

42600

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: A43-04069
Date Received: 5/31/1989
Receipt No: 1003787
Received By: B

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: J. SPENCER BLACK 208-824-5593
Address: BOX 103
ELBA, ID 83326

OR

Name: JAY L. BLACK
Address: ELBA, ID 83326

2. Date of Priority: APR 01, 1880

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

4. Point of Diversion:

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

5. Description of diverting works:
CONCRET HEADGATES AND PIPELINE, GRAVITY FLOW

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	02/01	11/30	2.500		
STOCKWATER	01/01	12/31	0.090		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/300 HEAD CATTLE

A43-04069

Page 1

Date: 05/31/89

COPY

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10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15S	24E	1	SW		SW		IRR	35.0
			SE		SW		IRR	17.0
			SW		SE		IRR	24.0
			Section Acres					76.0
		12	NE		NE		IRR	30.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	30.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			Section Acres					300.0
			Total Acres					376.0

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:
A43-07144

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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): J. Spencer Black Date: May 31, 1989
Date: _____

State of Idaho)
County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 31 day

of May 19 89

Seal

John Dale Carlson
Notary Public

Residing at Bow Id

My Commission Expires 6/2/94

T. 14 S
R. 16 E

NATIONAL

ROADS

Waterman
Lick
Coye
Creek

42° 7' 30"
113° 27' 30"

ALN 24 MI.

285 R. 24 E. FEET

35 R. 25 E.

288

289

170 DEC
FEE

463

469

467

SQUAD SECTION 8

BM 5381

40 40 40 30
40 40 40 30
40 40 40 30

U P P E R
R A F T

Creek

A L L E Y

BM 5401

5.50

8

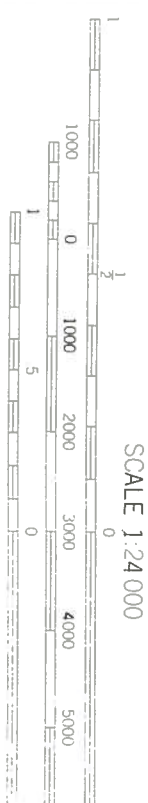
5

Produced by the Geological Survey
in cooperation with the Soil Conservation Service
Orthophotograph prepared from 1:78 000 scale
aerial photographs taken August 20, 1976

Projection and 10,000-foot grid ticks: Idaho coordinate
system, central zone (Transverse Mercator)
1000-meter Universal Transverse Mercator grid ticks
zone 12. 1927 North American datum

Photomagey transformed by 33 minutes arc to
which may produce double or no snatched in
use the mean of image positions for map point

443-04069



Copies Of These Maps Can Be
At Bonneville Blue Print, Boise

THIS MAP COMPLETES WITH NATIONAL MAP ACCORDANCE 1:24,000

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MAR 05 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

December 5, 1991

R. KEITH HIGGINSON
Director

A43-04069
J. SPENCER BLACK
BOX 103

ELBA

ID 83326

RE: Evidence of Priority

RESPONSE DEADLINE
FEBRUARY 3, 1992

Dear Claimant:

The Notice(s) of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicate your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. **The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit.** The Department will soon conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, **proof must be provided supporting the priority date you have claimed.**

The Department will not recommend the Notice(s) be decreed by the court as claimed if no evidence of a priority date is submitted.

Please find enclosed a computer printout of your Notice(s) and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

Please submit the required evidence supporting the priority date(s) by **February 3, 1992**, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

MICROFILMED

MAR 05 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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Respectfully submitted,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

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MAR 05 1993



(4-405.)

THE UNITED STATES OF AMERICA,

To all to whom these presents shall come, Greeting:

Homestead Certificate No. 134-

APPLICATION 134-

of the LAND OFFICE at

approved 20th May, 1862

of

East half of the North west quarter and the North west quarter of the North west quarter

Two of Section Twelve and the South west quarter of the South west quarter of Section

one in Township fifteen South of Range twenty four East of Base Meridian in Idaho

containing one hundred and fifty acres

according to the OFFICIAL PLAT of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the SURVEYOR GENERAL:

Now know ye,

That there is, therefore, granted by the United States unto the said

the tract of Land above described: To have and to hold the said tract of Land, with the appurtenances

thereof, unto the said

heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in

connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein

or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law.

In testimony whereof I, Benjamin Harrison

have caused these letters to be made Patent, and the seal of the GENERAL LAND OFFICE to be hereunto affixed.

Given under my hand, at the CITY OF WASHINGTON, the

eight hundred and

By the President: Benjamin Harrison

By Mr. M. M. Hearn

Secretary.

RECORDED, Vol. 1, Page 121

Recorder of the General Land Office.

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MAR 05 1993

Filed for record at request
of John Stone at 11:50 AM.
November 22nd 1899. Records
in Boone by Clerk page 629
Boone County Records,
John Stone
Clerk

CONVERSATION MEMORANDUM

EMPLOYEE: STEVE CLELLAND

FILE A 43-04069

RE: PROOF OF PRIORITY

DATE 2-3-92

NAME OF PARTY

JAY L. BLACK

I Met with the claimant this day to resolve the priority date. A Patent dated 12-31-1889 in the name of Wilcox - is the same Wilcox who filed a notice of water right on 10-20-1882 for waters in the Little Cove Creek. This creek is not currently named as such and is now named Tatera Creek. Several affidavits in the file of protest for claim 43-4070 also explain the Little Cove Creek as having other names.

Ownership has always been within the family since Wilcox sold to John Howe.

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William C. Wilcox,
Claimant,

NOTICE WATER RIGHT.

Dated October 20th, 1882.

Filed, October 21, 1882, 10:00 A. M.

Recorded Book 2 Water Book, page 111.

Notice is hereby given that I do hereby locate a water ditch and claim all the water in this Little Cove Creek not previously appropriated. Said ditch is to be taken out on the NE $\frac{1}{4}$ of Sec. 11, and conveyed on to the

NW $\frac{1}{4}$ of Sec. 12, Tp. 15 S., R. 24, E. _ _
for irrigation and other domestic purposes.

Said ditch to be of the capacity to carry 100 inches of water.

(Taken from Abstracter's copy)

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MAR 05 1993

SRBA

SUBCASE SUMMARY REPORT 43-04069

[Return to SRBA Home Page](#)

SRBA
08-01-2002

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 43-04069 FILE#: 00251
CLAIMANT: BLACK, JAY L
PO BOX 103ALMO ID 83312
STATUS: READY FOR PD SPECIAL MASTER: BURDICK, HON. ROGER S.
WATER SOURCE: TATERS CREEK, EDWARDS CREEK
ISSUES: PRIORITY DATE
POINT(S) OF DIVERSION DESCRIPTION
PLACE OF USE OR IRRIGATED ACRES IN EACH 40 A.****** PARTIES INVOLVED ******JAY L BLACK C PRO SE
UNITED STATES OF AMERICA O ATTY: US DEPARTMENT OF JUSTICE
SHARON P BLACK C PRO SE****** ROA ENTRIES ******

02-08-2002	OBJ 01 F/B UNITED STATES OF AMERICA	RB	04-12-2002 0001
03-20-2002	ORIGINAL CLAIM FILED		
06-07-2002	STANDARD FORM 5 FILED		06-07-2002
06-07-2002	AMENDED DIRECTORS REPORT ATTACHED TO SF5		
	CHANGE: PLACE OF USE		
06-10-2002	REPORT & RECOMMENDATION OF MASTER	CB	07-29-2002
06-10-2002	NOTICE OF ISSUANCE - MASTERS R&R		
06-10-2002	CERTIFICATE OF MAILING - MASTER R&R		

[Return to SRBA Home Page](#)

772 JUN 10 PM 4: 40

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

PAGE 1
Jun-07-2002

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

USE.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

RECOMMENDATION

JUN 10 2002

Roger E. Burdick
SPECIAL MASTER

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2002 JUN 10 PM 4:40

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Case No. 39576)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

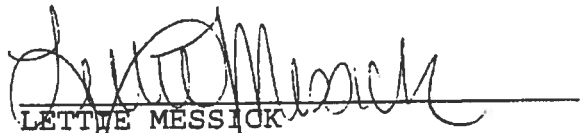
Water Right(s): 43-04069

On June 10, 2002, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED June 10, 2002.


LETTIE MESSICK
Deputy Clerk

2002 JUN 10 PM 4:40

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED *[Signature]*

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

CERTIFICATE OF MAILING

Case No. 39576)

Water Right(s): 43-04069

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on June 10, 2002, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

UNITED STATES OF AMERICA

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

JAY L BLACK
SHARON P BLACK
PO BOX 103
ALMO, ID 83312
Phone: 208-824-5593

CERTIFICATE OF MAILING

[Signature]
LETTIE MESSICK
Deputy Clerk

PAGE 1
06/10/02

RECEIVED

JUN 11 2002

Department of Water Resources
Department of Water Resources

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

) Subcase No. 43-04069

Case No. 39576

) Standard Form 5

) STIPULATED ELEMENTS
) OF A WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine the facts, date, expert opinions and law supporting the issuance of a partial decree for the water right.

The parties agree that the Snake River Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANTS:

Jay L. Black 4/30/02
Jay L. Black Date

Sharon P. Black 5-31-02
Sharon P. Black Date

IDWR CONCURRENCE:

Royanne Brown 5/23/02
Date

OBJECTOR:

United States on behalf of the
Bureau of Land Management

Larry A. Brown 5/6/02
Larry A. Brown CK FWP Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:

Candice M. McHugh 5/23/02
Candice M. McHugh Date
Deputy Attorney General

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

RIGHT NUMBER: 43-4069

NAME AND ADDRESS: SHARON P BLACK
JAY L BLACK
PO BOX 103
ALMO ID 83312

J.L.B.
SPB

SOURCE: TATERS CREEK

TRIBUTARY: EDWARDS CREEK

QUANTITY: 2.50 CFS

Fup

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 04/01/1883

POINT OF DIVERSION:

T15S R24E S1 NWSWSW Within CASSIA County
T15S R24E S12 NWNENW Within CASSIA County
T15S R24E S12 NWNENW Within CASSIA County
T15S R24E S12 NWNENW Within CASSIA County
T15S R24E S12 NWNWNW Within CASSIA County

RA
136m²

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.09 CFS
IRRIGATION	04/01 10/31	2.5 CFS

PLACE OF USE: STOCKWATER Within CASSIA County

T15S R24E S01	SWSW	T15S R24E S01	SESW
T15S R24E S01	SWSE	T15S R24E S12	NENE
T15S R24E S12	NWNE	T15S R24E S12	SWNE
T15S R24E S12	SENE	T15S R24E S12	NENW
T15S R24E S12	NWNW	T15S R24E S12	SWNW
T15S R24E S12	SENW	T15S R25E S06 Lot 7	SWSW
T15S R25E S06	SESW	T15S R25E S07	NENW
T15S R25E S07 Lot 1	NWNW	T15S R25E S07 Lot 2	SWNW
~~T15S R24E S12~~	~~NWSE~~	~~T15S R24E S01~~	~~SESE~~
~~T15S R25E S06~~	~~NWSE~~		

IRRIGATION Within CASSIA County

T15S R24E S01	SWSW	21.0	T15S R24E S01	SESW	12.0
T15S R24E S01	SWSE	24.0	T15S R24E S12	NENE	22.0
T15S R24E S12	NWNE	40.0	T15S R24E S12	SWNE	39.0
T15S R24E S12	SENE	7.7	T15S R24E S12	NENW	41.0
T15S R24E S12	NWNW	38.0	T15S R24E S12	SWNW	40.0
T15S R24E S12	SENW	41.0	T15S R25E S06 Lot 7	SWSW	14.0
T15S R25E S06	SESW	6.5	T15S R25E S07	NENW	2.8
T15S R25E S07 Lot 1	NWNW	19.0	T15S R25E S07 Lot 2	SWNW	30.0

398 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 43-7144 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 398 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160 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.
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

FWP

RB

SMC

SHB

J.L.B.

JM

CERTIFICATE OF MAILING

I certify that on June 6, 2002 mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copy to:

Idaho Department of Water Resources
Adjudication Bureau
1301 North Orchard Street
Boise, Idaho 83706

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

3. Copies to all parties to the subcase:

U.S., Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

Jay L Black
PO Box 103
Almo ID 83312

Sharon P Black
PO Box 103
Almo ID 83312

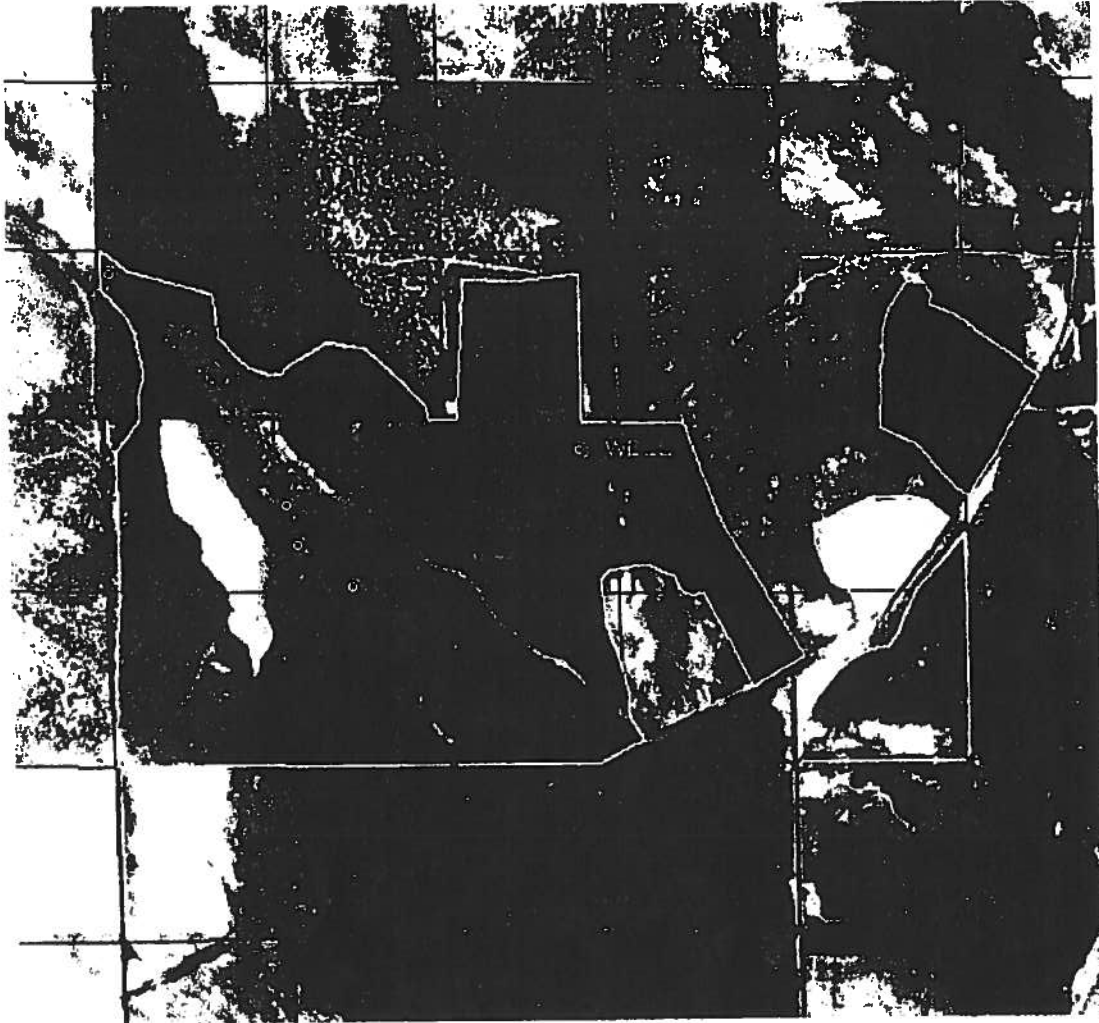


Signature of person or attorney mailing the form

Idaho Department of Water Resources

**RIGHTS: 43-4069
and 43-7144**

**RECOMMENDED PLACE OF USE
TWP 15S, RNG 24E, Sec 1, 12,
TWP 15S, RNG 25E, Sec 6, 7
Data entry on November 8, 2000**



- ⊙ RECOMMENDED POINT OF DIVERSION
- RECOMMENDED PLACE OF USE
- SECTION LINES
- QUARTER/QUARTER LINES

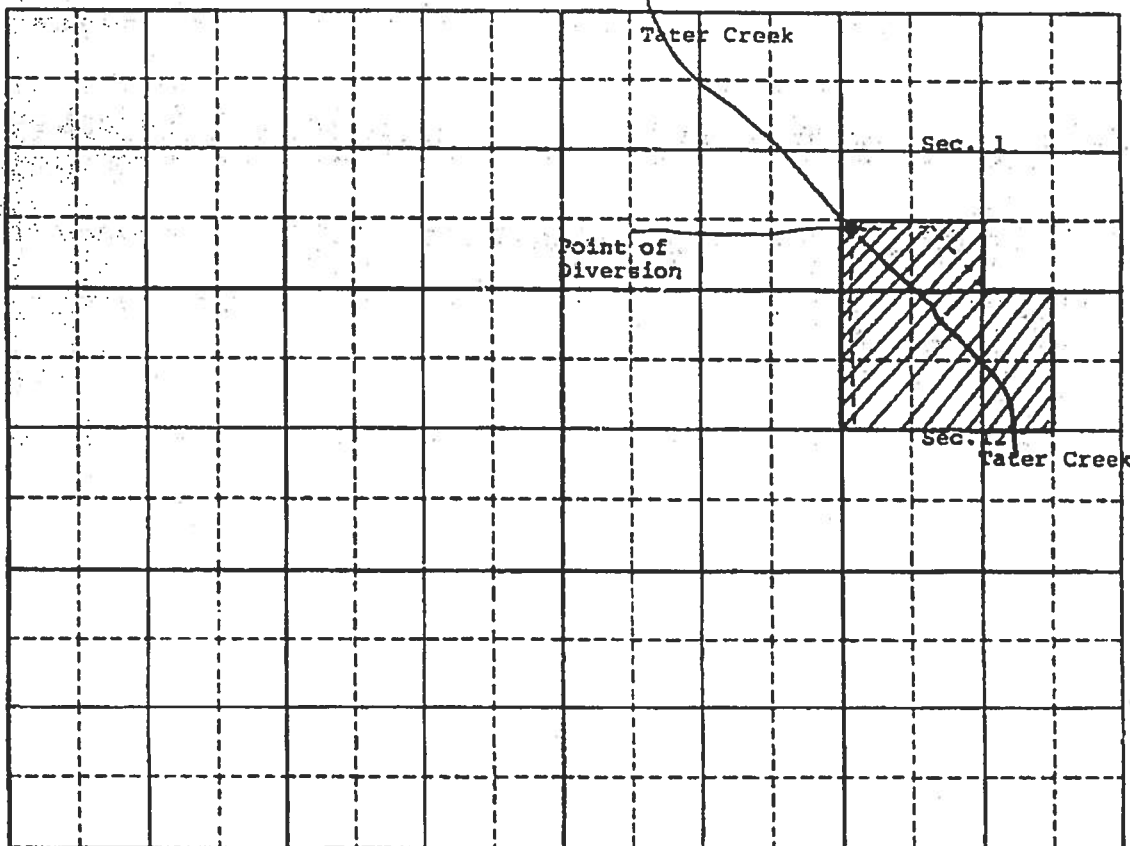


**GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY VIKIE HANCOCK**

EXTRA POLS:

T15S R24E S01 SESE
T15S R24E S12 NWSE
T15S R25E S07 LOT3(NWSW)

- (8) Remarks The irrigated portions of Sections 1 and 12 of Township 15, Range 24 East, Boise Meridian, are cross-hatched. Points of diversion are shown in red ink. Ditches are shown by dotted line.
(Township is South, Range is East)



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
 County of Cassia)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 4th day of April 1977

[Signature]
 (Claimant)
[Signature]
 Notary Public
 Residing at Burley

My commission expires _____

For Department Use Only

Received by AB Date 4/2/77 Exception filed by: _____ Forwarded to _____ Date _____
 Prelim. check by AB Date 4-26-77 # 3453 claimant by: _____
 \$10.00 fee received by AB Date 4/4/77
 Approved for publication by ADD
 Published in South St. Press
 Dates 5/10 4 5/17/77

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

1

06/06/2002

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

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EXPLANATORY MATERIAL: Beneficial Use

RECEIVED
FEB 19 2002
Department of Water Resources
Southern Region

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

A. Subcase 43-04069

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau of
Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax
United States Department of Justice; Environment and Natural Resource Division; General Litigation Section
550 West Fort Street, MSC 033; Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Jay L. Black

Address: P.O. Box 103; Almo, ID. 83312

Name: Sharon P. Black

Address: P.O. Box 103; Almo, ID. 83312

Name:

Address;

Name:

Address;

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ Name and Address

Should be: _____

2. ☐ Source

Should be: _____

3. ☐ Quantity

Should be: _____

4. ☒ Priority Date

Should be: See attached

5. ☒ Point(s) of Diversion

Should be: See attached

6. ☐ Instream Flow Description

Should be: _____

7. ☐ Purpose(s) of Use

Should be: _____

8. ☐ Period of Year

Should be: _____

9. ☒ Place of Use

Should be: See attached

11. I object because:

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The United States of America, through the Bureau of Land Management, is the owner of the land upon which POD is claimed. The claimant does not have a valid water right with the elements claimed.

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Gary A. Madenford, Water Rights Team Leader, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

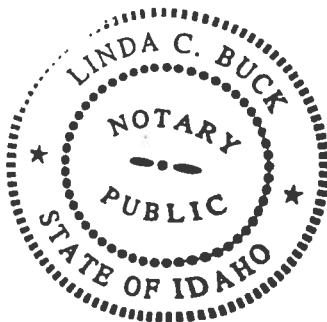
That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Gary A. Madenford
(Signature of person filing objection)

Larry A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

February 7, 2002
Linda C. Buck



Linda C. Buck
Notary Public for Idaho
Residing at: Mountain Home
My Commission Expires: 12-21-2005

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on Feb. 8, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Jay L. Black

Address: P.O. Box 103; Almo, ID. 83312

Name: Sharon P. Black

Address: P.O. Box 103; Almo, ID. 83312

Name:

Address: ;

Name:

Address: ;

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449



Signature of Objector or attorney mailing on Objector's behalf

09/19/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-4069
NAME AND ADDRESS: SHARON P BLACK
PO BOX 103
ALMO ID 83312

JAY L BLACK
PO BOX 103
ALMO ID 83312

-POU ON BLM
-CLAIMANT IS NOT AUTHORIZED
TO GRAZE PUBLIC LAND

SOURCE: TATERS CREEK

TRIBUTARY: EDWARDS CREEK

QUANTITY: 2.500 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 04/01/1883

POINT OF
DIVERSION:

T15S R24E S1 NWSWSW Within CASSIA County
T15S R24E S12 NWNENW Within CASSIA County
T15S R24E S12 NWNENW Within CASSIA County
T15S R24E S12 NWNENW Within CASSIA County
T15S R24E S12 NWNENW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01/01 12/31	0.090 CFS
IRRIGATION	04/01 10/31	2.500 CFS

PLACE OF USE: STOCKWATER Within CASSIA County

T15S R24E S01	SWSW	T15S R24E S01	SESW
T15S R24E S01	SWSE	T15S R24E S12	NENE
T15S R24E S12	NWNE	T15S R24E S12	SWNE
T15S R24E S12	SENE	T15S R24E S12	NENW
T15S R24E S12	NWNW	T15S R24E S01 BLM SESE	
T15S R24E S12	SWNW	T15S R24E S12	SENW
T15S R24E S12	NWSE	T15S R25E S06 Lot 7	SWSW
T15S R25E S06	SESW	T15S R25E S07	NENW
T15S R25E S07 Lot 1	NWNW	T15S R25E S07 Lot 2	SWNW
T15S R25E S07 Lot 3	NWSW		

IRRIGATION Within CASSIA County

T15S R24E S01	SWSW	21.0	T15S R24E S01	SESW	12.0
T15S R24E S01	SWSE	24.0	T15S R24E S12	NENE	22.0
T15S R24E S12	NWNE	40.0	T15S R24E S12	SWNE	39.0
T15S R24E S12	SENE	7.7	T15S R24E S12	NENW	41.0
T15S R24E S12	NWNW	38.0	T15S R24E S12	SWNW	40.0
T15S R24E S12	SENW	41.0	T15S R25E S06 Lot 7	SWSW	14.0
T15S R25E S06	SESW	6.5	T15S R25E S07	NENW	2.8
T15S R25E S07 Lot 1	NWNW	19.0	T15S R25E S07 Lot 2	SWNW	30.0

-NO DEVELOPMENT EXISTS
AT (BLM) POU
-PERHAPS THE BLM POU IS
A TYPOGRAPHICAL ERROR

398 ACRES TOTAL

09/19/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NO. 43-7144 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 398 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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

TISS R24E



CASSIA COUNTY
BUNKY DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

INDEX TO SEGREGATED TRACTS				
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[illegible]

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

_____ CURRENTLY TO _____ CURRENTLY TO
 MAY 5, 2001

THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST ACTION TAKEN, BUT MAY NOT BE THE EFFECTIVE DATE. SEE THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITHDRAWAL ORDER.

THE UNIVERSITY OF CHICAGO

Scale in (a.u.)

OK per
claimant
6-5-01

11/13/2000

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

RIGHT NUMBER: 43-4069

NAME AND ADDRESS: JAY L BLACK
SHARON P BLACK
PO BOX 103
ALMO, ID 83312

SOURCE: TATERS CREEK

TRIBUTARY: SINKS

Edwards CR
6-19-01
WH

QUANTITY: 2.5 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 04/01/1883

POINT OF DIVERSION:	T15S R24E S1	NWSWSW	Within CASSIA County
	T15S R24E S12	NWNENW	Within CASSIA County
	T15S R24E S12	NWNENW	Within CASSIA County
	T15S R24E S12	NWNENW	Within CASSIA County
	T15S R24E S12	NWNENW	Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04-01 10-31	2.50 CFS
STOCKWATER	01-01 12-31	0.09 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County							
T15S R24E S1	SWSW	21	T15S R24E S1	SESW	12		
T15S R24E S1	SWSE	24	T15S R24E S12	NENE	22		
T15S R24E S12	NWNE	40	T15S R24E S12	SWNE	39		
T15S R24E S12	SENE	7.7	T15S R24E S12	NENW	41		
T15S R24E S12	NWNW	38	T15S R24E S12	SNNW	40		
T15S R24E S12	SENW	41	T15S R25E S6	LOT 7	SWSW	14	
T15S R25E S6	SESW	6.5	T15S R25E S7	NENW	2.8		
T15S R25E S7	LOT 1	NWNW	19	T15S R25E S7	LOT 2	SNNW	30
STOCKWATER Within CASSIA County							
T15S R24E S1	SWSW		T15S R24E S1	SESW			
T15S R24E S1	SWSE		T15S R24E S12	NENE			
T15S R24E S12	NWNE		T15S R24E S12	SWNE			
T15S R24E S12	SENE		T15S R24E S12	NENW			
T15S R24E S12	NWNW		T15S R24E S1	SESE			
T15S R24E S12	SNNW		T15S R24E S12	SESW			
T15S R24E S12	NWSE		T15S R25E S6	LOT 7	SWSW		
T15S R25E S6	SESW		T15S R25E S7	NENW			
T15S R25E S7	LOT 1	NWNW	T15S R25E S7	LOT 2	SNNW		
T15S R25E S7	LOT 3	NWSW					
398 ACRES TOTAL							

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 43-7144 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 398 ACRES IN A SINGLE IRRIGATION SEASON.

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



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

November 8, 1999

Jay L. Black
PO Box 103
Almo, Idaho 83312

RE: Snake River Basin Adjudication (SRBA)

Dear Mr. Black,

I was in the process of compiling all the data I collected during my field exam at your place on October 1st, and remembered that I needed to send you forms so that you could change the owners listed on your claims. One form will suffice to change the ownership of multiple claims, just be sure to list them all at the top. I'm enclosing computer printouts of the claims so you can more easily determine who's name should be on what claims.

I also wanted to let you know that the measurement that I took of the high water mark on your cement diversion structure up on Tater Creek indicates that your claimed diversion rate of 2.50 cfs is probably accurate for claim number A43-04069.

If you have any questions or concerns, feel free to call me, anytime. It looks like it will be a while before we get all these recommendations out, so if you think of anything else that you may want me to consider about your claims, let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read 'V. Hancock'.

Vikie Hancock
Water Resource Agent

Claim Review Notes

Date: 11-10-1999

Agent: Vikie Hancock

Claim No(s): A43-04069

PRIORITY DATE ANALYSIS

The evidence of priority submitted for this claim based on beneficial use is (1) Posted Notice and (2) Homestead Patent.

This claim was filed as a statutory claim in 1977 and protested at that time by Jack Erikson who owned property now owned by his son Dennis, to the north of this POU. The source, Tater Creek, flows through Erikson's property on the way to Black's, and the protest alleges that the source of Tater Creek is water that has first been used to irrigate the Erikson ranch. Sources of irrigation of the Erikson Ranch include Waterfall, Center, South and Chokecherry Creeks, which are intermingled in numerous ditches in the meadows of the ranch. The Erikson Ranch effectively claims the entire flow of these creeks for irrigation purposes and Dennis Erikson stated that any return flow is subterranean in nature, resurfacing at the place he called Hanna's Spring. Jack Erikson's protest to the Statutory claim also contends that Black's claim is junior in time to Erikson's.

Tater Creek flows from a spring located to the north of a hill that marks the southern edge of the Erikson meadows in the SWNESE Section 2, T15S, R24E. The amount of flow from the spring is irregular and corresponds to the amount of irrigation water available and being applied to the meadows. According to Jay Black, and also Dennis Erikson, there are times when flood waters from Waterfall, Center and Chokecherry creeks cut through the Erikson fields and into the Tater Creek channel making a more or less direct connection between them. USGS maps show the creeks as ephemeral and Waterfall, Center and Chokecherry tributary to Tater Creek, but this is disputed by Erikson.

The source of Tater Creek has a bearing on the priority date claimed. The Posted Notice presented as evidence claims a diversion of 2 cfs from

"Little Cove Creek" for the purpose of irrigation on the NW ¼ of section 12 T15S, R24E. The Notice was filed 10-21-1882 by William Wilcox. Affidavits in support of the protest of the statutory claim on Tater Creek state that Center Creek and its tributaries are also known as Little Cove Creek. Therefore, it is possible that the diversion described on the Posted Notice in 1882 would later be described as being on Center Creek. The legal description listed on the Posted Notice is no help locating the actual 1882 point of diversion, because it describes the side of a hill where there would have been no creek, unless "Little Cove Creek" once hugged the side hill in the location of Jay Black's current irrigation ditch. This seems unlikely, given the description of a ditch constructed to convey 100 inches of water, and the topography of the valley. One can speculate that before the full development of irrigation on the Erikson Ranch, Center, Waterfall and Chokecherry Creek channels would have routinely joined and flowed southeast through sections 1 and 12 similarly to what is depicted on the USGS maps, and that this may have been the situation in 1882. It is unknown when the stream that currently runs through Sections 1 and 12 was named Tater Creek, or if this reach of the stream was once known as Little Cove Creek. It is also not known if Wilcox diverted additional water out into the meadows directly from a stream running through his homestead, as Black does now.

The Homestead Patent is granted to the same individual who filed the Posted Notice and describes the same place of use in the NW ¼ of section 12. The patent is dated 12-31-1889. Claimant stated that this property has been in his family since the original homesteader, William Wilcox, sold the land to John Lowe. Black's residence is located on land homesteaded by John Lowe.

- From evidence provided by the claimant, there is reason to believe that the water described in this claim represents water that, prior to subsequent hydrologic changes in the area, was first put to beneficial use by William Wilcox no earlier than the spring of 1883, and used continuously on the described place of use since that time.

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.

One system is represented by beneficial use claim number **A43-04069** based on a statutory claim on Tater Creek filed in 1977, protested by Erikson; and by claim **A43-07144** based on a license for groundwater from 1979. The surface and groundwater sources are intermingled, and both are used in the sprinkling system and to flood irrigate.

The main Tater Creek diversion is located in the NW corner of the SWSW of section 1 T15S R24E. This is just south of the property line of Dennis Erickson. The embankment of an old pond used for diverting purposes is still there, but is now unused. The diversion works for Tater Creek at this point consists of a cement structure with four outlets. One outlet is to a ditch running easterly, one to a ditch running south, one outlet is a buried pipeline running southeast, and one outlet is to the creek's natural channel. There are additional diversions from Tater Creek downstream. The buried pipeline connects to the mainline of the sprinkler system and is thus connected to the well in the NENWNE section 12. Water from Tater Creek is used in the sprinkler system in sections 1 and 12, and conversely, groundwater can be pumped north to the cement diversion works, into the surface water diversion ditches and used to flood irrigate the NW ¼ of section 12. The claimant had done this just prior to the field exam, and evidence of recent high water was seen in the ditches and natural creek channel below the cement diversion works.

A dirt road runs from the Almo-Elba Highway northwest and diagonally through the SWNE ¼ and the NENW ¼ of section 12. The land to the southwest of this dirt road is meadow and flood irrigated. The land to the northeast of this road is sprinkled. The south running surface ditch from the main diversion works goes along the hill close to the west property line and flood irrigates down through the juniper trees toward the Tater Creek channel. The easterly ditch is used to

irrigate part of the SWSW of section 1. Four more diversions from the Tater Creek channel divert water out into the meadows on either side of the creek and irrigation extends to Mr. Black's south property line.

The sprinkler system mainline runs east/west along the section line between sections 1 and 12. It is connected to the buried pipeline from Tater Creek at the point where the north section line intersects the mid point of the NW $\frac{1}{4}$ - or at point W16N. Lateral lines extend north and south to irrigate the S $\frac{1}{2}$ of the SESW section 1, the northeast diagonal portion of the NENW section 12, the SWSE section 1, and a large portion of the NE $\frac{1}{4}$ section 12. See field notes on GIS layout in file. A sprinkler line also extends into the N $\frac{1}{2}$ NW $\frac{1}{4}$ section 7 and the S $\frac{1}{2}$ SW $\frac{1}{4}$ of section 6. A rock and brush covered area in the SENE section 12 is not irrigated.

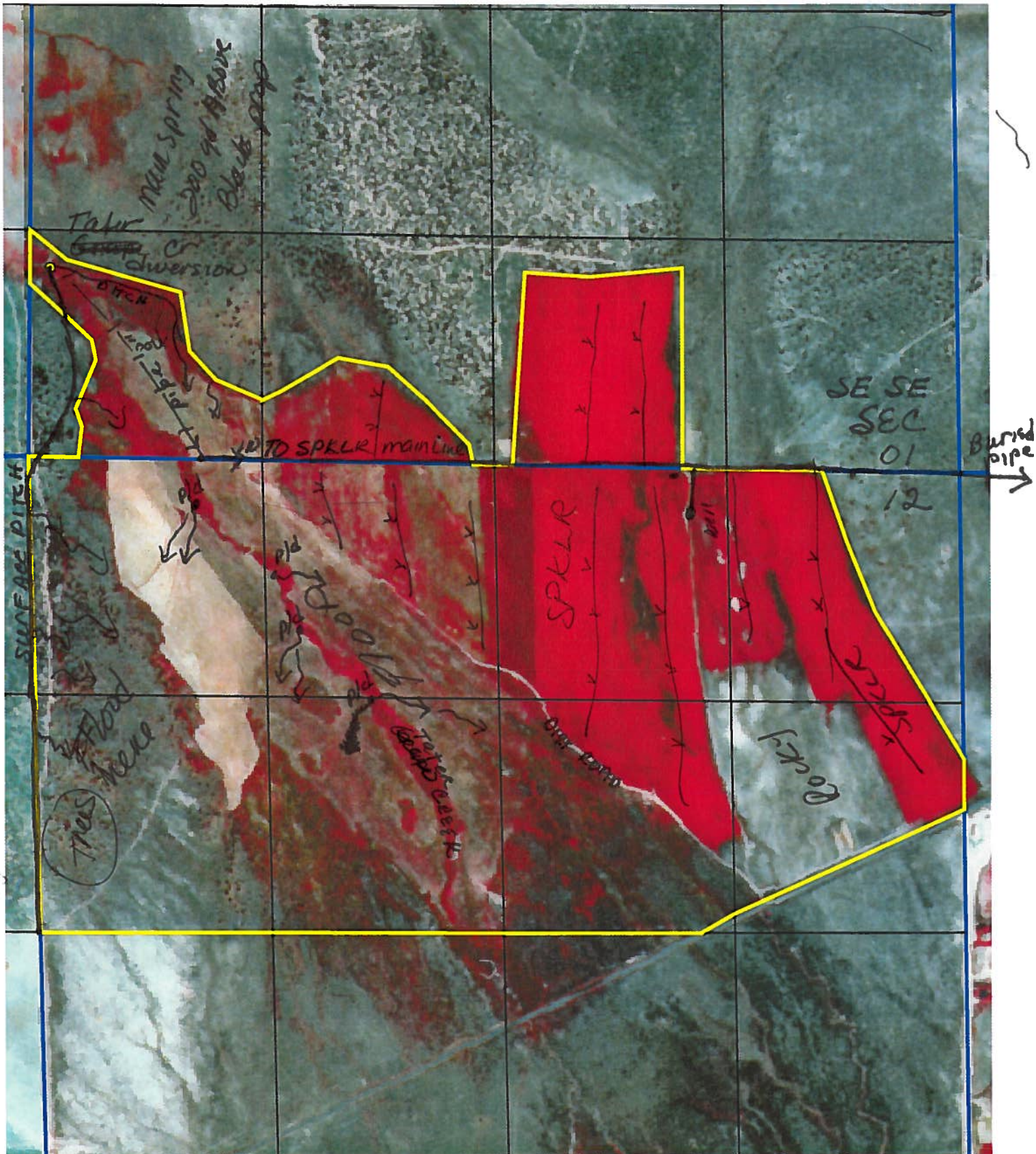
My observations indicate that claim **A43-07114** is irrigated as licensed. The proof of priority for the ranch's use of Tater Creek as claimed in **A43-04069** is not conclusive. A posted notice dated 10-21-1882 indicates that use of the creek for irrigation of the NW $\frac{1}{4}$ of section 12 probably began in spring of 1883 on a homestead that was patented in 1889. The point of diversion listed for the creek is not on the creek, however, but is actually the side of a hill. The creek referred to in the posted notice is Lone Rock Creek, but there is no longer a creek of that name in the area. Affidavits in the file seem to state that Center Creek was also known as Lone Rock Creek. Claimant did not know how or when Tater Creek was named. He agreed that the water in the channel when it reaches his property is water that comes off Dennis Erikson's fields. He said that in the spring when Erikson is wet-up and there is lots of water, the creek floods enough to do damage to his diversions. By August, the creek is much diminished in flow. Black and Erickson both told me that, except during spring flood conditions, the creeks that come out of the hills to the north (Center, South, Waterfall, Chokcherry) don't reach what is now known as Tater Creek. The water from these creeks is used by Erickson to irrigate his meadows. There is always water that springs up on the north side of the hill that covers the SE $\frac{1}{4}$ of section 2, and it assumed that this spring is fed by the water used by Erickson to irrigate the meadows in sections 2 and 3. This area is designated on the USGS map as "Little Cove" and Erickson's ranch is named Little Cove Ranch. At any rate, a priority date any time before 1900 would be limited to the number of acres that could be flood irrigated within the NW $\frac{1}{4}$ of section 12, T15S R24E.

A second system is used by Mr. Black in sections 6 and 7 T15S R25E. This is a combination of groundwater and surface water from Grape Creek. *See claim file A43-00402 for additional information and photos.*

FIELD NOTES

CLAIM NO(S): A43-04069

Taters Cr
354 ac shown



Field Exam Notes

Field Exam Date: 10-01-1999

Claim No: A43-04069 - Jay L. Black, J. Spencer Black

Agent: Vikie Hancock

MEASUREMENT OF TATER CREEK 10-10-1999

Claimant Jay Black characterized Tater Creek as a "wild thing" that has washed out several diversion structures in the past. His grandfather ran the creek into a man made pond and the embankment is still there, but the pond has since been abandoned. The diversion structure that Black now uses is made of cement, and consists of four separate outlets. Three of these outlets are diversions from the creek, one sends water down the natural Tater Creek channel.

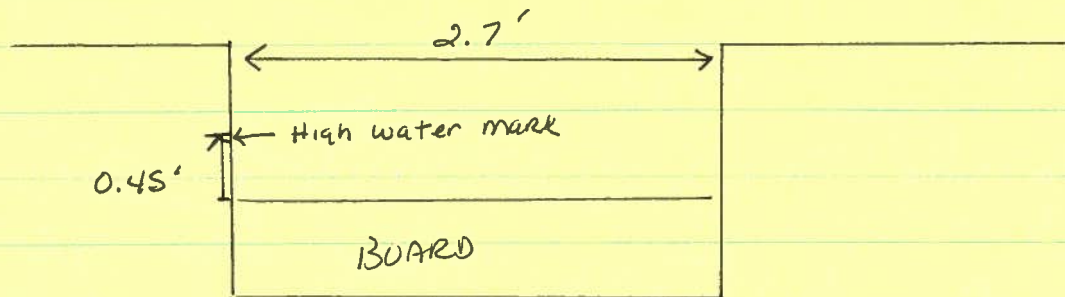
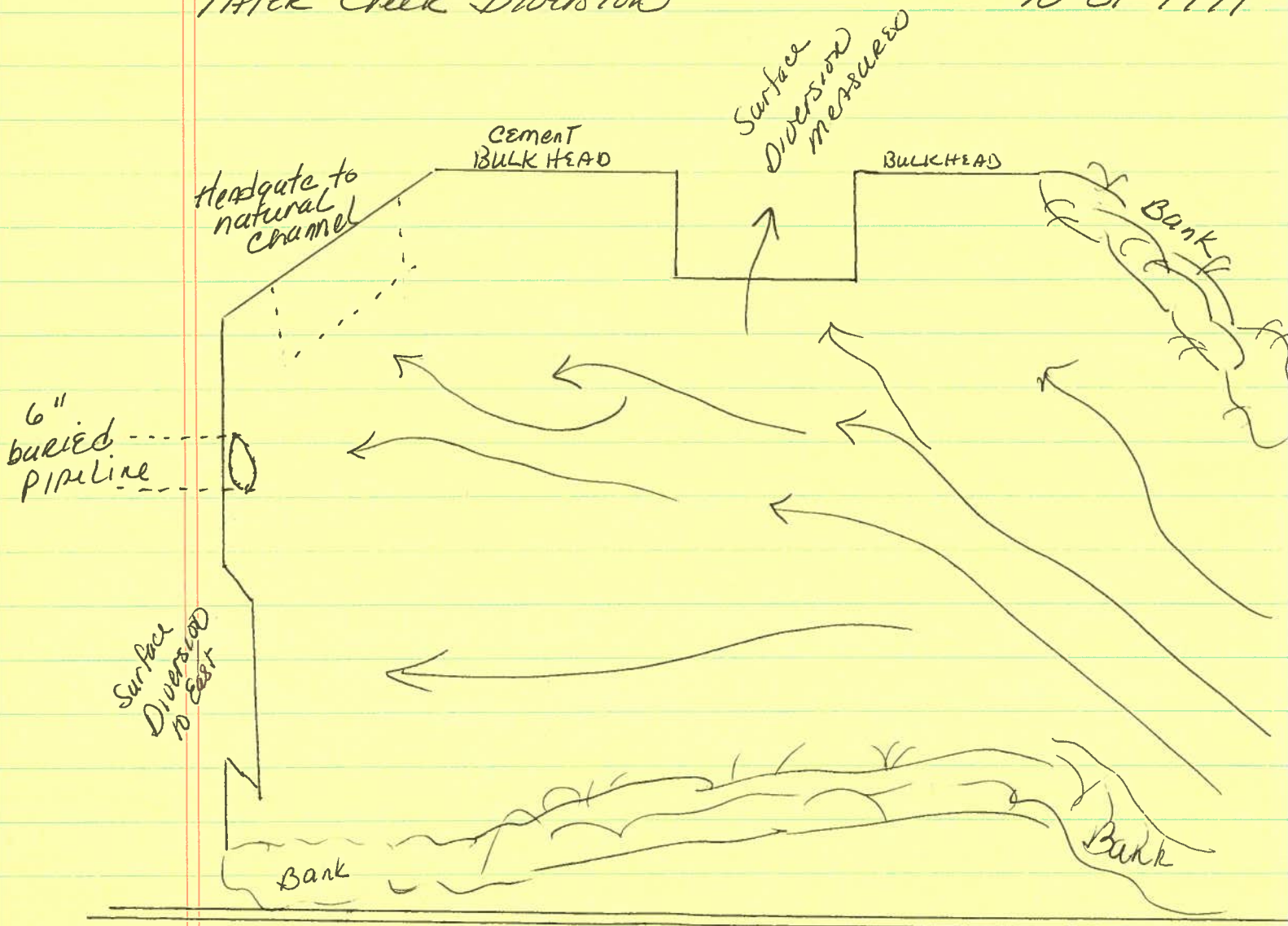
The creek comes in from the northwest and, according to the claimant, the flow of the creek on this date was much diminished from what is typically available during the spring. At the time of the exam, there was evidence of much higher flows in the form of debris left on willow twigs, however the creek was shallow with very brushy banks and many aquatic plants growing in the channel. It would have been very difficult to obtain an accurate measurement of bankful capacity using a current meter to measure velocity at any point upstream of the diversion structure due to these conditions

Mr. Black stated that he diverts water either through the buried pipeline, the surface diversion to the south, or - less frequently - through the surface diversion to the east. He rarely diverts in two directions at once except when the creek is flooding in the spring and he needs to put it everywhere he can to avoid washing out any of his ditches. There are times, he said, that that there is enough water left in the natural channel to divert water from Tater Creek as it passes through the fields downstream while simultaneously diverting water through the pipeline or surface diversions above. There are not permanent diversion structures or measuring devices on any of the small check dam and ditch diversions within the fields below. I observed evidence of seasonal flooding in the form of cut banks and wash-outs along the stream channel.

I chose to measure the diversion to the south, as there was a distinct high water mark on the cement side wall above a board that Mr. Black stated was always in place. This could be measured as a contracted rectangular weir with some degree of accuracy. This was also the surface diversion used most frequently by Mr. Black, and had a larger capacity than the six-inch buried pipeline. The amount of water measured here corresponded with the claimed diversion rate. It was also consistent with an amount that could have been used to flood irrigate the meadows below at the time of the claimed priority date.

Tater Creek Diversion

10-01-1999



Formula: Contracted Rectangular Weir $Q = C(L - 2h_1)h_1^{3/2}$

$$Q = 3.33(2.7 - .09) \cdot 45^{3/2}$$

$$Q = 3.33(2.61) \cdot 30$$

$$Q = \underline{\underline{2.59 \text{ cfs}}}$$

V. Hancock

A43-04069

FIELD EXAM NOTES AND PHOTO LOG

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

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

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 R100118A 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 R100119A
		in NW NE Section 12
	2	Ditto
	6-9	Pan from well site above
	10	Tater creek diversion structure. 3 ditches
		left & right are irrigation channels, middle
		is Tater creek. (TOP DIVERSION)
	11	Tater creek above diversion structure
	12	Tater creek diversion R100120A
	13	Tater creek diversion 20B
	14	Tater creek channel at ↑ diversion
31	1	Tater creek diversion to East R100120B
	2	Tater creek diversion to West R100120C
	3	" " East R100121A
	4-5	Grape Creek diversion at Hwyway R100121B
	6	Grape Creek diversion to East R100121C

7 Grape Cr diversion Above House in Section 1 R100121D 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

Tater Creek



Tater Creek diversion at R100120A



Tater Creek diversion R100120B

A43-0406A



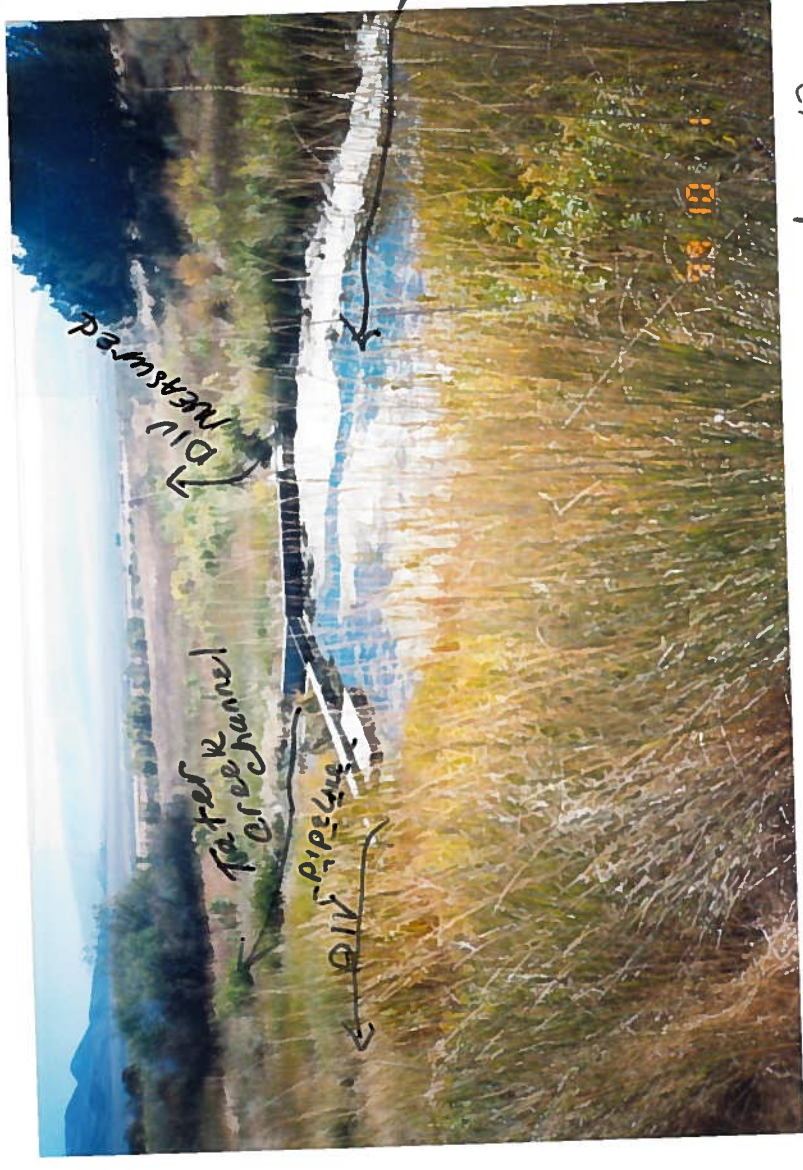
Tater Creek Diversion at R100120C
Diverted to West



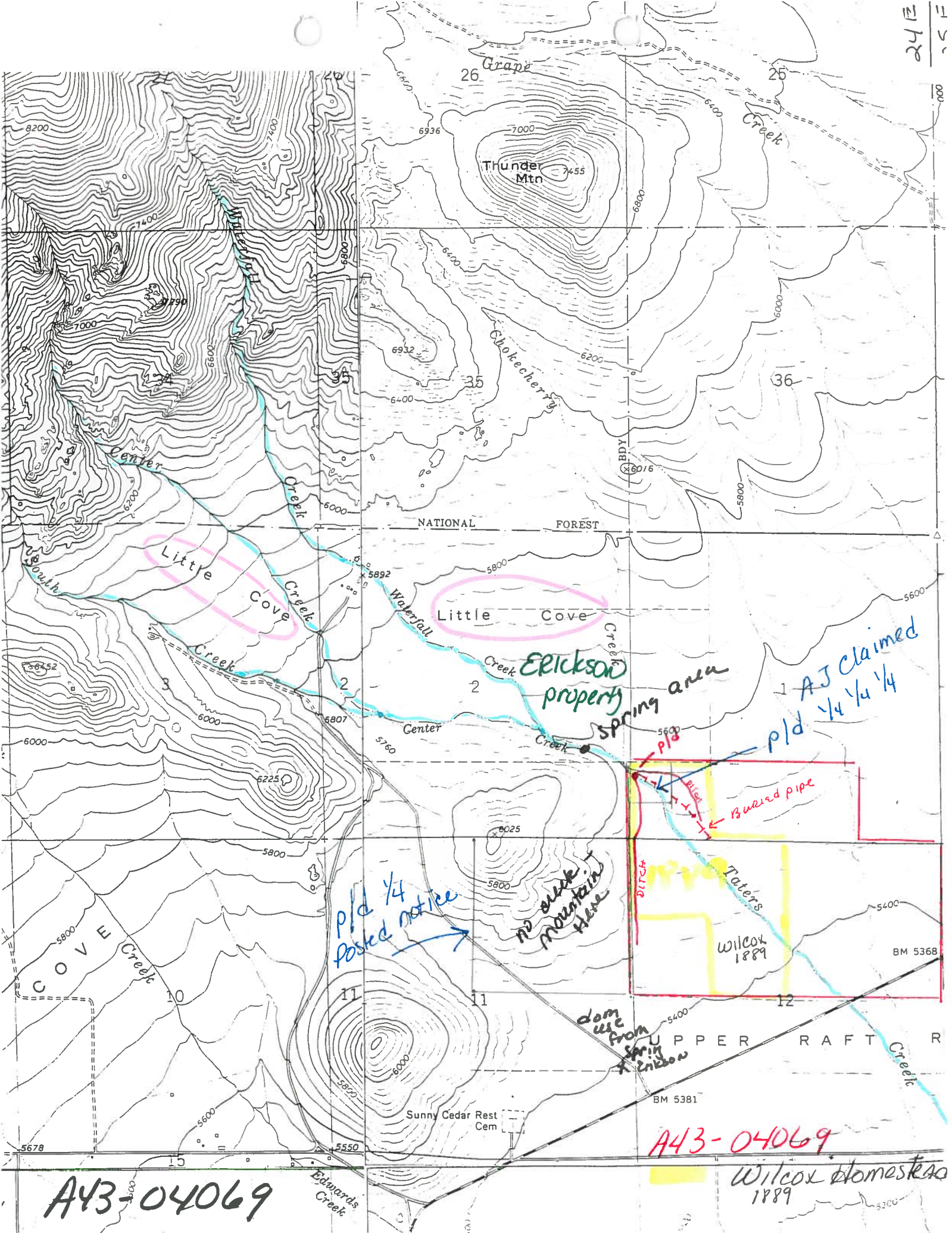
Tater Creek Diversion at R100121A
Diverted to East

A43-04069

pole
 Section 12
 looking SE to
 NW from
 well in
 NE NW NE Sec 12
 GPS Site R100119A



old Tater Creek in NE SW SW Sec 12



A43-04069

A43-04069

Wilcox domestica
1889

CONVERSATION MEMO

Date:

Regarding:

Customer:

Chae

From: Vikie Hancock

[illegible]

Qay Black 824-5593

Spencer Black 678-5751

(BSO S. OAKLEY Hwy) Burley P3318

Kenneth 350 S Hwy 27 Burley 83318

678-7963

9-24-99 Called - no answer) no message 824-5593

9-27-99 " " " "

827-99 Called Kenneth 678-7943-90

to Brick home with "Burst orange"

2001. 1-2 miles south of collection

Station. met Friday September

October 1st at 10 AM with Jay & Black.

will call me back if unacceptable

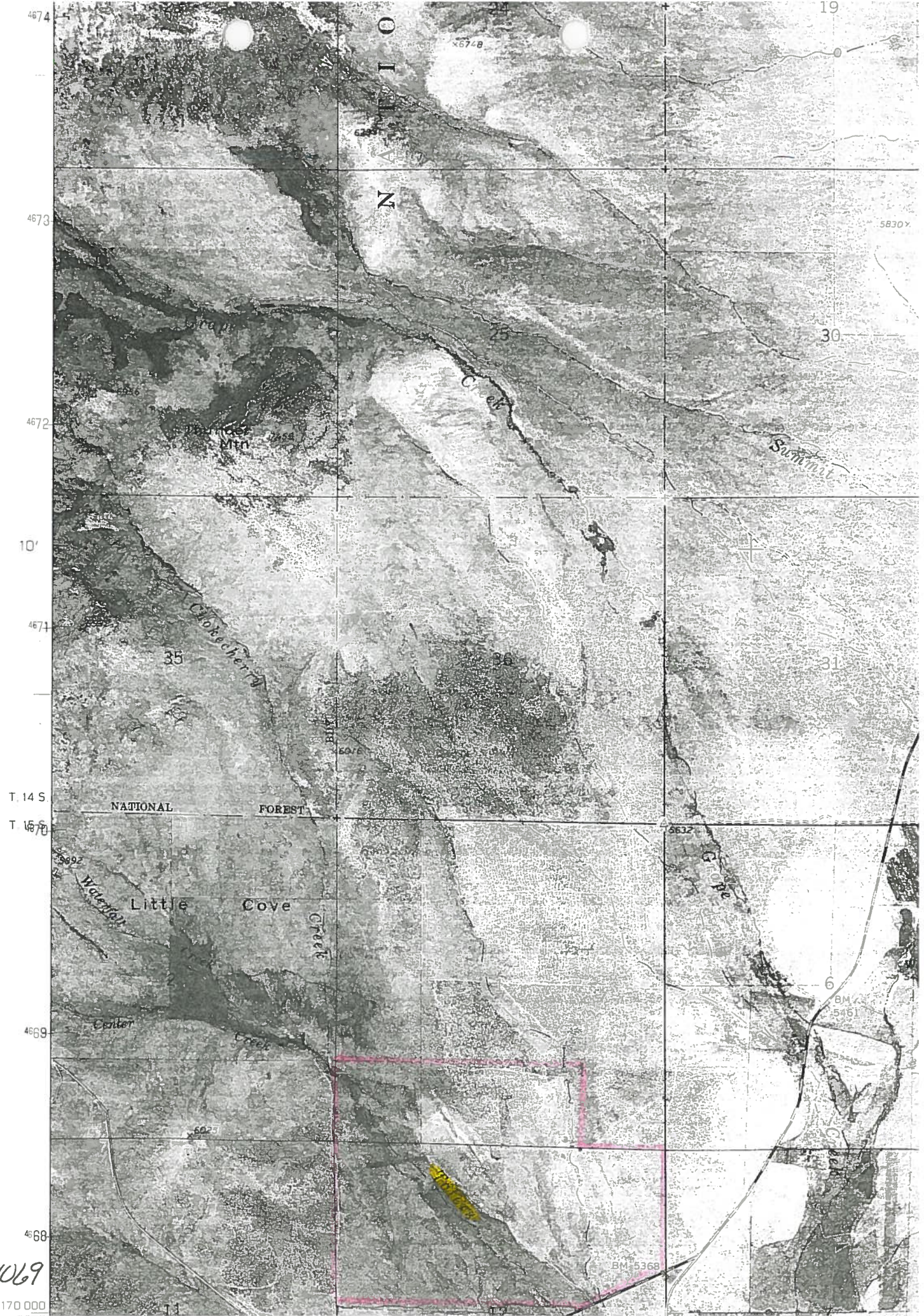
1S

5S

1976
OPA

443-04069

170 000

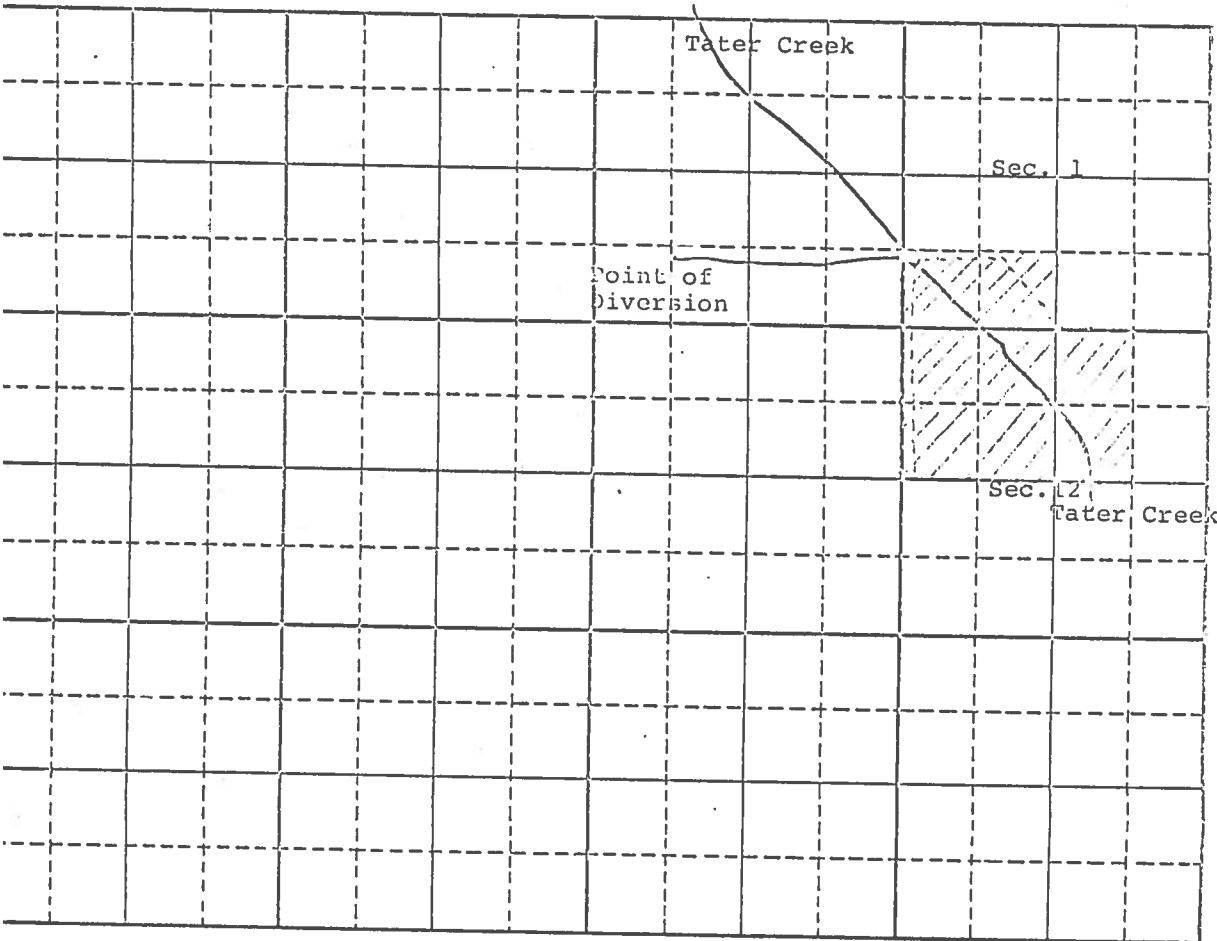


Section 42-225a, Idaho Code

(f) If you are claiming water as a member of an organization, list name of organization: Not applicable

130

(8) Remarks The irrigated portions of Sections 1 and 12 of Town p—
 15, Range 24 East, Boise Meridian, are cross-hatched. Point
 of diversion are shown in red ink. Ditches are shown by
 dotted line.
 (Township is South, Range is East)



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
 County of Cassia)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 4th day of April

[Signature]
 (Claimant)

[Signature]
 Notary Public

Residing at Burley

My commission expires

For Department Use Only

Received by AB Date 4/2/77 Exception filed by: Forwarded to Date
 Prelim. check by AB Date 4/2/77 claimant by:
 \$10.00 fee received by AB Date 4/2/77 #3153
 Approved for publication by
 Published in
 Dates

July 28, 1977

Mr. J. Spender Black and Jay L. Black
Elba, ID 83326

Re: Claim to a Water Right No. 43-4069

Dear Sirs:

The Department of Water Resources has completed the processing of your Claim to a Water Right, and no further action is authorized under Sections 42-225a and 42-225b of the Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the Court.

As you are aware, the filing of your claim does not, in itself guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

We are enclosing a copy of the claim for your records. We are also enclosing a copy of an affidavit in opposition to your claim to a water right, submitted by Jack Erickson. The following is a quote from the provisions under which this claim has been filed (Section 42-225b of the Idaho Code):

42-225b. Recording of claims by department --- Corrections ---

At any time after filing a claim under the provisions of this Section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the Department the same as the original and for which no additional filing fee shall be required.

Mr. J. Spencer Black & Jay L. Black
July 28, 1977
Page 2

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearing or evaluate for confirmation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

Allen Merritt
Water Resource Analyst

AM:sm

Enclosures

July 21, 1977

Nielson & Bedke
P. O. Box 249
Burley, ID 83318

Re: Claim for Water Right Nos. 43-4069-J. Spencer Black & Jay L. Black
43-4067-Louis A. Eames
43-4070-Glen W. Jones
43-4071-R. O. Jones & Sons, Inc.

Dear Mr. Nielson:

We are in receipt of your exceptions to a claim to a water right filed by J. Spencer Black, & Jay L. Black, Louis A. Eames, R. O. Jones & Sons, Inc., and Glen W. Jones; in behalf of Jack Erickson. The following excerpt from Section 42-225b of the Idaho Code explains what has been done and what will be done in regards to the exception you have filed.

Section. 42-225b Recording of Claims by Department---Corrections--

At any time after the filing of a claim under the previous section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the Department the same as the original and for which no additional filing fee shall be required.

Only the authority to take the above action has been delegated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for confirmation or final censorship of the described rights.

Mr. Norman Nielson
July 21, 1977
Page 2

If you have any questions regarding this matter, please feel free to contact this office.

Very truly yours,

Michael L. Steele
Southern Region Supervisor

MLS:sm

NIELSON & BEDKE
ATTORNEYS AND COUNSELORS AT LAW
P. O. BOX 249
1734 OVERLAND AVENUE
BURLEY, IDAHO 83318

NORMAN H. NIELSON
HERMAN B. BEDKE

July 6, 1977

AREA CODE 208
TELEPHONE 878-5574

Mr. Michael L. Steele
Southern Region Supervisor
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Dear Mr. Steele:

Enclosed you will find the affidavits in protest of the following claim of water rights :

43-4069
43-4067
43-4071
43-4070

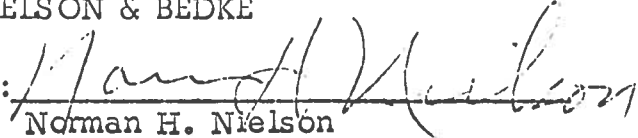
This protest is being filed by Jack Erickson on the grounds and for the reasons set out in the affidavit of protest.

If you have any questions in regard to this matter, please let us know.

It is our understanding that these protests will be filed in the application made by the various individuals represented by the claim numbers.

Very truly yours,

NIELSON & BEDKE

By: 
Norman H. Nielson

NHN:dk

AFFIDAVIT IN PROTEST

Department of Agriculture
Southern District of Idaho

In the Matter of:

Claim of Water Right # 43-4069

Filed by : J. Spencer Black and Jay L. Black, Elba, Idaho

STATE OF IDAHO)
) ss
County of Cassia)

Jack Erickson, being first duly sworn, deposes and
says:

That he is the owner of the following described property to-wit:

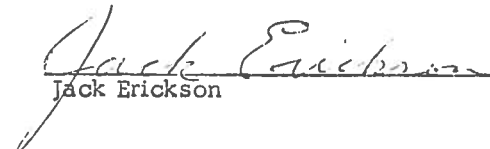
SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 1,
NW $\frac{1}{4}$, S $\frac{1}{2}$ of the NE $\frac{1}{4}$, N $\frac{1}{2}$ of the S $\frac{1}{2}$ of Section 2,
NE $\frac{1}{4}$ of Section 3 all in Township 15 South, Range 24, E.B.M.

Does hereby protest claim to a water right # 43-4069 filed by
J. Spencer Black and Jay L. Black of Elba, Idaho.

This affiant objects to said claim of water right for the reasons :

- a) That the source of Tater Creek commences just below the lands of this affiant and the water that runs into Tater Creek at this point comes from the lands of this affiant.
- b) The only water that runs into Tater Creek at this point comes from flood waters which have crossed the lands of this affiant.
- c) Waters which are the source of Tater Creek is water which has been used by this affiant under his water rights to irrigate his own land and then run off this affiant's land into Tater Creek.
- d) Source of Tater Creek is water which may arise through percolation on the lands of this affiant.

That this affiant's claim to water rights which are the source of Tater Creek are superior in time and place to the rights applied for under the aforementioned claim and are attaching affidavits to show this affiant's priorities to this affidavit of protest.


Jack Erickson

NIELSON & BEDKE
ATTORNEYS AT LAW
P. O. Box 249
BURLEY, IDAHO 83318
TELEPHONE: (208) 678-5374

NIELSON & EEDKE
ATTORNEYS AT LAW
P. O. Box 249
BURLEY, IDAHO 83316
TELEPHONE: (208) 678-5574

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Subscribed and sworn to before me this 5 day of July, 1977.

Harold H. Nielson
Notary Public for Idaho
Residing: Burley, Idaho

RECEIVED

APR 17 1933

Department of the Interior
Bureau of Land Management

AFFIDAVIT.

State of Idaho, }
County of Cassia, } ss.

Geo L Durfee being first duly sworn

deposes and says that he is a citizen of the United States of America, and of the State of Idaho, and over the age of 21 years;

That he is well and personally acquainted with the following described real estate, together with the water and water rights thereto belonging, situated in the County of Cassia, State of Idaho, to-wit:

SW 1/4, S 1/2, NW 1/4 of Section 2; NE 1/4 of Section 3, and the
water right of Section 2, all in Township 15 South, Range
24 East of the Boise Meridian,

That the said above described lands, together with the water and water rights thereto belonging are now owned, occupied and farmed by Geo L. Erickson and his brothers Lawrence L. Erickson and J. Darryl Erickson, and Frank Durfee, and the said water and water rights are being used upon the above described premises.

That all of the land above described that is situated in Section two (2), Township 15 South, Range 24 East of the Boise Meridian, was first settled by James F. Durfee and his son Byron in the fall of the year 1877, and established a home on said premises and farmed and raised crops on the said lands situated in Section 2 as above described, in the year 1880, and appropriated and began the use of the waters of Water Fall Creek and Center Creek and their tributaries, which said creek is also known as Little Cove Creek, in the spring of the year of 1880. That the said land has been occupied and farmed, and the waters have been appropriated and used upon said land since the spring of the year of 1880, continuously and uninterruptedly.

Dated Apr 30 1933.

Geo L Durfee

Subscribed and sworn to this 30 day of April 1933.

Carl Whippley

Notary Public for Idaho,
Residing at Trounch, Idaho.

$\mathbb{P}_1$

He is and is

That he is well and personally acquainted with the following described real estate, together with the water and water rights thereto belonging, situated in the County of Cassia, State of Idaho, to-wit:

That the said above described lands, together with the water and water rights thereto belonging are now owned, occupied and farmed by Gus L. Erickson, and his brothers, Lawrence E. Erickson and J. Emory Erickson, and Frank Durfee, and the said water and water rights are being used upon the above described premises.

Dated this 12 day of 1, 1940.

Notary Public in and for the State
of Idaho, residing at Burley, Idaho.

AFFIDAVIT.

State of Idaho, }
County of Cassia, } ss.

John Durfee being first duly sworn

deposes and says that he is a citizen of the United States of America, and of the State of Idaho, and over the age of 21 years;

That he is well and personally acquainted with the following described real estate, together with the water and water rights thereto belonging, situated in the County of Cassia, State of Idaho, to-wit:

NE $\frac{1}{4}$, SE $\frac{1}{4}$, NE $\frac{1}{4}$ of Section 2; NE $\frac{1}{4}$ of Section 3, and ~~SW $\frac{1}{4}$ of Section 1~~
~~SW $\frac{1}{4}$ of Section 1~~, all in Township 15 South, Range 24 East of the Boise Meridian,

That the said above described lands, together with the water and water rights thereto belonging are now owned, occupied and farmed by Gus L. Erickson and his brothers Lawrence S. Erickson and J. Emory Erickson, and Frank Durfee, and the said water and water rights are being used upon the above described premises.

That all of the land above described that is situated in Section two (2), Township 15 South, Range 24 East of the Boise Meridian, was first settled by James M. Durfee and his son Myron in the fall of the year 1870, and established a home on said premises and farmed and raised crops on the said lands situated in Section 2 as above described, in the year 1880, and appropriated and began the use of the waters of Water Fall creek and Center Creek and their tributaries, which said creek is also known as Little Cove Creek, in the spring of the year of 1880. That the said land has been occupied and farmed, and the waters have been appropriated and used upon said land since the spring of the year of 1880, continuously and uninterruptedly.

Dated April - 22 1935.

John Durfee
Subscribed and sworn to this 22 day of April 1935.

Wanda Pierce
Notary Public for Idaho,

Residing at Ceruleo, Ida.

My commission expires.

Jan 14, 1935.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

PAGE: 1
GENERAL INFORMATION

00:00:05
05/24/95
168
CLAIM NUMBER: A43-04069

LAST: BLACK
ADDRESS: BOX 103
CITY: ELBA
PHONE NUMBER: 208-824-5593

FIRST: J SREMBER
STATE: ID ZIP: 83326

OWNER CODE: C

LAST: BLACK
ADDRESS:
CITY: ELBA
PHONE NUMBER: 208-000-0000

FIRST: JAY L
STATE: ID ZIP: 83326

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE
Y
FIELD EXAMINER
Y() N()

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: TRANS. 2383.

FIELD EXAMINATION INFORMATION

CONTACT PERSON: Jay Black

PHONE NUMBER: () Same

DATE OF FIELD EXAM: 10/11/99

APPOINTMENT MADE: Y() N()

TIME: 12:00 A() P()

ACCOMPANIED BY: Claimant & Terence Robertson Sr Agt

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: -

DIRECTIONS TO PROPERTY / NOTES:

Along Elba Armo Hwy 1-2 miles South
of Trash collection station. Brick House on Right

A. AJ CLAIM: # A43-04069	PRIORITY DATE: 04-01-1880	STAGE: S
B. WR RECORD: # 43-04069	PRIORITY DATE: 03-20-1880	STAGE: S
C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE?		Y() N(X)
D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE?		Y() N(X)
E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE? (IF YES, DESCRIBE BELOW)		Y() N(X)
F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?		
PROOF OF BENEFICIAL USE SUBMITTED		N/A() Y() N()
FIELD EXAM COMPLETED		N/A() Y() N()
FIELD EXAM SENT TO STATE OFFICE		N/A() Y() N()
LICENSE ISSUED		N/A() Y() N()
* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT, USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.		
G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE OF THE PRIORITY DATE REQUIRED?		N/A() Y() N(X)
* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED, INCLUDING THE ANALYSIS OF THE EVIDENCE.		
H. IS THE STAGE OF THE CLAIM CODED CORRECTLY?		Y(X) N()

NOTES:

Priority date evidence includes posted notice
at Desert Land entry patent. See enclosed copies
Priority date determined to be no earlier than
Spring of 1883 per posted notice dated 10-1882.
Original DE for 1100 acres.

RECOMMENDED PRIORITY DATE:

04-01-1883

REVIEWED BY

Richmond

DATE

11-16-1999

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	1/4	LOT	FLAG	POD	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A43-04069	15S	24E	1	NW	SW	SW				CASSIA		
OTHER AJ CLAIMS WITH SAME AJ POD												
A PREFIX R PREFIX												
NONE NONE												
MR RECORDS IN SAME 40 ACRE TRACT												

SOURCE: TATERS CREEK

TRIB: RAFT RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	1/4	LOT	FLAG	POD	COUNTY	DIVERSION NAME	DIVERSION NUMBER
43-04069	15S	24E	1	SW	SW	SW				CASSIA		
OTHER WR RECORDS WITH SAME WR POD												
AJ CLAIMS IN SAME 40 ACRE TRACT												
A PREFIX R PREFIX												
NONE NONE												

SOURCE: TATER CREEK

TRIB: RAFT RIVER

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A ☒ Y ☐ N ☐

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

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A ☐ Y ☒ N ☐

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y ☒ N ☐

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A ☐ Y ☒ N ☐

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

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y ☐ N ☒

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y ☒ N ☐

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM 10-01-99) NAME OF EXAMINER Blaneood Y ☐ N ☐
AJ FIELD EXAM (DATE OF FIELD EXAM 10-01-99) NAME OF EXAMINER Blaneood Y ☒ N ☐

OTHER (DESCRIBE IN NOTES BELOW)

A. ROOT WATER RIGHT NUMBERS: A43-04069

B. POU LISTING						AJ	WR	LANDSAT	FIELD	RECOMM.	
TWP	RNG	SEC	1/4	1/4	LOT	NAME	#/ACRES	#/ACRES	DATA	EXAM.	ACRES
15S	24E	1	SW	SW		BLACK, J SPENCER	A43-04069 / 35.0	43-04069 / 40.0			
15S	24E	1	SE	SW		BLACK, J SPENCER	A43-04069 / 17.0	43-04069 / 40.0			10.0
			SE	SW		BLACK, JAY L	A43-07144 / 10.0	43-07144 / 10.0			
15S	24E	1	SW	SE		BLACK, J SPENCER	A43-04069 / 24.0	- /			2.0
			SW	SE		BLACK, JAY L	A43-07144 / 24.0	43-07144 / 24.0			
15S	24E	12	NE	NE		BLACK, J SPENCER	A43-04069 / 30.0	- /			
			NE	NE		BLACK, JAY L	A43-07144 / 22.0	43-07144 / 22.0			
15S	24E	12	NW	NE		BLACK, J SPENCER	A43-04069 / 40.0	43-04069 / 40.0			38.0
			NW	NE		BLACK, JAY L	A43-07144 / 39.0	43-07144 / 39.0			
15S	24E	12	SW	NE		BLACK, J SPENCER	A43-04069 / 40.0	43-04069 / 40.0			17.0
			SW	NE		BLACK, JAY L	A43-07144 / 13.0	43-07144 / 13.0			
15S	24E	12	SE	NE		BLACK, J SPENCER	A43-04069 / 30.0	- /			
			SE	NE		BLACK, JAY L	A43-07144 / 9.0	43-07144 / 9.0			
15S	24E	12	NE	NW		BLACK, J SPENCER	A43-04069 / 40.0	43-04069 / 40.0			10.0
			NE	NW		BLACK, JAY L	A43-07144 / 39.0	43-07144 / 39.0			
15S	24E	12	NW	NW		BLACK, J SPENCER	A43-04069 / 40.0	43-04069 / 40.0			
			NW	NW		BLACK, JAY L	A43-07144 / 21.0	43-07144 / 21.0			
15S	24E	12	SW	NW		BLACK, J SPENCER	A43-04069 / 40.0	43-04069 / 40.0			
			SW	NW		BLACK, JAY L	A43-07144 / 4.0	43-07144 / 4.0			
15S	24E	12	SE	NW		BLACK, J SPENCER	A43-04069 / 40.0	43-04069 / 40.0			
			SE	NW		BLACK, JAY L	A43-07144 / 16.0	43-07144 / 16.0			

ADDITIONAL POU FOUND

TOTAL ACRES A43-04069 376.00 320.00 77.00

See GIS layout/Log

POU COUNTY: CASSIA

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

Y() N(✓)

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

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A43-04069	TATERS CREEK	BLACK, J SPENCER	2.500	0.006		
A43-07144	GROUNDWATER	BLACK, JAY L	1.580	0.005		
NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION						

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

Y(✓) N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: A43-07144

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

N/A() Y() N(✓)

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

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

N/A() Y() N(✓)

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

Y(✓) N()

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

Y() N(✓)

CHECK DOCUMENTS USED TO VERIFY POL:

(☒) ORTHOPHOTOQUAD, IDMR NO. DD 30 ¹⁹⁷⁶; (☒) TOPOGRAPHIC QUAD, IDMR NO. DD 30 ¹⁹⁷⁶;
(☒) MAP, IDMR NO. 615 Area 1; (☐) ASCS PHOTO; (☐) OTHER

NOTES:

Water from this source mingled with 6W in sprinkler system as well as utilized to flood irrigate. System combines A43-07144 and A43-04069 into PPL. Number of acres recommended limited by priority date and the acres that could be flood irrigated in 1974 section 12 in 1983. Diversion rate of 250 cfs could flood irrigate 135 acres at 1 inch per acre. ~~1000~~ maximum acres could have been flood irrigated in 1983 by my estimation. (See handwritten doc) Given the variable topography of the meadow I recommend ~~1600~~ acres with a 391 ~~acres~~ acre PPL. ~~1600~~ Acres are no longer irrigated without claimed Tracts, 4069 & 7144.

Overlapping Right 43-07144.

RECOMMENDATIONS:

TOTAL ACRES: 135 N/A ()

REVIEWED BY: A. Duncan DATE: 11-16-99

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A43-04069 IRRIGATION	FROM 02-01 TO 11-30	2.500 CFS	
A43-04069 STOCKWATER	FROM 01-01 TO 12-31	0.090 CFS	
TOTAL DIVERSION RATE/VOLUME		2.500 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
43-04069 IRRIGATION	FROM 02-01 TO 11-30	6.400 CFS	
43-04069 STOCKWATER	FROM 01-01 TO 12-31	0.500 CFS	
TOTAL DIVERSION RATE/VOLUME		6.900 CFS	

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

Y(✓) N()

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

N/A() Y() N(✓)

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

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

Y(✓) N()

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

Y() N(✓)

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

Y(✓) N()

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

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

N/A() Y() N(✓)

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

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

N/A() Y(✓) N()

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

N/A(✓) Y() N()

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

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

N/A(✓) Y() N()

NOTES: Purpose of use as claimed

Diversion rate as claimed. See measurement notes

and Field team 10-1-1999.

Period of use adjusted to 100% standard of 4-1 to 10-31

AJ CLAIM TOTAL DIVERSION RATE: 2.500 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 6.900 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A () Y () N () ☒
B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A () Y () N () ☒

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

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

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

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y () ☒ N ()

E. FLOW MEASUREMENT

MEASUREMENT METHOD Contracted Rectangular Weir, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 125 x 0.02 CFS/ACRE = 2.50 CFS 1b. CALCULATIONS
(Taken from pou review)

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y () N () ☒
IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y () N ()

2. IRRIGATION DIVERSION VOLUME
CLAIMED DIVERSION VOLUME = AF/A
ACRES 125 x DIVERSION VOL. AF/A FOR AREA 2.50 =
TOTAL DIVERSION VOLUME 312.5 AF/A

3. IRRIGATION CONSUMPTIVE USE
CLAIMED CONSUMPTIVE USE = AF/A
ACRES 125 x CONSUMPTIVE VOL. AF/A FOR AREA 2.50 =
TOTAL CONSUMPTIVE USE 312.5 AF/A

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

NOTES:

Diversion rate recommended as claimed. Capacity
with identified in posted notice probably approximate
or possibly underestimated.

WR RECORD CONDITIONS/REMARKS:

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED (✓)

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV RATE CFS	REC. DIV VOL. AF/A		REC. CONS. USE
	FROM	TO		EXAMINER	EXAMINER	
IRRIGATION	02-01	11-30	2.500	_____	_____	0.0
STOCKWATER	01-01	12-31	0.090	_____	_____	0.0
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
TOTAL FOR THIS RIGHT	_____	_____	2.500	_____	_____	0.0

NON-IRRIGATION USES CLAIMED: S/300 HEAD CATTLE

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

REVIEWED BY: Stinson DATE: 11-16-99

FLAG: _____

STANDARD CONDITIONS (CODE): _____

STANDARD REMARKS (CODE):

*Pool - K&L 140 348
as with in 2000 ac PDU*

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED AS CLAIMED ()
NEEDS REVIEW ()
()
()
()
()
overlooked 1-92

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 43-04069

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE 6.900

EXAMINER

CFS

SPLITS:

OLD RIGHT CURRENT CLAIM NUMBERS

DIVERSION RATE

CURRENT "R" CLAIM NUM.

"R" DIV. RATE

WR RIGHT NUMBERS

DIVERSION RATE

43-04069

6.900

TOTAL CFS

6.900

DIVERSION RATE REVIEW

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

DATABASE N FIELD EXAMINER Y () N ()

NOTES:

no splits

AUTHENTICATION:

SIGNATURE:

[Signature]

DATE:

NAME OF FIELD EXAMINER:

Mike Hancock

TITLE:

Water Right Agent

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

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)

IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION

COPY INCLUDED
IN FILE?

☒ ORTHOPHOTOQUAD

DATE OF PHOTO

1976

IDWR ID NO.

Y ☒ N ☐

☐ TOPOGRAPHIC

DATE FIELD CHECKED

1987

IDWR ID NO.

Y ☐ N ☐

☒ NAPP

DATE OF PHOTO

1987

IDWR ID NO.

Y ☒ N ☐

☐ ASCS AERIAL PHOTO

DATE OF PHOTO

Y ☐ N ☐

☐ ASCS COLOR SLIDE

DATE OF PHOTO

Y ☐ N ☐

☐ BLM OR USFS AERIAL PHOTO

DATE OF PHOTO

Y ☐ N ☐

☐ TOWNSHIP SURVEY (GOVERNMENT PLAT)

DATE OF SURVEY

Y ☐ N ☐

☐ SCS SOIL SURVEY MAP

DATE ISSUED

Y ☐ N ☐

☐ SUBDIVISION PLAT MAP

DATE OF MAP

Y ☐ N ☐

☐ OTHER Stat claim map

DATE 4-7-77

Y ☒ N ☐

☐ OTHER

DATE

Y ☐ N ☐

☐ OTHER

DATE

Y ☐ N ☐

LIST OF ATTACHMENTS (CHECK IF ATTACHED)

IF ATTACHED, SUPPLY APPROPRIATE INFORMATION

NO. OF
PAGES

NOTES

☐ LICENSING FIELD EXAM

DATE OF FIELD EXAM

☐ WATER RIGHT LICENSE

DATE LICENSE SIGNED

☐ IDWR APPROVED TRANSFER

DATE TRANSFER APPROVED

☒ SYSTEM DESCRIPTION

DATE DRAWN

☒ PHOTOGRAPHS

DATE(S) PHOTOS TAKEN

☐ SPLIT RIGHT REVIEW

DATE REVIEW COMPLETED

☐ HUBBLE ANALYSIS

DATE ANALYSIS COMPLETED

☐ CONVEYANCE LOSS ANALYSIS

DATE ANALYSIS COMPLETED

☒ FLOW MEASUREMENT CALCULATIONS

DATE SYSTEM MEASURED

☒ OTHER Stat claim

DATE

☐ OTHER

DATE

MR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y		10-1-99 U Hawk	Y				
POINT OF DIV				N				
SOURCE	Y			N				
PLACE OF USE	Y			N				
DIV. AMOUNT CFS/VOLUME	Y			N				
CONSUMPTIVE USE	-			-				
PURPOSES OF USE				N				
PERIOD OF USE				Y				
BASIS OF CLAIM	Y			N				
REMARKS	Y			-				

BARCODE UPDATED
WHOM/DATE

R PROOF

CVR

MAPS

PHOTOS

MISC

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