NE NE NE NE NE	
15S 25E 7 :				120.0
15S 25E 17 :				40.0
15S 25E 18 :				160.0
				TOTAL ACRES

POU County: CASSIA
Non-Irrigation Uses: S/ 200 HEAD CATTLE
Other Rights: A43-07112, A43-04110, A43-02044, A43-10291

Remarks: ALL OF THE SURFACE RIGHTS INCLUDED WITH IN THE RIGHTS DESCRIBED IN PARAGRAPH 13 ARE CONSTANTLY SUBJECT TO SHORTAGE. THEREFORE WHATEVER WATER IS AVAILABLE FROM THOSE SURFACE RIGHTS, IF SHORT IS SUPPLEMENTED BY THE WELLS AND USED INTERCHANGEABLY ON THE LAND CLAIMED IN PARAGRAPH 13.

Dates: Exam Made Date: 05/20/1985
Verified Date: 05/20/1985
Misc: Water District Number: 43D
Field Inspection Flag:
Presumption Flag:

Comb limits
343 ac
50W
20W

100 ac
within
100 ac

same
PDU

Clark Ward Overlap Review

SW $\frac{1}{4}$ Sec 7, NW $\frac{1}{4}$ Sec 18, N $\frac{1}{2}$ SW $\frac{1}{4}$ Sec 18

Right #	Claimed AC		Overlap	Discrete
407	160	3.2		160
2215	30	0.6	30	
W 4110	80	1.2	40	40
W 7112	143	1.0		143
10290	82	1.0	82 (82)	

W 13029 (entire)	40	x	-	343 ac
Filed 6-4-01				+ 40
				383 ac

7/45

Comb Limits ³⁸³
343 ac

Discrepancy in Poll is in SE $\frac{1}{4}$ Sec 18
licensed under 43-7112.

PPU of 383 in 393 ac PPU.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 3, 2000

Clark Ward
PO Box 1560
Elba, Idaho 83326

RE: Snake River Basin Adjudication (SRBA)

Dear Clark,

I have come across several unresolved issues as I prepare to make my recommendations for your various claims at Almo. It has been just about a year since I visited your place, and I suspect that we have been equally busy in the interim. Here is a summary of what I need to complete your water right recommendations.

First, there is no proof of priority in the files showing when you first put the water of Big Springs (claim 43-10290) or Keg Creek (43-10291) to use for irrigation. Although I documented that there was evidence of use from these sources in 1999, there must be proof that the surface water was used prior to 1971 in order for me to recommend your water right. New appropriations of surface water after 1971 required a permit and license, therefore, if I don't have any evidence of use prior to that date, I have to disallow the two claims.

I have also done some research regarding your 1890 claim to water based upon decreed right 43-419 in the Jobe Adams Decree. This is the decree that identified the source as Raft River, but you are actually diverting Edwards and Little Cove Creeks, as well as runoff from Doug Ward's field. Because there is no historical delivery to your property from Edwards or Almo in accordance with the Jobe Adams Decree, it would seem that your water right is not based upon the decree, but upon the beneficial use of the water. Once again, this requires that you provide some documentation of when you began using the water from the creeks to irrigate your land. It would be after the date of the Jobe Adams Decree, which was signed in October 1928. I have looked at the aerial photos we have in the office which are dated 1976. They don't clearly indicate that irrigation was occurring then. If you can find some photos that show irrigation on the property prior to 1971 it would be helpful, also statements from neighbors or others who have personal knowledge of irrigation on the property but no financial interest in it. ASCS may be able to help you with photos, as they did fly that area and have archives in Salt Lake City.

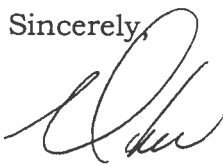
Our engineers in Boise did some investigating, and information found in our files supports your claim for a diversion of 1.2 cfs from the well located in at the north end of your place, in Section 7 (43-4110). There is a discrepancy in the number of acres irrigated from the well, however. In 1981, the claim filed

by Vaudis Ward only listed 80 acres in the NWSW and SWSW Section 7 that had been irrigated beginning in 1959. In 1989 you included another 40 acres in the NWNW Section 18 on the SRBA claim. Since you increased the number of acres irrigated from the well after the mandatory permit statute for groundwater came into effect in 1961, the additional 40 acres represents an enlargement of the original claim. The legislature passed a law that all enlargement claims receive a priority date of June 30, 1985, therefore, this 40 acres can't just be included in the claim you filed in 1989, but must be a separate claim.

I also did some more research into the old licenses on Grape Creek that you filed SRBA claims on. I now think that the license issued to Ivan Leo Durfee in 1920 for 30 acres and .6 cfs from Grape Creek (43-2215) is still valid. It was licensed shortly before the Jobe Adams lawsuit was filed and so it is possible that this use of Grape Creek was left out. But I believe the 1909 license (43-2044) in the name of Bronson, was given up. First of all, it appears from the Application for Permit by Leo Durfee in 1917 that he intended to develop lands that should have already been irrigated if the 1909 licensed right was in use. Second, and more importantly, the 1909 license would have been a long established right and thus included in the Jobe Adams Decree.

If you have questions about the different claims and what information I need, feel free to call me here at the office. If we need to have a meeting I can make an appointment that will be convenient for you, and this would probably be the best way for you to file the enlargement claim. Mr. Rigby is still listed in our files as your attorney. If he still represents you, I encourage you to seek his advice about the above issues. If you wish me to forward a copy of this letter to him, I certainly will. I look forward to hearing from you.

Sincerely,

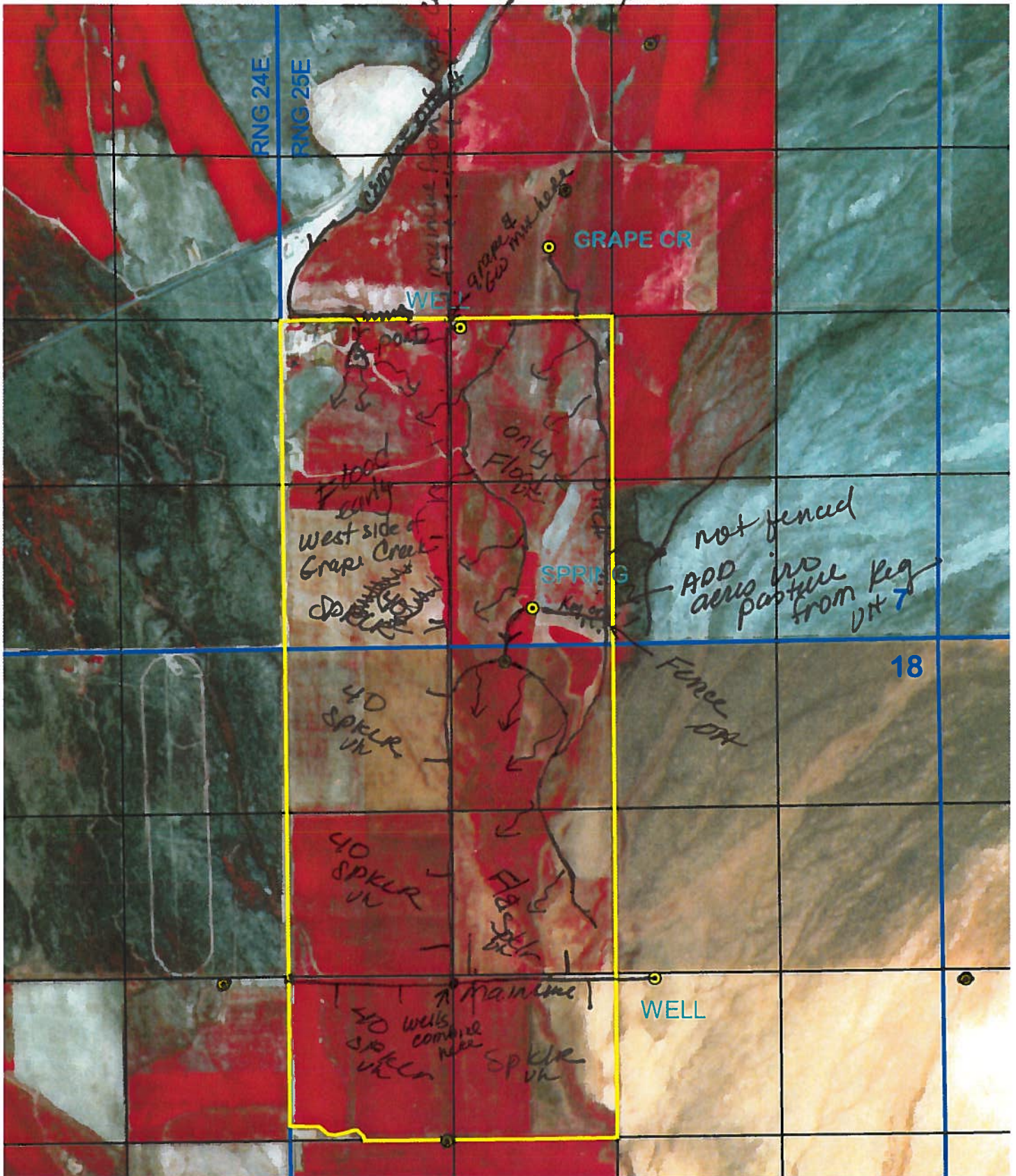


Vikie Hancock
Sr. Water Resource Agent

FIELD NOTES

Claim No(s): ~~AB400419~~ VARIOUS

TWP 15S, RNG 25E
Section ~~18~~ 7, 18



V HANCOCK

Date: 10-12-99
per claimant

1987/1988 NAPP PHOTOGRAPHY

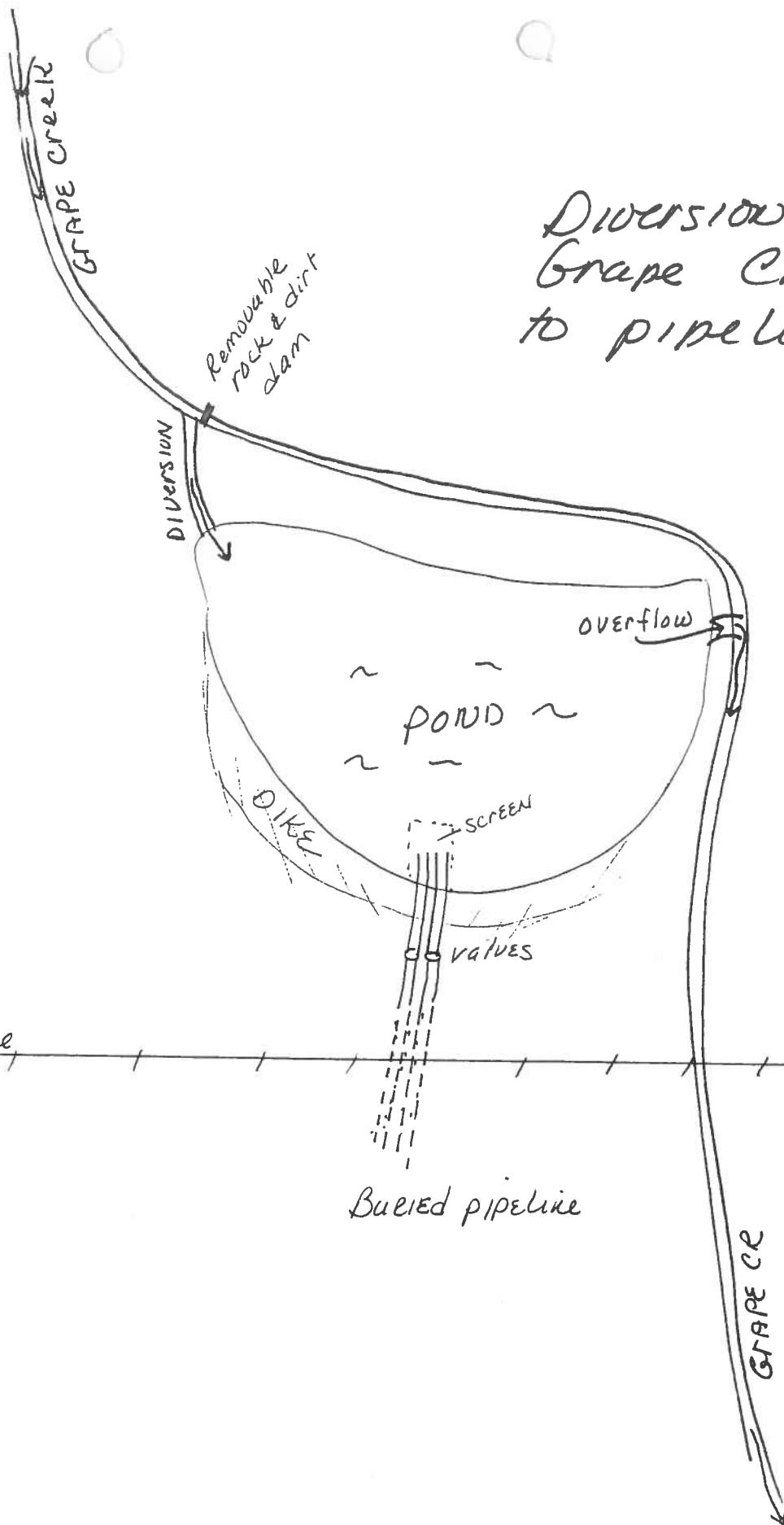
Rng 25 E

T14S

T15S

36 31
1 6

Fence line



Diversion from
Grape Creek
to pipeline

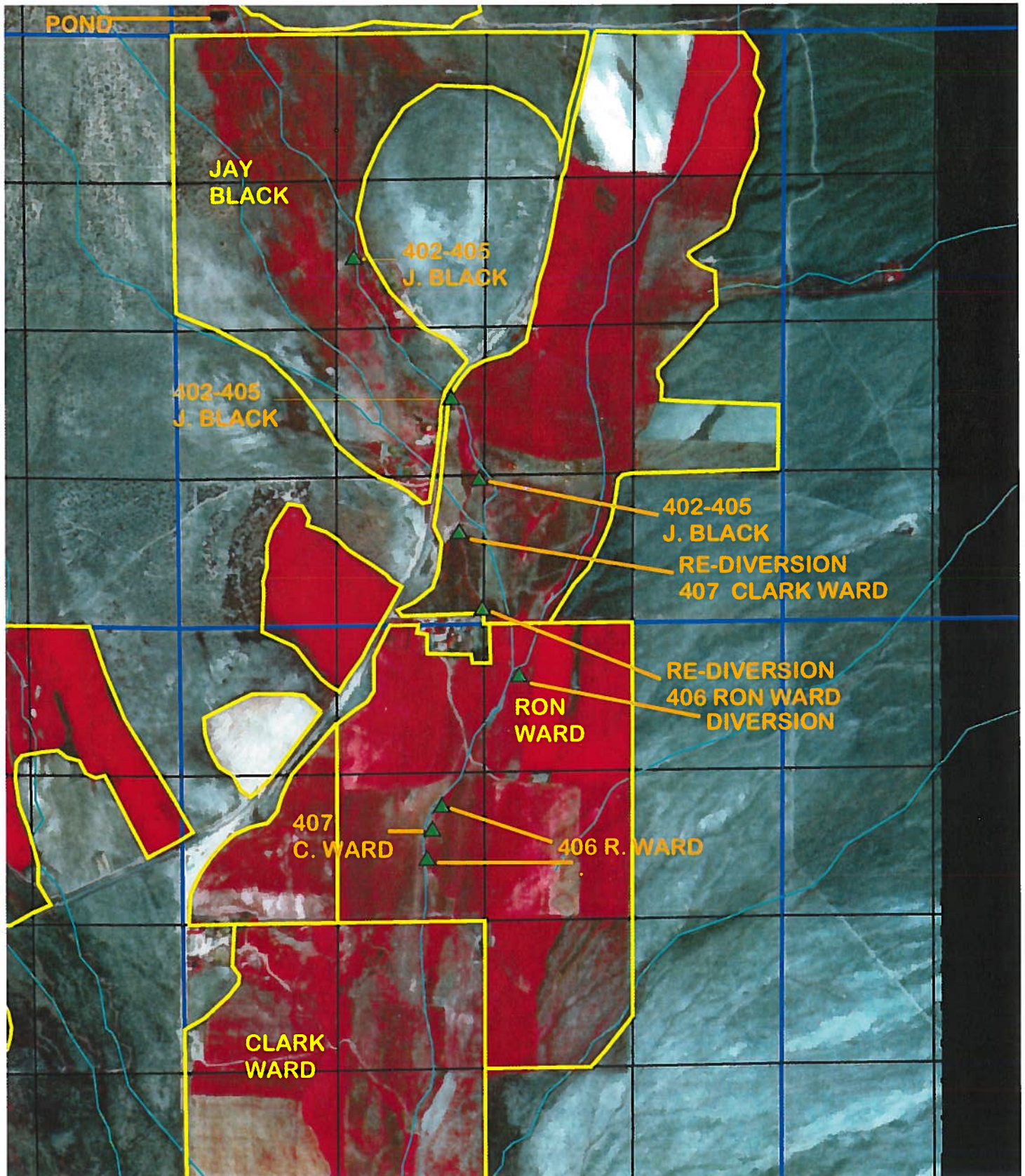
43-00407

43-00406

FILE NOTES

GRAPE CREEK DIVERSIONS

TWP 15S RNG 25E



V. HANCOCK

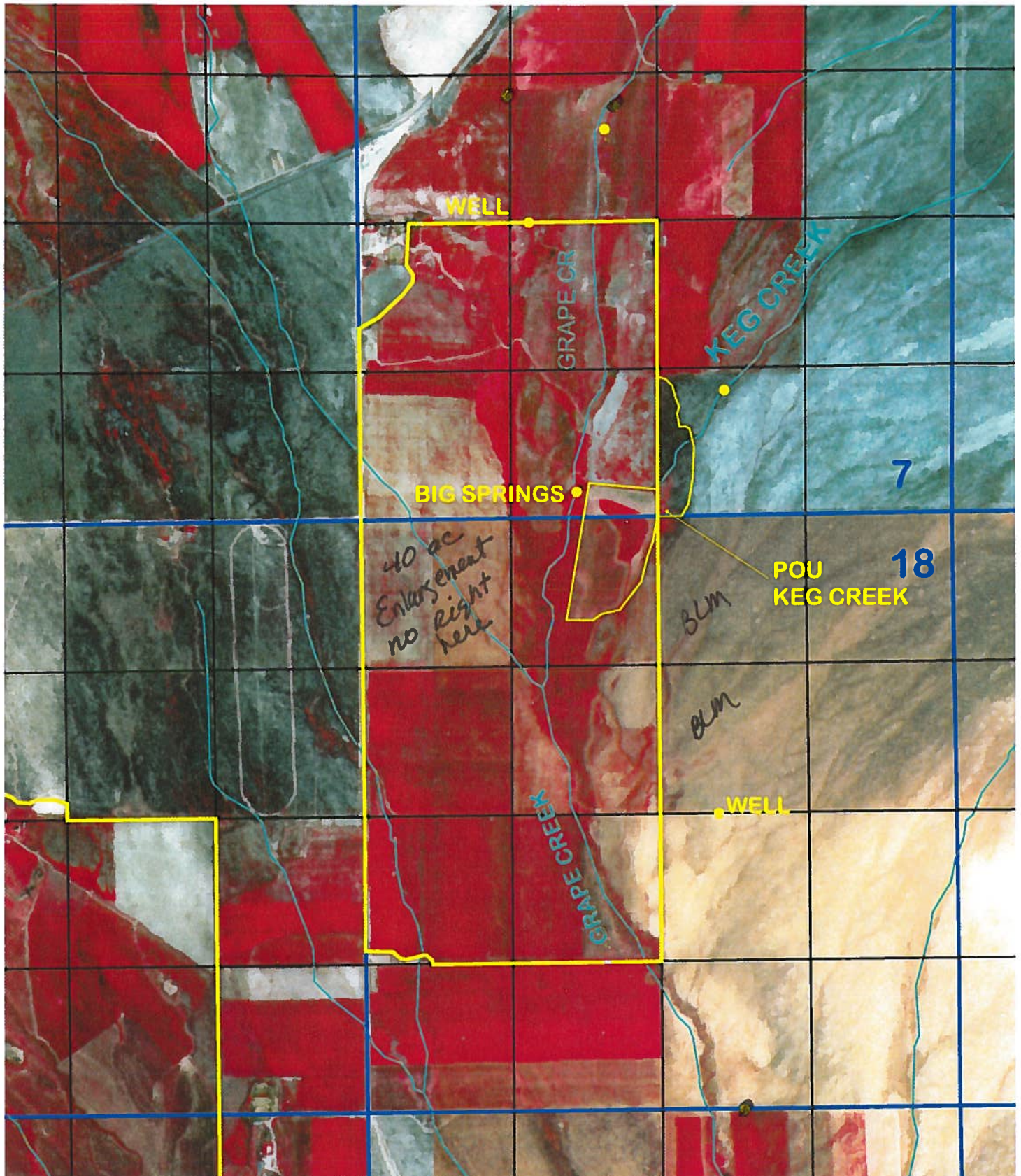
1987 NAPP AERIAL PHOTOGRAPHY

FILE NOTES

Various Clark ward

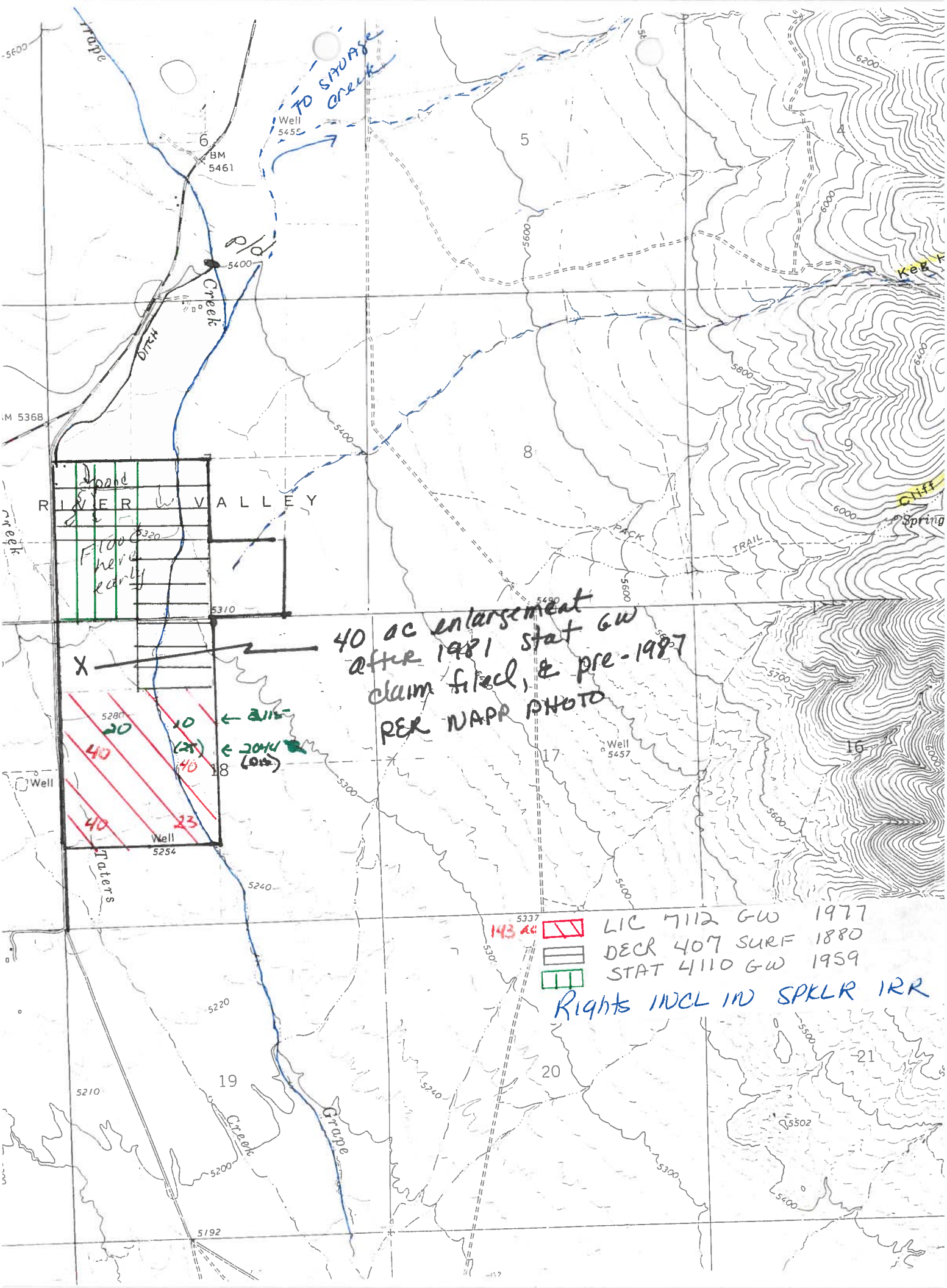
43-10291

TWP 15S RNG 25E



V. HANCOCK

1987 NAPP AERIAL PHOTOGRAPHY



40 ac enlargement
after 1981 stat GW
claim filed, & pre-1987
PER WAPP PHOTO

- 143 ac LIC 7112 GW 1977
- DECR 407 SURF 1880
- STAT 4110 GW 1959
- Rights INCL IN SPKLR IRR

Field Exam Notes

Field Exam Date: 10/12/1999

Claim Nos: A43-00407, -04110, -07112, -10290, -10291, -02215, -02044

Agent: Vikie Hancock

Claimant Clark Ward accompanied me on this field exam. The above claims are appurtenant to sections 7 and 18, T15S, R25E. Claimant also has claim A43-00419 which represents a separate system that is located in section 30 T15S, R25E.

Claim **A43-00407** is a claim based on a decree for 3.2 cfs from Grape Creek. It is agreed, by the three users of Grape Creek, that there are four total water shares on the creek. One is owned by Ron Ward, two are owned by Jay L. Black, and one is owned by the claimant, who is downstream of the other two users.

Claimant has three diversions from Grape Creek. Two are direct diversions from the stream channel and are used to flood irrigate lands in the SW $\frac{1}{4}$ of section 7 and the E $\frac{1}{2}$ NW $\frac{1}{4}$ section 18. Of these two, the top diversion is in the NE SE SW section 6. It is diverted to the west into a cement ditch that traverses the west side of Jay Black's field in the SESW Sec 6, and then parallels the highway until it reaches the NW corner of the claimant's place of use. It then flows into a pond, and claimant irrigates all directions from the pond into the NWSW section 7. When there is a lot of water early in the season, flooding can extend into the SWSW section 7. The second stream channel diversion is in the NE SE NW section 7. This diversion is in Ron Ward's field, and conveys water by ditch to flood the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ and is mixed with water from the spring (and occasionally Keg Creek) to flood irrigate the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ section 18 early in spring when there is sufficient water.

There is also a diversion from Grape creek into a pond and pipeline in Section 31 that is shared with the other two users of Grape Creek. Two pipes convey water from the pond. A 12 inch pipe supplies water to Ron Ward and Jay Black. An 8 inch pipe supplies this claimant. The pipeline enters the claimant's property at the NE corner of the NWSW section 7. The water is immediately put into the mainline sprinkler system. At this point, water from the well represented as BU claim A43-04110 is also put into the mainline sprinkler and mixes with Grape Creek water. Water from well licensed as 43-07112 is added into the mainline at the SE corner of the SWNW section 18. Sprinkler irrigation is used on the SWSW section 7; the NWNW, S $\frac{1}{2}$ NW $\frac{1}{4}$, and N $\frac{1}{2}$ SW $\frac{1}{4}$ section 18. There are times when surface water is used exclusively in the sprinkler system and times when surface and GW are mixed in the system. Some areas that are flooded early in the year are also sprinkled later in the year, if necessary. Claimant stated that only surface water is used to flood irrigate.

Both wells were GPS'd, tagged and information recorded from the pump and motor. Both pumps had been turned off on September 1st. Claim **A43-04110**, is based on a statutory claim filed in 1981 for a well drilled in 1959, in the NW SW section 7, and an approved transfer of POD to a new well drilled in the NE SW section 7 in 1989. According to IDWR records, this well was deepened in 1994 and tested at 60 gpm. The claimant said that he had had a pump test done by Layne Pump and would look for those records. The original Stat claim was for 1.2 cfs for irrigation on 80 acres. The AJ claim was for 1.27 cfs on 120 acres with stockwater. As stated above, the water from this well is put into the mainline sprinkler system and mixes with Grape Creek water and GW from the well in section 18.

Claim **A43-07112** is based on a license for .93 cfs of GW for irrigation on 143 acres in section 18. The AJ claim adds .07 cfs for stockwater, but all other elements are claimed as licensed. As noted before, water from this well is injected into the mainline sprinkler system and is interconnected with water from the well in section 7 and with Grape Creek water.

Claim number **A43-10290** is for the waters of a spring located in the SWSESW section 7. The spring was observed but not measured as the discharge rate was diminished from the peak of the irrigation season. The capacity of the natural channel flowing from the spring appeared to be greater than 1.07 cfs. The natural channel is diverted to the west and east to flood irrigate land in the SESW section 7 and NENW section 18, and mixes with water from Grape Creek and Keg Creek when available to irrigate into the SENW section 18. According to claimant's notes on the GIS printout during the field exam, no water from the spring is used in the NESW as claimed in 1989. Waters from the spring are not incorporated into the sprinkler system. I explained to Mr. Ward that we were in need of some proof of priority for the beneficial use of the spring. He indicated that he may be able to have his uncle sign an affidavit as he has memories of water usage on the farm.

Claim **A43-10291** was originally filed for irrigation and stockwater from Savage, Keg and Cliff creeks and an unnamed stream. In talking to Mr. Ward, he clarified his usage, which agreed with some undated notes found in the file: Claimant has no diversion from Savage creek, but wants to protect his utilization of the waters of this creek after it runs into Grape Creek. I discussed the fact that Jay Black uses the waters of Savage Creek to irrigate with, but has not filed a claim on it. Mr. Ward was aware of Mr. Black's usage. I told him that it may be beneficial for the three users to meet with me and come to an agreement on how we can preserve the status quo on Savage Creek. Claimant has no diversion from Cliff Creek and states that it reaches his property very few years. He mostly uses it for stockwater, and the same goes for the "Unnamed stream". I told him that for \$25 he could file a claim for stockwater on these two streams, but that an irrigation claim did not seem appropriate.

Claimant does irrigate from Keg Creek in the years that it has sufficient flow. The diversion was GPS'd in the NWSWSE section 7. Water is conveyed by ditch and flooded out onto an area in the W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ that is brush covered, but

used for cattle pasture. It is collected into a ditch that run along the east property line and mixes with Grape Creek water to irrigate in the SESW Section 7, and irrigates about 30 acres. The pasture in SWSE looks consistent with intermittent irrigation from an ephemeral stream. Claimant stated that he has not bothered to clear the bush because it provides winter cover for his cows and also the deer and birds that frequent the area. There was no water in Keg Creek at the time of the field exam. I discussed the lack of evidence of priority with the claimant and he said he would try to find something.

Claims **A43-02215** and **A43-02044** are based on licensed rights from Grape Creek that pre-date the Jobe Adams decree. These licenses were appurtenant to property that claimant now owns along Grape Creek, but neither the license holders nor the place of use were enjoined in the 1928 decree. I talked to the claimant about the language in the Jobe Adams decree that was interpreted by our attorney, Nick Spencer, to mean that the decree intended to identify all usages on Grape Creek that were occurring at the time the decree was issued in 1928. Documents in the file indicate that claimant's grandfather, Orville Ward, purchased the property at a sheriff's sale in 1937. I told the claimant that my suspicions were that, in 1928, the homesteaders had left, the land was not being irrigated and therefore no claims were filed in the Jobe Adams lawsuit which covered the licensed rights, therefore they were invalid. Claimant said that one of the license holders, Leo Durfee, was a relative of his grandfather's, and that he believed the grandfather purchased the property after Durfee had given up. I told him that at this point I was inclined to disallow the claims based on these licenses and consider them superceded by the decree. We agreed that the water from Grape Creek had been used as decreed in the Jobe Adams for years, and was the status quo. Mr. Ward attempted to read the license and engineer report copies that I had in the files, but they were very poor quality. Since the claimant is represented by Mr. Rigby, I suggested that he talk to him about this issue, and told him that I would get more readable copies of the licenses and reports so that he could go over them. I also left him a copy of the Grape Creek page of the Jobe Adams decree. The places of use identified in these licenses for Grape Creek are now included in the acres licensed under 43-07112 for GW.

See field exam notes on GIS print out in file, GPS log sheet #3 and photographs.

See claim file A43-00419 for field exam notes pertaining to that claim.

SEE ADDITIONAL PHOTOS IN CLAIM FILES
A43-10290, A43-10291, A43-07112, A43-00407

IDAHO DEPARTMENT OF WATER RESOURCES
GPS FIELD LOG FORM

IDWR-GPS-02, Ed. 3/93

NAME:

Vike Hancock

PAGE 3 OF

PROJECT:

SEBA B-43

RECEIVER SERIAL NO.

Date	Time	GPS File Name	Well Owner	T., R., Sec.	Other Well Name	Comments
<i>10/2/99</i>	<i>11:44</i>	<i>R101217A</i>	<i>Clark Ward</i>	<i>WR 43-00-107</i>		<i>Division G-R Sta 6</i>
<i>"</i>	<i>11:55</i>	<i>R101217B</i>	<i>"</i>	<i>Well Stat claim.</i>		<i>ADD 4845</i>
<i>"</i>	<i>12:04</i>	<i>R101218A</i>	<i>"</i>	<i>G.C. Division Section 7</i>		
<i>"</i>	<i>12:28</i>	<i>R101218B</i>	<i>"</i>	<i>Springs</i>		
<i>"</i>		<i>R101218d</i>	<i>"</i>	<i>Key track Division</i>		
<i>"</i>	<i>1:01</i>	<i>R101219A</i>	<i>"</i>	<i>Well Licensed</i>		<i>Ty, ADD 4816</i>
<i>"</i>	<i>1:34</i>	<i>R101219B</i>	<i>"</i>	<i>Edwards Division</i>		<i>(Damned)</i>
<i>"</i>	<i>1:55</i>	<i>R101219C</i>	<i>"</i>	<i>Little Cove Creek Division</i>		
<i>"</i>	<i>2:10</i>	<i>R101220A</i>	<i>"</i>	<i>Upper Little Cove Creek</i>		
<i>"</i>	<i>2:21</i>	<i>R101220B</i>	<i>"</i>	<i>Alma Division - Shaul w/ Doug Ward</i>		

FIELD EXAM NOTES AND PHOTO LOG

Claim Nos: A43-00407 -04110-07112-10290 Date 10-12 1999

Claimant / Area of Concern: Clark Ward 43-10291 Page 1 of 1

Roll	Pic #	Description
32	1	Diversiion in Sec 6 R101217A
	2	Pump claim 43-8110 R101217B Stat well
	3-7	Pan looking south from well ↑
	8	Grape creek mixing with BW at ↑
	9	Grape cr. channel diversion Sec 7 R101218A
	10	Spring R101218B
	11	Spring outflow looking SW
	12	POLL of Key Creek
	13	looking East from Spring
33	1	Diversiion from Key Creek R101218d
	2	
	3	Well claim 43-07112 R101219A
	4	~~POLL~~ N of well
	5-7	POLL to west of well
	8	Edwards Cr PP - Dam to Right, diversion strait
	9	Upstream Edwards at diversion
	10	Natural Edwards cr channel directly below Dam R101219B
	11	Little Cove diversion - lower R101219C
	12	" " " - upper R101220A
	13	Diversiion out of Almo creek looking out from Almo Cr channel R101220B
	14	Almo creek channel - Diversion to right

Agent: Vikie Hancock

Notes:

Spring excavated with horse & Fresno in wet spot by predecessors of claimant.

Roll 32
PIX I



Diversion in field of Jay Black, Section 6

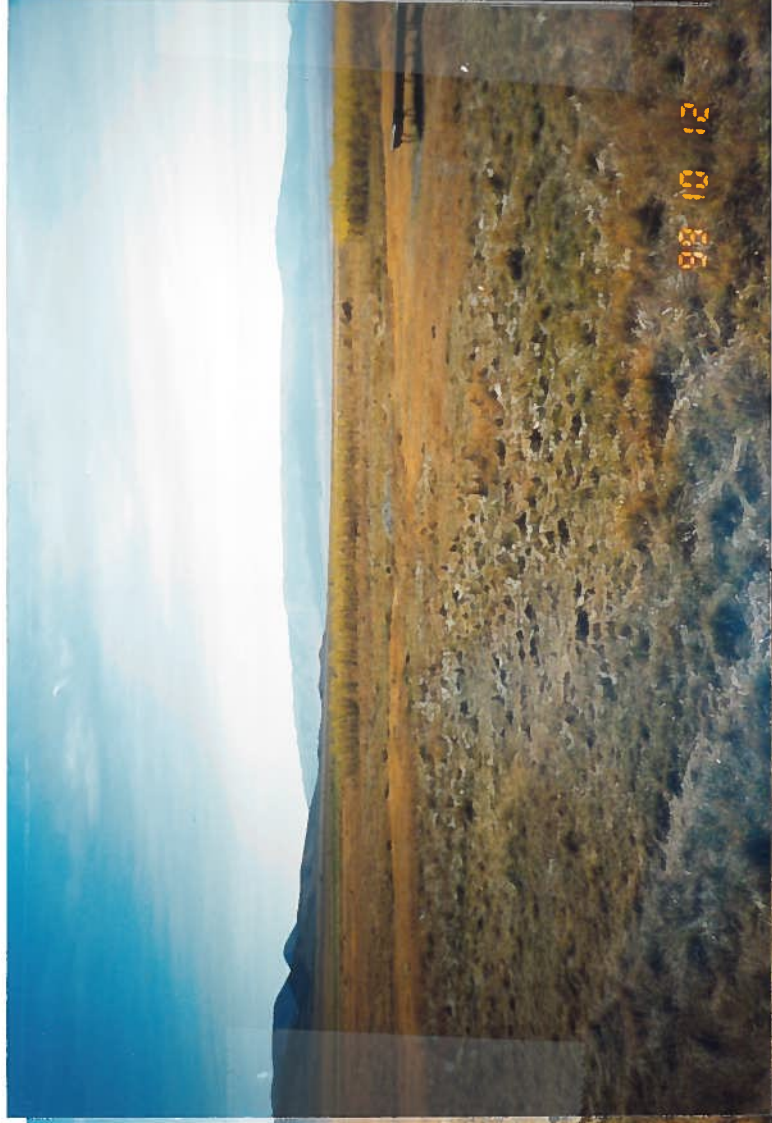
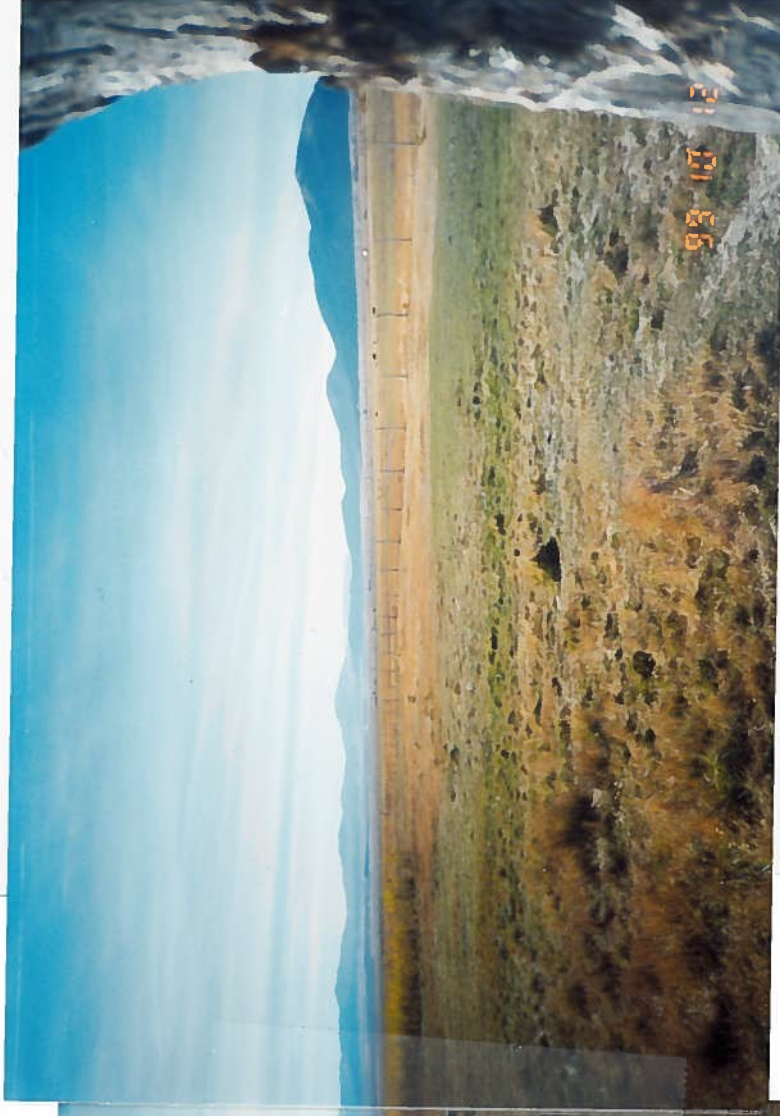
Roll 32
9



Diversion in field of Ron Ward, Sec 7

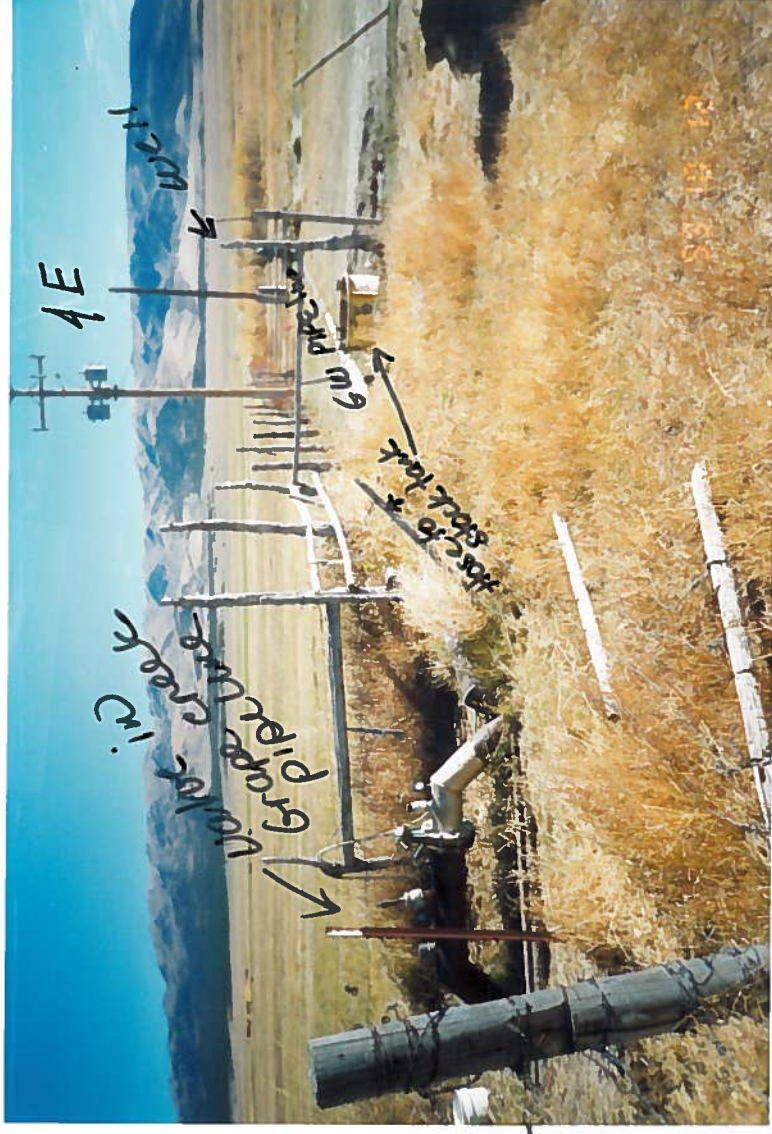
A42-00407

1943-004107



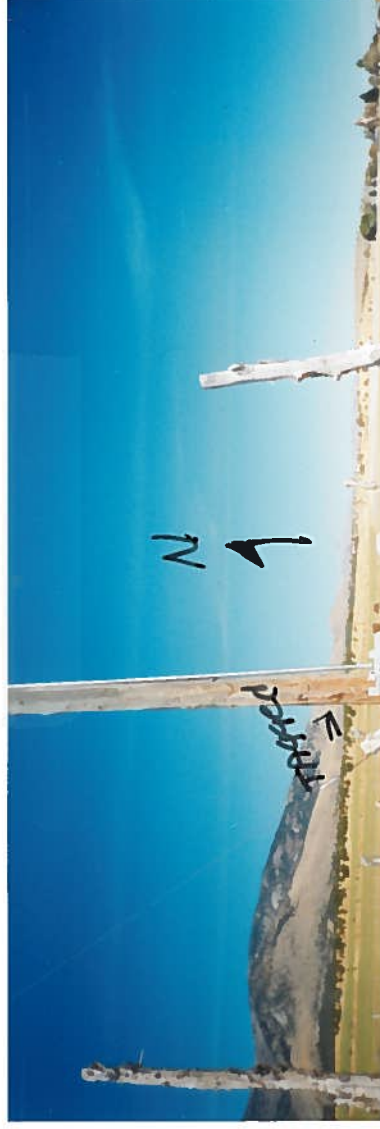
ice of use looking South from well in NESW Section 7
of this is flood irrigated from Grape Creek





Buried pipe
 ← to Grape Ce
 pond in
 Section 31

Water from Grape Creek pipeline as it enters
 mainline & mixes with Groundwater just
 West of well claimed 43-04110.



13-00394

Geo. D. Graham right
1883-Apr. 30

1.5 s.f.

15 S. R. 24 E.B.M.
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:

Chas. Wake and the other heirs

3-00402
403

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.

Asael Lowe and other heirs at
law of John Lowe, deceased.

404
405

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.

John C. Ward and
Nellie Ward
1880-Apr. 1

406

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 $\frac{1}{4}$.

ALBION-IDAHO LAND COMPANY

-vs-

JOBE ADAMS, et al
DECREE #992

10-18-1928

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

06-Feb-1992

CLARK W WARD
HC 61 BOX 1560
ELBA ID 83326

RE: PROOF OF PRIORITY FILING AND UNCLAIMED LICENSE 43-02215.

Dear Mr Ward

It may be that a system analysis of your water use would be the best way to determine the status of your claims and we are not planning that phase of claims review at this time. It is anticipated that the latter part of the summer will be when we review systems in your area. At that time we will need a more accurate land list of the irrigated acres as it relates to each source. The acres covered by Grape Creek should be independently identified as should the acres covered by groundwater. This will be necessary to see how many acres are covered by decreed rights and how many acres should be covered by the licensed or beneficial use rights.

There is still some question as to the status of 43-02215. Further research is needed and the department's legal staff is tied up in a court action which will delay the analysis until at least next week. It appears the status of A43-02044 may face the same legal analysis as 43-02215. When they have been analyzed, I will let you know the status of those rights. As the status of A43-10290 is related to the outcome for the above rights, doing nothing at this time would probably be your best option.

A43-10291 still needs evidence of use and priority date to be submitted, as we discussed. Whenever you collect the information please send it in and we will place it with the original claim.

If you have any questions please call me and I'll try to explain what is going on.

Sincerely

Kelly K. Christensen
Sr. Water Resource Agent

[illegible]

56 : 15 : 70-03-40 :

A4310290 BIG SPRING : : 15 : 15

NO MATCHING IRRIGATION CLAIMS FOR THIS POU

67 : : : : :

A4310290 BIG SPRING : : 30 25 : 12 : 67

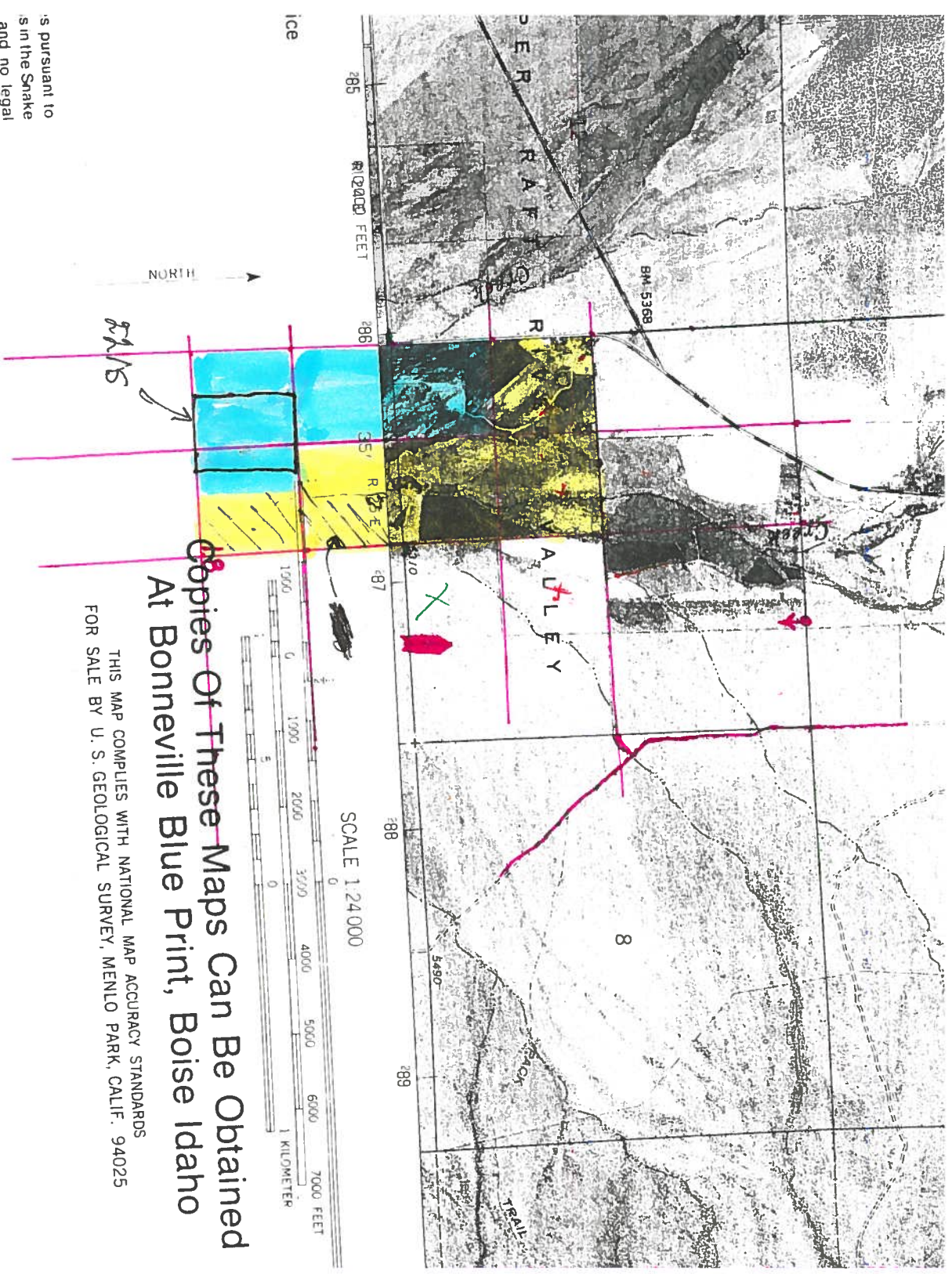
(WATER RIGHT NUMBERS THAT BEGIN WITH AN "1" ARE ADJUDICATION CLAIMS)

[illegible]

(WATER RIGHT NUMBERS THAT BEGIN WITH AN "A" ARE ADJUDICATION CLAIMS)

[illegible]

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s in the Snake
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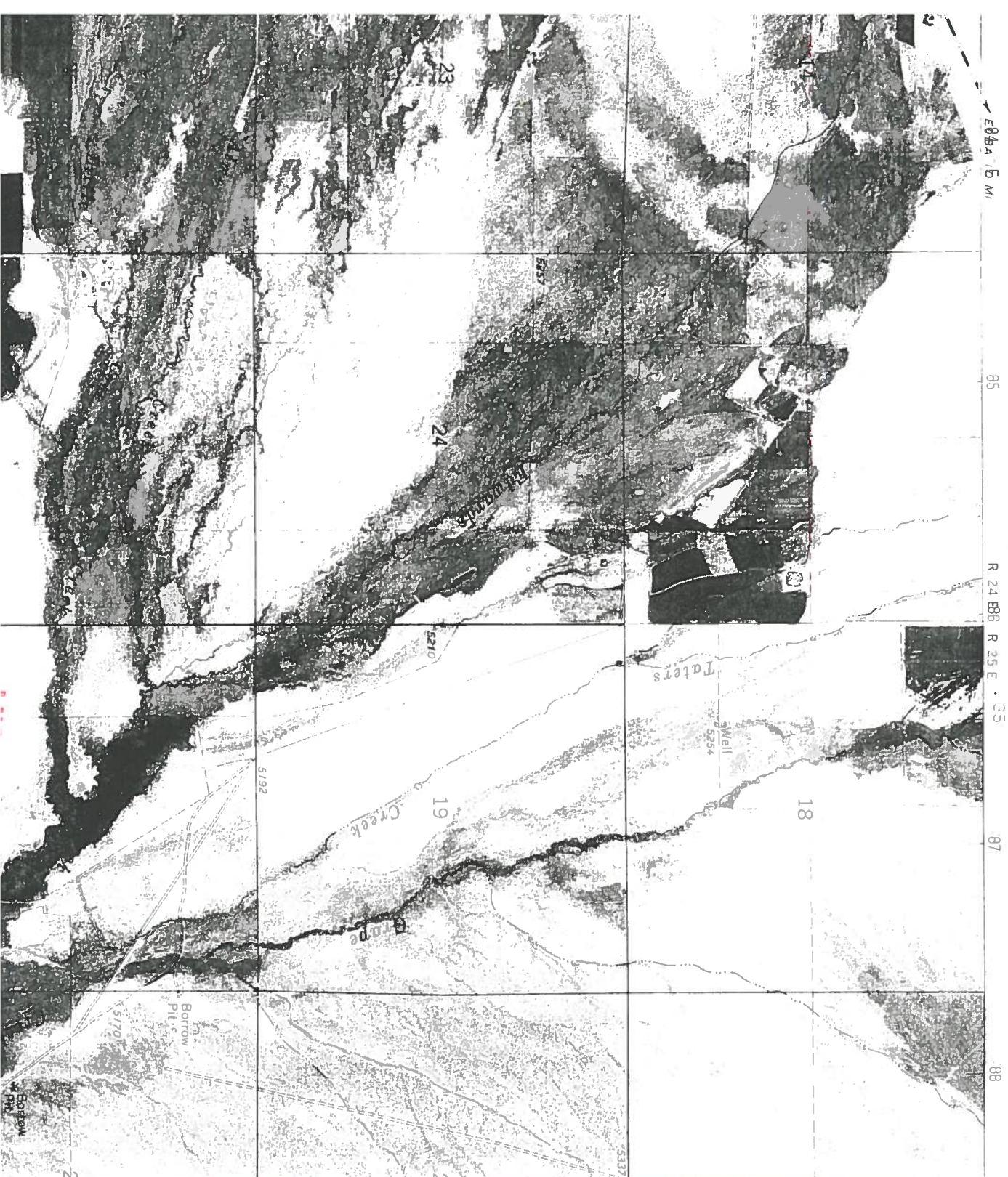


Copies Of These Maps Can Be Obtained At Bonneville Blue Print, Boise Idaho

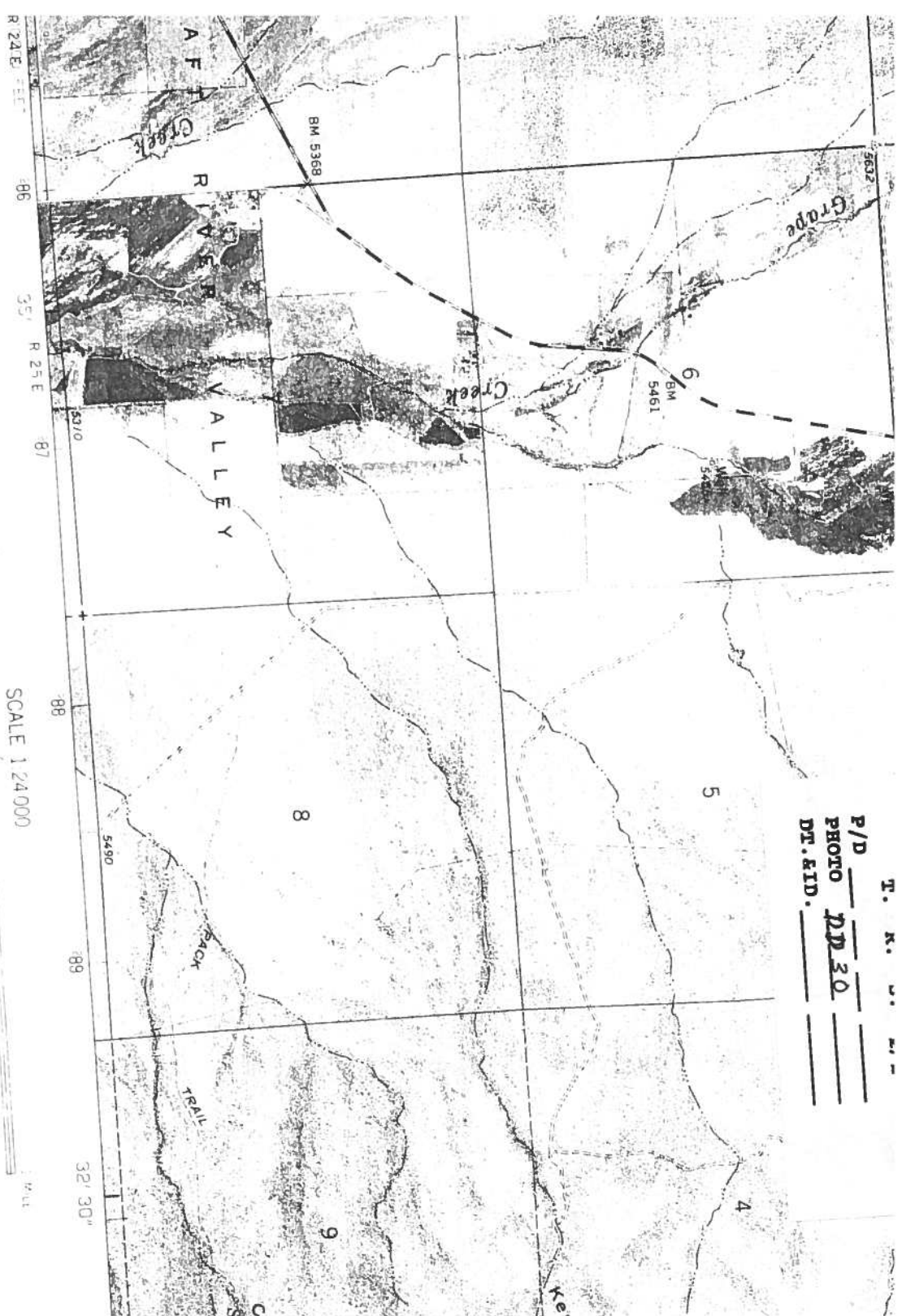
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FOR SALE BY U. S. GEOLOGICAL SURVEY, MENLO PARK, CALIF. 94025

RSFE

PHOTO PD-80
DT.&ID.



T. K. S. M.
P/D 2D 30
PHOTO 2D 30
DT. RID. 2D 30



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NORTH