

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: A43-02537
Date Received: 4/06/1989
Receipt No: 5006804
Received By: Adm

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: R. O. JONES & SONS INC. 208-824-5588
Address: P.O. BOX 137
ALMO, ID 83312
2. Date of Priority: SEP 20, 1961
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 15S | 24E | 13 | NW | NE | SW | | CASSIA |
5. Description of diverting works:
WELL & PUMP
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 2.600 | | |
7. Total Quantity Appropriated is:
2.600 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 795.0 Acre Feet Per Annum.
9. Non-irrigation uses:
NONE
10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
15S	24E	13	NE	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	38.0

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Page 1

Date: 04/06/89

MICROFILMED
MAR 03 1993

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15S	24E	13	SE		SW		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
							Section Acres	238.0
		24	NW		NE		IRR	40.0
			NE		NW		IRR	40.0
							Section Acres	80.0
							Total Acres	318.0

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:
A43-00381, 00382, 00376, 04071

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 30204

16. Signature(s)

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

Number of attachments: 0

For Organizations:

I do solemnly swear or affirm that I am President of _____ Title

R. D. Jones & Sons Inc., that I have signed the foregoing Organization document in the space below as President of Title

R. D. Jones & Sons Inc. and that the statements contained in the Organization foregoing document are true and correct.

Richard D. Jones
Signature of Authorized Agent

Pres. R. D. Jones & Sons Inc.
Title and Organization

4/6/89
Date

State of Idaho

County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 6th day
of April 19 89
Al D. Menter
Notary Public

Seal

Residing at Kimberly, Id.

My Commission Expires 6/30/94

10/10/2000

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

RIGHT NUMBER: 43-2537

NAME AND ADDRESS: R O JONES & SONS INC
PO BOX 137
ALMO, ID 83312

SOURCE: GROUND WATER

QUANTITY: 2.6 CFS
1103 AFY

PRIORITY DATE: 09/20/1961

POINT OF DIVERSION: T15S R24E S13 NWNE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04-01 10-31	2.60 CFS 1,103.0 AFY

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>			
T15S R24E S13	NENW	40	T15S R24E S13 SENW 40
T15S R24E S13	NWSE	40	T15S R24E S13 NESW 38
T15S R24E S13	SWSE	40	T15S R24E S13 SESW 40
T15S R24E S24	NWNE	40	T15S R24E S24 NENW 40

318 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED
TO THE IRRIGATION OF A COMBINED TOTAL OF 920 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-376 AND 43-381.

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

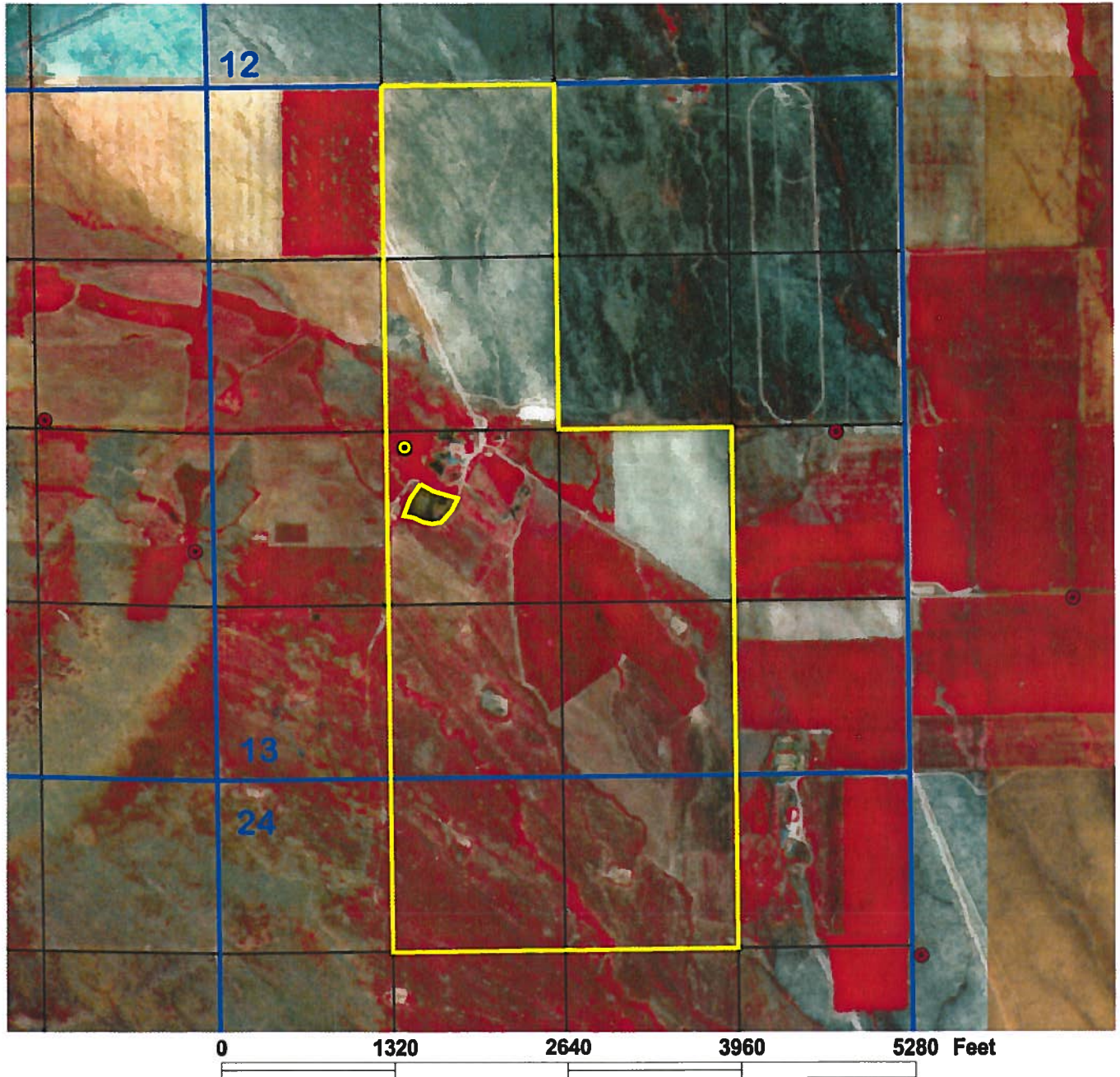
EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

Idaho Department of Water Resources

RIGHT: 43-02537

RECOMMENDED PLACE OF USE
TWP 15S, RNG 24E, SEC 13, 24
Data entry on March 21, 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

05/10/2001

**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: 43-2537

R O JONES & SONS INC

PO BOX 137

ALMO ID 83312

Telephone Number: (208)824-5588

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

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

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

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

DATE:

7-6-01

SIGNATURE:

[Handwritten Signature: Gary Jones]

Please print your name: *Gary Jones*

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, (208)736-3033

CLAIM NUMBER: A43-02537

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
E	R O JONES & SONS INC	09/20/1961	IRRIGATION	03-15-11-15	2.60 CFS	
TOTAL DIVERSION:					2.60 CFS	
CONSUMPTIVE USE:						795.80 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T15S R24E S13

CASSIA County

Place of use Legal Description for: IRRIGATION

NE									
NW					SW				
NE	SE	SW	NE	SE	NE	SE	SW	NE	SE
T	R	S	Ac	Ac	Ac	Ac	Ac	Ac	Ac
15S	24E	13	:	:	:	:	:	:	:
40	:	:	40	:	40	:	40	:	40
15S	24E	24	:	:	:	:	:	:	:
40	:	:	40	:	40	:	40	:	40
TOTAL ACRES					TOTAL ACRES				
					318.0				

POU County: CASSIA

Non-Irrigation Uses: NONE

Other Rights: A43-00381, 00382, 00376, 04071

Dates: Exam Made Date:

Verified Date: 02/11/1985

Misc: Water District Number:

Field Inspection Flag: C
Presumption Flag:

*Add combined
acres
E-14*

*B-9
43*

*cond
C-18
C-05*

*2.60 x 318.0 = 827.0
1103.80 AFA*

RECOMMENDATION NOTES

From: Vikie Hancock

10/9/00

Regarding: Claim 43-2537

This claim is based upon a license for ground water. A volume limit was added to this right, as well as standard season of use for irrigation.

This right is being recommended as claimed with an accomplished change in place of use. Specifically, water was moved from 80 acres in the SENW and SWNE of Section 24 to 80 acres in the E½NW Section 13, all T15S, R24E.

Water from Tater Creek once used to flood irrigate 25 acres along the east boundary of the E½ NW Section 13 is no longer used, as it was rarely available.

Field Exam Notes

Field Exam Date: 3-14-2000

Claim No: Various, Gary and R.O. Jones

Agent: Vikie Hancock

I met with Gary and Richard Jones at Gary's house in Almo. We discussed the various claims filed by Both Gary and R.O. Jones & Sons. Gary has since purchased his father's farm and runs the two properties as one farm.

In 1985 a transfer #3218 was filed, for various decreed rights owned by R.O. Jones, to add a point of diversion on Edwards Creek in the SESE Section 10, where the claimants constructed a pond and pipeline to serve a gravity sprinkler system "on land once irrigated by flooding." Although there was no change in place of use for any of the rights, the land on which the gravity sprinkler system was installed was land located in the E $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ Section 14 and the W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 13. Claimant installed one 12-inch buried pipe that runs from the point of diversion to the very center of the NW corner of section 14. There it is put into a mainline that runs due east through the center of the north half of section 14 and into the W $\frac{1}{2}$ NW Section 13. Claimant states the system can run approximately 12 quarter-mile sprinkler lines with mostly 1/8 inch nozzles. There is another 4-inch pipe from the point of diversion that runs to a field just to the west of the highway in the NWNW Section 14. This field is also sprinkler irrigated.

A point of diversion in SESE Section 10, on Edwards Creek, was added to rights decreed on both Edwards Creek and North Almo Creek, though Gary and Richard Jones state that only Edwards Creek and the shares of Almo Water Company water are diverted and put into the pipeline. Only one decreed right on Edwards Creek, 43-00378, was appurtenant to the acreage on which the sprinkling system was installed at the time of the transfer. However, 7.0 cfs from Edwards Creek decreed as 43-00382 was also available to the claimant if there was an unrecorded transfer of place of use. North Almo Creek water is still used upon this same ground but is used only for flood irrigation. Transfer #3218, as it pertains to rights on N. Almo Creek, is assumed to have not been accomplished.

1 $\frac{1}{2}$ shares of AWC is delivered from Almo Creek into Edwards Creek above the diversion in Section 10 for use in the gravity irrigation system. In 1985, the Department split a license and a statutory claim held by Almo Water Company and changed a portion of both into the name of Jones, per the aforementioned transfer #3218. This was in error, as the Jones did not wish to remove shares from Almo Water Company, just to change the point of diversion. They have, in fact, continued to receive and use their 1 $\frac{1}{2}$ shares in AWC. Note that Jones did not claim his portion of the split license 43-02232 or stat claim 43-04228. However, Almo Water Company claimed their split, not whole, portion of each right.

Gary Jones is successor in interest to the Helen Edwards water rights as specified in the Jobe Adams Decree as 43-00377 and 43-00378. He purchased the property from Louis Eames whose rights were confirmed in a lawsuit known as Almo Water Company vs Ivan Darrington, District 8E (now 43D) Water master. Claimant has combined the two rights, one on Edwards Creek for 1.6 cfs, and one on North Almo for 1.6 cfs, with the same priority date of 1879, in one claim **A43-00377**. In the Jobe Adams, the right to Edwards Creek is supplemental to the right on North Almo. I believe that the claimant may want to split this claim so as to differentiate each source. When the Eames portion of the property was purchased, it also came with the aforementioned 1½ shares of Almo Water Company water. Also at this time, claimants say that much more than the decreed 160 acres were being irrigated. Gary Jones claimed that he expanded into the NWNW of Section 13 (see permit #43-07210) but that the rest was already being farmed.

It does seem clear from 1976 aerial photos, that most of the land now owned by Gary Jones east of the Elba-Almo highway, and south of the dirt road which runs along the north section line of sections 13 and 14, was irrigated prior to the gravity sprinkler system put in circa 1985. A portion of another decreed right, 43-00380 on N. Almo Creek with a priority date of 1910, is appurtenant to the NENW and NWNE of Section 14 and should be claimed. This would account for the additional acres being irrigated. Note that Brent Jones claimed the entire 43-00380 right, but that only half of it is appurtenant to his property.

Claim **43-00376** is based upon a decree for 2.5 cfs of water from N. Almo Creek, priority date 1910. The decreed place of use is the E½ NW of section 13 and the E½ SW section 12. This land is up high and away from the diversion from N. Almo, and as the priority date indicates, developed late. Undated ASCS aerial photos found in permit file 43-07210 used for a field exam in 1991 identifies the water courses for Edwards Creek, and the water diverted from N. Almo, as they once ran through the farm. Except for portions of the W½ of the SENW Section 13, there are no ditches evident that would have conveyed water from N. Almo to the decreed place of use; nor are there any apparent on the low altitude ASCS photos #P34 and Q34 from 1978. The 1987 NAPP photo is similar. This 80 acres appears to have been marginally irrigated, if at all, for some time prior to 1978, and probably irrigated with runoff water from the north. The claimant stated that he does not irrigate north of the dirt road (i.e.: section 12) from anything but runoff water and Tater Creek when it is available. He also told me that he now uses sprinkler irrigation from the well licensed under 43-02537 to irrigate the E½ NW of section 13, as claimed under that right. Photo evidence suggests that water from N. Almo Creek has only been used on a diagonal portion of the SENW of section 13. Therefore, the water use represented by this decreed right has been, at some time, moved by accomplished transfer to lands which are included in the place of use south of the center line of section 13, and to a limited extent in the SENW Section 13. (Transfer #3218, as it pertains to 43-00376 is assumed to have not been accomplished).

Claim **43-00381** is for 7.0 cfs from N. Almo Creek, priority date 1880. The decreed place of use is 840 acres in Sections 13, 24 and 23, which exactly matches the adjudication claim with the exception of an additional 80 acres claimed in the E½NW Section 13. In reviewing 1987 NAPP photography, 1976

high and 1978 low elevation ASCS aerial photos, I see no evidence that water was conveyed to any but the SW corner of that particular 80 by surface ditches from N. Almo Creek in the years prior to 1987. Claimant Gary Jones said that he did irrigate the entire 80 acres with sprinkler irrigation from the well licensed under right 43-02537. The land looked to be developed and irrigated during my limited field exam this date. Baring additional information, I am inclined to recommend this right for use on the original decreed acreage. Note that, perhaps as a result of transfer #3218, the Allocations database was changed to reflect that the source for this right was Edwards Creek. The SRBA claim was filed on N. Almo Creek, and it is assumed that transfer #3218, as it pertains to this right, was not accomplished.

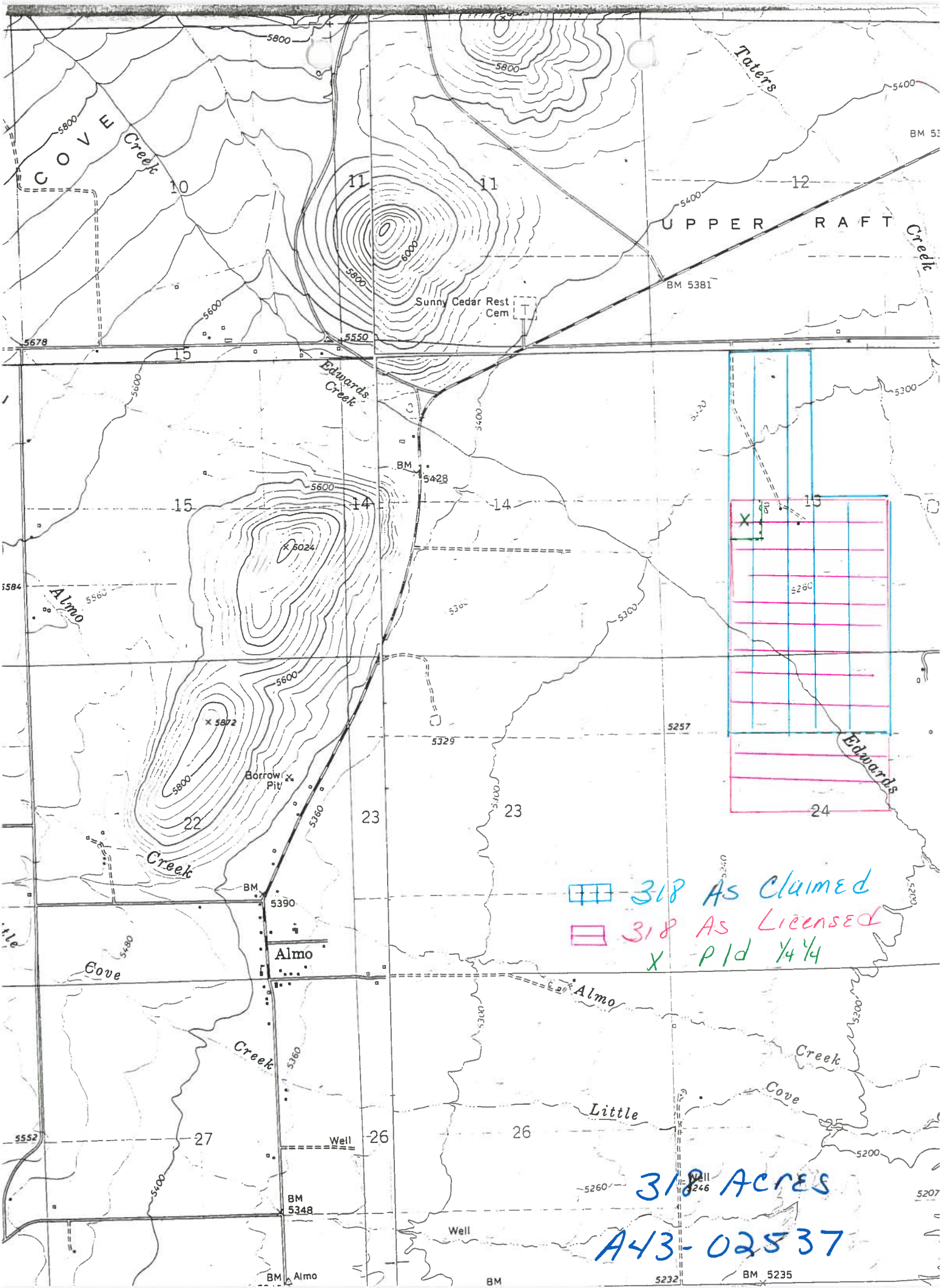
Claim **43-00382** is for 7.0 cfs from Edwards Creek, priority 1880. The decreed place of use for this right is exactly the same as that for 43-00381. A point of diversion in SESE Section 10 was added to this right so that the waters of Edwards Creek could be used in the gravity irrigation system which was developed to irrigate the E $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ Section 14 and the W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 13. Water from this right also irrigates the field in the NWNE Section 14 and also a small area that is flood irrigated in the SESE Section 10. The lands now under gravity sprinkler irrigation, and flooded in Section 10, represent a change in place of use of this right that occurred in 1985. Edwards Creek may also be diverted in the SW $\frac{1}{4}$ of section 13 to flood irrigate the original decreed place of use, as the sprinkler system does not use the entire 7.0 cfs of this right. I do not see evidence that water from this source was used over the entire E $\frac{1}{2}$ NW of Section 13 prior to 1987, as claimed.

Either an enlargement claim for an additional 290+ acres, or a PPU limited to 840 acres within the total place of use, should be recommended to accurately reflect the water usage under this right.

The claimed place of use for **A43-02537** represents an accomplished transfer of place of use since the license was issued. The well is now used to irrigate the E $\frac{1}{2}$ NW of Section 13, instead of the SENW and SWNE of Section 24. Claimant states that the well is mostly used to flood irrigate at this time but he intends to move more toward a sprinkler system. It appeared during my limited field exam that this right was being used as claimed. The well is located in the extreme NW corner of the NENW Section 13.

A43-04071 is based upon a statutory claim to Tater Creek for 3.6 cfs with an 1880 priority date. According to the claimant, there is not often water available for use at his point of diversion on Tater Creek. He showed me his point of diversion, which is just south of the Almo-Elba Highway, as Tater creek passes under it. He says that he diverts the creek to the west here, and the portion of it going to the east is used by Brent Jones. (Brent Jones did not file a claim on Tater Creek). This stat claim, as well as stat claims by Eames 43-04067, Robert Ward 43-04068, Glen Jones 43-04070 and Black 43-04069 were protested when filed in 1976. The claimants and the protestant, Jack Erickson, agreed that all the stat claims should have the same priority date of 1880. The only SRBA claims filed on Tater Creek are this one and A43-04069 by Jay Black. This claim has no proof of priority filed to substantiate the 1880 priority date. Gary Jones says that, when available, he uses Tater Creek, as well as runoff water, to irrigate the pasturelands he owns above the dirt road at the top of his sprinkler irrigated fields. This property was not owned by R.O. Jones at the time the statutory claim 43-04071 was filed, but was owned by Louis

Eames. The stat and SRBA claims as filed by R.O. Jones claim a place of use south of the dirt road. The conveyance ditch through the E½NW of Section 13 is still evident in the 1987 NAPP photo and appears to be the historical place of use for this claim. Actual date this water was put to beneficial use is unknown at this time.



318 As Claimed
318 As Licensed
X pld 1/4 1/4

318 ACRES
A43-02537

State of Idaho

License and Certificate of Water Right

Water License No. 0-30204

Amount 2.6 c.f.s.

Water District No. _____

Priority Sept. 20, 1961

THIS IS TO CERTIFY that OWEN JONES of Burley, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated September 20, 1961; that Permit No. 0-30204 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 2.6 second feet, was issued thereunder on July 2, 1962, showing that said works were completed on the 1st day of March, 1962; and that on the 1st day of March, 1962,

OWEN JONES of Burley, 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. U-30204 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 12 of Licenses at page 7316, on the 2nd day of July, 1962; The right hereby confirmed dates from September 20, 1961;

The Point of Diversion is located

in the NE 1/4 SW 1/4, Sec. 13, Twp. 15 S. R. 24 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 2.6 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	13	NW 1/4 SE 1/4	40	40
			SW 1/4 SE 1/4	40	40
			NE 1/4 SW 1/4	40	40
			SE 1/4 SW 1/4	40	38
			NW 1/4 NE 1/4	40	40
			SW 1/4 NE 1/4	40	40
			NE 1/4 NW 1/4	40	40
			SE 1/4 NW 1/4	40	40
		24	Total number of acres to be irrigated:		318

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 2nd day of July, 1962.

(SEAL)

Deputy State Reclamation Engineer

*Transfer
on Record
4-5-99
D.H.*