

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: A43-02002

Date Received: 6/ 1/1989

Receipt No: M003803

Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: JAY R THORNTON 208-654-2282  
Address: PO BOX 635  
MALTA ID 83342  
AND  
Name: RONDA KIM THORNTON 208-645-2282  
Address: PO BOX 635  
MALTA ID 83342

2. Date of Priority: MAR 2, 1914

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

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 13S      | 26E   | 12      | SW     | SW     | NW     |     | CASSIA |
|          |       | 22      |        | SW     | NW     |     | CASSIA |

5. Description of diverting works:  
HEADGATE, AND LATERALS TO FLOOD IRRIGATE

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 10/31 | 0.360 |      | 72.00  |

7. Total Quantity Appropriated is:  
0.360 C.F.S. (and/or) 72.00 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 |
|---------------|-------|---------|--------|-----|-----|-----|-------|
| 13S           | 26E   | 12      | NE     | NW  |     | IRR | 18.0  |
| Section Acres |       |         |        |     |     |     | 18.0  |
| Total Acres   |       |         |        |     |     |     | 18.0  |

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:  
43-00244, 43-00245, 43-04178,

14. Remarks:  
NOT TO EXCEED 72. AF/SEASON.  
OWNERSHIP CHANGE ENTERED ON 10-27-94 BASED UPON WARRANTY DEED  
CHAIN. FROM BUTLER TO WIGHT AND FROM WIGHT TO THORNTON. KKC

15. Basis of Claim: LICENSE

Water Right Number: 1943



# NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type  
(see instructions on back of page)

# RECEIVED

JAN 31 1994

Department of Water Resources  
Southern Region Office

DATE OF CLOSING: \_\_\_\_\_

LEGAL DESCRIPTION OF PROPERTY: Township \_\_\_\_\_ Range \_\_\_\_\_  
Section \_\_\_\_\_, 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_, BM.  
Lot \_\_\_\_\_, Block \_\_\_\_\_, Subdivision/Townsite \_\_\_\_\_.  
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)  
Assigned by IDWR: A 43-02002
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): John H. Wight & Elaine D. Wight  
Box 621 Malta Idaho 83342
- ☐ New Owner/Claimant (Purchaser): Jay R & Ronda Kim Thornton
- ☐ New Mailing Address: P.O. Box 635  
Malta Idaho 83342
- ☐ New Telephone Number: (208) 645-2282
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes X no  
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- ☐ Attach proof of ownership, describe proof attached: Warranty Deeds

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s) Jay R Thornton Date 1-26-94  
Ronda Kim Thornton Date 1-26-94
- ☐ Signature of Former Owner/Claimant(s): \_\_\_\_\_ Date \_\_\_\_\_  
\_\_\_\_\_ Date \_\_\_\_\_

(Signature of former claimant(s) is not required if proof of ownership is attached.)

## FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: \_\_\_\_\_ By: \_\_\_\_\_

Further Action Needed:

Further Action Taken

Date: \_\_\_\_\_ By: \_\_\_\_\_

Final Review and Data-Entry

Date: \_\_\_\_\_ By: \_\_\_\_\_

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources  
Copies to Former Owner and New Owner



State of Idaho

# DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

October 27, 1994

R RICHARD BUTLER  
278 S 300 W  
KAYSVILLE UT 84037

RE: SNAKE RIVER BASIN ADJUDICATION CLAIM A43-02002 CHANGE OF OWNERSHIP

Dear Mr Butler

Enclosed is a copy of the request to change ownership for the above listed claim that was in your name. The change was made based upon warranty deed chain of ownership showing the property listed on the claim as being sold by you to John Wight and then by John Wight to Jay Thornton.

If there is a problem with the change in ownership please notify this department.

Sincerely

Kelly K Christensen  
Sr Water Resource Agent

Enclosures



State of Idaho

# DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

October 27, 1994

JAY R THORNTON  
PO BOX 635  
MALTA ID 83342

RE: SNAKE RIVER BASIN ADJUDICATION CLAIM A43-02002 CHANGE OF  
OWNERSHIP

Dear Mr Thornton

Enclosed is your copy of the above listed claim as changed and a  
copy of your ownership change request. Please review this claim to  
verify that the data is correct.

Sincerely

Kelly K Christensen  
Sr Water Resource Agent

Enclosures

209647

## WARRANTY DEED

## For Value Received

RICHARD BUTLER and DONNA BUTLER, husband and wife

the grantor s. does hereby grant, bargain, sell and convey unto

JOHN H. WIGHT and ELMOINE O. WIGHT, husband and wife  
Box 621, Malta, Idaho 83342

the grantees, the following described premises, to-wit:

SEE ATTACHED "EXHIBIT A" FOR LEGAL DESCRIPTION.

RECEIVED

JAN 31 1994

Department of Water Resources  
Southern Region Office

## SUBJECT TO:

General taxes for the year 1990, and subsequent years.

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do es hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all incumbrances except as above described, and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: September 7, 1990

*Richard Butler*  
RICHARD BUTLER

*Donna Butler*  
DONNA BUTLER

STATE OF IDAHO, COUNTY OF CASSIA:

On this <sup>4th</sup> 21<sup>st</sup> day of September, 1990 before me, a notary public in and for said State, personally appeared

RICHARD BUTLER and DONNA BUTLER, husband and wife

known to me to be the person s whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

*Vicki B. Wight*  
Residing at *Kaysville* <sup>Utah</sup> Idaho. Comm. Expires 2-16-92



NOTARY PUBLIC  
VICKI B. WRIGHT  
297 Virginia Street  
Kaysville, Utah 84037  
My Commission Expires  
February 16, 1992  
STATE OF UTAH

"EXHIBIT A"

TOWNSHIP 13 SOUTH, RANGE 26 EAST, BOISE MERIDIAN, CASSIA  
COUNTY, STATE OF IDAHO

Section 12: Part of the N $\frac{1}{4}$ NE $\frac{1}{4}$  described as follows:

Beginning at the NE corner of Section 12 of Township 13 South, Range 26 E., B.M. said corner marked by a 3" Cassia County survey cap; Thence N 89°34'11" W along section line for 1070.82 feet to the Point of Beginning;

Thence S 7°20'53" W for 41.22 feet to a  $\frac{1}{2}$ " rebar;  
Thence S 7°20'53" W for 283.56 feet to a  $\frac{1}{2}$ " rebar;  
Thence N 68°50'29" W for 151.97 feet to a  $\frac{1}{2}$ " rebar;  
Thence S 7°38'55" W for 376.91 feet to a  $\frac{1}{2}$ " rebar;  
Thence S 51°45'58" W for 681.69 feet to a  $\frac{1}{2}$ " rebar;  
Thence S 73°34'58" W for 343.31 feet to a  $\frac{1}{2}$ " rebar;  
Thence S 89°52'47" W for 482.29 feet to a  $\frac{1}{2}$ " rebar

on the west line of the N $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Thence N 0°05'02" W along the west line of the N $\frac{1}{4}$ NE $\frac{1}{4}$  for 1172.63 feet to a 3" Cassia County survey cap at the north  $\frac{1}{4}$  section corner of Section 12;  
Thence S 89°34'11" E along section line for 1582.25 feet to the Point of Beginning.

SUBJECT TO a 25 foot wide county road right-of-way along the north side.

TOWNSHIP 13 SOUTH, RANGE 26 EAST, BOISE MERIDIAN, CASSIA  
COUNTY, STATE OF IDAHO

Section 12: NE $\frac{1}{4}$ NW $\frac{1}{4}$  EXCEPT the Highway right-of-way and  
EXCEPT the following described parcels:

Parcel #1: Beginning at a point 40 feet East and 268.71 feet North from the Southwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 12, Township 13 South, Range 26 EBM; Thence East 417.42 feet; Thence North 141 feet; Thence West 417.42 feet; Thence South 141 feet to the Point of Beginning.

Parcel #2: Beginning at the Northwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 12, Thence East 45 feet; Thence South 30 feet to the Point of Beginning; Thence East 210 feet; Thence South 208 feet; Thence West 210 feet; Thence North 208 feet to the Point of Beginning.

Parcel #3: Beginning at a point 40 feet East and 409.71 feet North from the Southwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 12, Thence East 417.42 feet; Thence North 104.35 feet; Thence West 417.42 feet; Thence South 104.35 feet to the Point of Beginning.

Parcel #4: Beginning at a point 40 feet East and 514.6 feet North from the Southwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 12; Thence East 200 feet; Thence North 200 feet; Thence West 200 feet; Thence South 200 feet to the Point of Beginning.

Parcel #5: Beginning at a point 30 feet South and 255 feet East of the Northwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 12, Thence East 210 feet; Thence South 208 feet; Thence West 210 feet; Thence North 208 feet to the Point of Beginning.

Parcel #6: Beginning at the Northwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 12, Thence East along the North line of said Section 12 for 515.0 feet to the True Point of Beginning, Thence continuing East along said section line a distance of 500.0 feet, Thence South a distance of 500.0 feet, Thence West a distance of 500.0 feet, Thence North a distance of 500.0 feet to the Point of Beginning.

Parcel #7: Beginning at a point 40 feet East and 914.06 feet North from the Southwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 12, Thence 420.0 feet East, Thence 160.5 feet North, Thence 420.0 feet West, Thence 160.5 feet South to the Point of Beginning.

Parcel #8: Beginning at a point 240 feet East and 714.06 feet North from the Southwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 12, Thence East 220 feet, Thence North 200 feet, Thence West 220 feet, Thence South 200 feet to the Point of Beginning.

(Continued)

Legal Description-Continued  
Page 2

Parcel #9: Beginning at a point 40 feet East and 714.06 feet North from the Southwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 12, Thence East 200 feet, Thence North 200 feet, Thence West 200 feet, Thence South 200 feet to the Point of Beginning.

Parcel #10: Beginning 240 feet East and 514.6 feet North of the Southwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 12, Thence East 220 feet, Thence North 200 feet, Thence West 220 feet, Thence South 200 feet to the Point of Beginning.

Parcel #11: Beginning at the Southwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 12, Thence running North along the West boundary line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$  for 208.71 feet, Thence East on a line parallel with the South boundary line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$  for 417.42 feet, Thence South on a line parallel with the West boundary line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$  for 208.71 feet, Thence West along the South boundary line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$  for 417.42 feet to the Point of Beginning.

Parcel #12: Beginning at the Southeast corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 12, Thence North 448 feet, Thence West at a right angle 179 feet, Thence South at a right angle 448 feet, Thence East at a right angle 179 feet to the Point of Beginning.

SUBJECT TO a 25 foot wide county road right-of-way along the north side.

TOGETHER WITH a water conduit to be placed 36" below the surface, a strip of land 3 feet in width running North and South across the West face of the following described property:

TOWNSHIP 13 SOUTH, RANGE 26 EAST, BOISE MERIDIAN, CASSIA COUNTY, STATE OF IDAHO

Section 12: Beginning at a point 40 feet East and 268.71 feet North from the Southwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 12, Township 13 South, Range 26 EBM; Thence East 417.42 feet; Thence North 141 feet; Thence West 417.42 feet; Thence South 141 feet to the Point of Beginning.

TOGETHER WITH a 6' wide irrigation ditch right of way running East and West approximately 180 feet South of the North boundary line and a ditch running substantially North and South along the East line commonly known as the Scott ditch over, upon and across the following described property:

TOWNSHIP 13 SOUTH, RANGE 26 EAST, BOISE MERIDIAN, CASSIA COUNTY, STATE OF IDAHO

Section 12: Beginning at the Southeast corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 12, Thence North 448 feet, Thence West at a right angle 179 feet, Thence South at a right angle 448 feet, Thence East at a right angle 179 feet to the Point of Beginning.

TOGETHER WITH a 3 foot right-of-way from the West property line and running parallel thereto to be used for a 12" water conduit placed 36 inches below the ground surface described as follows:

TOWNSHIP 13 SOUTH, RANGE 26 EAST, BOISE MERIDIAN, CASSIA COUNTY, STATE OF IDAHO

Section 12: Beginning at a point 40 feet East and 409.71 feet North from the Southwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 12, Thence East 417.42 feet; Thence North 104.35 feet; Thence West 417.42 feet; Thence South 104.35 feet to the Point of Beginning.

ALL IN CASSIA COUNTY, STATE OF IDAHO.

Attached to and forming a part of Warranty Deed, dated September 7, 1990. executed by Richard Butler and Donna Butler, husband and wife.

running parallel thereto to be used for a 12 inch water conduit,  
inches below the ground surface described as follows:

TOWNSHIP 13 SOUTH, RANGE 26 EAST, BOISE MERIDIAN, CASSIA  
COUNTY, STATE OF IDAHO

Section 12: Beginning at a point 40 feet East and 409.71 feet  
North from the Southwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section  
12, Thence East 417.42 feet; Thence North 104.35 feet; Thence  
West 417.42 feet; Thence South 104.35 feet to the Point of  
Beginning.

ALL IN CASSIA COUNTY, STATE OF IDAHO.

Attached to and forming a part of Warranty Deed, dated September 7, 1990.  
executed by Richard Butler and Donna Butler, husband and wife.

209648

CASSIA COUNTY ABSTRACT

220

SEP 27 11 45 AM

CASSIA COUNTY, IDAHO

FEELER

CASSIA COUNTY ABSTRACT

12751

THIS BLANK FURNISHED BY CASSIA COUNTY ABSTRACT COMPANY

209648

## WARRANTY DEED

For Value Received

BRIAN J. HAWKINS and SUE E. HAWKINS, husband and wife

the grantors do hereby grant, bargain, sell and convey unto

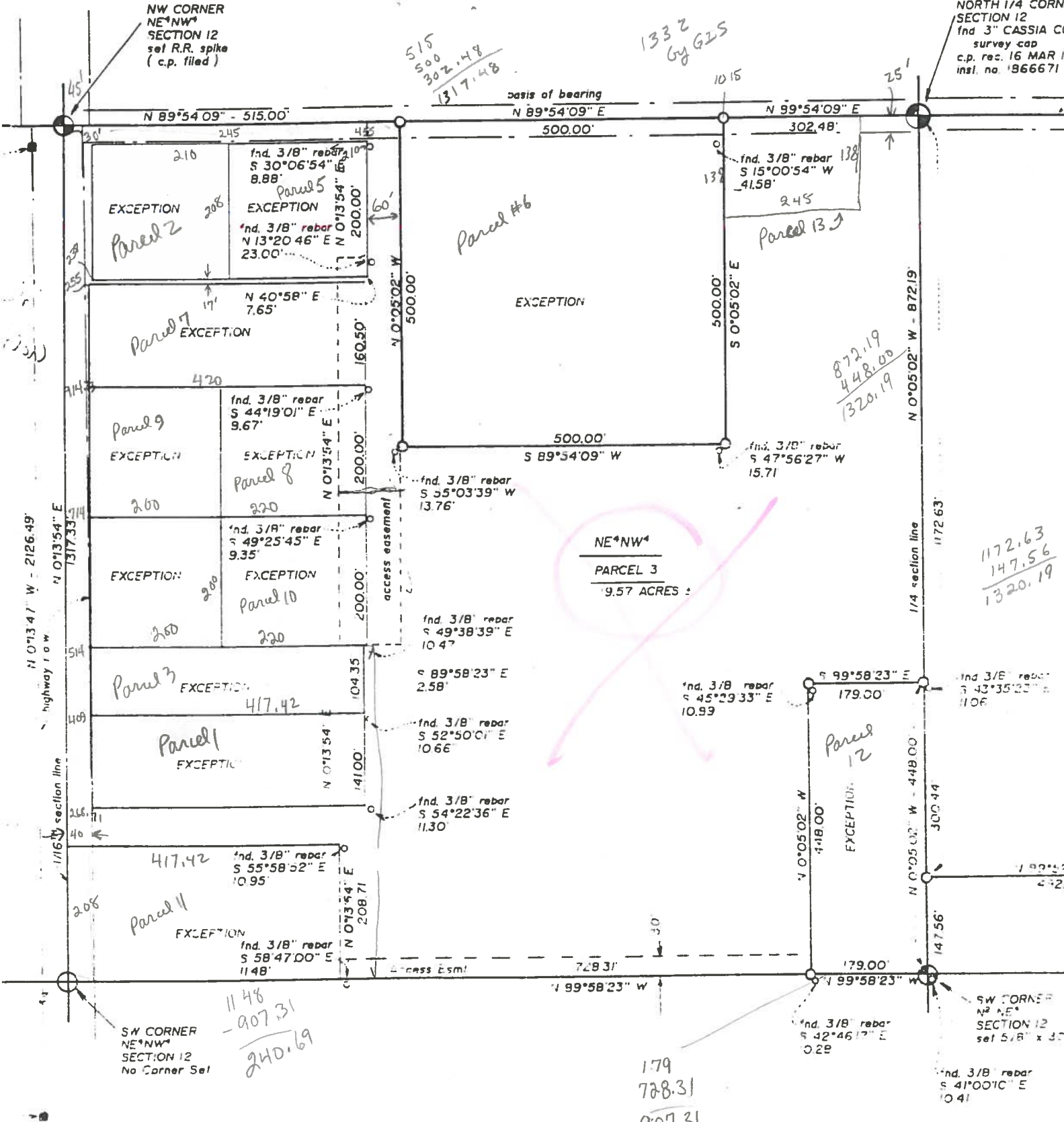
GARY W. JOHNSON and LOWANA JOHNSON, husband and wife  
2666 Fairmont Drive, Burley, Idaho 83318

the grantees, the following described premises, to-wit:

Lot 5 in Block 2 of FAIRMONT PARK DIVISION NO. 1 to the City  
of Burley, as the same is platted in the official plat thereof,  
now of record in the office of the County Recorder of the County  
of Cassia, State of Idaho.

NW CORNER  
NE\*NW\*  
SECTION 12  
set R.R. spike  
(c.p. filed)

NORTH 1/4 CORNER  
SECTION 12  
1nd 3" CASSIA CC  
survey cap  
c.p. rec. 16 MAR 15  
inst. no 1866671



NE\*NW\*

PARCEL 3

9.57 ACRES :

SW CORNER  
NE\*NW\*  
SECTION 12  
No Corner Set

SW CORNER  
NE\*NW\*  
SECTION 12  
set 5/8" x 3/4"

CORRECTED

## WARRANTY DEED

Indexed /

For Value Received

Indexed

211044

JOHN H. WIGHT and ELMOINE O. WIGHT, husband and wife

the grantor s, do es hereby grant, bargain, sell and convey unto

JAY R. THORNTON and RHONDA KIM THORNTON, husband and wife  
P. O. Box 635, Malta, Idaho 83342

the grantee s, the following described premises, to-wit:

SEE "EXHIBIT A" ATTACHED FOR LEGAL DESCRIPTION.

RECEIVED

JAN 31 1994

Department of Water Resources  
Southern Region OfficeSUBJECT TO:

General taxes for the year 1990, and subsequent years.

This Corrected Warranty Deed is recorded to correct  
exception No. 13 (Parcel #13) of the legal description.

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said Grantee s,  
their heirs and assigns forever. And the said Grantor s do es hereby covenant to  
and with the said Grantees, that they are the owner sin fee simple of said premises; that  
said premises are free from all incumbrances except as above described, and that the y will  
warrant and defend the same from all lawful claims whatsoever.

Dated: October 15, 1990

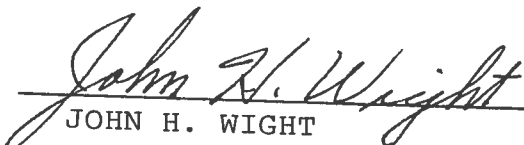
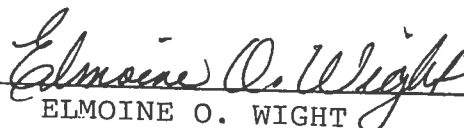
  
JOHN H. WIGHT  
ELMOINE O. WIGHT

EXHIBIT A

TOWNSHIP 13 SOUTH, RANGE 26 EAST, BOISE MERIDIAN, CASSIA COUNTY, STATE OF IDAHO

Section 12: NE $\frac{1}{4}$ NW $\frac{1}{4}$  EXCEPT the Highway right-of-way and EXCEPT the following described parcels:

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Parcel #2: Beginning at the Northwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 12, Thence East 45 feet; Thence South 30 feet to the Point of Beginning; Thence East 210 feet; Thence South 208 feet; Thence West 210 feet; Thence North 208 feet to the Point of Beginning.

Parcel #3: Beginning at a point 40 feet East and 409.71 feet North from the Southwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 12, Thence East 417.42 feet; Thence North 104.35 feet; Thence West 417.42 feet; Thence South 104.35 feet to the Point of Beginning.

Parcel #4: Beginning at a point 40 feet East and 514.6 feet North from the Southwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 12; Thence East 200 feet; Thence North 200 feet; Thence West 200 feet; Thence South 200 feet to the Point of Beginning.

Parcel #5: Beginning at a point 30 feet South and 255 feet East of the Northwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 12, Thence East 210 feet; Thence South 208 feet; Thence West 210 feet; Thence North 208 feet to the Point of Beginning.

Parcel #6: Beginning at the Northwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 12, Thence East along the North line of said Section 12 for 515.0 feet to the True Point of Beginning, Thence continuing East along said section line a distance of 500.0 feet, Thence South a distance of 500.0 feet, Thence West a distance of 500.0 feet, Thence North a distance of 500.0 feet to the Point of Beginning.

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Parcel #8: Beginning at a point 240 feet East and 714.06 feet North from the Southwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 12, Thence East 220 feet, Thence North 200 feet, Thence West 220 feet, Thence South 200 feet to the Point of Beginning.

Parcel #9: Beginning at a point 40 feet East and 714.06 feet North from the Southwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 12, Thence East 220 feet, Thence North 200 feet, Thence West 220 feet, Thence South 200 feet to the Point of Beginning.

Parcel #11: Beginning at the Southwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 12, Thence running North along the West boundary line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$  for 208.71 feet, Thence East on a line parallel with the South boundary line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$  for 417.42 feet, Thence South on a line parallel with the West boundary line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$  for 208.71 feet, Thence West along the South boundary line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$  for 417.42 feet to the Point of Beginning.

Parcel #12: Beginning at the Southeast corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 12, Thence North 448 feet, Thence West at a right angle 179 feet, Thence South at a right angle 448 feet, Thence East at a right angle 179 feet to the Point of Beginning.

Parcel #13: Beginning at the Northwest corner of ~~said~~ <sup>THE NE $\frac{1}{4}$ NW $\frac{1}{4}$  of said</sup> Section 12; Thence North 89°54'09" East along section line for 1015 feet to the Point of Beginning; Thence continuing North 89°54'09" East along section line for 245 feet; Thence South 0°05'02" East for 138 feet; Thence South 89°54'09" West for 245 feet; Thence North 0°05'02" West for 138 feet to the Point of Beginning.

SUBJECT TO a 25 foot wide county road right-of-way along the north side.

TOGETHER WITH a water conduit to be placed 36" below the surface, a strip of land 3 feet in width running North and South across the West face of the following described property:

TOWNSHIP 13 SOUTH, RANGE 26 EAST, BOISE MERIDIAN, CASSIA COUNTY, STATE OF IDAHO

Section 12: Beginning at a point 40 feet East and 268.71 feet North from the Southwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 12, Township 13 South, Range 26 EBM; Thence East 417.42 feet; Thence North 141 feet; Thence West 417.42 feet; Thence South 141 feet to the Point of Beginning.

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State of Idaho

# DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

17-May-1994 13:34

JAY R & RONDA KIM THORTON  
PO BOX 635  
MALTA, ID 83342

RE: ADJUDICATION CHANGE OF OWNERSHIP UPDATE  
A43-02002, JOHN & ELMOINE WIGHT

DEAR CLAIMANT(S):

IN REVIEWING YOUR NOTICE FOR CHANGE OF OWNERSHIP, I NOTICE A  
PROBLEM.

WE HAVE NO RECORD OF THE FORMER CLAIMANT THAT IS ON THE NOTICE.  
IN FOLLOWING THE CHAIN OF OWNERSHIPS OF THE CLAIM(S), THE FORMER  
CLAIMANT MUST HAVE NOT FILED.

ONE OF TWO THINGS ARE NOW NEEDED: A LEGAL DOCUMENT THAT SHOWS THE ORIGINAL  
OWNER HAVING THE CLAIM ALONG WITH THE NEW CLAIMANT(S).

OR

A LEGAL DOCUMENT SHOWING A CHAIN OF OWNERSHIPS LEADING TO THE FORMER  
CLAIMANT AND THE NEW CLAIMANT(S).

I HAVE ALSO ENCLOSED ANOTHER NOTICE OF OWNERSHIP CHANGE.

I APOLOGIZE FOR THE INCONVENIENCE. IF YOU HAVE ANY QUESTIONS PLEASE CALL  
THE OFFICE.

SINCERELY,

TARA L BACKLUND  
RECORDS CLERK

ENCLOSURE

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: A43-02002

Date Received: 6/01/1989

Receipt No: M003803

Received By: BAS

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: R. RICHARD BUTLER 801-544-2883  
Address: 278 SO. 300 WEST  
KAYSVILLE, UT 84037

OR  
Name: DONNA W. BUTLER 801-544-2883  
Address: 278 SO. 300 WEST  
KAYSVILLE, UT 84037

2. Date of Priority: MAR 02, 1914

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

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 13S      | 26E   | 12      | SW     | SW     | NW     |     | CASSIA |
|          |       | 22      |        | SW     | NW     |     | CASSIA |

5. Description of diverting works:  
HEADGATE, AND LATERALS TO FLOOD IRRIGATE

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 10/31 | 0.360  |      | 72.00  |

7. Total Quantity Appropriated is:  
0.360 C.F.S. (and/or) 72.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A43-02002

Page 1

Date: 06/01/89

MICROFILMED

MAR 03 1993

10. Place of Use:

| Township      | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|---------------|-------|---------|--------|-----|-----|-----|-------|
| 13S           | 26E   | 12      | NE     | NW  |     | IRR | 18.0  |
| Section Acres |       |         |        |     |     |     | 18.0  |
| Total Acres   |       |         |        |     |     |     | 18.0  |

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:  
43-00244, 43-00245, 43-04178,

14. Remarks:  
NOT TO EXCEED 72. AF/SEASON.

15. Basis of Claim: LICENSE  
Water Right Number: 1943

MICROFILMED  
MAR 03 1993

16. Signature(s)

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

Number of attachments:       0      

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): Richard Butler Date: 6/1/89  
Date:                     

State of Idaho )  
County of Cassia ) SS.

Subscribed and sworn (or affirmed) before me this        day  
of June 19 89  
Seal Bruce A. Schuld  
Notary Public

Residing at BRUCE A. SCHULD, NOTARY PUBLIC  
RESIDING AT BOISE, IDAHO  
My Commission Expires MY COMMISSION EXPIRES APRIL 11, 1995

02/07/2001

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

RIGHT NUMBER: 43-2002

NAME AND ADDRESS: JAY R THORNTON  
RONDA KIM THORNTON  
PO BOX 635  
MALTA, ID 83342

VERIFIED BY KKC

SOURCE: CASSIA CREEK

TRIBUTARY: RAFT RIVER

QUANTITY: 0.36 CFS

PRIORITY DATE: 03/02/1914

POINT OF DIVERSION: T13S R26E S14

NENENE

Within CASSIA County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE  
IRRIGATION

PERIOD OF USE  
4-01 10-31

QUANTITY  
0.36 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County  
T13S R26E S12 NENW 18

18 ACRES TOTAL

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 - License

Water Right Number - R43-02002

Prefix Translation: RESEARCH

Old (D) Number - 1943

+ - - - - Last Name - - - - + + - First Name - - - - + - - - - - Address - - - - - +

\*\*\* C - CURRENT OWNER \*\*\*  
THORNTON

RONDA KIM

VERIFIED BY *KAC*

THORNTON

JAY R

1 - PO BOX 635  
2 -  
3 -  
City- MALTA  
Phone - 208-645-2282  
1 - PO BOX 635  
2 -  
3 -  
City- MALTA  
Phone - 208-654-2282

State- ID Zip- 83342

\*\*\* O - ORIGINAL OWNER \*\*\*  
BUTLER

DONNA W

1 - 278 SO 300 WEST  
2 -  
3 -  
City- KAYSVILLE  
Phone - 801-544-2883  
1 - 278 SO 300 WEST  
2 -  
3 -  
City- KAYSVILLE  
Phone - 801-544-2883

State- UT Zip- 84037

BUTLER

R RICHARD

State- UT Zip- 84037

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +  
03/02/1914 17 SOUTHERN L - LICENSE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +  
CASSIA CREEK RAFT RIVER

+ - - - - Point of Diversion - - - - - +  
Twn Rng Sec Tract Lot RFlg County  
13S 26E 14 NE NE NE (31) CASSIA HARPER DITCH

+ - - - - Water Use - - - - - +  
Code Description Period From Period To Diversion Rate Diversion Volume  
01 - IRRIGATION 04/01 10/31 0.360

+ - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Consumptive Use - + + - - KW Usage - +  
0.360 0.0

+ - - - - Place of Use - - - - - +  
Twn Rng Sec Tract Lot Acres Code Description County  
13S 26E 12 NE NW 18.0 01 IRRIGATION (31) CASSIA

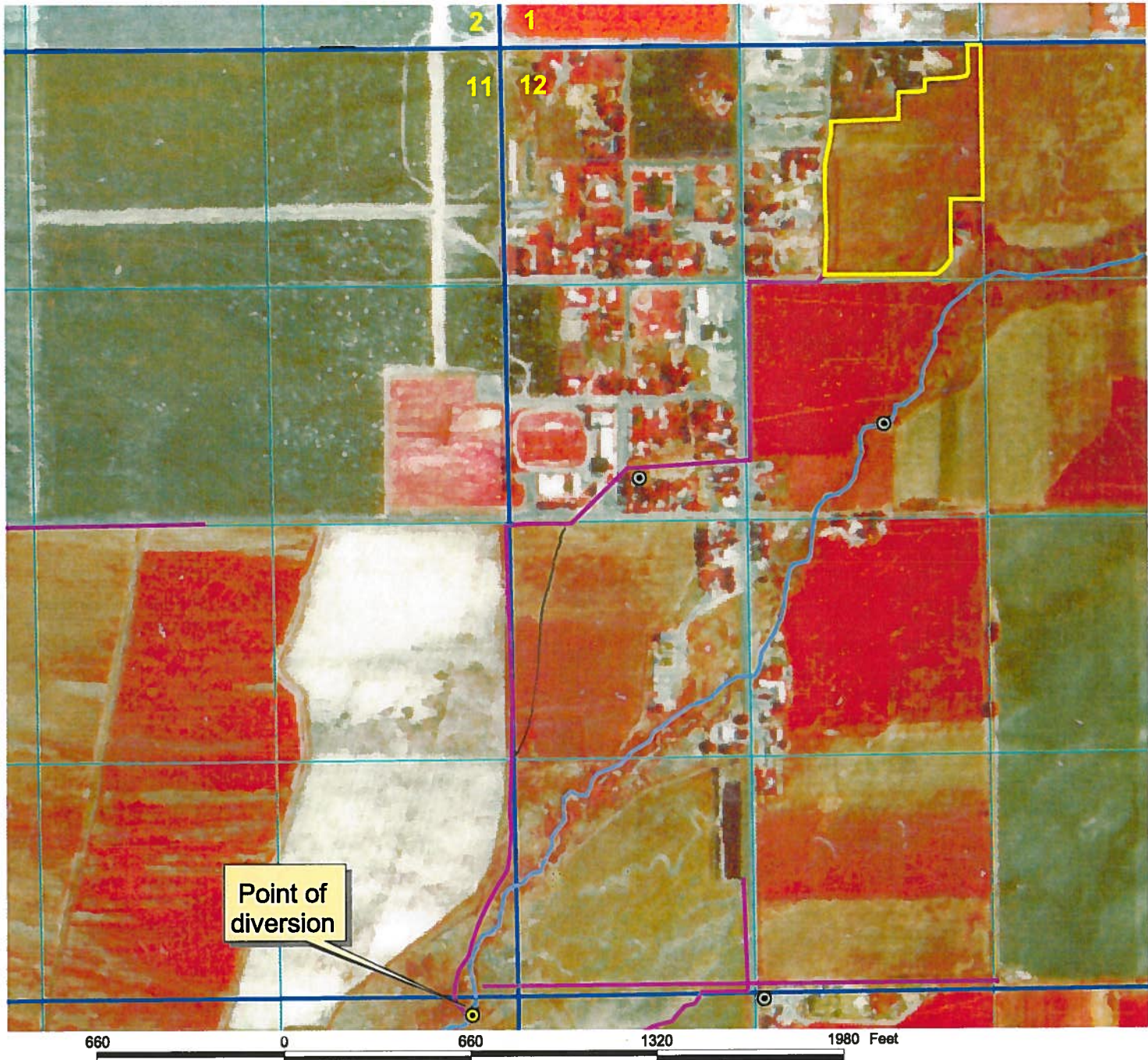
Total Acres: 18.0

+ - - Diversion Means - HEADGATE, AND LATERALS TO FLOOD IRRIGATE

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

**RECOMMENDED PLACE OF USE FOR  
43-02002**

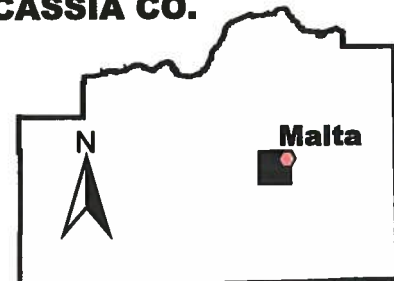


**PLACE OF USE**  
**TWP 13S RNG 26E, SEC 12**  
**data entry on: April 6, 2000**

**GIS PLACE OF USE PRESENTATION**  
**1987 AND/OR 1988 NAPP PHOTOGRAPHY**  
**DATA ENTRY BY KELLY K CHRISTENSEN**

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

**CASSIA CO.**



CLAIM NUMBER 43-02002 DATE 4-6-00  
AGENT KKC

TRANSFER NUMBER \_\_\_\_\_  
CLAIMED ACRE TOTAL 18  
GIS ACRE TOTAL 18

|       | TWP | RNG | SEC | NE            |    |    |    | NW   |    |    |    | SW |    |    |    | SE |    |    |    |
|-------|-----|-----|-----|---------------|----|----|----|------|----|----|----|----|----|----|----|----|----|----|----|
|       |     |     |     | NE            | NW | SW | SE | NE   | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |
| CLAIM | 13S | 26E | 12  | <del>12</del> |    |    |    | 18   |    |    |    |    |    |    |    |    |    |    | 1  |
| GIS   |     |     | 12  |               |    |    |    | 17.8 |    |    |    |    |    |    |    |    |    |    |    |
| RECOM |     |     |     |               |    |    |    | 18   |    |    |    |    |    |    |    |    |    |    | 1  |
| CLAIM |     |     |     |               |    |    |    |      |    |    |    |    |    |    |    |    |    |    |    |
| GIS   |     |     |     |               |    |    |    |      |    |    |    |    |    |    |    |    |    |    |    |
| RECOM |     |     |     |               |    |    |    |      |    |    |    |    |    |    |    |    |    |    |    |
| CLAIM |     |     |     |               |    |    |    |      |    |    |    |    |    |    |    |    |    |    |    |
| GIS   |     |     |     |               |    |    |    |      |    |    |    |    |    |    |    |    |    |    |    |
| RECOM |     |     |     |               |    |    |    |      |    |    |    |    |    |    |    |    |    |    |    |

B43-POU.SHP

SHAPE NOS.

141 (contract #)

B43-POD.SHP

NOS. DESCRIPTION

134 Sec 14

NENENE

also known as

the HARPER DITCH.

the system is a cement diversion structure diverting water into the "Harperditch" on the north and into the 'Simplot - Higley ditch' to the south. The ditch is approx 5700 feet long from the P/D to the P/U. A portion of the ditch flows through a buried line crossing the school property.

The Place of use is flood irrigated with water flow across the P/U going west to east and/or north east.

DBF TABLES UPDATED

B43-DBPOU.DBF 4-14

B43-DBPOD.DBF "

JPEG LAYOUT

The date of change for the P/D is unknown but the watermaster from the 70's (Gene Ward) delivered water from this point for the claimed. The orig P/D was in Sec 22. The claimed P/D in Sec 14 corresponds with a split in the ditch system.

43-02002 Thornton

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

08:47:13  
03/21/00

PAGE: 16  
QUICKLOOK INFORMATION

16  
CLAIM NUMBER: A43-02002

| WR ELEMENT                | DATA<br>DISCREPANCY<br>Y/N | CORRESPONDENCE<br>SENT/RECEIVED<br>BY WHOM/DATE | FIELD EXAM<br>BY WHOM/DATE | CHANGE<br>CLAIM<br>Y/N | ELEMENT<br>DOCUMENTED<br>WHOM/DATE | COMPLETED<br>REVIEW<br>WHOM/DATE | COMPLETED<br>DATA ENTRY<br>WHOM/DATE | VERIFIED<br>DATE<br>WHOM/DATE |
|---------------------------|----------------------------|-------------------------------------------------|----------------------------|------------------------|------------------------------------|----------------------------------|--------------------------------------|-------------------------------|
| PRIORITY DATE             |                            |                                                 | 3-27-00<br>RKC             | N                      | KKC<br>4-6-00                      | KKC<br>4-6-00                    | KKC<br>4-7-00                        |                               |
| POINT OF DIV              | Y                          |                                                 | "                          | Y                      |                                    |                                  |                                      |                               |
| SOURCE                    |                            |                                                 | "                          | N                      |                                    |                                  |                                      |                               |
| PLACE OF USE              | Y                          |                                                 | 3-27-00<br>4-5-00          | N                      |                                    |                                  |                                      |                               |
| DIV. AMOUNT<br>CFS/VOLUME |                            |                                                 | 3-27-00                    | N                      |                                    |                                  |                                      |                               |
| CONSUMPTIVE USE           | -                          |                                                 | -                          | -                      |                                    |                                  |                                      |                               |
| PURPOSES OF USE           |                            |                                                 | "                          | N                      |                                    |                                  |                                      |                               |
| PERIOD OF USE             |                            |                                                 | "                          | N                      |                                    |                                  |                                      |                               |
| BASIS OF CLAIM            |                            |                                                 | "                          | N                      |                                    |                                  |                                      |                               |
| REMARKS                   | Y                          |                                                 |                            | N                      |                                    |                                  |                                      |                               |

BARCODE UPDATED  
WHOM/DATE

KKC  
4-7-00

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

| TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)                  | IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION                       | COPY INCLUDED IN FILE?                        |
|------------------------------------------------------------|------------------------------------------------------------------------------|-----------------------------------------------|
| <input checked="" type="checkbox"/> ORTHOPHOTOQUAD         | DATE OF PHOTO <u>1976</u> IDWR ID NO. <u>CC 82</u>                           | Y( ) N( )                                     |
| <input type="checkbox"/> TOPOGRAPHIC                       | DATE FIELD CHECKED _____ IDWR ID NO. _____                                   | Y( ) N( )                                     |
| <input checked="" type="checkbox"/> NAPP                   | DATE OF PHOTO <u>GIS Rectified</u> IDWR ID NO. _____                         | Y( <input checked="" type="checkbox"/> ) N( ) |
| <input checked="" type="checkbox"/> ASCS AERIAL PHOTO      | DATE OF PHOTO <u>(Second copy with Gamma adjusted and contrast adjusted)</u> | Y( ) N( )                                     |
| <input type="checkbox"/> ASCS COLOR SLIDE                  | DATE OF PHOTO _____                                                          | Y( ) N( )                                     |
| <input type="checkbox"/> BLM OR USFS AERIAL PHOTO          | DATE OF PHOTO _____                                                          | Y( ) N( )                                     |
| <input type="checkbox"/> TOWNSHIP SURVEY (GOVERNMENT PLAT) | DATE OF SURVEY <u>Ascs Aerial Photo 1987</u>                                 | Y( <input checked="" type="checkbox"/> ) N( ) |
| <input type="checkbox"/> SCS SOIL SURVEY MAP               | DATE ISSUED _____                                                            | Y( ) N( )                                     |
| <input type="checkbox"/> SUBDIVISION PLAT MAP              | DATE OF MAP _____                                                            | Y( ) N( )                                     |
| <input type="checkbox"/> OTHER _____                       | DATE _____                                                                   | Y( ) N( )                                     |
| <input type="checkbox"/> OTHER _____                       | DATE _____                                                                   | Y( ) N( )                                     |
| <input type="checkbox"/> OTHER _____                       | DATE _____                                                                   | Y( ) N( )                                     |

| LIST OF ATTACHMENTS (CHECK IF ATTACHED)                  | IF ATTACHED, SUPPLY APPROPRIATE INFORMATION | NO. OF PAGES | NOTES                         |
|----------------------------------------------------------|---------------------------------------------|--------------|-------------------------------|
| <input checked="" type="checkbox"/> LICENSING FIELD EXAM | DATE OF FIELD EXAM <u>Aug 16 1917</u>       | <u>2</u>     |                               |
| <input checked="" type="checkbox"/> WATER RIGHT LICENSE  | DATE LICENSE SIGNED <u>Apr 29, 1969</u>     |              |                               |
| <input type="checkbox"/> IDWR APPROVED TRANSFER          | DATE TRANSFER APPROVED _____                |              |                               |
| <input type="checkbox"/> SYSTEM DESCRIPTION              | DATE DRAWN _____                            |              |                               |
| <input checked="" type="checkbox"/> PHOTOGRAPHS          | DATE(S) PHOTOS TAKEN <u>3-27-00</u>         | <u>2</u>     | <u>4 photo sets</u>           |
| <input type="checkbox"/> SPLIT RIGHT REVIEW              | DATE REVIEW COMPLETED _____                 |              |                               |
| <input type="checkbox"/> HUBBLE ANALYSIS                 | DATE ANALYSIS COMPLETED _____               |              |                               |
| <input type="checkbox"/> CONVEYANCE LOSS ANALYSIS        | DATE ANALYSIS COMPLETED _____               |              |                               |
| <input type="checkbox"/> FLOW MEASUREMENT CALCULATIONS   | DATE SYSTEM MEASURED _____                  |              |                               |
| <input type="checkbox"/> OTHER <u>e-mail memo</u>        | DATE <u>3-21-00</u>                         | <u>1</u>     | <u>KKC to D Jones &amp;</u>   |
| <input type="checkbox"/> OTHER <u>GIS land list</u>      | DATE <u>4-6-00</u>                          |              | <u>NSPencer &amp; Reply</u>   |
| <u>meets &amp; Bounds</u>                                | <u>approximation for P/A</u>                |              | <u>RE: Priority dates</u>     |
| <u>ownership change.</u>                                 |                                             |              | <u>! with system analysis</u> |

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

08:47:13  
03/21/00

PAGE: 1  
GENERAL INFORMATION

1  
CLAIM NUMBER: A43-02002

LAST: HORN FIRST: WILLIAM J  
ADDRESS:  
CITY: MALTA STATE: ID ZIP: 99999  
PHONE NUMBER: 208-000-0000

OWNER CODE: 0

LAST: BUTLER FIRST: R RICHARD  
ADDRESS: 278 SO 300 WEST  
CITY: KAYSVILLE STATE: UT ZIP: 84037  
PHONE NUMBER: 801-544-2883

OWNER CODE: 0

LAST: BUTLER FIRST: DONNA W  
ADDRESS: 278 SO 300 WEST  
CITY: KAYSVILLE STATE: UT ZIP: 84037  
PHONE NUMBER: 801-544-2883

OWNER CODE: 0

LAST: THORNTON FIRST: JAY R  
ADDRESS: PO BOX 635  
CITY: MALTA STATE: ID ZIP: 83342  
PHONE NUMBER: 208-654-2282

OWNER CODE: C

LAST: THORNTON FIRST: RONDA KIM  
ADDRESS: PO BOX 635  
CITY: MALTA STATE: ID ZIP: 83342  
PHONE NUMBER: 208-645-2282

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE  
Y

FIELD  
EXAMINER  
Y( ) N( )

CLAIM REMARKS: GEN NOT TO EXCEED 72. AF/SEASON.  
OWNERSHIP CHANGE ENTERED ON 10-27-94 BASED UPON WARRANTY DEED  
CHAIN. FROM BUTLER TO WIGHT AND FROM WIGHT TO THORNTON. KKC

PAGE: 2  
FIELD EXAMINATION INFORMATION

2  
CLAIM NUMBER: A43-02002

CONTACT PERSON: Ronda Thornton

PHONE NUMBER: ( ) -

DATE OF FIELD EXAM: 3/27/00

APPOINTMENT MADE: Y( ) N( )

TIME: : A( ) P( )

ACCOMPANIED BY: same

PHONE NUMBER: ( ) -

RELATIONSHIP TO CLAIMANT: owner

DIRECTIONS TO PROPERTY / NOTES:

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- A. AJ CLAIM: # A43-02002 PRIORITY DATE: 03-02-1914 STAGE: L
- B. WR RECORD: # 43-02002 PRIORITY DATE: 03-02-1914 STAGE: L
- C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE?
- D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE?
- E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE?  
(IF YES, DESCRIBE BELOW)
- F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

Y(☒) N(☐)

Y(☐) N(☒)

Y(☐) N(☒)

PROOF OF BENEFICIAL USE SUBMITTED

N/A(☒) Y(☐) N(☐)

FIELD EXAM COMPLETED

N/A(☒) Y(☐) N(☐)

FIELD EXAM SENT TO STATE OFFICE

N/A(☒) Y(☐) N(☐)

LICENSE ISSUED

N/A(☒) Y(☐) N(☐)

\* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT,  
USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

- G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE  
OF THE PRIORITY DATE REQUIRED?

N/A(☒) Y(☐) N(☐)

\* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED,  
INCLUDING THE ANALYSIS OF THE EVIDENCE.

- H. IS THE STAGE OF THE CLAIM CODED CORRECTLY?

Y(☒) N(☐)

NOTES: The claim matches the license & the p/u by GFS &  
Supplied map correspond to the same p/u therefore I accept  
priority date as claimed. See Also attached e-mail dated  
3-20-00 from KKC to Nick Spencer.

=====

RECOMMENDED PRIORITY DATE:

03-02-1914

REVIEWED BY KKC

DATE 3-21-00

## Christensen, Kelly

---

**From:** Jones, Doug  
**Sent:** Tuesday, March 21, 2000 12:04 PM  
**To:** Christensen, Kelly; Spencer, Nick  
**Subject:** RE: question on 43-02002

I agree with recommending the right. There is no issue of superceding the license, since no award apparently was made. There is use. The permit was pursued as a means of legitimizing use in an obviously water tight area.

Doug

-----Original Message-----

**From:** Christensen, Kelly  
**Sent:** Tuesday, March 21, 2000 11:43 AM  
**To:** Spencer, Nick  
**Cc:** Jones, Doug  
**Subject:** question on 43-02002

|                                            |            |
|--------------------------------------------|------------|
| timeline                                   |            |
| permit issued and priority date licensed = | 4-18-1906  |
| field examination conducted                | 9-16-1917  |
| Jobe Adams decree date                     | 10-18-1928 |
| license issued by the department           | 4-29-1969  |

1. To the best of my knowledge the permit holder was the owner of the property at the time of the decree. (9 yr. gap in owner information from field exam date to date of decree.)
2. This right was a permit at the time of the decree.
3. Horn was not listed in the decree.
4. The forty acre tract has no decreed water on the allocations data base.
5. GIS identifies a 17 acre P/U, it was licensed for 18 acres.

My inclination is to recommend the right and just adjust P/U and rate accordingly. (a homesite of approx. 1 acre is no longer part of the original P/U)

Kelly K Christensen

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT     | TWP. RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | POD  | COUNTY | DIVERSION NAME | DIVERSION NUMB |
|-----------|-----------|------|-----|-----|-----|-----|------|--------|----------------|----------------|
|           |           |      |     |     |     |     | FLAG |        |                |                |
| A43-02002 | 13S 26E   | 12   | SW  | SW  | NW  |     |      | CASSIA |                |                |
| A43-02002 | 13S 26E   | 22   |     | SW  | NW  |     |      | CASSIA |                |                |

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX      R PREFIX  
\*              \*\*

WR RECORDS IN SAME 40 ACRE TRACT

43-02054  
43-04157  
43-04161  
43-04163  
43-04192  
43-07019  
43-07323

\* 21 A PREFIX CLAIMS WITH THIS POD

\*\* 21 R PREFIX CLAIMS WITH THIS POD

SOURCE: CASSIA CREEK

TRIB: RAFT RIVER

B. WR POINT OF DIVERSION AND SOURCE:

| RIGHT    | TWP. RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | POD  | COUNTY | DIVERSION NAME | DIVERSION NUMB |
|----------|-----------|------|-----|-----|-----|-----|------|--------|----------------|----------------|
|          |           |      |     |     |     |     | FLAG |        |                |                |
| 43-02002 | 13S 26E   | 22   |     | SW  | NW  |     |      | CASSIA |                |                |

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX      R PREFIX

43-02054

A43-00275      R43-00275  
A43-00276      R43-00276  
A43-00277      R43-00277  
A43-10549      R43-10549

SOURCE: CASSIA CREEK

TRIB: RAFT RIVER

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A( ) Y( ) N(~~X~~)

\* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA?

N/A( ) Y( ) N(~~X~~)

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM?

Y(~~X~~) N( )

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A( ) Y(☒) N( )

\* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE?

Y(☒) N( )

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM?

Y( ) N(☒)

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM \_\_\_\_\_)

Y( ) N( )

AJ FIELD EXAM (DATE OF FIELD EXAM 3-27-00) NAME OF EXAMINER KKC Y( ) N( )

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: see GIS land list for system analysis RE: chg P/D

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED ( )

| TWP. | RGE. | SEC.          | 1/4       | 1/4       | 1/4       | LOT | POD | FLAG | COUNTY | DIVERSION NAME             | DIVERSION NB |
|------|------|---------------|-----------|-----------|-----------|-----|-----|------|--------|----------------------------|--------------|
| 13S  | 26E  | <del>13</del> | SW        | SW        | NW        |     |     |      | CASSIA |                            |              |
| 13S  | 26E  | <del>22</del> |           | SW        | NW        |     |     |      | CASSIA |                            |              |
|      |      | <u>14</u>     | <u>NE</u> | <u>NE</u> | <u>NE</u> |     |     |      |        | <u>SITE tag # A0007923</u> |              |
|      |      |               |           |           |           |     |     |      |        | <u>AKA: Harper Ditch</u>   |              |
|      |      |               |           |           |           |     |     |      |        |                            |              |
|      |      |               |           |           |           |     |     |      |        |                            |              |
|      |      |               |           |           |           |     |     |      |        |                            |              |
|      |      |               |           |           |           |     |     |      |        |                            |              |
|      |      |               |           |           |           |     |     |      |        |                            |              |

SOURCE: CASSIA CREEK OK  
Per USGS  
TRIB: RAFT RIVER OK

REVIEWED BY: KKC DATE: 4-6-00

SYSTEM DESCRIPTION: DESCRIBED BELOW ( ), SEE LICENSE FILE ( ), OR SEE ATTACHMENT X GIS land list.

A. ROOT WATER RIGHT NUMBERS: A43-02002  
R43-02002

B. POU LISTING

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME                                    | AJ<br>#/ACRES    | WR<br>#/ACRES   | LANDSAT<br>DATA | FIELD<br>EXAM. | RECOMM.<br>ACRES |
|-----|-----|-----|-----|-----|-----|-----------------------------------------|------------------|-----------------|-----------------|----------------|------------------|
| 13S | 26E | 12  | NE  | NW  |     | THORNTON, JAY R                         | A43-02002 / 18.0 | 43-02002 / 18.0 | 38.0            |                |                  |
|     |     |     | NE  | NW  |     | RAFT RIVER RURAL ELECTRIC CO-OA43-10839 | /                | - /             |                 |                |                  |
|     |     |     | NE  | NW  |     | WARD, EUGENE                            | R43-10152 / 2.0  | - /             |                 |                |                  |
|     |     |     | NE  | NW  |     | BANKHEAD, JERRY                         | A43-10211 /      | - /             |                 |                |                  |
|     |     |     | NE  | NW  |     | THORNTON, JAY                           | A43-10437 /      | - /             |                 |                |                  |
|     |     |     | NE  | NW  |     | USFS                                    | 43-10719 /       | - /             |                 |                |                  |
|     |     |     | NE  | NW  |     | THORNTON, RONDA KIM                     | R43-02002 /      | - /             |                 |                |                  |
|     |     |     | NE  | NW  |     | WARD, EUGENE                            | - /              | - /             |                 |                |                  |
|     |     |     | NE  | NW  |     | RAFT RIVER HIGHWAY DIST                 | - /              | - /             |                 |                |                  |
|     |     |     | NE  | NW  |     | GHELETA, M OR D                         | - /              | - /             |                 |                |                  |
|     |     |     | NE  | NW  |     | RAFT RIVER                              | - /              | - /             |                 |                |                  |
|     |     |     | NE  | NW  |     | WARD,                                   | - /              | - /             |                 |                |                  |
|     |     |     | NE  | NW  |     | BANKHE                                  | - /              | - /             |                 |                |                  |
|     |     |     | NE  | NW  |     | THORNTON                                | A43-10437 /      | - /             |                 |                |                  |
|     |     |     | NE  | NW  |     | CASSIA C CO.                            | - /              | 43-00015 /      |                 |                |                  |

SEE GIS LAYOUT AND LAND LIST FORM  
SHOWING ACRE COMPARISON AND  
RECOMMENDATION  
KKC

ADDITIONAL POU FOUND

|             |           |       |       |       |
|-------------|-----------|-------|-------|-------|
| TOTAL ACRES | A43-02002 | 18.00 | 18.00 | 38.00 |
|-------------|-----------|-------|-------|-------|

POU COUNTY: CASSIA

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y( ) N(~~X~~)

\* IF YES, ARE THESE TRACTS LISTED ABOVE ( ), OR ARE THEY LISTED ON AN ATTACHED SHEET ( )

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

| CLAIM NO. | SOURCE       | NAME                | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|-----------|--------------|---------------------|-----------|----------------|-----------|----------------|
| A43-02002 | CASSIA CREEK | THORNTON, JAY R     | 0.360     | 0.020          | 72.00     | 4.00           |
| R43-02002 | CASSIA CREEK | THORNTON, RONDA KIM | 0.360     | 0.020          | 72.00     | 4.00           |
| A43-10152 | GROUNDWATER  | WARD, EUGENE        | 0.040     | 0.020          |           |                |
| R43-10152 | GROUNDWATER  | WARD, EUGENE        | 0.040     | 0.020          |           |                |

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

| CLAIM NO. | PURPOSES   | NAME                           | MONTH/DAY           | RATE      | VOLUME |
|-----------|------------|--------------------------------|---------------------|-----------|--------|
| A43-10839 | DOMESTIC   | RAFT RIVER RURAL ELECTRIC CO-O | FROM 01-01 TO 12-31 | 0.040 CFS |        |
| R43-10152 | STOCKWATER | WARD, EUGENE                   | FROM 01-01 TO 12-31 | 0.020 CFS |        |
| A43-10211 | DOMESTIC   | BANKHEAD, JERRY                | FROM 01-01 TO 12-31 | 0.040 CFS |        |
| A43-10211 | STOCKWATER | BANKHEAD, JERRY                | FROM 01-01 TO 12-31 | 0.020 CFS |        |
| A43-10437 | DOMESTIC   | THORNTON, JAY                  | FROM 01-01 TO 12-31 | 0.040 CFS |        |
| 43-10719  | DOMESTIC   | USFS                           | FROM 01-01 TO 12-31 | 0.020 CFS |        |
| A43-10152 | STOCKWATER | WARD, EUGENE                   | FROM 01-01 TO 12-31 | 0.020 CFS |        |
| R43-10326 | DOMESTIC   | RAFT RIVER HIGHWAY DISTRICT    | FROM 01-01 TO 12-31 | 0.040 CFS |        |
| A43-10719 | DOMESTIC   | GHELETA, M OR D ZANE OR E GOUL | FROM 01-01 TO 12-31 | 2.110 CFS |        |
| 43-10839  | DOMESTIC   | RAFT RIVER RURAL ELECTRIC CO-O | FROM 01-01 TO 12-31 | 0.040 CFS |        |
| R43-10153 | DOMESTIC   | WARD, EUGENE                   | FROM 01-01 TO 12-31 | 0.040 CFS |        |
| R43-10211 | DOMESTIC   | BANKHEAD, LISA                 | FROM 01-01 TO 12-31 | 0.040 CFS |        |
| R43-10211 | STOCKWATER | BANKHEAD, LISA                 | FROM 01-01 TO 12-31 | 0.020 CFS |        |
| R43-10437 | DOMESTIC   | THORNTON, JAY                  | FROM 01-01 TO 12-31 | 0.040 CFS |        |

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y( ) N( )

\* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: 43-00244, 43-00245, 43-04178,

*No overlap found*

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A( ) Y(~~X~~) N( )

\* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A( ) Y( ) N(~~X~~)

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y(☒) N(☐)

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y(☐) N(☒)

CHECK DOCUMENTS USED TO VERIFY POU: ( ) ORTHOPHOTOQUAD, IDWR NO. CC-82; ( ) TOPOGRAPHIC QUAD, IDWR NO. \_\_\_\_\_;  
( ) NAPP, IDWR NO. GIS rectified; ( ) ASCS PHOTO; ( ) OTHER \_\_\_\_\_

NOTES:

P/u basically matches licensed P/u and GIS found with a few tenths of the licensed 18 acres.

RECOMMENDATIONS:

TOTAL ACRES: 18 N/A(☐)

REVIEWED BY: KKC

DATE: 4-6-00

## A. AJ CLAIMED USES:

|           | PURPOSE OF USE              | PERIOD OF USE (MONTH/DAY) | DIV. RATE FOR EACH USE | DIV. VOL. FOR EACH USE |
|-----------|-----------------------------|---------------------------|------------------------|------------------------|
| A43-02002 | IRRIGATION                  | FROM 04-01 TO 10-31       | 0.360 CFS              | 72.00 AF/A             |
|           | TOTAL DIVERSION RATE/VOLUME |                           | 0.360 CFS              | 72.00 AF/A             |

## B. WR RECORDED USES:

|          | PURPOSE OF USE              | PERIOD OF USE (MONTH/DAY) | DIV. RATE FOR EACH USE | DIV. VOL. FOR EACH USE |
|----------|-----------------------------|---------------------------|------------------------|------------------------|
| 43-02002 | IRRIGATION                  | FROM 04-01 TO 10-31       | 0.360 CFS              | 72.00 AF/A             |
|          | TOTAL DIVERSION RATE/VOLUME |                           | 0.360 CFS              | 72.00 AF/A             |

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE?

Y(☒) N(☐)

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A(☐) Y(☒) N(☐)

\* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM?

Y(☐) N(☒)

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS?

Y(☒) N(☐)

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS?

Y(☒) N(☐)

\* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A(☐) Y(☒) N(☐)

\* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM?

N/A(☐) Y(☐) N(☒)

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A(☒) Y(☐) N(☐)

\* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM?

N/A(☒) Y(☐) N(☐)

PAGE: 10

10

PURPOSE OF USE, PERIOD OF USE, DIVERSION RATE AND DIVERSION VOLUME REVIEW SHEET CONTINUED

CLAIM NUMBER: A43-02002

NOTES:

*Recon as licensed and claimed*

AJ CLAIM TOTAL DIVERSION RATE: 0.360 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 0.360 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A( ) Y(☒) N( )

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE?

N/A( ) Y(☒) N( )

\* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE?

Y( ) N(☒)

\* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM?

Y(☒) N( )

E. FLOW MEASUREMENT

MEASUREMENT METHOD

*the system is capable of carrying in excess of the lic rate*  
SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

*Recon. lic & claimed rate*

1a. IRRIGATION RATE

ACRES 18 x 0.02 CFS/ACRE = .36 CFS  
(Taken from pou review)

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y( ) N(☒)

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y( ) N( )

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = 72.00 AF/A

ACRES \_\_\_\_\_ x DIVERSION VOL. AF/A FOR AREA \_\_\_\_\_ =

TOTAL DIVERSION VOLUME \_\_\_\_\_ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = \_\_\_\_\_ AF/A

ACRES \_\_\_\_\_ x CONSUMPTIVE VOL. AF/A FOR AREA \_\_\_\_\_ =

TOTAL CONSUMPTIVE USE \_\_\_\_\_ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW ( ) OR SEE ATTACHMENT ( )

NOTES:

See Prev pg

WR RECORD CONDITIONS/REMARKS:

no P/A overlapping  
rights.  
no RM/Ks needed

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED (\_\_\_)

| REC.<br>PURPOSE OF USE | REC. PERIOD |       | REC. DIV |          | REC. DIV         |          | REC. CONS. |          |
|------------------------|-------------|-------|----------|----------|------------------|----------|------------|----------|
|                        | FROM        | TO    | RATE     | CFS      | VOL.             | AF/A     | USE        |          |
|                        |             |       | DATABASE | EXAMINER | DATABASE         | EXAMINER | DATABASE   | EXAMINER |
| IRRIGATION             | 04-01       | 10-31 | 0.360    | _____    | <del>72.00</del> | _____    | 0.0        | _____    |
| _____                  | _____       | _____ |          | _____    |                  | _____    |            | _____    |
| _____                  | _____       | _____ |          | _____    |                  | _____    |            | _____    |
| _____                  | _____       | _____ |          | _____    |                  | _____    |            | _____    |
| _____                  | _____       | _____ |          | _____    |                  | _____    |            | _____    |
| TOTAL FOR THIS RIGHT   |             |       | 0.360    | _____    | <del>72.00</del> | _____    | 0.0        | _____    |

NON-IRRIGATION USES CLAIMED:

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED (\_\_\_)

REVIEWED BY: KKC DATE: 4-6-00

FLAG: C

STANDARD CONDITIONS (CODE): EØ3 chg in P/D.

STANDARD REMARKS (CODE):  
none

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

|                              | ACCEPTED<br>AS CLAIMED              | NEEDS<br>REVIEW |
|------------------------------|-------------------------------------|-----------------|
| OWNERSHIP _____              | <input checked="" type="checkbox"/> | ( )             |
| FORFEIT/ABANDON _____        | ( )                                 | ( )             |
| ADDITIONAL DIV. AMOUNT _____ | ( )                                 | ( )             |

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 43-02002

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE  
0.360

EXAMINER

CFS

SPLITS:

| OLD RIGHT<br>NUMBERS | CURRENT<br>CLAIM NUMBERS | DIVERSION<br>RATE | CURRENT "R"<br>CLAIM NUM. | "R" DIV.<br>RATE | WR RIGHT<br>NUMBERS | DIVERSION<br>RATE |
|----------------------|--------------------------|-------------------|---------------------------|------------------|---------------------|-------------------|
| -                    | A43-02002                | 0.360             | R43-02002                 | 0.360            | 43-02002            | 0.360             |
| TOTAL CFS            |                          | 0.360             |                           | 0.360            |                     | 0.360             |

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)  
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW ( ) OR SEE ATTACHMENT ( )?

DATABASE  
Y

FIELD  
EXAMINER  
Y( ) N( )

NOTES:

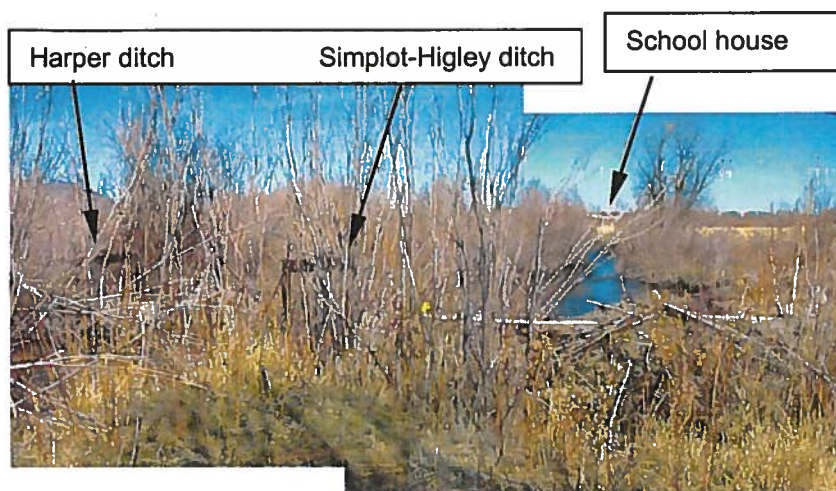
AUTHENTICATION:

SIGNATURE: Kelly K. Christensen DATE: 4-6-00

NAME OF FIELD EXAMINER: \_\_\_\_\_ TITLE: Sr Water Resource Agent

A43-02002

By Kelly K Christensen  
Photo date: 3-27-2000



This photo set is looking north on the left to northeast on the right and shows the diversion for the Harper ditch on the north and the Simplot-Higley ditch on the south.

I was accompanied by Gene Ward.

The GPS rover file for this site is R032718A

Harper ditch site tag no = A0007923

Simplot Higley site tag no = A0007924



This photo is looking at the parshall flume for the Harper ditch. You are looking south in this photo.

There is an approximately 1½ foot drop-off at the discharge of this structure however there does not appear to be any evidence of leakage around or under the flume. There is minor willow problems in and upstream of the flume but they could be cleared out with minimal effort. Overall the structure is rated as good.

A43-02002

By Kelly K Christensen  
Photo date: 3-27-2000



This photo set was taken from the northwest corner of the P/U and is looking east on the left to south on the right and shows that irrigation occurs to the fenceline. The fenceline just visible on the left is supposedly the property boundary of a 5 acre parcel exclusion for a portion of the 40 acre tract. This fenceline is not on the correct location. It should be approximately 100 feet south of this location. That mis-location of the fenceline That 100 ft strip is not part of the 18 licensed acres.



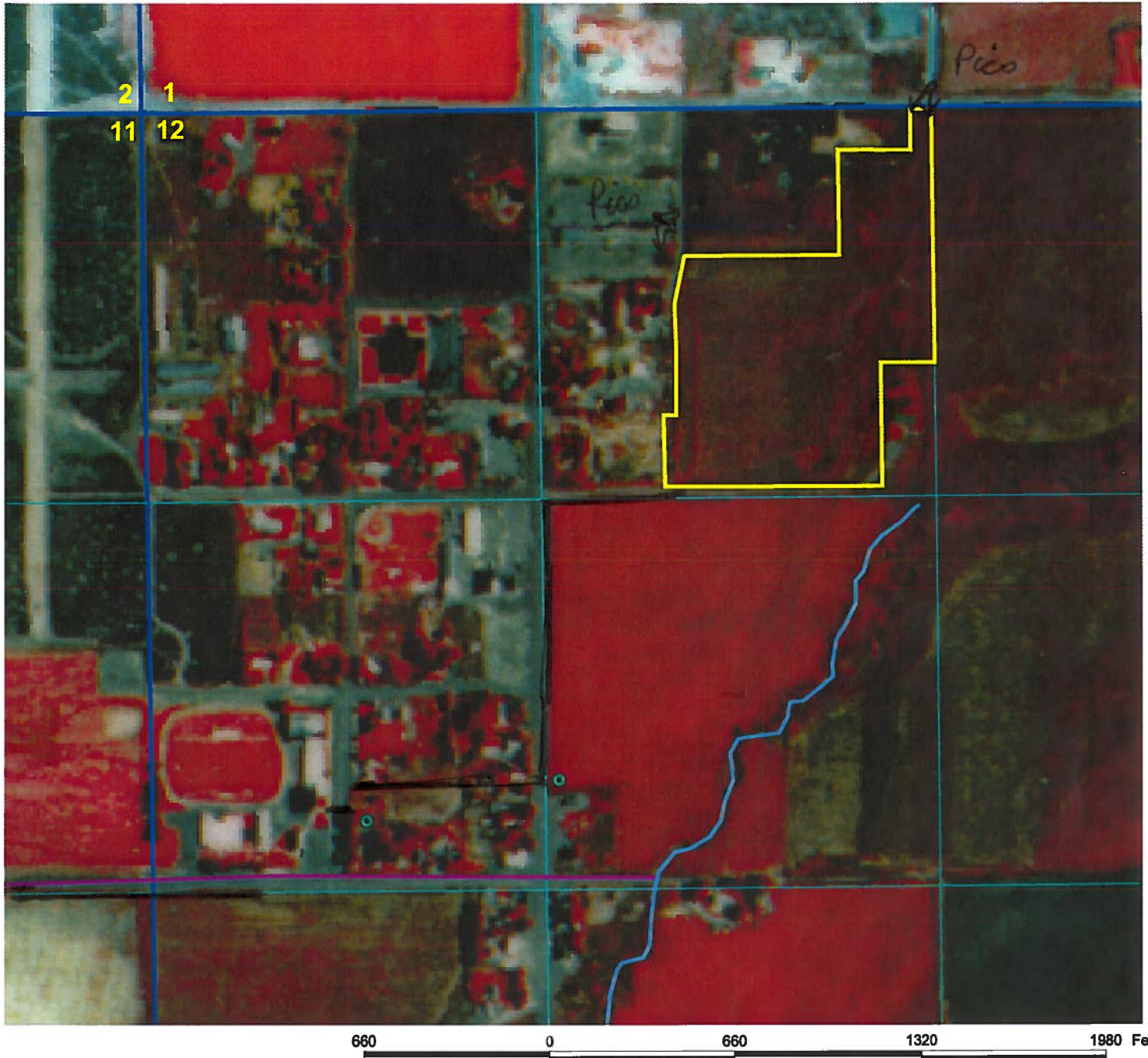
This photo set was taken from the NE corner of the place of use. You are looking south along the eastern border of the P/U and southwest on the right. This photo set shows that the P/U is irrigated to this point.

43-02002

IDAHO DEPARTMENT OF WATER RESOURCES

**FIELD MAP PLACE OF USE  
FOR 43-02002**

*field map 3-27-00*

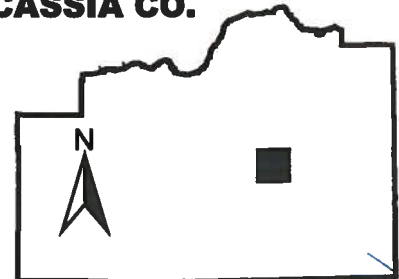


**PLACE OF USE**  
**TWP 13S RNG 26E, SEC 12**  
data entry on: March 21, 2000

**GIS PLACE OF USE PRESENTATION**  
**1987 AND/OR 1988 NAPP PHOTOGRAPHY**  
**DATA ENTRY BY KELLY K CHRISTENSEN**

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

**CASSIA CO.**



8  
163

DSLE

9.4

330

HEL

128.3

A  
5.9

D412

B  
11.8

HEL

D476

F  
5.1

THORNTON

WIGHT

C  
25.8

RICHARD  
BUTLER  
8.4

20.1

2  
85.3

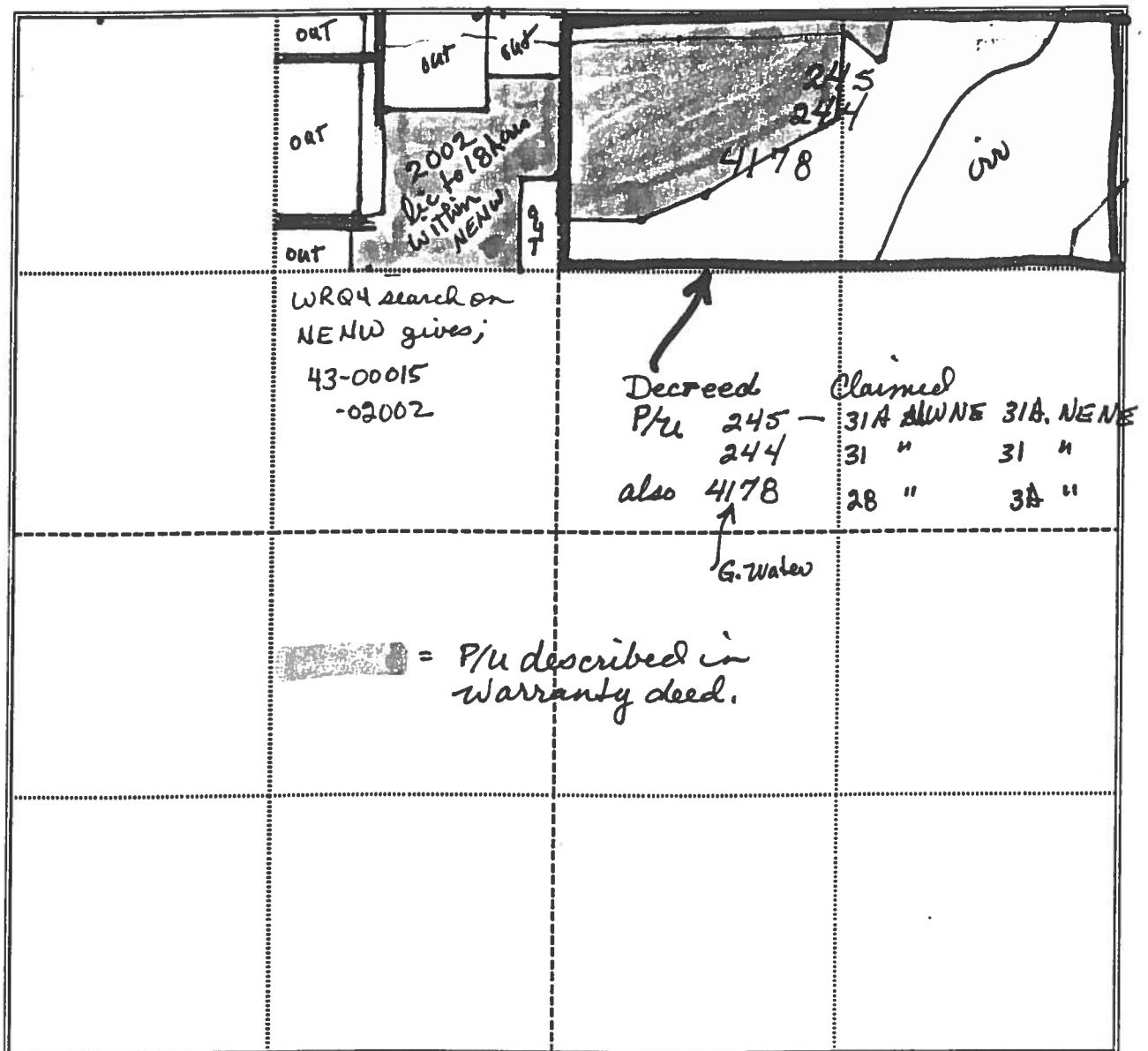
5.0

1  
94

383

TOWNSHIP 13S  
RANGE 21E  
SECTION 12

CLAIM NUMBER \_\_\_\_\_  
DATE \_\_\_\_\_  
AGENT \_\_\_\_\_



# WATER LICENSE

State of Idaho  
 License No. 1943/43-2002 Priority March 2, 1914 (late proof) Amount 0.36 c. f. s.  
 WILLIAM J. HORN

William J. Horn, of the County of Cassia, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, that Permit 1943/43-2002 was issued pursuant to the provisions of the laws of Idaho, that the proposed works were completed on or about 1914, that the capacity of 0.36 c. f. s. said works consisting of drain and ditch, and that on September 6, 1916,

was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 72 when combined with all other rights appurtenant to the same land and shall not exceed that amount cubic feet per second/with a maximum rate of diversion of 0.36

Cassia Creek, tributary of Raft River, for the purpose of Irrigation from April 1 to October 31, and for from to ; and for from to ; and that the use

of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is Section line near 1/4 corner between Secs. 21-22 located in XXXXX Sec XXX Sec, T. 13 S, R. 26 E., B.M., and other additional points, in the County of Cassia, and that the amount of water to which such right is

entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes and shall not exceed 72 acre feet per year. when combined with all other rights appurtenant to the same land and shall not exceed that amount.

| TWP  | RANGE | SEC | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTALS |
|------|-------|-----|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |       |     | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 13 S | 26 E  | 12  |        |        |        |        | 18     |        |        |        |        |        |        |        |        |        |        |        | 18     |
|      |       |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total number of acres irrigated 18

The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 29th day of April, 1969.  
 State Reclamation Engineer

43 2002

# REPORT OF ENGINEER

Name of person: William J. Horn - 1000 S. 1st St.

Section: Sec. 12

Location: Sec. line near 1/4 cor. between T2S.21-2, R. 10 E., N. 20 S., E. 12.

Whether or not the work of diversion has been completed and in accordance with terms of

the works of diversion, giving dimensions of capacities of same: Dam of brush, 1 1/2' high, 16' long on top, 12' on bottom. is headgate - Ditch 3' on bottom, 2 1/2' on top, 15" deep - light grade - Cap about 125".

State whether or not water has been turned into works of diversion: Drier time of year, but has had water in it.

Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each one-acre tract. (Describe manner and place of use if for other than irrigation):

|                                                     |  |
|-----------------------------------------------------|--|
| 5 1/2 S. 1/4 Sec. 12 - NW 1/4 Sec. 12 - 1.37 - 2.68 |  |
| SW 1/4 Sec. 1 - 0 ac. - Sagebrush                   |  |
| SE 1/4 SW 1/4 " - 0 " "                             |  |
| NW 1/4 NW 1/4 Sec. 12 - 0 " "                       |  |
| SE 1/4 NW 1/4 " - 1.8 " - balance Sagebrush.        |  |
| 1.8 ac. Total.                                      |  |

Submit map on enclosed post, showing location and details of above description.

Remarks: Applicant claims that the entire NW 1/4 NW 1/4 Sec. 12 has been cultivated & irrigated, but trees heavily grown to sage brush at time of exam.

This examination was made on the 16 day of Aug. 1917

(Signed)

1917

Examiner.

1933

