

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: A43-02479
Date Received: 6/06/1989
Receipt No: 500 7564
Received By: BAS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILLIAM D. JONES 208-824-5527
Address: P.O. BOX 152
ALMO, ID 83312

OR
Name: WILLIAM D. JONES AND SON 208-824-5527
Address: C/O WILLIAM D. JONES
P.O. BOX 152
ALMO, ID 83312

2. Date of Priority: OCT 12, 1959

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
16S	25E	5	SE	SE	SW	2	CASSIA

5. Description of diverting works:
WELL W/ 16" CASING, 150' TD 40 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.240		

7. Total Quantity Appropriated is:
2.240 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	32	SE	SW		IRR	10.0		
			SW	SE		IRR	33.0		
			SE	SE		IRR	30.0		
					Section Acres	73.0			
		33	SW	SW		IRR	4.0		
						Section Acres	4.0		
		16S	25E	4	SW	SW	4	IRR	15.0
					SE	SW	3	IRR	9.0
					SW	SE	4	IRR	10.0
					Section Acres	34.0			
5	SW			SE	1	IRR	21.0		
	SW			SE	2	IRR	11.0		
	SE			SE		IRR	25.0		
					Section Acres	57.0			
					Total Acres	168.0			

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:
A43-00184, A43-00185, A43-02538, A43-04043

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 28210

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 Organizations:

I do solemnly swear or affirm that I am Partner of
Title
William D Jones & Sons, that I have signed the foregoing
Organization
document in the space below as Partner of
Title
William D Jones & Sons and that the statements contained in the
Organization
foregoing document are true and correct.

William D Jones
Signature of Authorized Agent
Partner William D Jones & Sons
Title and Organization
6/4/89
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 6 day
of June 19 89
Bruce A. Schild
Notary Public

Seal

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

COMMUNICATION DOCUMENTATION

From: Vikie Hancock

May 15, 2002

Regarding:

Customer:

43-2538 & 43-2479

Bill and Rodney Jones

The Jones came in to discuss the combined acre limits on the above two rights for groundwater. 43-2538 was licensed for 140 acres and 43-2479 was licensed for 154 acres, and they wanted to know why the two were limited to the irrigation of 245 acres, not 294 acres. I explained that at the time of licensing, the places of use were overlapping. In the course of the conversation I ran across a map in the file that I had created for my own use which showed the original overlapping licensed acres superimposed on it. I made a color copy of this map and gave it to them. I also provided them with a color copy of my recommended place of use, as they did not have one with them. They are apparently considering putting in a pivot using the groundwater from these two rights and had an appointment to speak to Allen Merritt.

We also discussed the objection to their claim on Almo Creek - 43-10356. They wanted to know if I had a map that showed the Raft River diversion points of Reid Stewart, Nolan Branch (C-Bar Cattle) and Warr Brothers, all of whom had objected to 43-10356. I said I did not have anything that would encompass that entire area, but helped the Jones find the PODs of all but the Warr's on the Oakley 1:100,000 map and made them a B&W and color copy of it for their use.

Rodney also asked me again how I came up with the priority date for their right as 1935 and for Clark Ward's right as 1928, as Clark Ward said I had relied on affidavits for his right also. I told them that from what I could tell there was a difference in the history of the two rights. I said that the decisions on priority dates for both his and Ward's right were made independent of other rights on the creek and based upon information I gained about each of the rights.

COMMUNICATION DOCUMENTATION

From: Vikie Hancock

6/28/2001

Regarding:

10356
43-10536, -2479, -2538

Contact:

Bill and Rodney Jones

The above claimants called concerning the revised claims that I sent them on June 26th.

They were concerned about the combined acre limit that I put on the groundwater licenses. I explained the overlapping acres as they were originally licensed and that allowing them to irrigate 154 acres under 43-2479 and then a separate 140 acres under 43-2538 would expand the acres originally licensed. I said that the department was accepting that before 1987 they had moved the location of the lands they irrigated without them having filed a transfer, but would not allow that to expand the original number of acres. . I told them that to better understand what I was explaining they may want to get out their original licenses and compare the acres, and that if they didn't have copies I could get them ones.

Rodney stated that he though the points of diversion on Almo Creek were too far west. I told them that I had attempted to correct my recommendation to the points that they had originally claimed. I explained that I had been confused about the point they had located in the NWNE and so had gone out there and walked the ditch. He asked me if the point I had GPS'd was the place where the water started in the channel and the channel turned south. I said no. I said that point was not where the man-made ditch began but that I could tell the channel as it continued west of that point was also a man-made conveyance. It looked like Almo Creek was now flowing into that, but it would not have had a ditch not been dug there years ago. Bill Jones said that Floyd Knight dug the ditch.

Bill Jones said the diversion at the pump was on their property. I said it didn't matter to me whose property it was on, but that they would need to file a transfer of point of diversion. They asked me if I thought there would be any problem with that. I told them that that was not my issue. My issue was to recommend the rights as they existed in 1987 and that they needed to get approval from the department to change any element after that. They reminded me that both Frank Hitchcock and I had told them that they may want to wait until they received a partial decree before mucking up the works with a transfer. I told them that there were pros and cons to waiting and that if they wanted to file a transfer immediately they could do so.

06/26/2001

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

RIGHT NUMBER: 43-2479

NAME AND ADDRESS: WILLIAM D JONES AND SON
C/O WILLIAM D JONES
PO BOX 152
ALMO ID 83312

WILLIAM D JONES
PO BOX 152
ALMO ID 83312

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.240 CFS
616.00 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 6.38 CFS. COMBINED RIGHT NOS.: 43-00184,
43-00185, 43-02538.

USE OF THIS RIGHT WITH RIGHT NO. 43-2538 IS LIMITED TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 980 AF.

PRIORITY DATE: 10/12/1959

POINT OF DIVERSION:

T16S R25E S5 SESWSE Lot 2 Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	2.240 CFS 616.00 AFY

PLACE OF USE: IRRIGATION Within CASSIA County

T15S R25E S32	SENE	1.8	T15S R25E S32	NESE	25.0
T15S R25E S32	SWSE	25.0	T15S R25E S32	SESE	40.0
T15S R25E S33	SWNW	12.0	T15S R25E S33	NESW	32.0
T15S R25E S33	NWSW	28.0	T15S R25E S33	SWSW	31.0
T15S R25E S33	SESW	34.0	T15S R25E S33	SWSE	12.0
T16S R25E S04 Lot 4	SWSW	15.0	T16S R25E S04 Lot 3	SESW	19.0
T16S R25E S04 Lot 2	SWSE	13.0	T16S R25E S05 Lot 2	SWSE	7.3
T16S R25E S05 Lot 1	SESE	24.0			

319.1 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 154 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 319 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.:
43-00184, 43-00185 AND 43-02538.^^^

USE OF THIS RIGHT WITH RIGHT NO. 43-2538 IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 245 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.

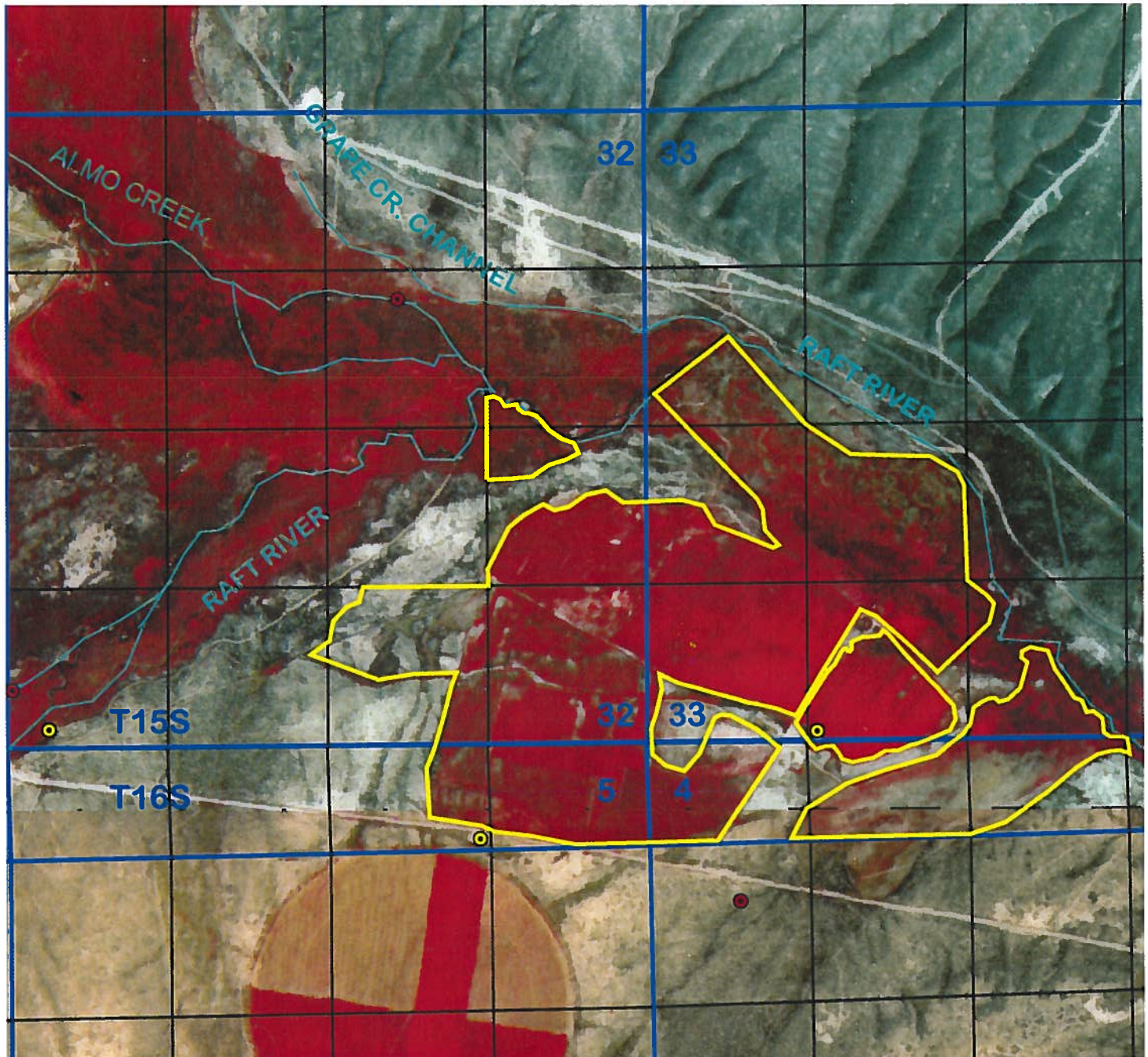
EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

Idaho Department of Water Resources

**RIGHTS: 43-184, 43-185,
43-2479 and 43-2538,**

RECOMMENDED PLACE OF USE
TWP 15S, RNG 25E, Sec 32, 33
TWP 16S, RNG 25E, Sec 4, 5
Data entry on October 30, 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



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

June 26, 2001

William D. Jones and Son
PO Box 152
Almo, Idaho 83312

RE: Snake River Basin Adjudication (SRBA)
Claim 43-10356

Dear Bill and Rodney,

After our meeting on June 15th, I did take the time to review your claims again to see if there were any references in the old license files to irrigation from Almo Creek, etc. There were none, but I did notice an error that I made in the point of diversion for Almo Creek on my preliminary recommendation for that claim.

I believe that in making my preliminary recommendation I may have mistaken a note by former agent Frank Hitchcock when he spoke with you about possible point of diversion transfers for Raft River and Almo Creek in 1996. In reviewing my notes of meetings the three of us had in March 2000, I find the location of your claimed points of diversion for Almo Creek water in 1989 were in the SESE Section 30 and the NWNE Section 32. Almo Creek flows through the SESE Section 30, but not the NWNE Section 32, and a diversion there would be too far north of the strait east/west ditch you showed me on aerial photos as coming from the Almo Creek channels to your property. .

Knowing the difficulty of identifying the legal descriptions of ground locations on the maps available to you in 1989, I visited the area last week, walked the ditches and channels and GPS'd the intersection of the strait ditch. I have corrected my recommendation to reflect that point along with the one in the SESE Section 30.

After driving by your property, other department personnel expressed concern to me about the new pumping installation and apparent new ground that was plowed this spring. It does look to me that you have expanded the irrigated acres to the north of the original ditchline, and obviously have replaced the portable pump you talked about with a permanent installation. Please be aware that you are limited to the number of acres irrigated as of 1987 and that you must apply for a transfer of point of diversion for the new pump.

I have also become aware of the omission of a condition that should have been put on the two ground water licenses 43-2479 and 43-2538. Since there were overlapping acres licensed under these rights in the mid-sixties, the two rights combined are limited to 245 acres from groundwater. This condition will appear on your recommendation to the SRBA court.

I have enclosed a copy of the GIS map and recommendation that shows the correct points of diversion for claim 43-10536. Please let me know if you have any questions.

Sincerely,

Vikie Hancock
Sr. Water Resource Agent
Southern Regional Office, Twin Falls

05/29/2001

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: June15, 2001

Water right number: 43-2479

WILLIAM D JONES AND SON

C/O WILLIAM D JONES

PO BOX 152

ALMO ID 83312

Telephone Number: (208)824-5527

WILLIAM D JONES

PO BOX 152

ALMO ID 83312

Telephone Number: (208)824-5527

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:

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

DATE:

6/15/01

SIGNATURE:

William D. Jones

Please print your name:

William D. Jones

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

10/31/2000

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

RIGHT NUMBER: 43-2479

NAME AND ADDRESS: WILLIAM D JONES AND SON
C/O WILLIAM D JONES
PO BOX 152

ALMO, ID 83312
WILLIAM D JONES
PO BOX 152
ALMO, ID 83312

SOURCE: GROUND WATER

QUANTITY: 2.24 CFS
616 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 6.38 CFS. COMBINED RIGHT
NOS.: 43-00184, 43-00185, 43-02538.

PRIORITY DATE: 10/12/1959

POINT OF DIVERSION: T16S R25E S5 LOT 2 SESWSE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-31	2.24 CFS 616.0 AFY

PLACE OF USE:

IRRIGATION Within CASSIA County

T15S R25E S32	SENE	1.8	T15S R25E S32	NESE	25
T15S R25E S32	SWSE	25	T15S R25E S32	SESE	40
T15S R25E S33	SWNW	12	T15S R25E S33	NESW	32
T15S R25E S33	NWSW	28	T15S R25E S33	SWSW	31
T15S R25E S33	SESW	34	T15S R25E S33	SWSE	12
T16S R25E S4 LOT 4	SWSW	15	T16S R25E S4 LOT 3	SESW	19
T16S R25E S4 LOT 2	SWSE	13	T16S R25E S5 LOT 2	SWSE	7.3
T16S R25E S5 LOT 1	SESE	24			
319.1 ACRES TOTAL					

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 154 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 319 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-00184, 43-00185 AND
43-02538

*Add comb limits
Gw = 245 ac*

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

CLAIM NUMBER: A43-02479

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WILLIAM D JONES	10/12/1959	IRRIGATION	03-15 11-15	2.24 CFS	
C	WILLIAM D JONES AND SON				2.24 CFS	

Water Source: GROUNDWATER

Tributary to:

TOTAL DIVERSION: 4.48 cfs

Stage: LICENSE

Point(s) of Diversion:

T16S R25E S05 Lot02(SESSEST)

CASSIA County

Place of use Legal Description for: IRRIGATION

NE											
NAME				NAME				NAME			
T	R	S	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac	Ac
15S	25E	32	:	:	:	:	:	:	:	:	:
15S	25E	33	:	:	:	:	:	:	:	:	:
16S	25E	4	:	:	:	:	:	:	:	:	:
16S	25E	5	:	:	:	:	:	:	:	:	:
16S	25E	5	:	:	:	:	:	:	:	:	:
TOTAL ACRES											
											168.0

POU County: CASSIA

Other Rights: A43-00184, A43-00185, A43-02538, A43-04043

Dates: Exam Made Date:

Verified Date: 03/26/1985

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Cond
C-11
C-05

Cond
KOL
15-4 ac
gnd 1889
433

Cond
319 ac
6.38 cfs

319
gnd
319
gnd

6116 of

Idaho Department of Water Resources

RIGHT: 43-02479

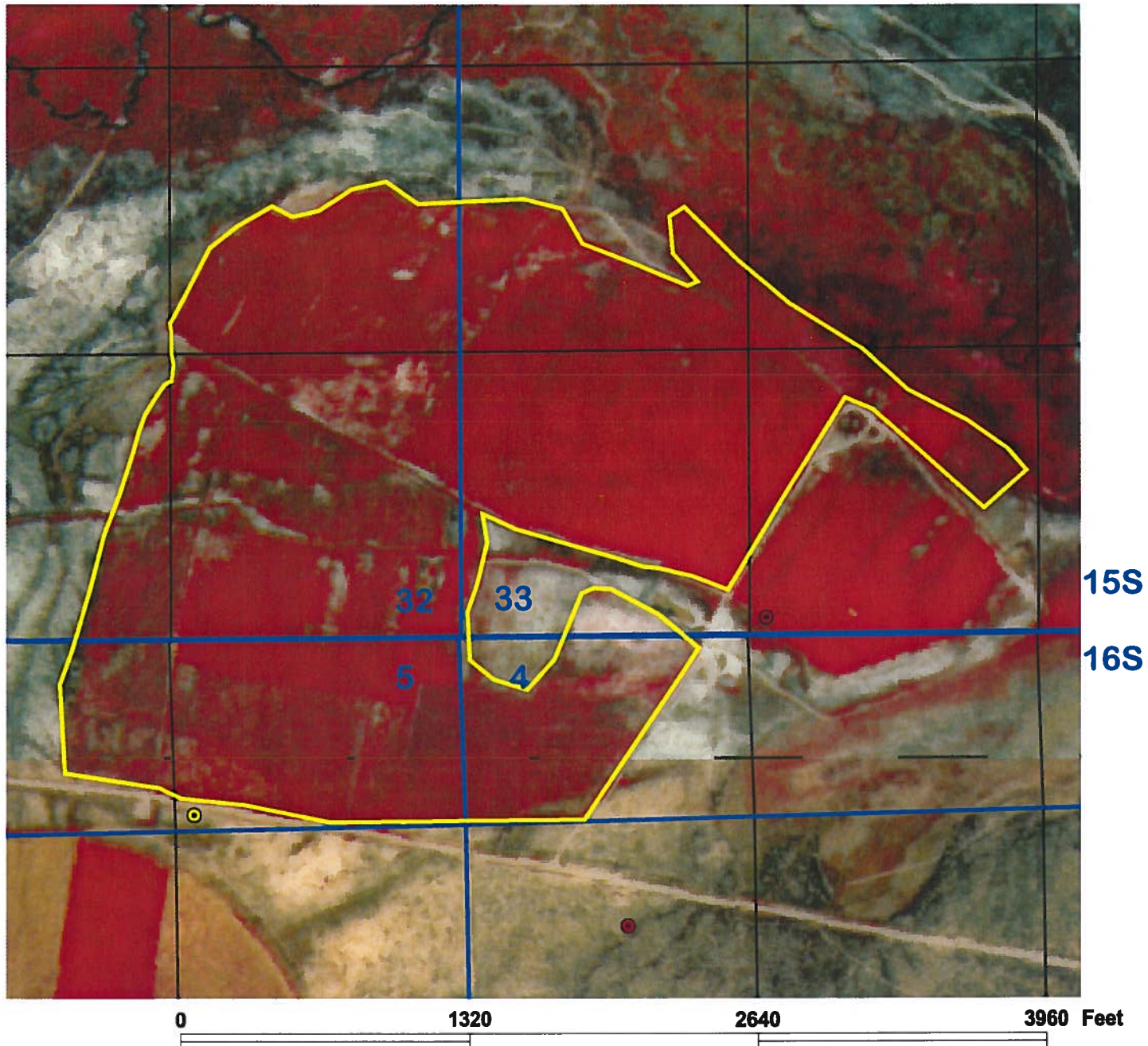
154 AC RECOMMENDED
WITHIN AREA SHOWN

RECOMMENDED PLACE OF USE

TWP 15S, RNG 25E, SEC 33, 34

TWP 16S, RNG 25E, SEC 4, 5

Data entry on March 27, 2000



○ RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE

SECTION LINES

QUARTER/QUARTER LINES



*Extent of Right within
overlapping PPLU in
1987*

GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY

DATA ENTRY BY VIKIE HANCOCK

NOTE TO FILE

From: Vikie Hancock

3/24/00

Regarding: Claim number **Various, William Jones**

Mr. Bill Jones came in this date to further review his irrigation claims and to give me some proofs of priority for his beneficial use claim number **A43-10356** on Almo Creek. In reviewing this claim, we used a 1956 ASCS aerial photo that Mr. Jones had acquired, a 1978 ASCS aerial photo and 1987 NAPP photography used as a layer in ARCVIEW. It became apparent from the photos that the Jones' changed the course of Raft River to run diagonally through the SENE Section 32 and SWNW Section 33 sometime before 1978. This change in channel location prevented any flood irrigation from Almo Creek reaching land to the south and east of this channel without some sort of pipeline or flume across Raft River. Mr. Jones stated that they did not use any such device to convey water from Almo Creek across Raft River. The Jones have continued to use water from Almo Creek on approximately 31 acres.

Although it appears that they began using Almo Creek to irrigate all their land originally on the north side of Raft River in the early 1940s or late 1930s, they have not used it on land to the southeast of the re-located Raft River channel since at least 1978. Mr. Jones stated that they have conveyed Raft River water to that area using ditches from the point of diversion in the SWSW Section 32, and they began using water from the well located in the SWSESW Section 32 to irrigate that property using sprinkler lines. I told Mr. Jones that based upon the information I had, I was inclined to limit my recommendation for this claim to the 31 acres he has continued to irrigate since the late 1930s.

I showed Mr. Jones a GIS layout dated 3-23-00 that I had prepared showing the original location of the conveyance ditch from Raft River used to irrigate land on the south side of the river. This land is claimed by **A43-00184 and A43-00185**. He agreed that, except for the land formerly irrigated by Almo Creek and subsequently by Raft River, the fields I had outlined represented the extent of the property they had irrigated with the river. The two decrees that Mr. Jones bases these claims upon are for a total of 314 acres and a total diversion rate of 3.2 cfs. The area outlined on my GIS layout totaled 165 acres, which represents an accomplished transfer of all the original decreed place of use for 43-00184. (Note, however, that the original decree holders are the grandparents of Mr. Bill Jones). I found that an additional 39 acres had been irrigated within the original decreed place of use for 43-00185,

making a 1987 total of 204 acres. The diversion rate will be limited to the combined decreed total of 3.2 cfs.

Claim **A43-02479** is based upon a license for 154 acres and represents some change in the licensed place of use. According to my conversation with Mr. Jones on 3-23-2000, the claim as originally filed also did not accurately reflect the water use as of 1987 (see notes on GIS layout dated 3/23/2000). It was determined that the area flood irrigated using gated pipe circa 1987 irrigated 154 acres, although it is also true that irrigation runoff continued north to the low spot once occupied by the River channel. Mr. Jones explained that they have now installed a pivot in the identified area which he believes irrigates approximately 150 acres.

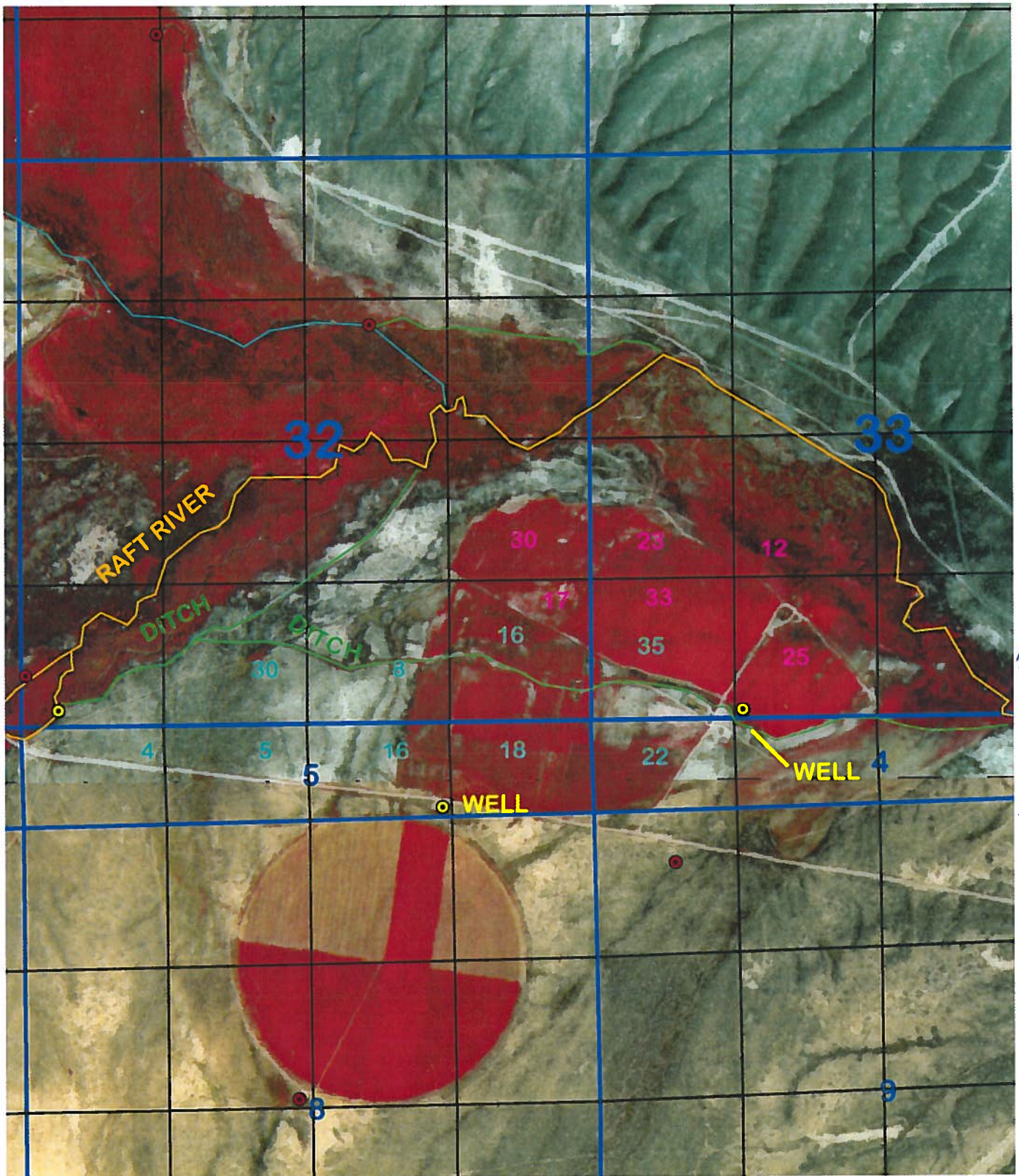
A43-02538 also reflects a change in place of use subsequent to licensing and prior to 1987. The adjudication claim, as filed, was slightly different from the area Mr. Jones identified during our meeting on March 23rd (see GIS layout dated 3-23-00). He showed two fields that continue to be flood irrigated plus the area irrigated by Almo Creek prior to 1978, that is now irrigated by sprinkler lines using groundwater from this well. Per 1987 NAPP photography, the total acres I found irrigated using this right is 140. Mr. Jones is contemplating the installation of a pivot on a portion of this ground. I advised him to notify our Allocations Bureau if it changed the place of use.

At this time Mr. Jones had not yet obtained any documentation toward proof of beneficial use of George Creek as claimed by **A43-04043**.

WILLIAM JONES RIGHTS

GROUND WATER ACRES AS LICENSED
ABOVE AND BELOW RR DITCH

TWP 15S, RNG 25E
TWP 16S, RNG 25E



43-2479
43-2538

1987 AERIAL PHOTOGRAPHY

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

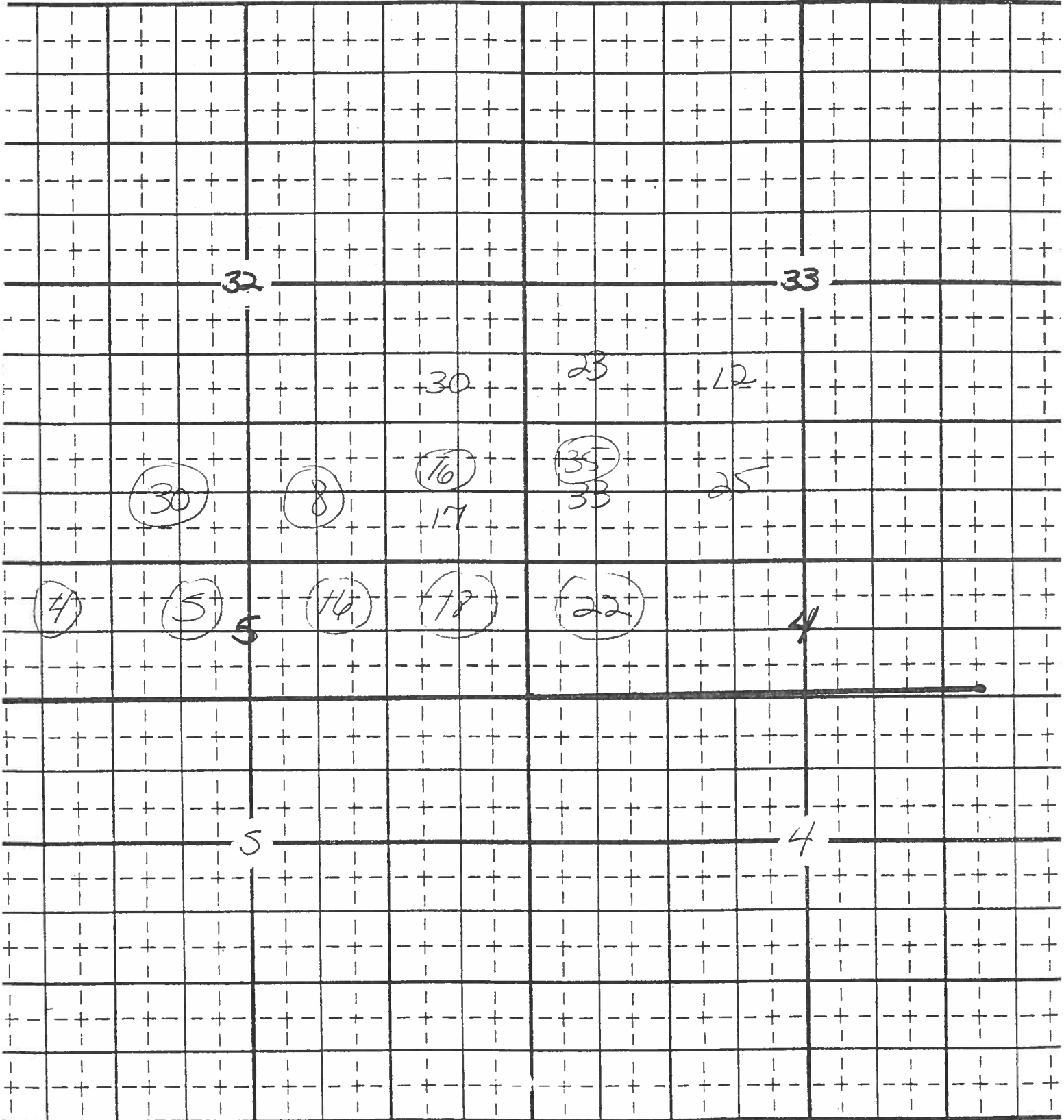
43-2479 (#)

154 ac May 66 FE

JUNE 67 FE

43-2538

140 ac



Buys

AS LICENSED

43-2479

245 ac

TOTAL GW

Last Name Wm Jones

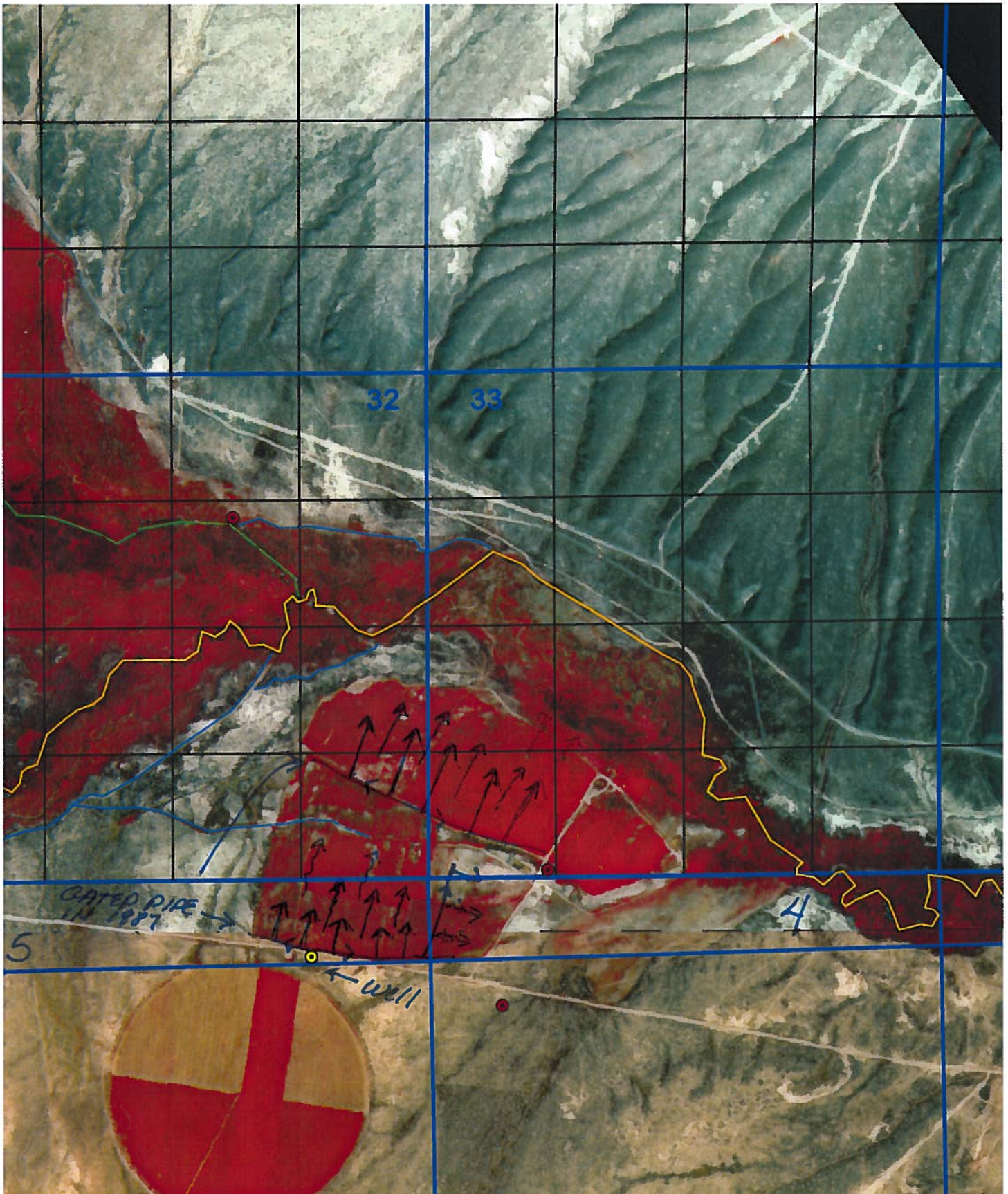
Ident No 43-2538

Copies: White-State, Yellow-Claimant

FILE NOTES

CLAIM NO(S): ~~XXXXXXXXXX~~
ALMO CREEK A43-02479

~~TWP 15S, RNG 24E~~
~~SEC 10, 14~~



V. HANCOCK

DATE: 3-23-2000

1987/88 NAPP PHOTOGRAPHY

PER CLAIMANT 3-23-2000 UH

NOTE TO FILE

From: Vikie Hancock

3/8/00

Regarding: Claim number: Various – William Jones

William and Rodney Jones came into the office 3-8-2000 to discuss their adjudication claims for irrigation, to discuss a possible transfer of points of diversion and to file stockwater claims on Raft River.

An instream stockwater claim was filed for the Raft River as it flows through their property. They included a portion of river in the NESWSW Section 5, T16S, R25E. The USGS quadrangle maps does not show the river going through that corner of Section 5, but the claimants state that the river braids and does indeed flow through there. 1987 NAPP photos substantiate this claim.

The claimants stated that they had been having a hard time getting water out of Raft River at the point of diversion that they had historically used in the SWSW Section 32 and wished to move it to a point farther downstream where they could put in a pump. I told them that I didn't see that there would be a problem with that but, that it would require an administrative transfer through our Allocations Bureau. This would affect claims A43-00184 and -00185 which are based on old decreed water rights to Raft River. They also wished to move the point of diversion on Almo Creek downstream to a place just above the Raft River and pump from there. This would effect Beneficial Use claim A43-10356. I advised them that, at this point in the Adjudication process, it may be best to hold off on the p/d transfers until the partial decree had been issued, since a transfer at this late date would possibly hold up the decree. I said that my SRBA recommendation would reflect the rights as filed in 1987. They said that they had actually already moved the points of diversion but had only used portable pumps so far. I said that they would need to get the changes made to their system post 1987 approved by Allocations at some point.

A discussion of their Adjudication claims went as follows:

A43-10356 – BU claim on Almo Creek. Priority date 4-30-1879.

I told them that the priority date would need to be advanced at least until the day after the Jobe Adams Decree in October 1928. We went over the fact that, subsequent to the date of the deed they submitted showing conveyance of 160 inches of water from Almo Creek

and Raft River, two separate decrees had been issued without including the use of Almo Creek water on their place of use. I said that this was good evidence that their use of water from Almo Creek began sometime after 1928, especially since William's grandparents were included in the Jobe Adams and decreed water from Raft River. I told them that to validate their claim they needed some proof of water use beginning before 1971 and after 1928. They were very aware of the priority dates upstream on Almo Creek and where they could find the Decree filed in the Cassia County Courthouse. I explained that an affidavit from a party that had no interest in their property would be acceptable. Rodney asked about his grandmother, who is in her 90's. I said that, since this was a possible court proceeding, I would want to have some corroborating evidence in the file. Since they only used Almo Creek water on the north side of the river, I suggested ASCS photos. In discussing this claim we also found that the place of use was incorrect as originally filed. The place of use for the Almo Creek water should have been filed in the SENE Section 32 and SWNW, NWSW, NESW Section 33, T15S, R25E. No one knew why there had been that much of an error, but it does make more sense. They discussed that the two points of diversion actually were on Almo Creek and one of the laterals. I said that a point of diversion on a lateral said "wastewater" to me. I further said that the advancement of the priority date would probably not, in reality, affect their use of Almo Creek since they weren't now a permittee recognized by the District 43D watermaster and were already being affected by all the prior rights on the creek.

A43-04043 Statutory claim on George Creek – claimed priority 1920.

I told the Jones's that this claim had the same problem as their claim to Almo Creek, in that George Creek was specifically included in the Jobe Adams but that their use was not found. I said that once again they needed to provide proof of priority after 1928 and before 1971. I reminded them that, at the time they filed the Stat Claim, there were people upstream on George Creek and downstream on Raft River that protested their right to use any water from George Creek. Rodney showed me the ditch and place of use for George Creek and they both said that they hardly ever got any water down that far. I told them that they could understand why people downstream on Raft River might not like them interfering with the contributing flow of one of the tribs, even during high water.

A43-02538 and A43-02479 – two licenses for Ground water

We looked at these claims and verified the points of diversion. I told them that it looked like they had moved the place of use some, but that they were OK as it was prior to 1987, and that they would be limited to the number of acres and amount of water licensed. They showed me a place that they now had a pivot. They said that the stackyard I had not

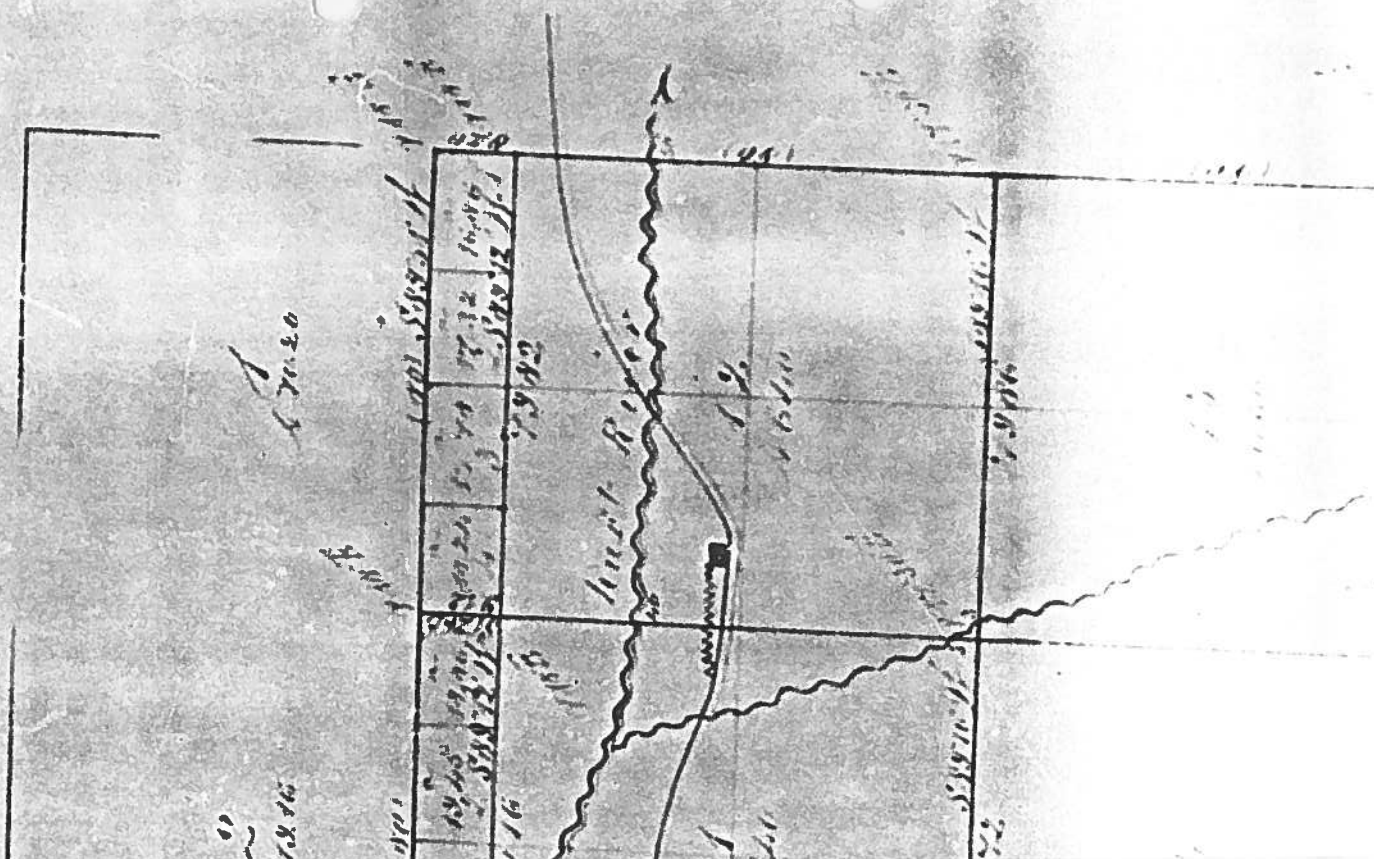
included in the irrigated place of use per my GIS print-out was now all irrigated. I said that I was charged by the legislature to determine and recommend the number of irrigated acres as of 1987, and that was why we had the 1987 NAPP photos taken. I told them that they were obligated to inform the department of any changes in the place of use, and that we were only letting go any changes done prior to the commencement of the adjudication. They said that they were also going to put in another small pivot. I told them that they needed to apply for a transfer of place of use and that the number of acres they would have to work with would be those found irrigated with valid water rights as of 1987. They thought that they would not increase any acres by putting in another pivot and I said they were probably correct. I mentioned to them that the Department's reason for needing to approve changes in water right use was demonstrated by their recent difficulty in diverting water from Raft River from a point they had used for years.

A43-00184 and A43-00184 – based upon decrees in the Jobe Adams

These two rights, from 1882 and 1883 are pretty strait-forward. The place of use has been moved around due to dynamics of the Raft River and probably easier methods of moving water to better ground. One of the rights is over-claimed on acres. I told them that they would be limited to the number of acres identified in the Jobe Adams Decree. There is every indication that the water from Raft River has been continuously used in accordance with these decrees. Rodney showed me the location of the 1987 ditches and places irrigated.

16S25E

08 LT04	08 LT03	08 LT02	08 LT01	05 LT04	05 LT03	05 LT02	05 LT01	04 LT04	04 LT03	04 LT02	04 LT01	03 LT04	03 LT03	03 LT02	03 LT01	02 LT04	02 LT03	02 LT02	02 LT01	01 LT04	01 LT03	01 LT02	01 LT01
07 LT01	07 NEHV	07 NWE	07 NEHE	08 NHW	08 NEHV	08 NWE	08 NEHE	09 NHW	09 NEHV	09 NWE	09 NEHE	10 NHW	10 NEHV	10 NWE	10 NEHE	11 NHW	11 NEHV	11 NWE	11 NEHE	12 NHW	12 NEHV	12 NWE	12 NEHE
07 LT02	07 SEHV	07 SWE	07 SEHE	08 SHW	08 SEHV	08 SWE	08 SEHE	09 SHW	09 SEHV	09 SWE	09 SEHE	10 SHW	10 SEHV	10 SWE	10 SEHE	11 SHW	11 SEHV	11 SWE	11 SEHE	12 SHW	12 SEHV	12 SWE	12 SEHE
07 LT03	07 NEHV	07 NWE	07 NEHE	08 NHW	08 NEHV	08 NWE	08 NEHE	09 NHW	09 NEHV	09 NWE	09 NEHE	10 NHW	10 NEHV	10 NWE	10 NEHE	11 NHW	11 NEHV	11 NWE	11 NEHE	12 NHW	12 NEHV	12 NWE	12 NEHE
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18 LT01	18 NEHV	18 NWE	18 NEHE	17 NHW	17 NEHV	17 NWE	17 NEHE	18 NHW	18 NEHV	18 NWE	18 NEHE	19 NHW	19 NEHV	19 NWE	19 NEHE	20 NHW	20 NEHV	20 NWE	20 NEHE	21 NHW	21 NEHV	21 NWE	21 NEHE
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State of Idaho License and Certificate of Water Right

Water License No. G-28210

Water District No. _____

Amount 2.24 c.f.s.

Priority October 12, 1959

THIS IS TO CERTIFY that OSCAR & WILLIAM D. JONES
of Almo, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated October 12, 1959; that Permit No. G-28210
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2.24 second feet, was issued thereunder on June 29, 1966, showing that said works
were completed on the 17th day of December, 1965; and that on the 17th
day of December, 1965, OSCAR & WILLIAM D. JONES

of Almo, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
, a tributary of subterranean flow, for the purpose of irrigation
, under Use Permit No. G-28210 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 Volume
13 of Licenses at page 8518, on the 29 day of June, 1966;
The right hereby confirmed dates from October 12, 1959;
The Point of Diversion is located Lot 2

In the -- 1/4 -- 1/4, Sec. 5, Tp. 16 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 2.24 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actual ¹ Irrigated		
15 S	25 E	32	SE 1/4 SW 1/4	40	30		
			SW 1/4 SE 1/4	40	8		
			SE 1/4 SE 1/4	40	16		
			SW 1/4 SW 1/4	40	35		
16 S	25 E	33	Lot 3	27.49	22		
			Lot 4	28.08	18		
		5	Lot 1	28.46	16		
			Lot 2	28.85	5		
			Lot 3	29.23	4		
			Lot 4	27.8			
			Total number of acres to be irrigated:				154

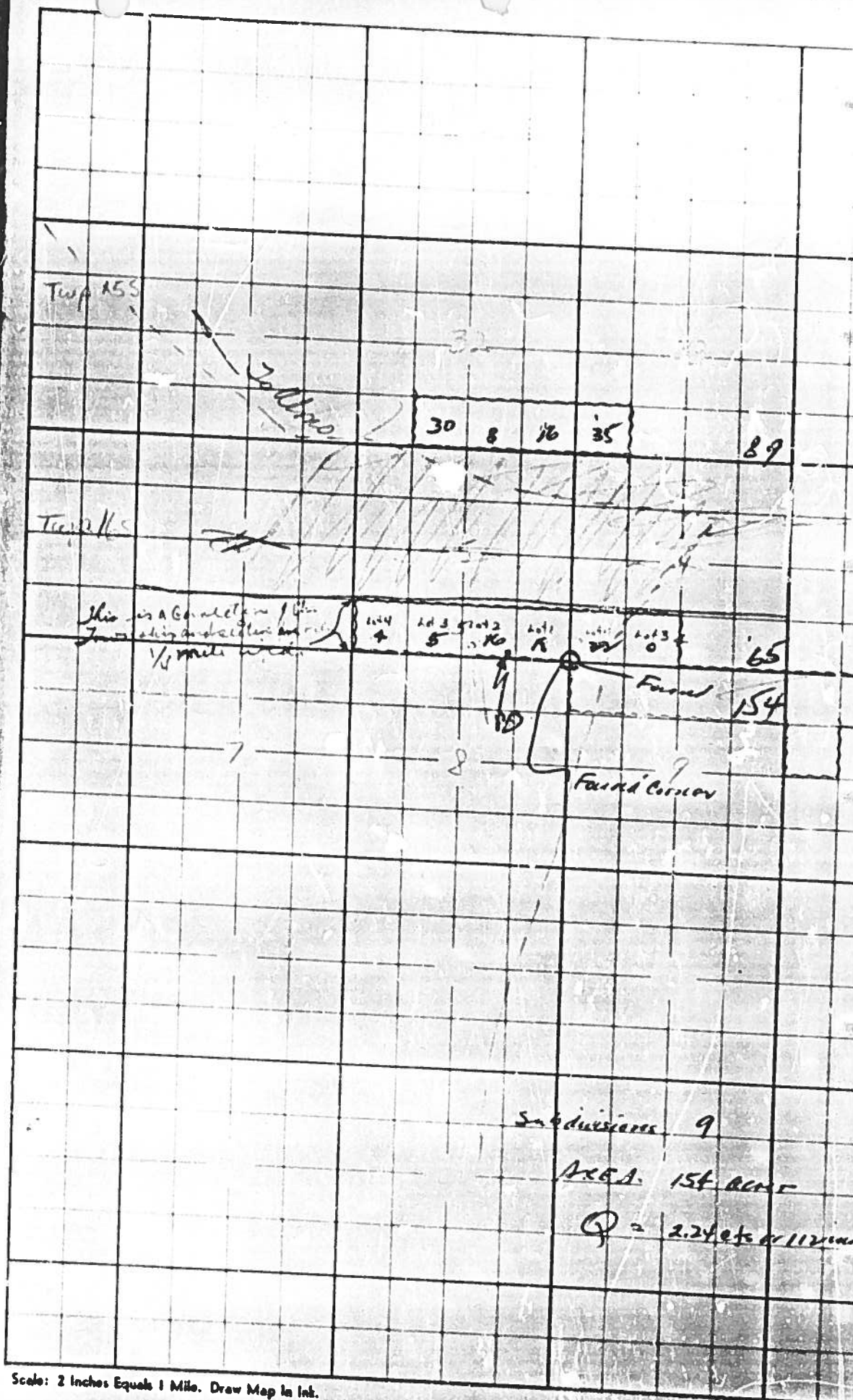
The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
29th day of June, 1966.

(SEAL)

/s/ R. KEITH HIGGINSON
Deputy State Reclamation Engineer.

43-2479



6/9/94

COMMUNICATION DOCUMENTATION

Claim No. STEED HEARING

A43-02479

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

IDWR Employee/Agent Frank Hitchcock

September 8, 1997 1:34pm

NAME:
OLEN WARD-UPPER RAFT RIVER

RE:
RECORDS FOR USAGES RELATED
STEED/REEDSPRINGS-HEARING.

WALK-IN AT 9:20-CW-WANTED ALL USAGES "LICENSES" FOR BRUCE DUFEE, KENT DUFEE, BRENT JONES AND BILL JONES.

DISCUSSED HIS PROTEST RE: STEED USAGES AND FLOWS FROM THE STEED ACRES.

REVIEWED BASIN 43 SEL/ALPHA CLAIMS RECORDS FOR UPPER RAFT RIVER CLAIMS ASSIGNED TO FH AND DID AN AJS58 QUERY FOR THE CLAIMS OF THE NOTED PEOPLE. COLLATED BY NUMBER AND PUT COPIES OF THE NAME LISTS USED WITH EACH SET.

WARD CALLED BACK AT 11:42 TO CONFIRM THE JONES CLAIMS BEING PULLED. HE STOPPED IN SHORTLY AFTER NOON TO PICK UP THE PROOFS LEFT FOR HIM AT THE FRONT DESK.