

5900

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: A43-07144
Date Received: 5/31/1989
Receipt No: 1003787
Received By: BS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

OR
Name: J. SPENCER BLACK
Address: P.O. BOX 103
ALMO, ID 83312

2. Date of Priority: NOV 08, 1979

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	12	NE	NW	NE		CASSIA

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.580		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

COPY

A43-07144

Page 1

Date: 05/31/89

MICROFILMED

MAR 04 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15S	24E	1	SE		SW		IRR	10.0
			SW		SE		IRR	24.0
			Section Acres					34.0
		12	NE		NE		IRR	22.0
			NW		NE		IRR	39.0
			SW		NE		IRR	13.0
			SE		NE		IRR	9.0
			NE		NW		IRR	39.0
			NW		NW		IRR	21.0
			SW		NW		IRR	4.0
			SE		NW		IRR	16.0
			Section Acres					163.0
	25E	6	SW		SW	7	IRR	9.0
			SE		SW		IRR	4.0
			Section Acres					13.0
		7	NE		NW		IRR	5.0
			NW		NW	1	IRR	30.0
			SW		NW	2	IRR	32.0
			Section Acres					67.0
			Total Acres					277.0

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:

14. Remarks:

15. Basis of Claim: LICENSE

COPY

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MAR 04 1993

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

State of Idaho)
County of Cassia) SS.

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

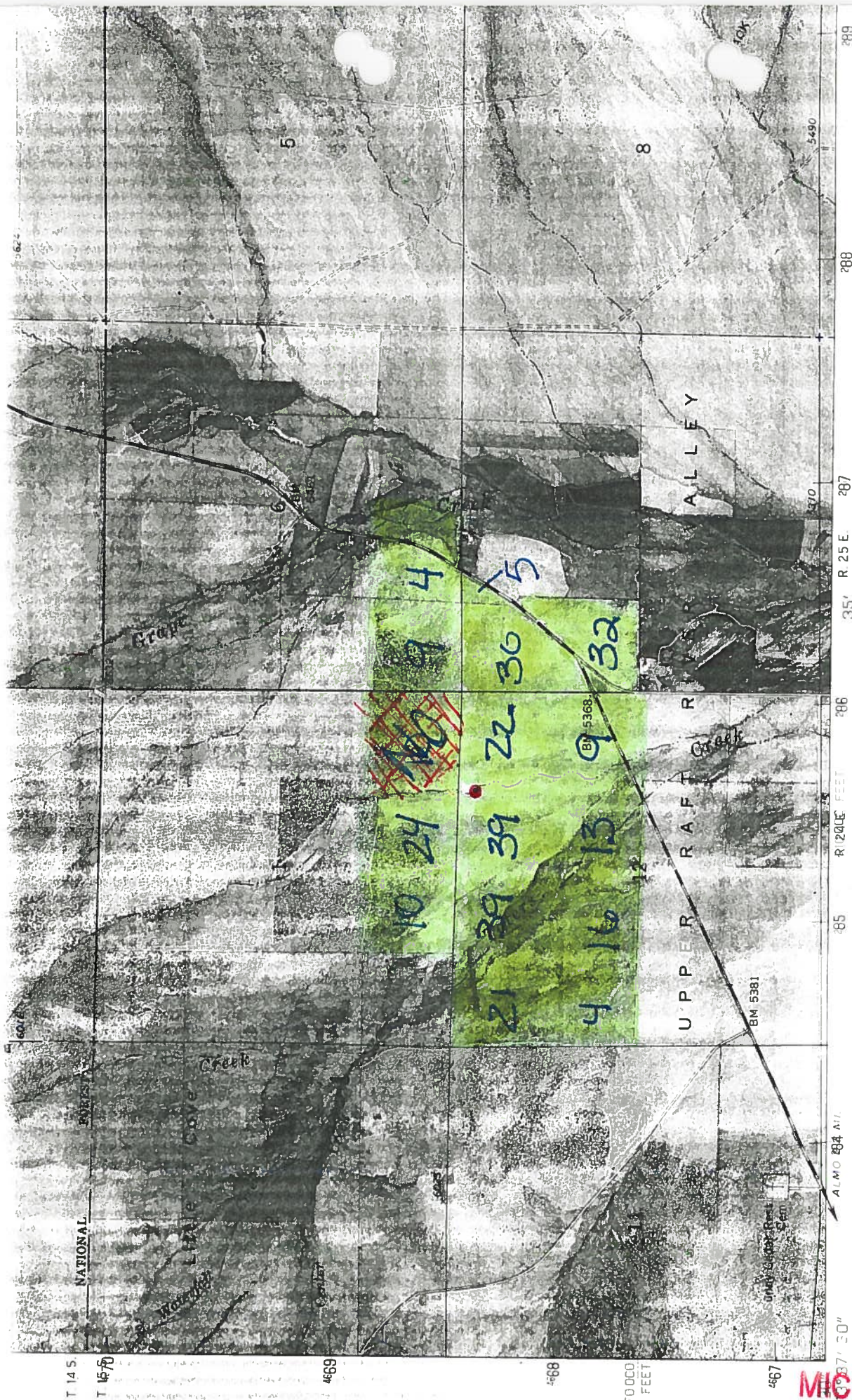
of May 19 89

John Dale Carlson
Notary Public

Seal

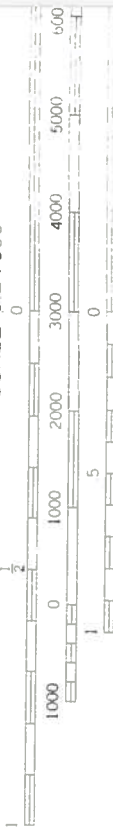
Residing at Boon Fel

My Commission Expires 2/2/94



A43-07144

SCALE 1:24000



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

Photom imagery transformed by scanning

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MAR 04 1993

Copies Of These Maps Can Be O
At Bonneville Blue Print

Water Right Number - 43-07144

Prefix Translation:

WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - - +

+ - - - - Address - - - - +

*** C - CURRENT OWNER ***
BLACK

JAY L.

1 - P.O. BOX 103
2 -
3 -
City- ALMO
Phone -
1 - P.O. BOX 103
2 -
3 -
City- ALMO
Phone -

State- ID Zip- 83312

BLACK

J. SPENCER

State- ID Zip- 83312

+ - - Priority Date - - +
11/08/1979+ - - - - Region - - - +
17 SOUTHERN+ - - - - Stage - - - +
L - LICENSE

+ - - - - Status - - - +

+ - - - - Source - - - - +
GROUNDWATER

+ - - - - Tributary - - - - +

+ - - - - Twn Rng Sec Tract Lot Rflg County Point of Diversion Stream Index (Blank if no Index Code)
15S 24E 12 NW NE (31) CASSIA+ - - - - Code Description Period From Period To Water Use Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 1.580 670.70+ - Total Div. Rate - + - Total Div. Volume - + - Total Div. Capacity - +
1.580 670.70 1.580+ - - - - Twn Rng Sec Tract Lot Acres Place of Use Code Description County
15S 24E 1 SE SW 10.0 01 IRRIGATION (31) CASSIA
15S 24E 1 SW SE 24.0 01 IRRIGATION (31) CASSIA
15S 24E 12 NE NE 22.0 01 IRRIGATION (31) CASSIA
15S 24E 12 NW NE 39.0 01 IRRIGATION (31) CASSIA
15S 24E 12 SW NE 13.0 01 IRRIGATION (31) CASSIA
15S 24E 12 SE NE 9.0 01 IRRIGATION (31) CASSIA
15S 24E 12 NE NW 39.0 01 IRRIGATION (31) CASSIA
15S 24E 12 NW NW 21.0 01 IRRIGATION (31) CASSIA
15S 24E 12 SE NW 4.0 01 IRRIGATION (31) CASSIA
15S 24E 12 SW NW 16.0 01 IRRIGATION (31) CASSIA
15S 24E 12 SE SW 9.0 01 IRRIGATION (31) CASSIA
15S 25E 6 SE SW 4.0 01 IRRIGATION (31) CASSIA
15S 25E 7 NE NW 5.0 01 IRRIGATION (31) CASSIA
15S 25E 7 NW NW 30.0 01 IRRIGATION (31) CASSIA
15S 25E 7 SW NW 32.0 01 IRRIGATION (31) CASSIA

Total Acres: 277.0

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MAR 04 1993

WATER RIGHT

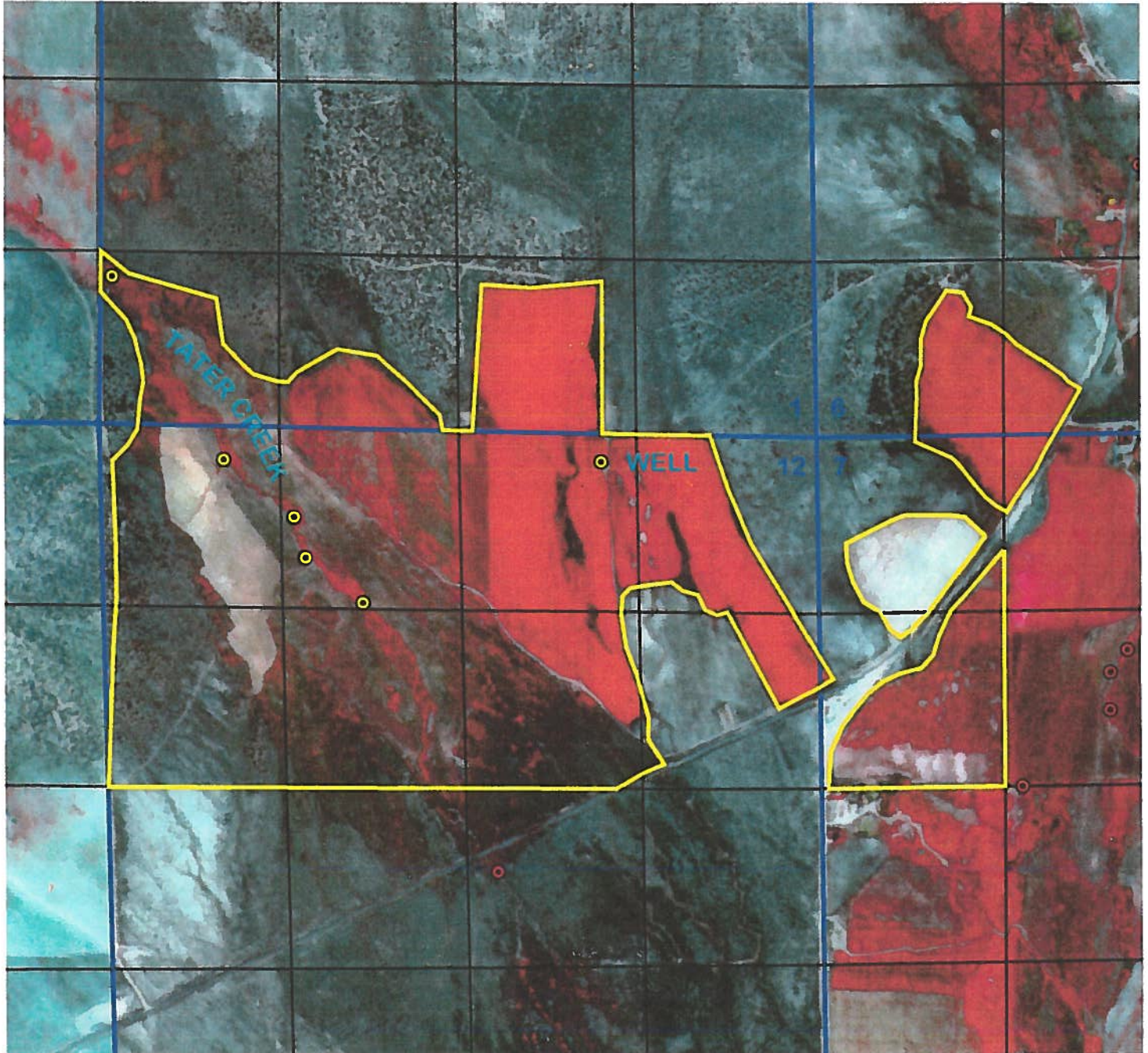
Proof Due Date	- 05/01/1985	Field Exam Made	- 07/20/1987	Field Exam Fee	- K
Approved/Denied	- 05/21/1980	Tested Date	- 00/00/0000	Shan Falls	- 2
Proof Made Date	- 03/11/1985	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carley Act	
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	
Licensed Date	- 06/03/1988	Appel Received	- 11/08/1979	Transfer/Amended	-
Decree Date	- 00/00/0000	Presumption Flag	-		

MICROFILMED
MAR 04 1993

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

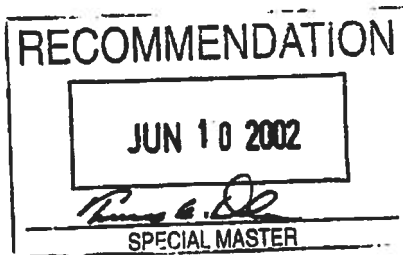
252 JUN 10 PM 4: 40

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED 20

PAGE 1
Jun-07-2002

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.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

JUN 1 2002

Department of Water Resources
Adjudication Bureau

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

JUN 10 PM 4:40
DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
DM

In Re SRBA	)	Subcases 43-04069 and 43-07144
	)	(Black)
Case No. 39576	)	
	)	SPECIAL MASTER REPORT

Findings of Fact

J. Spencer Black and Jay L. Black filed a *Notice of Claim to a Water Right* under 43-04069 on May 31, 1989, claiming 2.5 cfs from Taters Creek for year-'round stockwater use and for irrigation of 376 acres from February 1 to November 30 with a priority date of April 1, 1880, based on beneficial use. The Director of the Idaho Department of Water Resources filed his *Director's Reports for Irrigation and Other, Reporting Area 7, IDWR Basin 43, Part I* on September 28, 2001.

The Director recommended claim 43-04069 as filed, but to Sharon and Jay Black, P.O. Box 103, Almo, Idaho 83312 for irrigation of 160 acres within a 398 acre place of use from April 1 to October 31. The Director also identified 43-07144 as an overlapping claim and recommended it to Jay L. Black for 1.58 cfs from groundwater for irrigation of 277 acres within the same 398 acre place of use from April 1 to November 1 with a priority date of November 8, 1979, based on a license.

On February 8, 2002, the United State of America, Department of Interior, Bureau of Land Management filed an *Objection* in subcase 43-04069 to priority date, point of diversion and place of use. No one objected to claim 43-07144. On June 7, 2002, the Blacks, the United States and IDWR filed a *Standard Form 5* in subcase 43-07144 agreeing to amend the place of use for stockwater use.

Conclusions of Law

The Blacks are entitled to partial decrees adjudicating water rights under claims 43-04069 and 43-07144 as described in the *SF-5* and the attached *Special Master Recommendations for Partial Decrees for Water Rights 43-04069 and 43-07144*.

DATED June 10, 2002.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

06/05/2001

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

RIGHT NUMBER: 43-7144

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

SOURCE: GROUND WATER

QUANTITY: 1.58 CFS
670.7 AFY

PRIORITY DATE: 11/08/1979

POINT OF DIVERSION: T15S R24E S12 NENWNE Within CASSIA County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04-01 11-01	1.58 CFS 670.70 AFY

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	SWNW	40
T15S R24E S12	SENE	41	T15S R25E S6	LOT 7	14
T15S R25E S6	SESW	6.5	T15S R25E S7	NENW	2.8
T15S R25E S7	LOT 1	19	T15S R25E S7	LOT 2	30

398 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 277 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 43-4069 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:

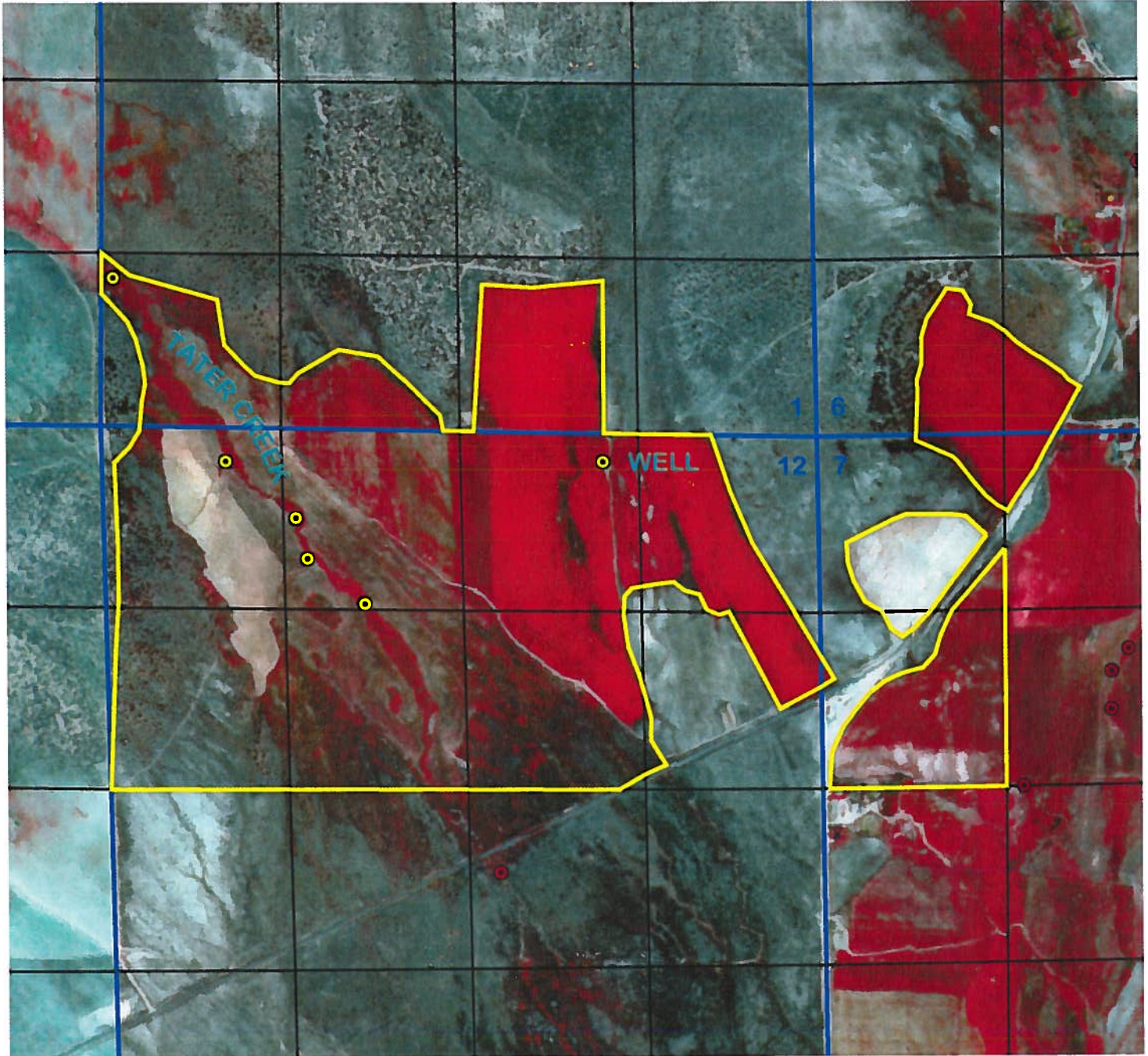
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

CORRECTION QUITCLAIM DEED

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

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

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

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

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

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

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

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

✓ Section 7: Lots 1 and 2.

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

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

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

together with any and all appurtenances thereunto belonging.

DATED this 28 day of August, 1995.

J. Spencer Black
J. SPENCER BLACK

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

STATE OF IDAHO)
ss.
County of Cassia)

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

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

Paul
NOTARY PUBLIC FOR IDAHO
Residing at: Paul
My Commission Expires: 1-4-2000

RECORDED AT THE REQUEST OF
Alfred E. Spence
FILM 269

1995 AUG 30 P 2:06

CASSIA COUNTY IDAHO
DARRELL M. ROSKELLEY
RECORDER

FEE \$600 DEPUTY Paul

xl: 204 487

Durley. 111
83318

138384

ch9 ownership
per dec'd
6-5-01
NA

11/08/2000

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

RIGHT NUMBER: 43-7144

NAME AND ADDRESS: ~~J. SPENCER BLACK~~
JAY L BLACK
PO BOX 103
ALMO, ID 83312

SOURCE:	GROUND WATER		
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QUANTITY: 1.58 CFS
670.7 AFY

PRIORITY DATE: 11/08/1979

POINT OF DIVERSION: T15S R24E S12 NENWNE
Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04-01 11-01	1.58 CFS 670.7 AFY

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>							
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	SWNW	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	SWNW	30

398 ACRES TOTAL

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER

THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

620.7 g

CASSIA County

NE

222 ac
2/1/10
APL

392

392

21

50

No combined limits

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.

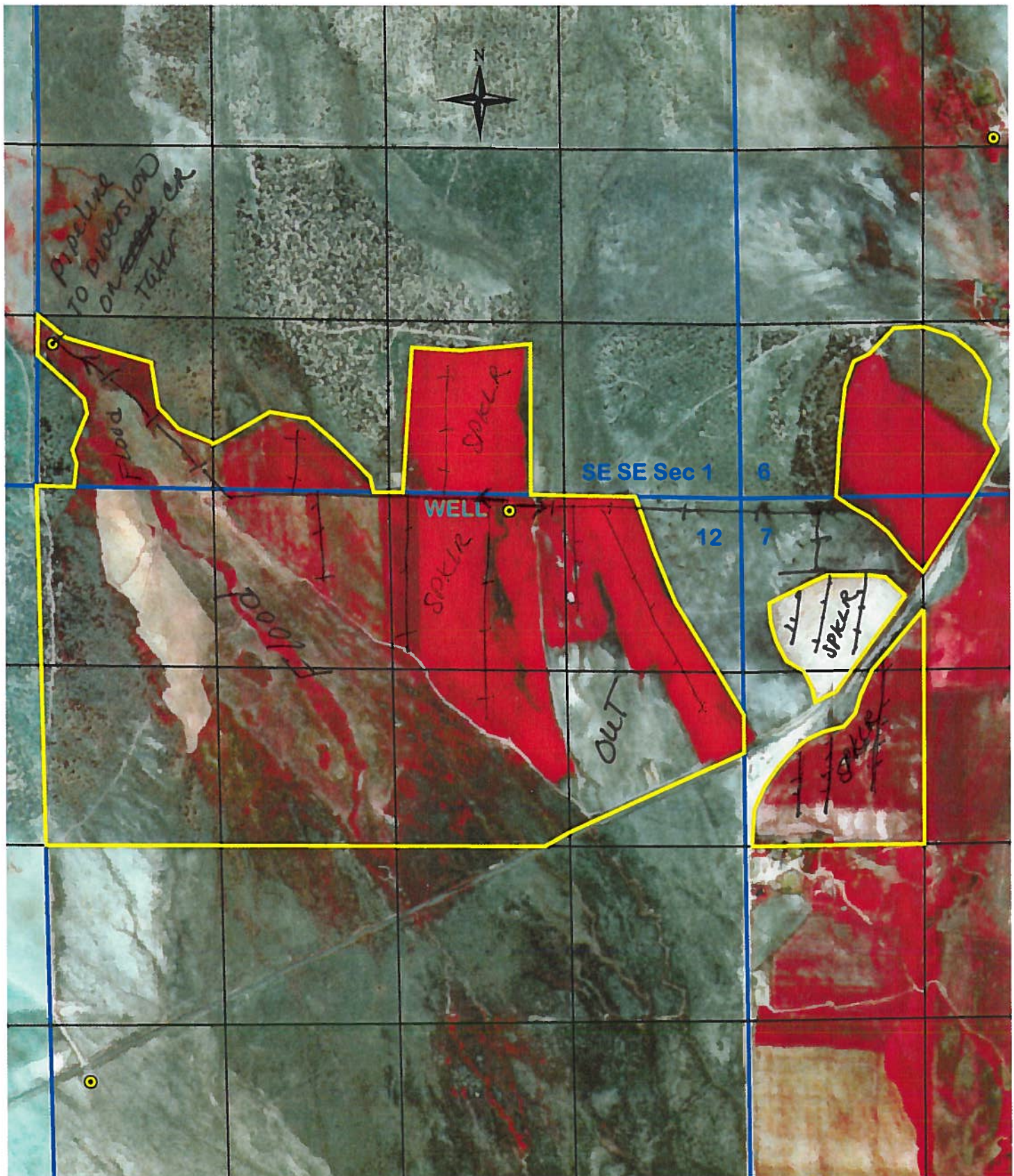
My observations indicate that claim **A43-07114** is irrigated as licensed. The proof of priority for the ranch's use of Tater Creek as claimed in **A43-04069** is not conclusive. A posted notice dated 10-21-1882 indicates that use of the creek for irrigation of the NW $\frac{1}{4}$ of section 12 probably 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): A43-07144

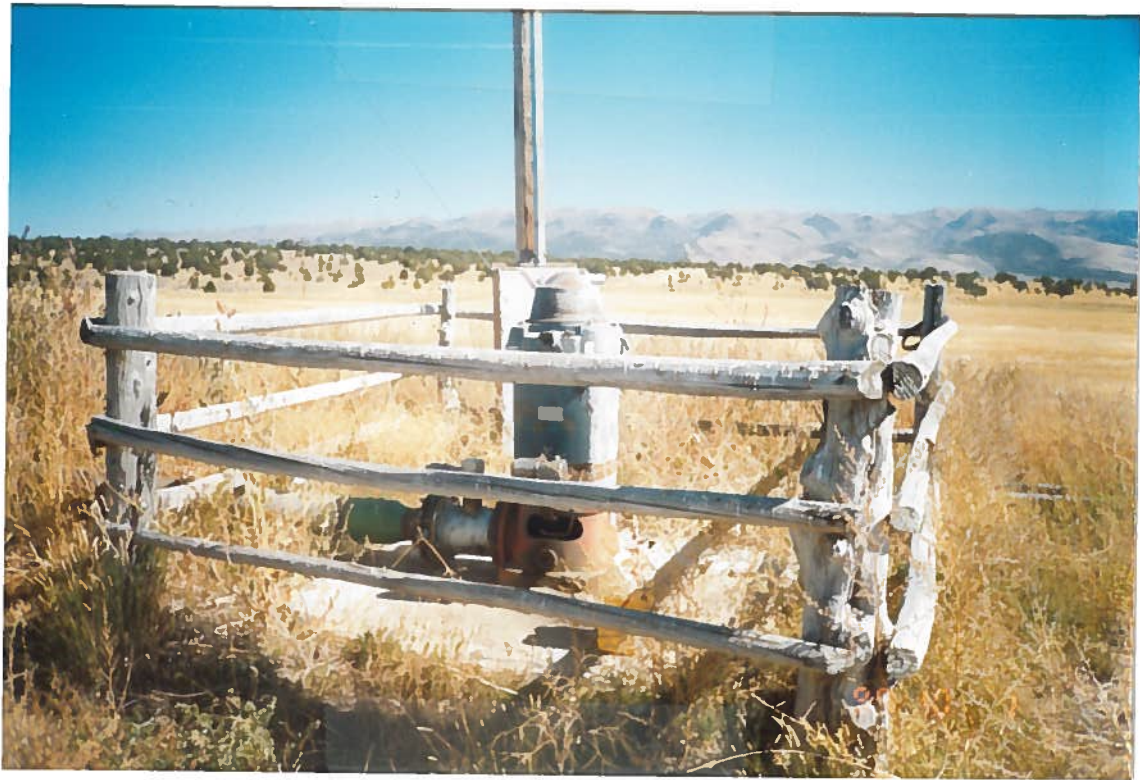
TWP 15S, RNG 24E, SEC 1, 12



V HANCOCK

Date: 10-01-99

1987/1988 NAPP PHOTOGRAPHY



Pump in NE NW NE Sec 12 GPS Site
R100119A

See 43-041069 for DOLL photos

A43-07144

Will

GPS Site R100119A

GPS Tag A0004341

Service pole # 26080

US motor

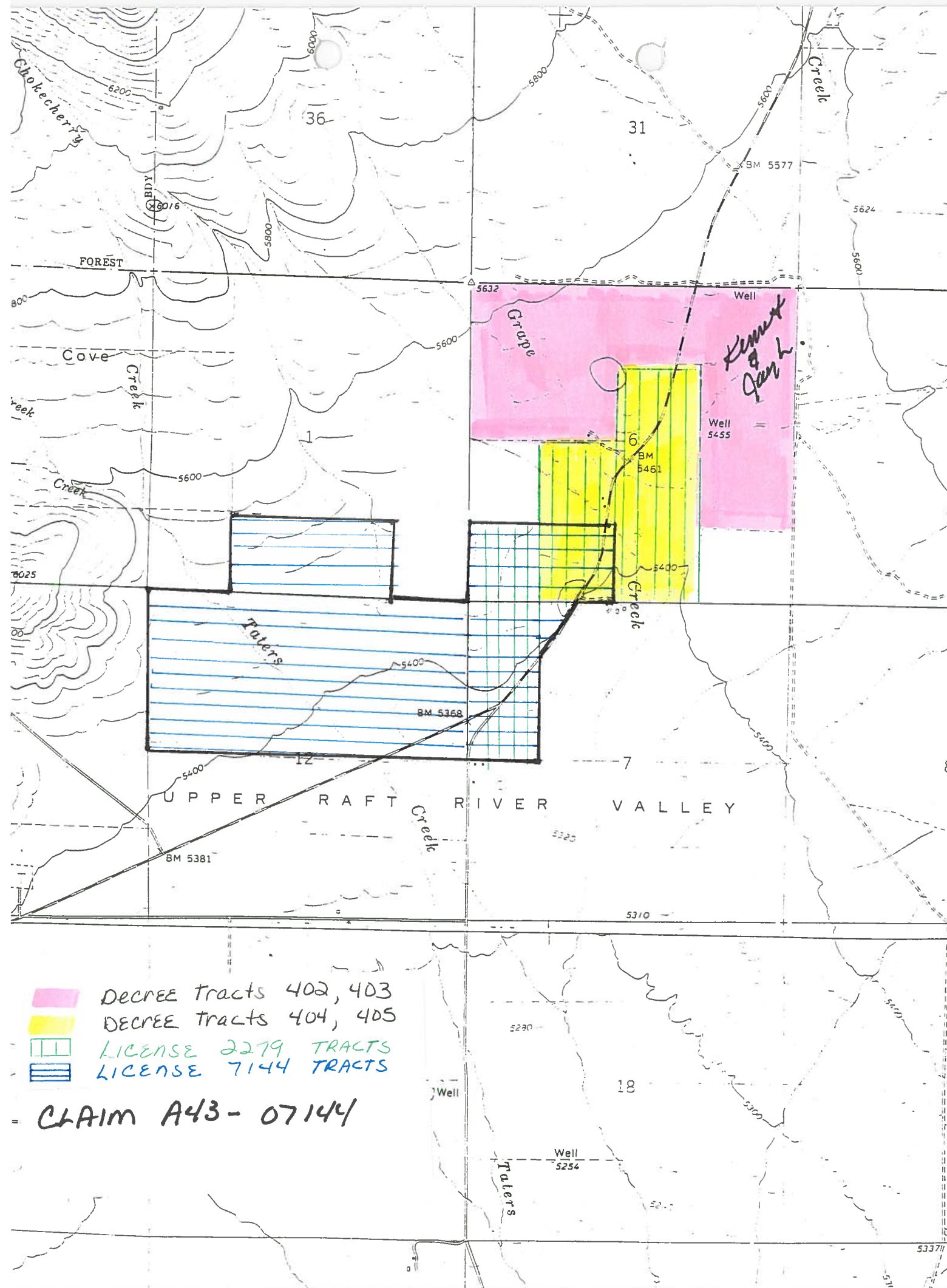
High Thrust 100hp

R-9985-04-071

R 2143289-m

Will Line pump # TP 1077

TISS R 24E Sec 12 NE NW NE



State of Idaho
Department of Water Resources

RECEIVED

JUN 20 1988

WATER RIGHT LICENSE

WATER RIGHT NO. 43-7144

Department of Water Resources
Southern Region Office

Priority: November 8, 1979

Amount:

1.58 CFS

670.7 AFA

This is to certify, that JAY L. BLACK
J. SPENCER BLACK

P.O. BOX 103
ALMO, ID 83312

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated November 8, 1979, and has submitted proof to the Department of Water Resources on March 11, 1985, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of 1.58 cfs of water from a GROUNDWATER source and that a water right has been established as follows:

<u>BENEFICIAL USE</u>		<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>			
Irrigation		04/01 to 11/01	1.58 cfs	670.7 afa			
<u>LOCATION OF POINT OF DIVERSION(S):</u>		NWNE , Sec. 12, Township 15S, Range 24E Cassia County					
<u>PLACE OF USE:</u>		Irrigation					
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
15S	24E	1	SESW 10	SWSE 24			34
		12	NENE 22	NWNE 39	SWNE 13	SENE 9	
			NENW 39	NWNW 21	SWNW 4	SENE 16	163
15S	25E	6	LOT 7(SWSW) 9	SESW 4			13
		7	NENW 5	LOT 1(NWNW)30	LOT 2(SWNW)32		67

Total number of acres irrigated: 277

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 13th day of June, 1988.

Director

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 43-7144

RECEIVED
MAR 16 1988

Department of Water Resources

Date of Priority: November 8, 1979

Comes now JAY L. BLACK
J. SPENCER BLACK
P.O. BOX 103
ALMO, ID 83312

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 43-7144, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Irrigation	04/01 to 11/01	1.58 cfs	670.7 afa

LOCATION OF POINT OF DIVERSION(S): NWNE, Sec. 12, Township 15S, Range 24E
Cassia County

PLACE OF USE: Irrigation

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
15S	24E	1	SESW 10	SWSE 24			34
		12	NENE 22	NWNE 39	SWNE 13	SENE 9	
			NENW 39	NWNW 21	SWNW 4	SENW 16	163
15S	25E	6	LOT 7(SWSW) 9	SESW 4			13
		7	NENW 5	LOT 1(NWNW) 30	LOT 2(SWNW) 32		67

Total number of acres irrigated: 277

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Almo, Idaho, this 16th day of March, 1988.

Jay L. Black
(Signature)

State of Idaho
Department of Water ResourcesAPPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 43-7144

FOR DEPARTMENT USE ONLY

0000181

Preliminary check by KW Fee = \$20.00 ✓ Received by tg Date 3-21-88

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 43-7144 with the following;

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

Witness my hand this 13th day of June, 1988.R. Keith Higginson
(Director)