

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 43-02186
Date Received: 3/22/1989
Receipt No: S006634
Received By: *CH. (Amend)*

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW
AMENDED**

1. Name of Claimant(s)

Name: DENNIS ERICKSON
Address: BOX 172
ALMO ID USA 83312

Name: PAULINE ERICKSON
Address: BOX 172
ALMO ID USA 83312

RECEIVED
AUG - 3 2000
Department of Water Resources
Southern Region

Phone: (208)824-5555

Phone: (208)824-5555

2. Date of Priority: 06/20/1916

3. Source: ALMO CREEK
BLACKSMITH CREEK

Trib. to: RAFT RIVER
ALMO CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
15S	24E	04	SW	NW	CASSIA

5. Description of diverting works:

EARTH DAM AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S. (or) A.F.A
IRRIGATION	04/01	10/01	4.8 0

7. Total Quantity Appropriated is: 4.8 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres	
15S	24E	3	NE	NW	3	IRRIGATION	40
			NW	NW	4	IRRIGATION	25
			SE	NW		IRRIGATION	40
			SW	NE		IRRIGATION	42
			SE	NE		IRRIGATION	18
Section Acres						165	
15S	24E	4	NE	NE	1	IRRIGATION	15
			NW	NE	2	IRRIGATION	20
			SE	NE		IRRIGATION	40
Section Acres						75	
Total Acres						240	

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:

14. Remarks: BLACKSMITH CK. IN WTR. DIST. 43-C. THIS IS A HIGH WATER RIGHT FOR BLACKSMITH CR.

15. Basis of Claim: License

16. Signature(s):

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): Dennis Erickson Date: 8-1-2000
Pauline Erickson Date: 8-1-2000

State of Idaho)
County of Cassia) SS.

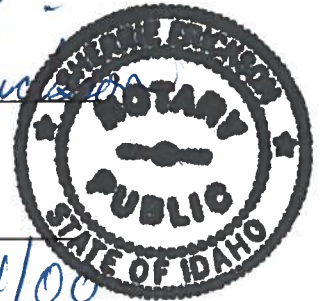
Subscribed and sworn (or affirmed) before me this 1st
of August 2000

Shirley Erickson

Notary Public

Residing at Almo

My commission Expires 3/14/00



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: A43-02186
Date Received: 3/22/1989
Receipt No: S006634
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DENNIS ERICKSON 208-824-5555
Address: BOX 172
ALMO, ID 83312

OR
Name: PAULINE ERICKSON 208-824-5555
Address: BOX 172
ALMO, ID 83312

2. Date of Priority: JUN 20, 1916

3. Source: ALMO CREEK Trib. to: EDWARDS CREEK
BLACKSMITH CREEK ALMO CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14S	24E	32	NE	NE			CASSIA

5. Description of diverting works:
EARTH DAM AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/01	4.800		

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

8. Total consumptive use is 450.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15S	24E	3	NE		NW	3	IRR	40.0
			NW		NW	4	IRR	25.0
			SE		NW		IRR	40.0
			Section Acres					105.0
		4	NE		NE	1	IRR	15.0
			NW		NE	2	IRR	20.0
			SE		NE		IRR	40.0
			Section Acres					75.0
			Total Acres					180.0

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:
A43-04154, ALMO WATER USER'S.

14. Remarks:
BLACKSMITH CK. IN WTR. DIST. 43-C.
THIS IS A HIGH WATER RIGHT FOR BLACKSMITH CR.

15. Basis of Claim: LICENSE
Water Right Number: 11177

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): Dennis W. Erickson Date: 3/22/89

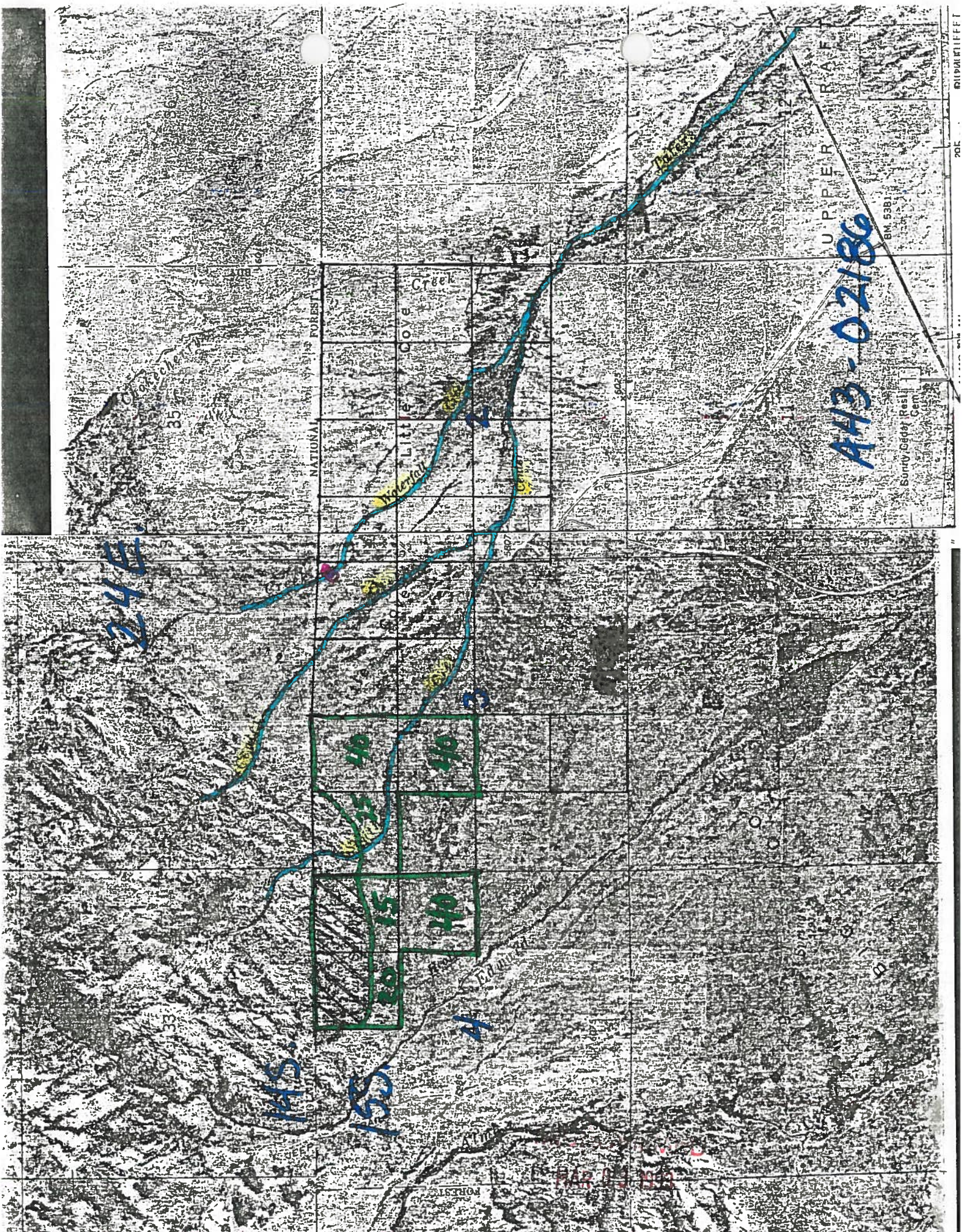
Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 22ND day
of March 19 89 Steve Cell O
Notary Public

Seal

Residing at Twin Falls
My Commission Expires Dec 7, 1994



VH

05/09/2001

**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: 43-2186

DENNIS ERICKSON

PO BOX 172

ALMO ID 83312

Telephone Number: (208)824-5555

PAULINE ERICKSON

PO BOX 172

ALMO ID 83312

Telephone Number: (208)824-5555

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:

RECEIVED
JUN 11 2001
Department of Water Resources
Southern Region

☒ I AGREE with this proposed recommendation; no changes need to be made.

DATE:

6-4-01

SIGNATURE:

Dennis Erickson

Please print your name:

DENNIS ERICKSON

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

10/27/2000

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

RIGHT NUMBER: 43-2186

NAME AND ADDRESS: DENNIS ERICKSON
PAULINE ERICKSON
BOX 172
ALMO, ID 83312

SOURCE: ALMO CREEK TRIBUTARY: RAFT RIVER
BLACKSMITH CREEK TRIBUTARY: ALMO CREEK

QUANTITY: 4.8 CFS

USE OF THIS RIGHT WITH RIGHT NO. 43-4154 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 12.6 CFS.

PRIORITY DATE: 06/20/1916

POINT OF DIVERSION: T15S R24E S4 NESWNW Within CASSIA County
T15S R24E S4 NESWNW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-01	4.80 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>							
T15S R24E S2		SWNE	40	T15S R24E S2		SENE	40
T15S R24E S2	LOT 3	NENW	27	T15S R24E S2	LOT 4	NWNW	29
T15S R24E S2		SWNW	40	T15S R24E S2		SENE	40
T15S R24E S2		NESW	38	T15S R24E S2		NWSW	28
T15S R24E S2		NESE	34	T15S R24E S2		NWSE	35
T15S R24E S3	LOT 1	NENE	42	T15S R24E S3	LOT 2	NWNE	45
T15S R24E S3		SWNE	42	T15S R24E S3		SENE	42
T15S R24E S3	LOT 3	NENW	34	T15S R24E S3	LOT 4	NWNW	22
T15S R24E S3		SENE	8.9	T15S R24E S3		NESE	5
T15S R24E S3		NWSE	4.8	T15S R24E S4	LOT 1	NENE	19
T15S R24E S4	LOT 2	NWNE	14				
629.7 ACRES TOTAL							

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 240 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 43-4154 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 630 ACRES IN A SINGLE
IRRIGATION SEASON.

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

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

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 43D, ~~AND OF WATER DISTRICT 43C.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

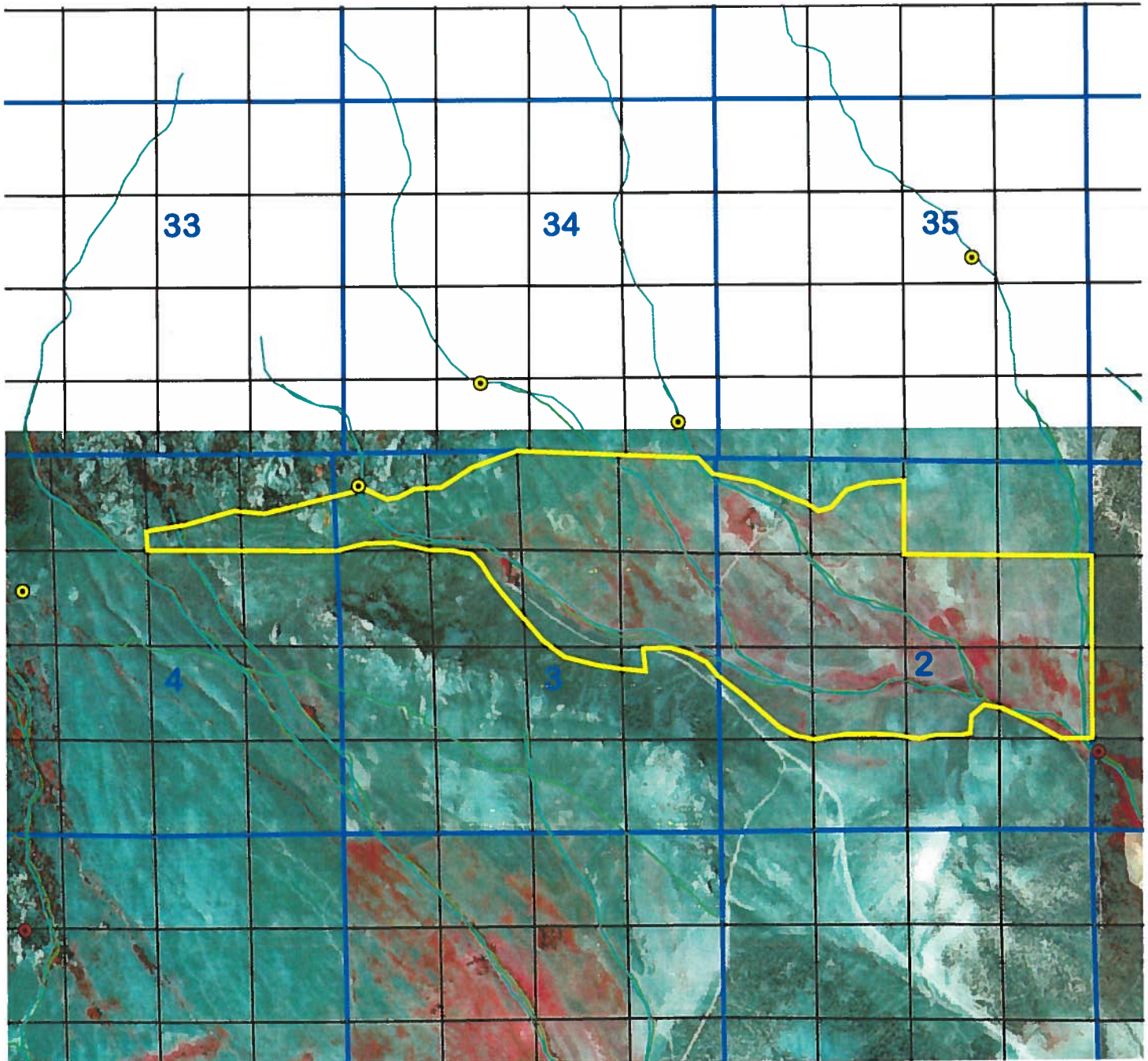
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM ALMO WATER COMPANY.

Idaho Department of Water Resources

RIGHTS 43-002186, 43-04154

RECOMMENDED PLACE OF USE
TWP 15S, RNG 24E, SEC 2, 3, 4
Data entry on July 24, 2000



● RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE

SECTION LINES

QUARTER/QUARTER LINES



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

CLAIM NUMBER: A43-02186

Water Source: ALMO CREEK
BLACKSMITH CREEK

Tributary to: EDWARDS CREEK

155 21E 4 ~~SW 2~~ ALMO CREEK

Stage: LICENSE

TOTAL DIVERSION:	4.80 CFS	450.00 AFA
CONSUMPTIVE USE:		

Point(s) of Diversion: T14S R24E S32

MENE

CASSIA County

Place of use Legal Description for: IRRIGATION

NE

MM

MS

SE

NENE		SANE	:	NNNN	NNNN	NNNN	:	NNNN	NNNN	NNNN	:	NNNN	NNNN	NNNN	:	NNNN	NNNN	NNNN	:
MNNE		MLNE	:	MMNN	MMNN	MMNN	:	MMNN	MMNN	MMNN	:	MMNN	MMNN	MMNN	:	MMNN	MMNN	MMNN	:
LtAc		LtAc	:	LtAc	LtAc	LtAc	:	LtAc	LtAc	LtAc	:	LtAc	LtAc	LtAc	:	LtAc	LtAc	LtAc	:

Sum

[illegible]

05.0

155 24E 4 : 01-15 02-20	40 :	40 :	..	..
-------------------------	------	------	----	----

75.0

TOTAL ACRES

80.0

POU County: CASSIA

Other Rights: A43-04154, ALMO WATER USER'S.

Remarks: BLACKSMITH CK. IN WIR. DIST. 43-C.
THIS IS A HIGH WATER RIGHT FOR BLACKSMITH CR.

Dates: **Exam Made Date:** **Verified Date:** **03/26/1985**

Misc: Water District Number: 43D

Field Inspection Flag:
Presumption Flag:

Comb limits

629

~~43D~~
43C

K06 240ae

ppv
630 ac

CD5 doc

12.6.83

630 ac

52

CG 300

21/12

7P5G-2184

1/13/2025 Amended to 240 ac

RECOMMENDATION NOTES

From: Vikie Hancock

10/27/00

Regarding: Claim 43-2186

This claim is based upon a license that pre-dates the Jobe Adams Decree. Neither the place of use nor the owner of the license at the time of the decree were included in the decree.

This is considered a high water right to both Almo Creek and Blacksmith Creek. Since licensing in 1916, the point of diversion has been moved downstream on Almo Creek and claimant utilizes the diversion works from which he receives his Almo Water Company share water. The water represented by this license is now co-mingled with water from Almo Water Company and also from four other small streams that irrigate the farm farther east of the licensed place of use. This right is now used to irrigate 240 acres within a permissible place of use of approximately 630 acres.

When combined with right number 43-4152, this right is limited to the irrigation of the aforementioned 630 acres and a diversion rate of 12.6 cfs.

NOTE: A remark in the claim indicating that Blacksmith Creek was regulated by the watermaster of district 43C was in error. That refers to a different Blacksmith Creek in the Elba Valley.



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

July 26, 2000

Dennis Erickson
PO Box 172
Almo, Idaho 83312

RE: Snake River Basin Adjudication (SRBA)
Claim No.: 43-02186

Dear Dennis,

Please find enclosed a copy of an amended adjudication claim 43-02186, which is based upon the license of the same number issued to Anna Erickson in 1923. If you remember, we discussed the need for amending your claim from 180 acres to include the number of acres originally licensed, which was 240.

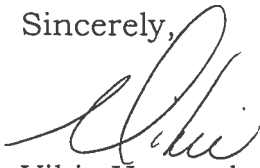
At the time of claim filing in 1989, I believe that you attempted to calculate the number of acres actually irrigated within each tract identified in the old license, without considering that you may indeed be irrigating a total of 240 acres from the licensed source. From our conversation in July of 1999, I concluded that the water from Almo and Blacksmith Creeks, represented by this license, is mingled with your Almo Water Company share as well as water from South Creek, and is used upon lands beyond the NE $\frac{1}{4}$ of section 4 and the NW $\frac{1}{4}$ of section 3 as claimed. The Idaho Legislature allowed the Department to recognize that some water users modified the place of use of licensed water rights before 1987, and we may recommend the changed place of use in the Adjudication.

I have used notes taken the day of my field exam to identify an additional 60 acres on the enclosed amended claim, but in reality, there is no way to know the exact extent of irrigation by this water because of the co-mingling of sources. My upcoming recommendation will most probably state that this water right is limited to 240 acres to be used within the total number of acres found irrigated on the ranch, which I calculated to be 630 acres. This recommendation will in no way expand your right, but will reflect the reality of water use on your property when this water is available to you.

Please inspect the enclosed amendment to your claim and if you agree with the change in the claimed place of use, sign notarize and return the claim to me in the enclosed pre-addressed envelope. If you believe that the acres should be claimed differently, or if you have other questions about your claims, please call me here at the office and we can discuss changes.

Hope you're having a successful year, I know the water supply is not what it could be.

Sincerely,

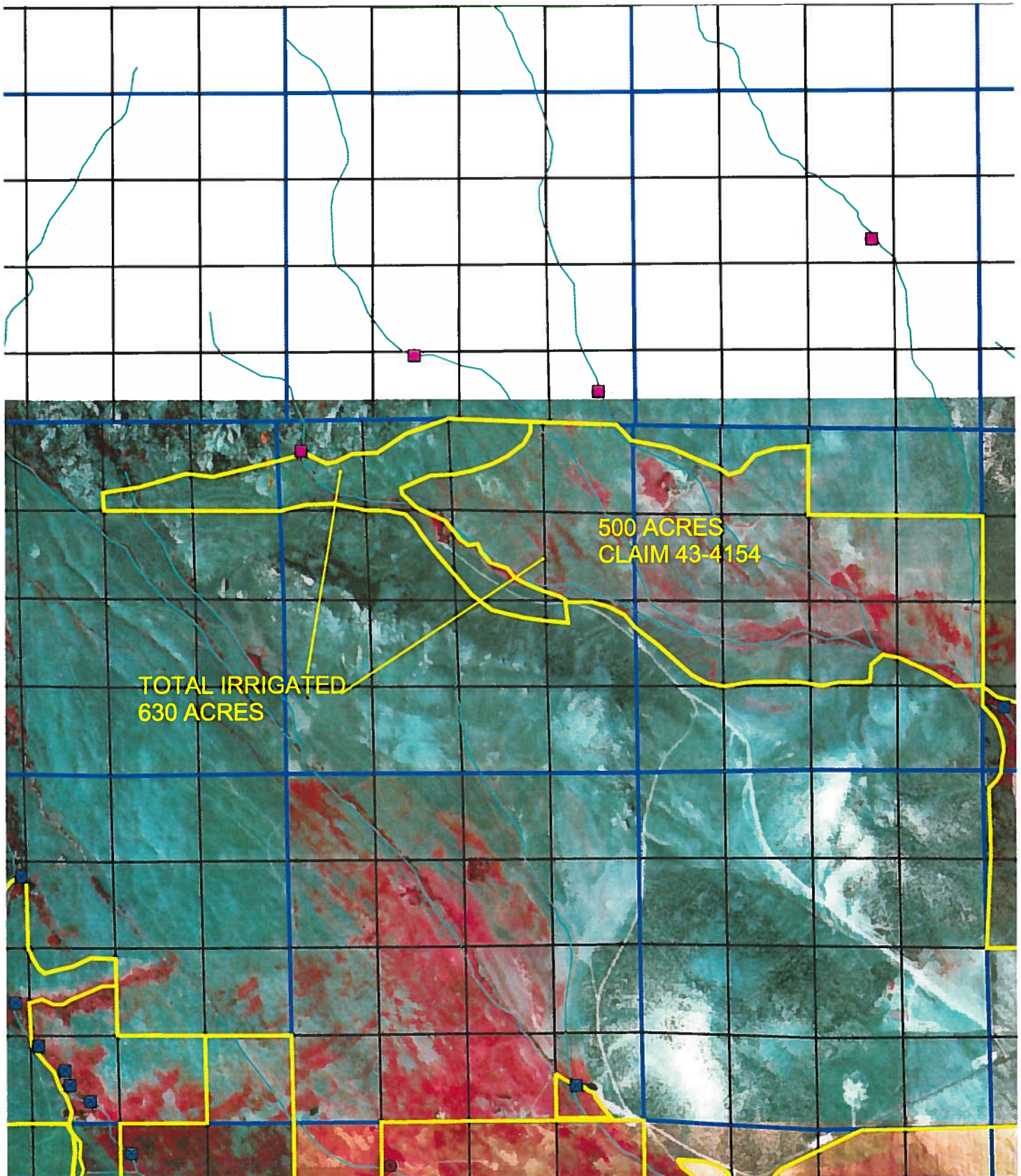
A handwritten signature in black ink, appearing to read 'Vikie', with a stylized flourish at the end.

Vikie Hancock
Sr. Water Resource Agent

FILE NOTES

TWP 15S RNG 24E

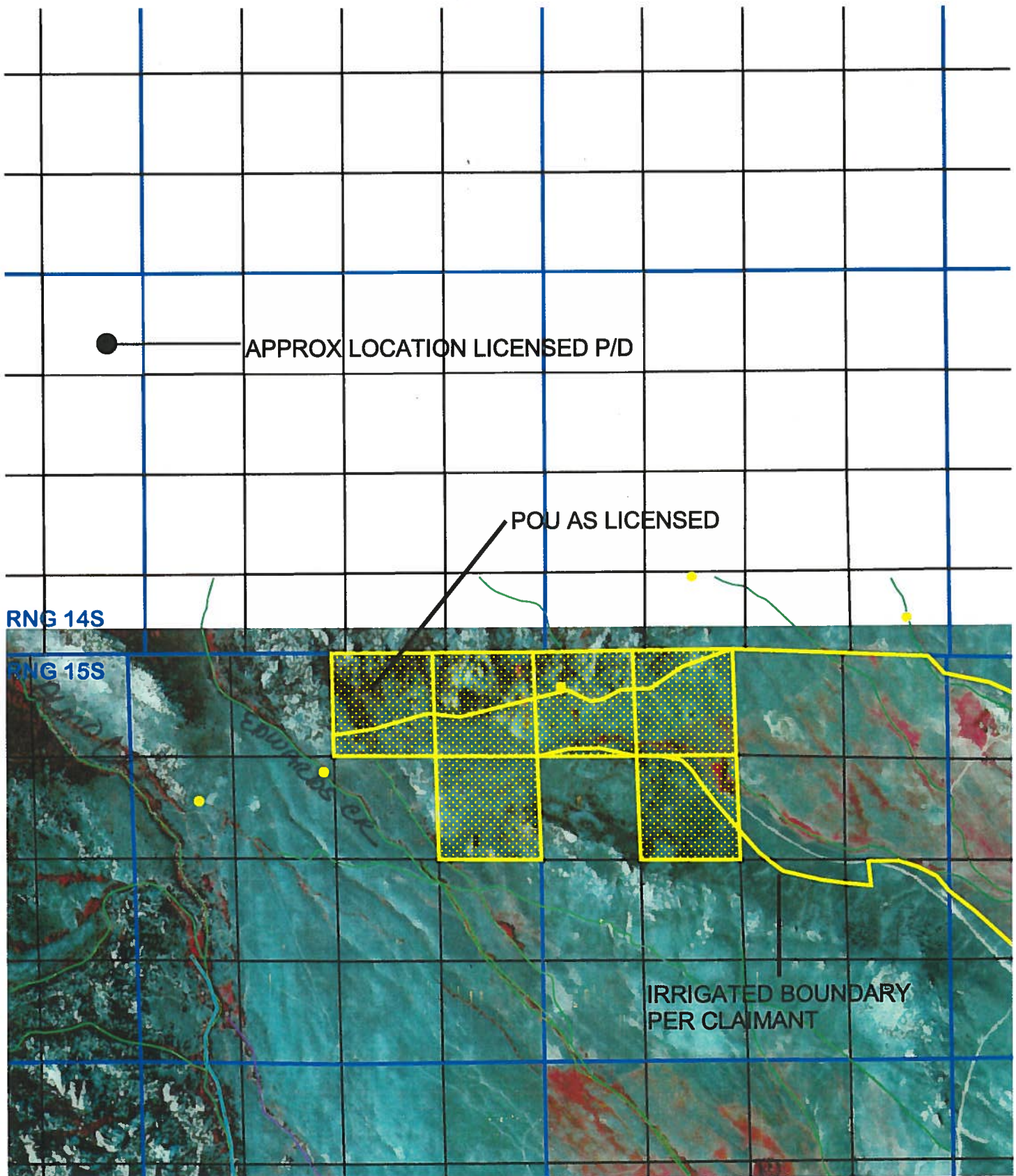
DENNIS ERICKSON 43-2186 AND 43-4154



FILE NOTES

CLAIM NO(S): 43-02186

TWP 165 RNG 234





43
+
10

PLATE
PLATE
PLATE

1000
1000
1000

Almo Creek, point of observation
drawn by Clark
7-1-94

State of Idaho
License and Certificate of Water Right

Water License No. 11177
Water District No. 80-B

Amount 4.8 sec. ft.
Priority 6-20-1916

THIS IS TO CERTIFY that Mrs. Anna M. Erickson
of Almo, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated April 20, 1915; that Permit No. 11177
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
4.8 second feet, was issued thereunder on July 3, 1918, showing that said works
were completed on the 31st day of May, 1918; and that on the 4th
day of August, 1919,

Mrs. Anna M. Erickson
of Almo, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of Almo Creek and
Blacksmith Creek, a tributary of , for the purpose of irrigation and
domestic use, under Use Permit No. 11177 of the State Engineer
and that said right to the use of said waters has been perfected in accordance with the laws of
Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in
Volume 6 of Licenses, at page 3074, on the 20th day of September, 1923;
The right hereby confirmed dates from June 20, 1916;

The Point of Diversion is located
in the NE 1/4 NE 1/4, Sec. 32, Tp. 14 S., R. 24 E., , B. M.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not
exceed 4.8 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
15 S.	24 E.	4	Lot 1	40	40
			Lot 2	40	40
		3	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40	40
			Lot 3	40	40
			Lot 4	40	40
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
				40	40
Total 240					

TYPO -
should be
SE NW per
Remarks Sec 11
& map

The right to the use of the water aforesaid 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 Commissioner of Reclamation, affixed at Boise, Idaho,
this 20th day of September, 1923.

W. J. SWEUDSEN
Commissioner of Reclamation.

(SEAL)

REPORT OF ENGINEER

This proof is for beneficial use.

In Water District No. 222

1. State name of applicant and number of permit: Mrs. Anna M. Erickson, Permit 11177.
2. State source of water supply: Almo Creek and Blacksmith Creek.
3. Location of point of diversion: Center of NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 32, T. 14 S., R. 24 E. B. M.
4. Describe works as they exist, giving dimensions and capacities of same:
 Earth dam 3' H. 10' L. No H.G.
 Ditch 3' B. 1' D. Cap. 3 Sec. ft.
5. State whether or not water has been turned into works of diversion: Yes.
6. Give exact location of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): Lots 1 and 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 4; Lots 3 and 4, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 3, T. 15 S., R. 24 E., B.M.
7. Submit map on enclosed plat, showing location and details of above description.
8. How many parties conduct water in this system? One.
9. Give names and amount of each right: Mrs. Anna M. Erickson.
10. What large stream would the water here appropriated finally reach? Snake River.
11. Describe the various tributaries en route from point of diversion to the principal drainage stream: Thru drains to Root River to Snake River.

Remarks: Lot 2, Sec. 4, 40 A. Pasture. Lot 4 Sec. 3, 40 A. cult.
 Lot 1 " 40 A. " Lot 3 " 40 A. "
 SE4 NE4 " 35 A. " 5 A. Cult. SE4 NE4 " 40 A. "

This examination was made on the 19th day of July

1900.

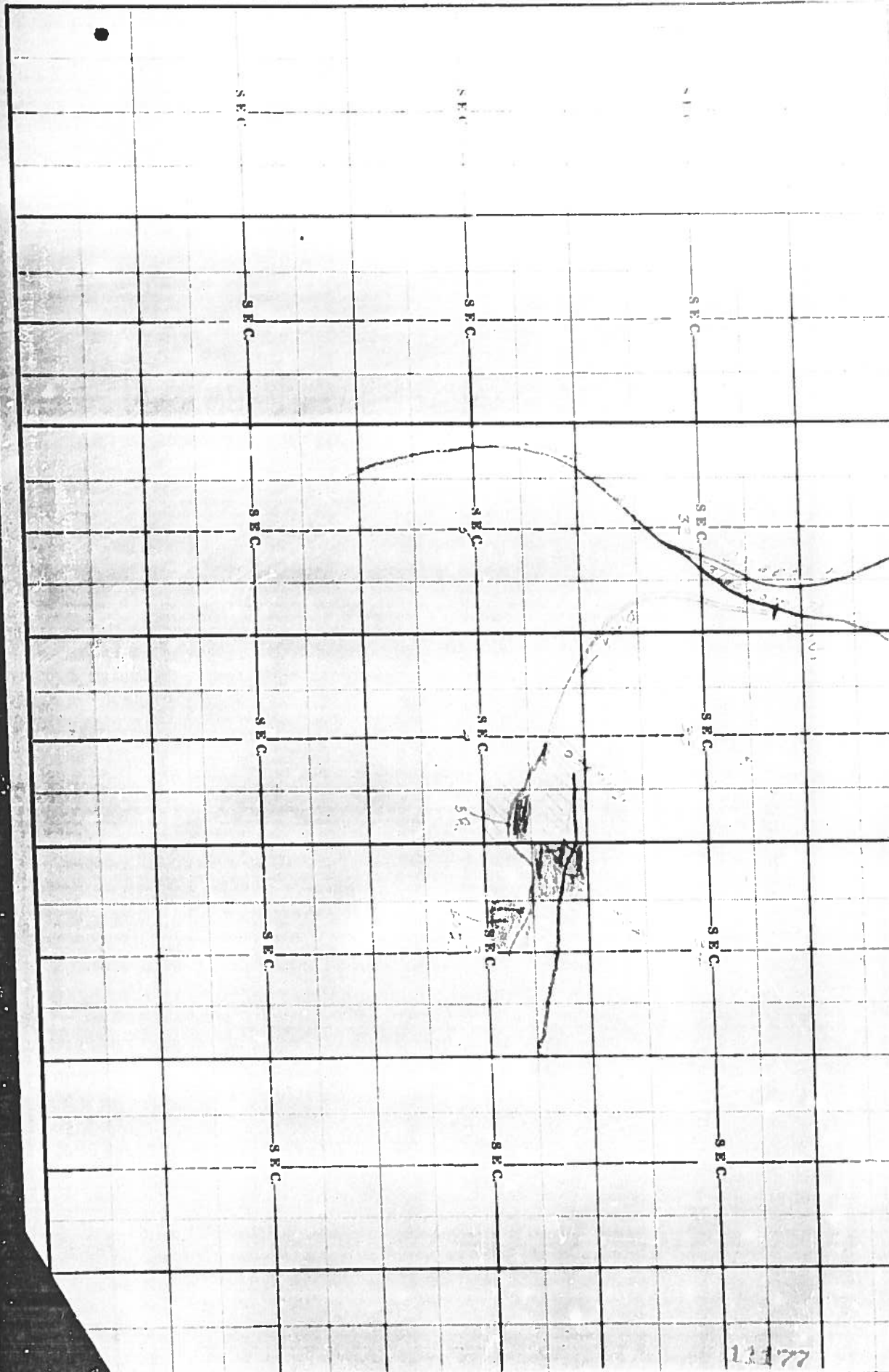
(Signed)

L. H. Annett.

Examiner.

11177

NAME OF APPLICANT



Question on Validity of License 43-02186
which pre-dates Jobe Adams Decree of 1928

Ree Wick Spencer 7-13-1999

- Portion of Decree set aside for Almo Creek does not intend to be inclusive of all rights on Almo Creek per language in first paragraph.
- Tracts covered by license are not covered within the Jobe Adams Decree
- Anna M. Erickson not a named defendant
- BWR (Dept of Reclamation) not joined in the decree.

LIC A43-02186

Needs Amended

p/d moved to Section 4

Also has one share of Almo Water Co
purchased from Gene Durtac after
license on Almo Cr obtained in 1916
Has certificate. 1 share = 50" = 1 cfs
These are co-mingled.

Share pool is nwnw Sec 3 T15S R24E
NE NW Sec 3
SE NW Sec 3

total 120 ac.

Licensed acres may not have been
correctly identified at time. Or could
be accomplished transfer from SE NW 3
and SE SW 4. - Almo water mingles
with other creeks identified in 43-04154

* Look for Almo Water Co. Share.

OK, ↑ Share filed on by Almo Cr Water Co

→ Amend to include 240 ac as Lic?
make PUE within total & accomplished
Transfer