

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: A43-02279
Date Received: 5/31/1989
Receipt No: M003787
Received By: J. P. Stanton

DEC 11 1989

Department of Water Resources
Southern Region Office

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: J. SPENCER BLACK
Address:

ALMO, ID 83312

OR

Name: JAY L. BLACK

208-824-5593

Address: BOX 103
ALMO, ID

83312

2. Date of Priority: AUG 28, 1965

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:

WELL 999.5' DDEP, 12" CASING, 60HP PUMP, HANDLINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.110		

7. Total Quantity Appropriated is:

2.110 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

A43-02279

Page 1

Date: 12/11/89

MICROFILMED

MAR 03 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15S	25E	6	NE		NE		IRR	16.0
			SW		NE		IRR	9.0
			SE		NE		IRR	20.0
			NE		SW		IRR	7.0
			SW		SW	7	IRR	10.0
			SE		SW		IRR	18.0
			NW		SE		IRR	36.0
			SW		SE		IRR	33.0
							Section Acres	149.0
							Total Acres	149.0

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:

A43-00402, A43-00403A, A43-00405, A43-00404, A43-07144

14. Remarks:

TRANS. 2383.

WELL IN NE/NE SEC. 1 WILL BE DRILLED IN DECEMBER OF 1989. ORIGINAL WELL WILL BE ABANDONED IF NEW WELL PROVIDES SUFFICIENT WATER . WELL SUPPLEMENTS DECREED STREAM RIGHTS.

15. Basis of Claim: LICENSE

Water Right Number: 19000

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Jay L. Black Date: Dec. 11, 89
Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 11th day
of December 19 89

Notary Public

Seal

Residing at Twin Falls, Idaho
My Commission Expires July 18, 1995

MICROFILMED
MAR 03 1993

5003

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: A43-02279
Date Received: 5/31/1989
Receipt No: map 3787
Received By: B

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

OR
Name: J. SPENCER BLACK
Address: ALMO, ID 83312

2. Date of Priority: AUG 28, 1965

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:
WELL 999.5' DDEP, 12" CASING, 60HP PUMP, HANDLINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.110		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15S	25E	6	NE		NE		IRR	16.0
			SW		NE		IRR	9.0
			SE		NE		IRR	20.0
			NE		SW		IRR	7.0
			SW		SW	7	IRR	10.0
			SE		SW		IRR	18.0
			NW		SE		IRR	36.0
			SW		SE		IRR	33.0
							Section Acres	149.0
							Total Acres	149.0

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:
A43-00402, A43-00403A, A43-00405, A43-00404, A43-07144

14. Remarks:
TRANS. 2383.

15. Basis of Claim: LICENSE
Water Right Number: 19000

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 31st day
of May 19 89
Seal Anna Baunhoff
Notary Public

Residing at _____
My Commission Expires Boise, Idaho
My Commission Expires December 7, 1994

MICROFILMED
MAR 03 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70028

This is to certify that: JAY L BLACK

PO BOX 103
ALMO ID 83312
(208)824-5593

And/Or

SHARON P BLACK
PO BOX 103
ALMO ID 83312
(208)824-5593

RECEIVED**AUG 29 2002**

Department of Water Resources
Southern Region

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
43-2279	AJC/License	08/28/1965	2.11 cfs	596 af	149.0	149.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
43-2279	NO	NO	NO	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
43-2279	43-2279	2.11 cfs	596 af	149.0	206.0		N/A	N/A	N/A	N/A
TOTALS		2.11 cfs	596 af	149	206.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this

26

day of

August

, 20

02

[Signature]
Chief, Water Allocation Bureau

WATER RIGHT NO. 43-2279
As Modified by Transfer No. 70028

In accordance with the approval of Transfer No. 70028, Water Right No. 43-2279 is now described as follows.

Right Holder: JAY L BLACK
 PO BOX 103
 ALMO ID 83312
 (208)824-5593

Priority Date: 08/28/1965

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 11/01	2.11 CFS	596.0 AF
			2.11 CFS	596.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER Lot 1 NWNENE Sec. 6 Twp 15S Rge 25E CASSIA County

GROUND WATER SESWNE Sec. 6 Twp 15S Rge 25E CASSIA County

GROUND WATER NESW Sec. 6 Twp 15S Rge 25E CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
15S	25E	6	31.0	15.0	23.0	26.0					7.0					13.0	23.0	38.0	30.0	206.0
			L1	L2																

Total Acres: 206

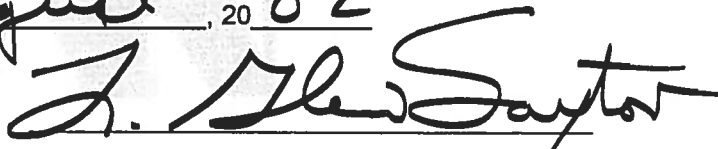
WATER RIGHT NO. 43-2279
As Modified by Transfer No. 70028

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 149 acres within the place of use described above in a single irrigation season.
2. The total instantaneous diversion of water from all points of diversion under Rights 43-2279 shall not exceed 2.11 cfs, nor total combined annual volume of 596 af.
3. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
4. Rights 43-2279, 43-402, 43-403A, 43-404, 43-405, 43-2247, 43-10304 and 43-13030 when combined shall not exceed a total diversion rate of 10.40 cfs and the irrigation of 378 acres in a single season.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 26th day of August, 2002


Chief, Water Allocation Bureau

PD 6-28-02

06/05/2001

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

RIGHT NUMBER: 43-2279
NAME AND ADDRESS: JAY L BLACK
PO BOX 103
ALMO, ID 83312
SOURCE: GROUND WATER
QUANTITY: 2.11 CFS
596 AFY

East

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 10.4 CFS. COMBINED RIGHT
NOS.: 43-402, 43-403A, 43-404, 43-405, 43-2247, 43-10304 AND
43-13030.

PRIORITY DATE: 08/28/1965

POINT OF DIVERSION: T15S R25E S6 LOT 1 NWNENE Within CASSIA County
T15S R25E S6 SESWNE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04-01 11-01	2.11 CFS 596.00 AFY

PLACE OF USE:

IRRIGATION Within CASSIA County			
T15S R25E S6	LOT 1	NENE	31
T15S R25E S6		SWNE	23
T15S R25E S6		NESW	7
T15S R25E S6		NESE	23
T15S R25E S6		SWSE	30
T15S R25E S6	LOT 2	NWNE	15
T15S R25E S6		SENE	26
T15S R25E S6		SESW	13
T15S R25E S6		NWSE	38

206 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 149 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED
TO THE IRRIGATION OF A COMBINED TOTAL OF 378 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-402, 43-403A, 43-
404, 43-405, 43-2247, 43-10304 AND 43-13030.

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

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

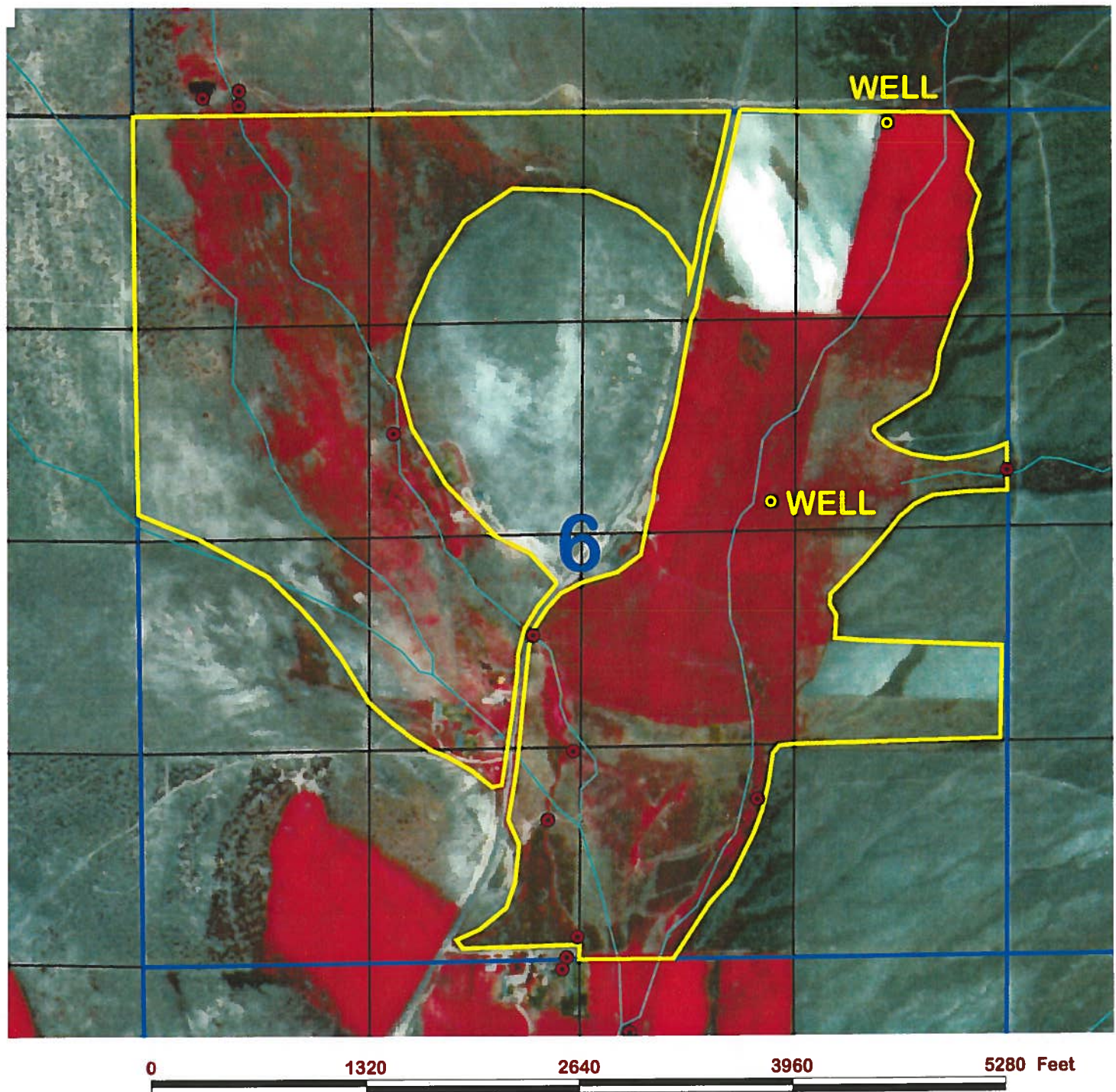
EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

Idaho Department of Water Resources

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

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



● RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE

SECTION LINES

QUARTER/QUARTER LINES



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

CORRECTION QUITCLAIM DEED

That on the 17th day of April, 1995, a Quitclaim Deed was executed by J. Spencer Black and Arica Black, and recorded as Instrument No. 236145, on Film 265, in the office of the Cassia County, Recorder. Said legal description contained an error in the legal description and this Correction Quitclaim Deed is to correct the error contained in the legal description.

FOR VALUE RECEIVED, J. SPENCER BLACK and ARICA BLACK, by and through her attorney-in-fact, J. SPENCER BLACK, of Burley, Cassia County, Idaho, do hereby convey, release, remise and forever quitclaim unto JAY L. BLACK and SHARON P. BLACK, whose mailing address is Rural Route, Almo, Idaho 83211, all interest in and to the following described real property located in Cassia County, State of Idaho, to wit:

TOWNSHIP 15 SOUTH, RANGE 24 EAST OF THE BOISE
MERIDIAN, CASSIA COUNTY, IDAHO

✓ Section 1: The Southwest Quarter of the Southwest Quarter (SW1/4SW1/4), the East 1/2 of the Southwest Quarter (E1/2SW1/4) and the West 1/2 of the Southeast Quarter (W1/2SE1/4).

✓ Section 12: The Northeast Quarter (NE1/4); *East quarter of the*
Southwest Quarter NE1/4SE1/4 and the Northwest Quarter (NW1/4)

TOWNSHIP 14 SOUTH, RANGE 25 EAST OF THE BOISE
MERIDIAN, CASSIA COUNTY, IDAHO

✓ Section 30: The Southeast Quarter (SE1/4)

TOWNSHIP 15 SOUTH, RANGE 25 EAST OF THE BOISE
MERIDIAN, CASSIA COUNTY, IDAHO

✓ Section 7: Lots 1 and 2.

✓ Section 6: The Southwest Quarter of the Northeast Quarter (SW1/4NE1/4), the East One-Half of the Southwest Quarter (E1/2SW1/4), the West One-Half of the Southeast Quarter (W1/2SE1/4) and Lot 7.

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging, or in any wise appertaining including all decreed water rights and all water to be

obtained from the irrigation well located upon the Southwest Quarter of the Northeast (SW1/4NE1/4) of Section 6, Township 15 South, Range 25, and the stock well located on the Southeast Quarter (SE1/4), Township 14 South, Range 25.

together with any and all appurtenances thereunto belonging.

DATED this 28 day of August, 1995.

J. Spencer Black
J. SPENCER BLACK

J. Spencer Black
J. SPENCER BLACK - Attorney-in-fact for Arica Black

STATE OF IDAHO)
ss.
County of Cassia)

On this 28 day of August, 1995, before me the undersigned, a Notary Public in and for said State, personally appeared J. Spencer Black, Individually and as attorney-in-fact for Arica Black, known or identified to me to be the person whose name is subscribed to the within and foregoing instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

Paul
NOTARY PUBLIC FOR IDAHO

Residing at: Paul

My Commission Expires: 1-4-2000

1995 AUG 30 P 2:06

CASSIA COUNTY IDAHO
DARRELL M. ROSKELLEY
RECORDER

FEE \$600 DEPUTY Paul

RE: 204 487

Dunley. dd
83318

RECORDED AT THE REQUEST OF
Alfred S. Dunley
FILM 269

200304

11/08/2000

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

RIGHT NUMBER: 43-2279

NAME AND ADDRESS: ~~J SPENCER BLACK~~ *pu deed*
BOX 103
ALMO, ID 83312
JAY L BLACK
BOX 103
ALMO, ID 83312

SOURCE: GROUND WATER

QUANTITY: 2.11 CFS
596 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF ~~2.1~~ *10.4* CFS. COMBINED RIGHT NOS.:
43-402, 43-403A, 43-404, 43-405, 43-2247, 43-10304.

PRIORITY DATE: 08/28/1965

POINT OF DIVERSION: T15S R25E S6 LOT 1 NWNENE Within CASSIA County
T15S R25E S6 SESWNE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04-01 11-01	2.11 CFS 596.0 AFY

PLACE OF USE:

IRRIGATION Within CASSIA County			
T15S R25E S6	LOT 1	NENE	31
T15S R25E S6		SWNE	23
T15S R25E S6		NESW	7
T15S R25E S6		NESE	23
T15S R25E S6		SWSE	30
202 ACRES TOTAL			

LOT 2			
NWNE	15		
SENE	22		
SESW	13		
NWSE	38		

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED
TO THE IRRIGATION OF A COMBINED TOTAL OF ~~375~~ *378* ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-402, 43-403A, 43-
404, 43-405, 43-2247, 43-10304. *43-10304*

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 149 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

CLAIM NUMBER: A43-02279

CASSIA County

Season
problems

149.0

other Rights: A43-00402, A43-00403A, A43-00405, A43-00404, A43-07144

WELL IN NE/NE SEC. 1 WILL BE DRILLED IN DECEMBER OF 1989. ORIGINAL WELL WILL BE ABANDONED IF NEW WELL PROVIDES SUFFICIENT WATER. WELL SUPPLEMENTS DECEASED STREAM RIGHTS.

06/03/1985

Field Inspection Flag: Y
Presumption Flag:

Combined limits
ac
div rate

~~809 437~~

218

60

22/11

149a

2020

RECOMMENDATION NOTES

From: Vikie Hancock

11/7/00

Regarding: Claim 43-2279

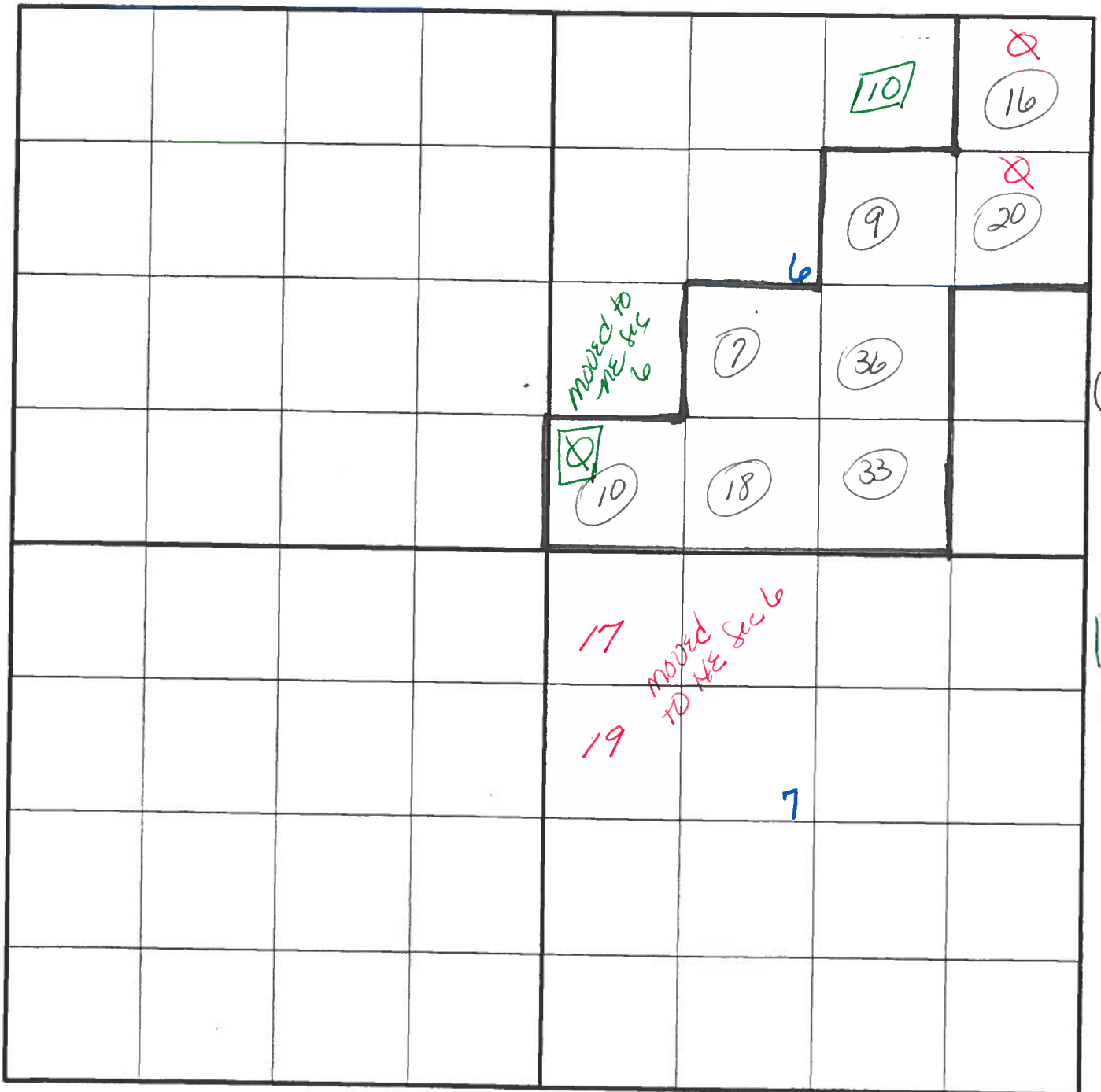
This claim is based upon license of the same number priority date 1965. The original well was located in the SWNE Section 6. In 1980, transfer #2383 authorized an additional POD in the NENE Section 6. This well is powered by diesel motor. Both wells were found functional and located by GPS during the field exam. Claimant states both are needed to fulfill licensed diversion amount.

At the time of the transfer in 1980, no change was indicated in the licensed place of use. In 1989, however, claimant moved the place of use when filing his SRBA claim. 36 acres in the W½ NW Section 7 was moved to the E½ NE Section 6. This coincides with the approval and subsequent licensing of water right 43-7144 that included acres in these tracts as well as SESE Section 6. The source of water right 43-7144 is a well located in the NWNE Section 12.

During my field exam in 1999, I found that an additional 10 acres had been transferred from the SESE Sec 6 and were being sprinkler irrigated in the NWNE Section 6 under 43-2279. All irrigation from the wells in Section 6 had been moved to the east side of Almo-Elba highway. 46 acres on the west side of the highway, previously irrigated from the wells in Section 6 under license 43-2279, were now sprinkler irrigated solely from the well in Section 12 under license 43-7144.

Groundwater under this right is mingled with surface water piped from Grape Creek and springs and used in a common sprinkler system on 202 acres.

IDAHO DEPARTMENT OF WATER RESOURCES



660 0 660 1320 1980 2640 3300 3960 4620 5280 5940 6600 7260 7920 8580 9240 Feet

043 - 12279

Field Exam Notes

Field Exam Date: 10-01-1999

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

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

Agent: Vikie Hancock

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

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

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

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

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

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

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

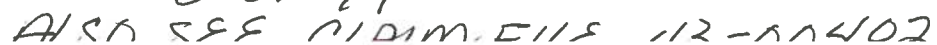
Claim **43-10304** is on a spring that is located in the SWSE section 6. A 5 hp pump is used to pump the water from this spring into a reservoir built after 1987. From the reservoir the water is piped into the main sprinkler lines. Before the reservoir was constructed, the water from the spring was pumped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

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

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

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

TWP 15S, RNG 25E, SEC 06



FIELD EXAM NOTES AND PHOTO LOG

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

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

Roll	Pic #	Description
29B	1	Pipe from Spring - GRS SITE R100117 A Pld for Spring
	2-5	Pole from Spring looking west
	6-7	Pond that spring water is conveyed to
	8	Well at GRS Site R100118 A in SE SW NE Sec 6
	9-13	Pole from well above ↑
	14	Savage Creek Drainage from well above
30	1	Well License 07144 GRS Site R100119 A in NW NE Section 12
	2	Ditto
	6-9	Pan from well site above
	10	Taker creek diversion structure. 3 ditches left & right are irrigation channels, middle is Taker creek. (top diversion)
	11	Taker creek above diversion structure
	12	Taker creek diversion R100120 A
	13	Taker creek diversion 20B
	14	Taker creek channel at ↑ diversion
31	1	Taker creek diversion to East R100120 B
	2	Taker creek diversion to West R100120 C
	3	" " East R100121 A
	4-5	Grape Creek diversion at Highway R100121 B
	6	Grape Creek diversion to East R100121 C

7 Grape Cr diversion above house in Section 1 R100121 D Agent: Vikie Hancock

Notes:

Roll 27-1 Diversion to pasture in Sec 6 from Pond
Roll 28-12, 13, 14 Pasture at top of Section 6

#1 Well GPS SITE R100118A file #
GPS TAG A0004341
SE SW NE Sec 6 T15S R25E
U.S. Motor Lane & Boller pump # 44454
60 hp
Ser # 4043417-1

Service pole # 27014

#2 Well GPS Site R100118B
GPS TAG A0004342
NE NE NE Sec 6 T15S R25E
Diesel powered Lane & Boller pump - no #
Drilled 1000 deep
Static water level 130
140 gpm

#2 well was drilled to replace well #1
per transect # 2383, but did not pump
enough water. Both wells are now used
to satisfy licensed CFS.

A43-02279



Well in SE SW NE Sec 6 GPS SITE R100118A



Well in NE NE NE Sec 6 GPS SITE R100118B
This was supposed to replace well above in
SE SW NE but is only supplementary.

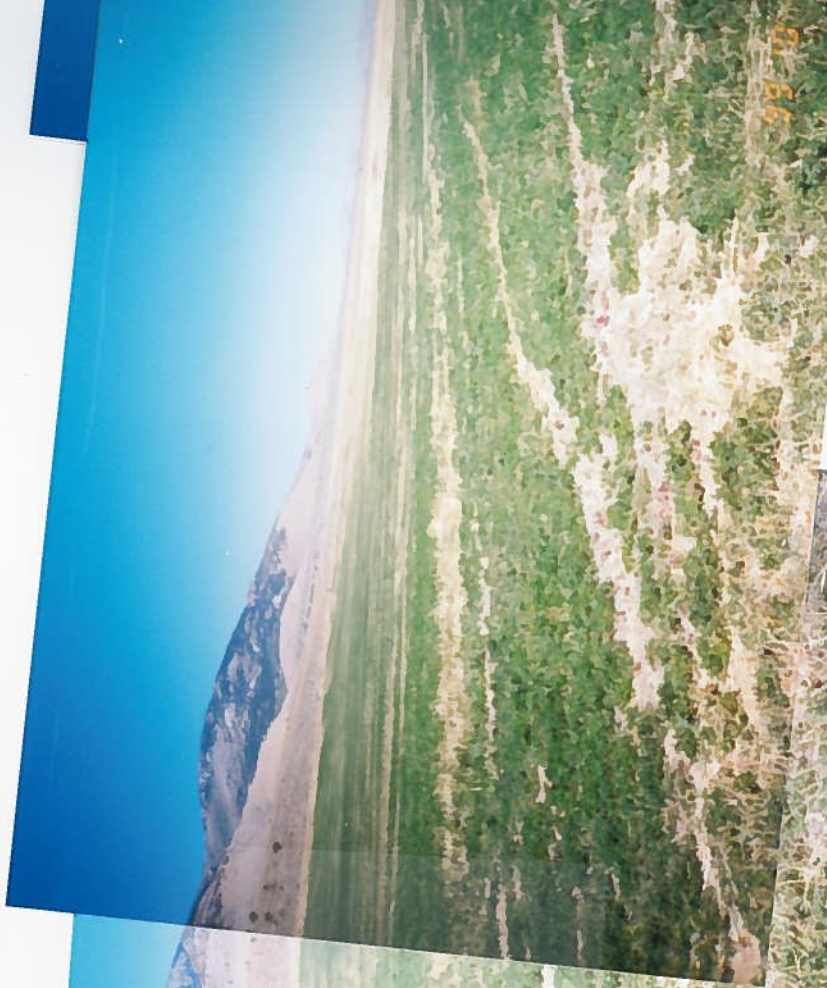
0112-201117 ok

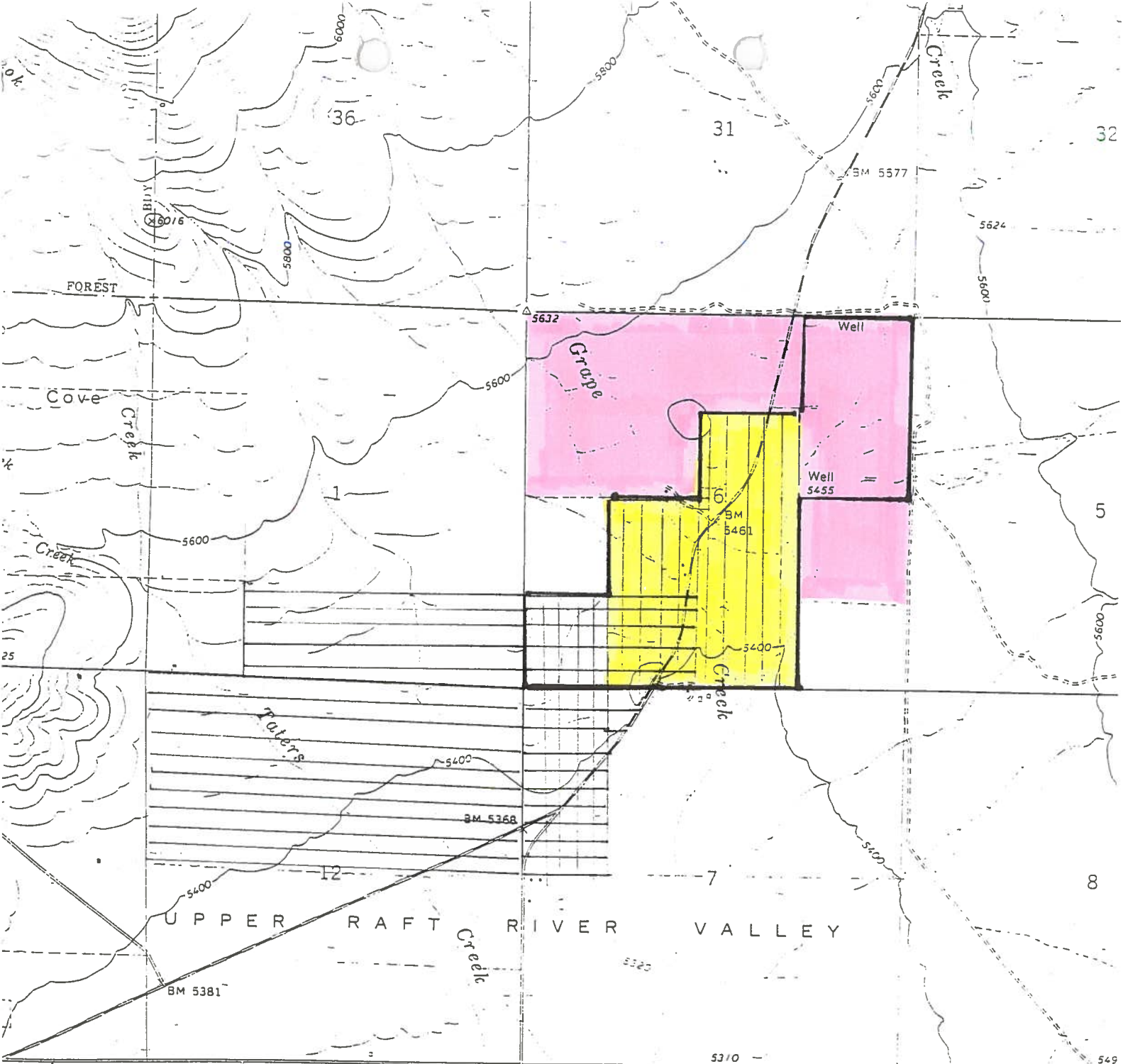
0112-12279



Hollow From well in SWNE Sec 6

u For GWD Surface water Splr System ↘





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

CLAIM A43-02279

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

To Change the Point of Diversion and/or the Place of Use

Use **APPROVED**
Department of the Treasury
Southern District Office
824-5593

Post office address Almo, Idaho 83312

1. Right evidenced by:

b. License No. 43-2279 issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

4. Date of priority August 28, 1965

amount 2.11 cfs for irrigation purposes from Apr 1 to Nov 1
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (month/day – both dates inclusive)

6. Total amount of water under right: a. 2.11 cubic feet per second
b. &/or
acre feet per annum

7. Location of original point of diversion is SW % of NE % of Section 6
Township 15S Range 25E, B.M., in Cassia County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

[illegible]

Total number of acres to be irrigated	149
---------------------------------------	-----

9. Describe any other water rights used for the same purposes as described above

Application For Permit 43-7143

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ 1/4 _____ 1/4, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. Place of use:

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	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion

- a. Amount of water to be diverted 2.11 c.f.s. &/or _____ acre feet
- b. Point(s) of diversion SW 1/4 NE 1/4, Section 6 Township 15S
Range 25E, B.M., Cassia County
Additional points Lot 1 (NE 1/4 NE 1/4) Sec. 6 T. 15S R. 25E

c. Description of diverting works Existing and new wells, pumps, sprinkler system

d. Describe the reasons for applying for a change in the point(s) of diversion _____
Original well no longer produces the licensed amount.

2. Change in place of use

- a. Describe the lands or place of use to which the right will be transferred: No Change

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	

Total number of acres to be irrigated _____

-
- A hand-drawn map on a grid background. At the top, a north arrow points upwards, labeled 'N'. Below it, a horizontal line is labeled 'R. 35E'. A diagonal line labeled 'Hwy' runs from the top right towards the bottom left. To the right of this highway, there is a small rectangular area labeled 'Lot 1 @ New RR'. Below this, a larger rectangular area is divided into several sections. One section is labeled 'Lot 7' and '10'. Another section is labeled '18'. A section to the right of '18' is labeled '36' and '33'. Below 'Lot 7' and '10' is another section labeled 'Lot 1' and '19'. Below 'Lot 1' and '19' is a section labeled 'Lot 2' and '19'. To the left of the 'Lot 7' and '10' section, the text 'T. 15S' is written. At the bottom left, another diagonal line is labeled 'Hwy'. At the bottom center, there is a small '7' with a horizontal line through it.

SCALE: 2 inches equal 1 mile. Draw plan in ink.

4. Remarks _____

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

Perceval Black
(Signature of applicant)

Subscribed and sworn to before me this 7th day of December, 19 79.

Chris B. Quinn
(Notary public)

My commission expires 5.15.83

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 43-2279
and said application is hereby approved, subject to the following limitations and conditions:

Witness my hand this 15th day of May, 19 80.

Norman C. Young
NORMAN C. YOUNG
Administrator, Resources Admin. Div.

FOR DEPARTMENT USE ONLY

Received by mayor Date 12/13/79
Prelim. check by ADM Fee 25.00
Receipted by mayor Date 12/13/79
Published in South Ida Press
Pub. dates 1/15 & 1/22/80
Watermaster recommendation requested on _____
_____ rec'd. _____

Protest filed by _____

Copies of protest forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial
by LA Jim DRT

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: ADM BLACK, Jay L.

1. Right number 43-2279 Applicant _____
2. Type of right: ☐ Decree ☒ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Other _____
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use N/C
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion. 2.11 ac 0.014 ac/ac
149 ac
 - d. ☒ Check description of place of use. No change
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred. Original Owner
 - h. ☒ Check for expansion in use of right. Comments None p/d. change only.
6. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) N/A - New application 43-7143 - No conflicting overlap.
7. ☒ Is use within a Watermaster District? ☐ Yes ☒ No
If yes, what district? _____

FINAL PROCESSING REVIEW BY: _____

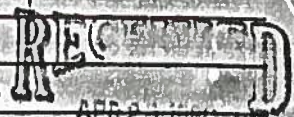
1. Watermaster recommendation requested on _____ Received on _____
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* _____

4. By Loren O. Holman

Date 4-25-80



State of Idaho

License and Certificate of Water Right

Water License No. 18000 Priority August 28, 1945 Amount 2.11 c.f.s.
(date proof)

THIS IS TO CERTIFY that ABRAHAM LOWE-Assignee-J. SPENCER BLACK

of Burley, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated June 18, 1940; that Permit No. 18000 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 4 second feet, was issued hereunder on June 4, 1941, showing that said works were completed on the 28 day of May, 1941; and that on the 4 day of September, 1947 J. SPENCER BLACK

of Burley, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of a well

a tributary of subterranean flow for the purpose of Irrigation under Use Permit No. 18000 of the Department of Reclamation, 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 State Reclamation Engineer of Idaho and entered of record in the State of Idaho, on the 28 day of March, 1948.
The right hereby confirmed dates from August 28, 1945 (date proof)

The Point of Diversion is located in the SW 14 NE 14, Sec. 6, Twp. 15 S, R. 25 E, B.M. Cassia County. 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 2.11 cubic feet per second.

Description and location of use:

Top.	Range	Section	Parties	No. Acres Beneficially Irrigated	No. Acres Actually Irrigated
15 S	25 E	6	SW NE NE SW NW SW SE SW NW SE SW SE NW NW SW NW	25 30 10 25 40 25 25 25	8 9 10 18 28 25 17 18
Total number of acres irrigated:					140

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 State Reclamation Engineer, affixed at Boise, Idaho, this 28 day of March, 1948.

R. Keith Higgins
State Reclamation Engineer