

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: A43-10076
Date Received: 4/05/1989
Receipt No: 5006781
Received By: ADW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CURTIS DURFEE 208-824-5579
Address: P.O. BOX 185
ALMO, ID 83312

AND/OR

Name: MARY LOU DURFEE 208-824-5579
Address: P.O. BOX 185
ALMO, ID 83312

2. Date of Priority: DEC 31, 1879

3. Source: SPRINGS Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
15S	24E	22	NW	NW	NW		CASSIA
			SW	SW	NW		CASSIA
			SW	SE	NW		CASSIA

5. Description of diverting works:
COLLECTION PONDS, DITCHES, PIPELINES & PUMP TO SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.500		
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.040		

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

8. Total consumptive use is 472.5 Acre Feet Per Annum.

9. Non-irrigation uses:
D/ 2 HOUSEHOLDS, S/ 150 RANGE

A43-10076

Page 1

Date: 04/05/89

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MAR 14 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15S	24E	22	NE		NW		IRR	21.0
			NE		NW		STOCK	
			NW		NW		IRR	39.0
			NW		NW		STOCK	
			SW		NW		IRR	39.0
			SW		NW		STOCK	
			SE		NW		IRR	12.0
			SE		NW		STOCK	
			NE		SW		IRR	22.0
			NE		SW		STOCK	
			NW		SW		IRR	38.0
			NW		SW		DOMEST	
			NW		SW		STOCK	
			NW		SE		IRR	18.0
			NW		SE		STOCK	
							Section Acres	189.0
							Total Acres	189.0

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:
5 SHARES IN ALMO WATER COMPANY.

14. Remarks:
THE PRIORITY IS BASED ON WHEN THE LAND WAS ORIGINALLY HOMESTEADED
IN 1879 BY MR. DURFEE'S GRANDFATHER. THESE SMALL SPRINGS HAVE
BEEN USED ON THIS PROPERTY AS LONG AS MR. DURFEE CAN REMEMBER.

15. Basis of Claim: BENEFICIAL USE

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: 1

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): Curtis Dwyer Date: 4-5-89

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 5th day
of April 19 89 [Signature]
Notary Public

Seal

Residing at Kimberly Id.
My Commission Expires 6/30/94

A43-10076

150 cfs
.04
.04

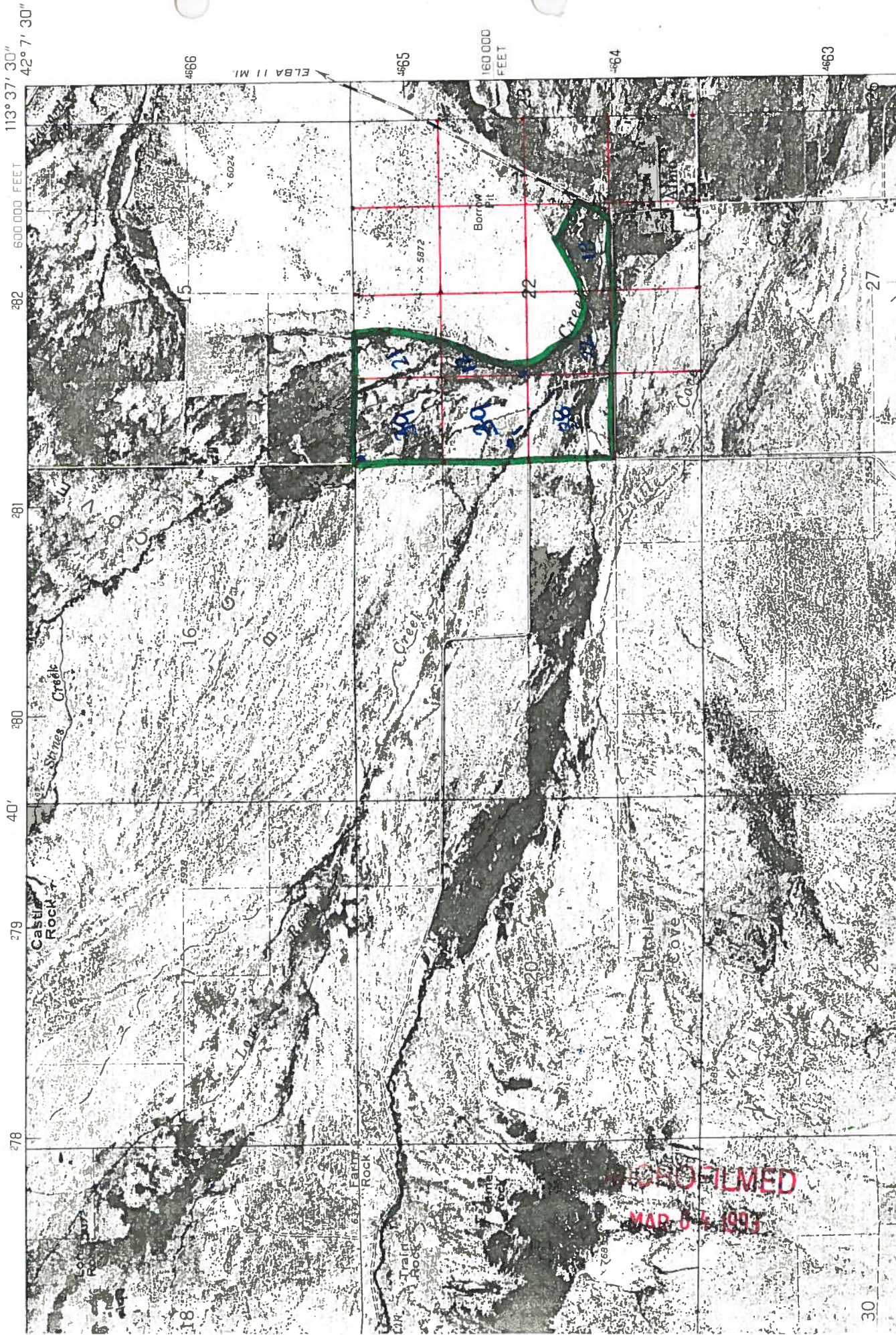
Ivii
Domestic
Stock

12/31/1879

5 shows in 2/20 with Co.

ALMO ORTHOPHOTOQUAD

IDAHO





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

A43-10076
CURTIS DURFEE
MARY LOU DURFEE
P.O. BOX 185
ALMO

ID 83312

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

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MAR 04 1993

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FEB 03 1992

Department of Water Resources
Southern Region Office

AFFIDAVIT

STATE OF IDAHO)
) ss
County of Cassia)

CURTIS DURFEE, being first duly sworn on oath, deposes and says:

1. He makes this affidavit at the request of the Department of Water Resources as pertaining to A-43-10076.

2. Your affiant and his wife, Mary Lou, own lands in Cassia County, Idaho, in the Northwest Quarter (NW $\frac{1}{4}$); The North Half of the Southwest Quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$) and in the Northeast Quarter Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$). Your affiant and his wife acquired these lands from Leo Durfee and Mary Ann Durfee in 1976.

3. Prior to the time of acquisition by your affiant and his wife, affiant lived on the property since his birth in 1938. At the time your affiant lived there the lands were farmed by the raising of hay and pasture by the application of water from Almo Creek.

4. Leo Durfee and Mary Ann Durfee, the mother and father of your affiant, acquired the above described lands in various conveyances from Henry R. Cahoon and Steven Cahoon. The lands in said subdivisions to which water was beneficially applied and agricultural pursuits had thereon been done so since 1879.

5. The lands described in the aforementioned water claim, A43-10076, are the acres farmed in the above described subdivisions for a total of 189 acres. The other portion of the

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MAR 04 1993

lands in the aforesaid subdivisions are part of a hill to which no water is beneficially applied and water is only beneficially applied to the 189 acres as shown on the water claim A43-10076 for the purpose of irrigation. The water is also used for stock water out of Almo Creek.

6. Since this land has been in the family the knowledge your affiant has is from his father and from the historical knowledge of the Almo area where the lands are located.

7. Your affiant has attempted to find some person, in addition to your affiant, that can sign an affidavit in support of this, however, all of such persons so far as your affiant knows are deceased particularly H.R. Cahoon, Steven Cahoon, Leo and Mary Ann Durfee. Since Almo is a small closely knit community your affiant has attempted to find neighbors who could further support this position but has likewise determined the neighbors are deceased in the time frame necessary back prior the turn of the century.

8. Part of the lands were included in the Jobe Adams Decree number 992 in the District Court of the United States for the District of Idaho signed in 1922.

9. Your affiant believes that one of the entries in the Job Adams Decree having to do with the East Half of the Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$) of Section 22, Township 15 South, Range 24 East, Boise Meridian, is in error as water was not applied to that 80 acres but it was applied to other lands more particularly

described above but in any event water was applied to the lands
as stated in A43-10076.

DATED this 30 day of January, 1992.

Curtis Durfee
Curtis Durfee

SUBSCRIBED AND SWORN to before me, this 30th day of
January, 1992.

Sharon D. Janne
Notary Public for Idaho
Residing at Rupert
My Commission Expires: 12/1/94

PARSONS, SMITH, STONE & FLETCHER

WILLIAM A. PARSONS
RICHARD K. SMITH
RANDOLPH C. STONE
WM. KENT FLETCHER

ATTORNEYS AT LAW
137 WEST 13TH STREET
P. O. BOX 910
BURLEY, IDAHO 83318

TELEPHONE
(208) 678-8382
FAX NO.
(208) 678-0146

January 31, 1992

RECEIVED

FEB 03 1992

State of Idaho
Department of Water Resources
Southern Region
Attn: Allen Merritt, P.E.
222 Shoshone St. East
Twin Falls, Idaho 83301

Department of Water Resources
Southern Region Office

Re: Curtis Durfee

Dear Allen:

Pursuant to the request of the Department of Water Resources, find enclosed Curtis Durfee's original Affidavit dated January 30, 1992.

Should you need anything further, please advise.

Very truly yours,

PARSONS, SMITH, STONE & FLETCHER


William A. Parsons

WAP/st
Enclosure

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MAR 04 1993

12/28/2000

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

RIGHT NUMBER: 43-10076

NAME AND ADDRESS: CURTIS DURFEE
MARY LOU DURFEE
PO BOX 185
ALMO, ID 83312

SOURCE: SPRINGS

TRIBUTARY: SINKS

QUANTITY: 0.58 CFS

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

PRIORITY DATE: 12/31/1928

POINT OF DIVERSION:	T15S R24E S22	NWNWNW	Within CASSIA County
	T15S R24E S22	SWSWNW	Within CASSIA County
	T15S R24E S22	SWSSENW	Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-31	0.50 CFS
STOCKWATER	01-01 12-31	0.04 CFS
DOMESTIC 2 HOMES	01-01 12-31	0.04 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County					
T15S R24E S22	NENW	21	T15S R24E S22	NWNW	39
T15S R24E S22	SWNW	39	T15S R24E S22	SENW	9.7
T15S R24E S22	NESW	21	T15S R24E S22	NWSW	40
T15S R24E S22	NWSE	19			
STOCKWATER Within CASSIA County					
T15S R24E S15	SWSW		T15S R24E S15	SESW	
T15S R24E S21	NESE		T15S R24E S22	NENW	
T15S R24E S22	NWNW		T15S R24E S22	SWNW	
T15S R24E S22	SENW		T15S R24E S22	NESW	
T15S R24E S22	NWSW		T15S R24E S22	SESW	
T15S R24E S22	NESE		T15S R24E S22	NWSE	
T15S R24E S22	SWSE				
DOMESTIC Within CASSIA County					
T15S R24E S22	NWSW				

188.7 ACRES TOTAL

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.

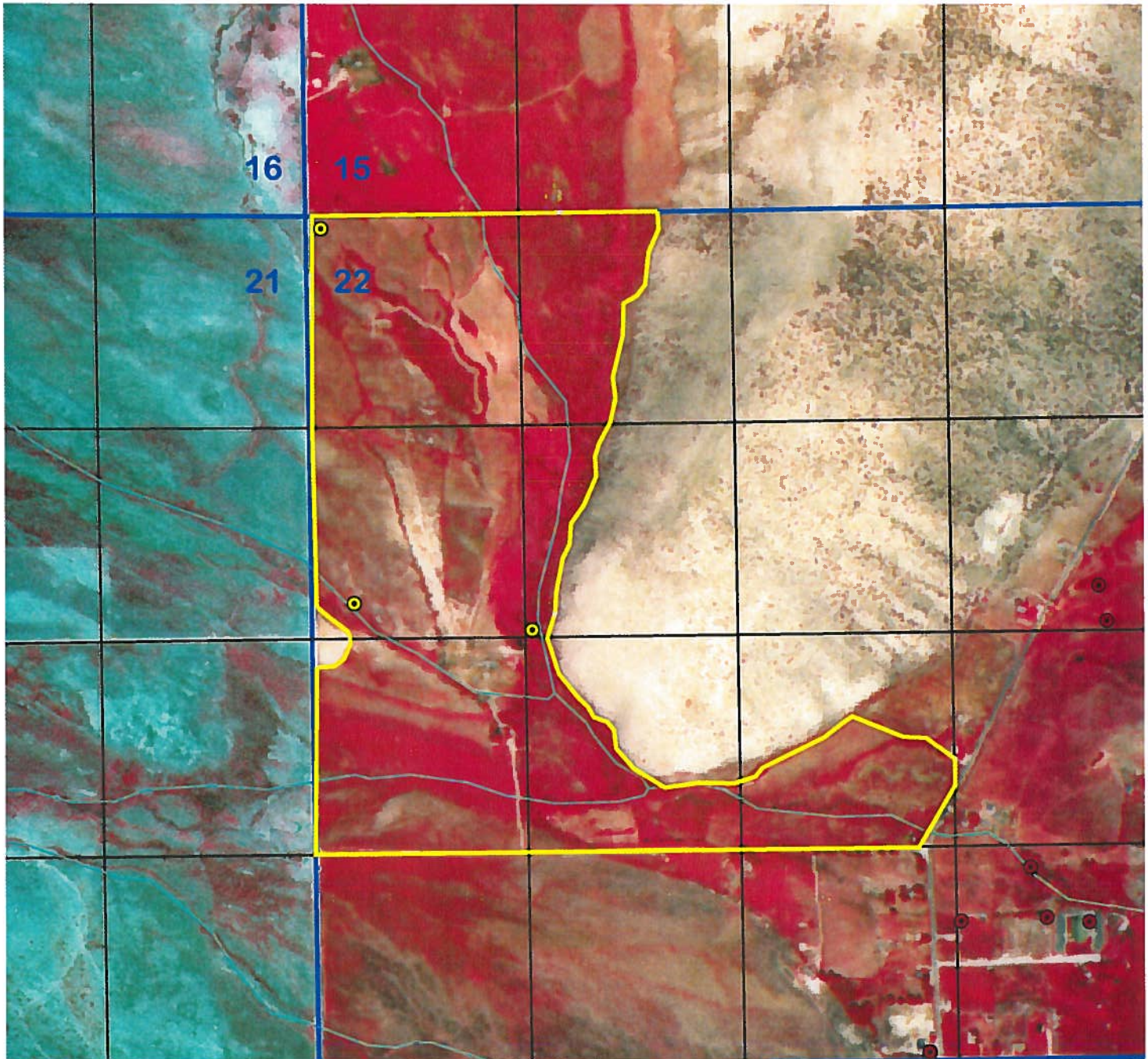
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE AND STOCKWATER USE IS NOT A DETERMINATION OF
HISTORICAL BENEFICIAL USE.
THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
WATER DISTRICT 43D.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

USE OF THIS RIGHT IS COMBINED WITH WATER FROM ALMO WATER
COMPANY.
STOCKWATER FOR 150 CATTLE

RIGHTS: 43-10076
SPRINGS

RECOMMENDED PLACE OF USE
TWP 15S, RNG 24E,
Data entry on December 28, 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

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 15, 2001

Water right number: 43-10076

MARY LOU DURFEE

PO BOX 185

ALMO ID 83312

Telephone Number: (208)824-5579

CURTIS DURFEE

PO BOX 185

ALMO ID 83312

Telephone Number: (208)824-5579

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MAY 23 2001

Department of Water Resource
Southern Region

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

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

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

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

DATE:

May 18-00

SIGNATURE:

Curtis Durfee

Please print your name: _____

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

01:03:50
05/24/95
235

PAGE: 19
PROFILE REPORT

CLAIM NUMBER: A43-10076

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CURTIS DUREE	12/31/1879	IRRIGATION	04-01-11-01	0.50 CFS	
C	MARY LOU DUREE		STOCKWATER	01-01-12-31	0.04 CFS	
			DOMESTIC	01-01-12-31	0.04 CFS	

1231-1928

TOTAL DIVERSION:
CONSUMPTIVE USE: 0.58 CFS

472.50 AEA

Water Source: SPRINGS

Tributary to: SINKS

Stage: BENEFICIAL USE

Point(s) of Diversion:

T15S R24E S22

NNNNN

SNSNN

SNSNN

CASSIA County

Place of use Legal Description for: IRRIGATION

	NE	NW	SW	SE	
T R S	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac
15S 24E 22	: 21	: 39	: 39	: 12	: 22
					: 38
					: 18
					: 189.0
					: 189.0
					: 189.0

Place of use Legal Description for: STOCKWATER

	NE	NW	SW	SE	
T R S	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac
15S 24E 22	: 21	: 39	: 39	: 12	: 22
					: 38
					: 18
					: 189.0
					: 189.0
					: 189.0

Place of use Legal Description for: DOMESTIC

	NE	NW	SW	SE	
T R S	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac
15S 24E 22	: 21	: 39	: 39	: 12	: 22
					: 38
					: 18
					: 189.0
					: 189.0
					: 189.0

POU County: CASSIA

Non-Irrigation Uses: D/ 2 HOUSEHOLDS, S/ 150 RANGE

Other Rights: 5 SHARES IN ALMO WATER COMPANY.

Remarks: THE PRIORITY IS BASED ON WHEN THE LAND WAS ORIGINALLY HOMESTEADED IN 1879 BY MR. DUREE'S GRANDFATHER. THESE SMALL SPRINGS HAVE BEEN USED ON THIS PROPERTY AS LONG AS MR. DUREE CAN REMEMBER.

Dates:

Exam Made Date:

Verified Date:

Misc:

Water District Number:

Field Inspection Flag:

Presumption Flag:

5-22
4-43D
4-18

COMMUNICATION DOCUMENTATION

From: Vikie Hancock
2000

December 28,

Regarding:

Customer:

43-10076

Curtis Durfee

[illegible]

I called Mr. Durfee to ask him a few questions regarding the letter I received in the mail from him, which was signed by Thern Ward on December 22, 2000.

Thern Ward is a relative and neighbor of Curtis Durfees. He knew Curt's father, Leo Durfee, and visited the family farm during the time that Leo Durfee farmed it. Leo Durfee purchased the farm from his brother in approximately 1928.

From the 2000 telephone book, Mr. Thern Ward's address is:
832 East 3000 South, Almo

December 22, 2000

Dear Sirs;

I know that Leo Durfee used the water from the spring that came across the road in the corner of the NW $\frac{1}{4}$ S22 T15S R24E and from the one that comes across the road into SW $\frac{1}{4}$ NW $\frac{1}{4}$ S22 T15S R24E and also from the one below the barn in SE $\frac{1}{4}$ NW $\frac{1}{4}$ S22 T15S R24E and has used these springs to water the land located in NW $\frac{1}{4}$ S22 T15S R24E and SW $\frac{1}{4}$ S22 T15S R24E.

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DEC 26 2000

Department of Water Resources
Griffiths Building

Sincerely,

Thermon Ward
Thermon Ward

Hancock, Vikie

Subject: 43-10076
Entry Type: Phone call

Start: Thu 11/30/00 8:00 AM
End: Thu 11/30/00 8:30 AM
Duration: 30 minutes

Curt Durfee called regarding my letter to him dated Nov 28, 00. I explained to him that there was no evidence in the file showing when he began using the three springs in the claim for irrigation, and reminded him that we had talked about that before and that I had written him a letter about it. I told him that an affidavit from himself or his wife would not suffice, that it should be a neighbor or some other disinterested party that had personal knowledge of irrigation on his farm. He said that his grandfather developed irrigation from the spring and that no one was around contemporary to that. I inferred that there should be some neighbors that could verify his claim. I asked him if he had records of putting in the pump at the duck pond and said that would at least evidence when he began sprinkling from there. He said it was 20 years ago but he may have something.

I asked him if Almo Creek ran into the "Duck Pond" spring pond. He said no. Only waste water from irrigation out of Almo Creek ran into the pond.



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 28, 2000

Curtis Durfee
P.O. Box 185
Almo, Idaho 83312

RE: Snake River Basin Adjudication (SRBA)
Claim No.: 43-10076 - Springs

Dear Curt,

In looking through the file for your claim for domestic, stockwater and irrigation use from the three springs that cross your property, I see that you have never submitted any documentation of when you began using these springs for irrigation. Without additional information, I will only be able to recommend this right for domestic and stockwater use.

If you have any questions about the information that is needed, please don't hesitate to contact me.

Sincerely,

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

Vikie Hancock
Sr. Water Resource Agent

Hancock, Vikie

From: Hancock, Vikie
Sent: Monday, October 16, 2000 10:52 AM
To: McHugh, Candice
Subject: work

Morning Candice,

I wanted to pass this along in regard to the Groundwater Recharge issue: I remembered that I have a new claim for that use also, that was filed last summer as a result of a field exam and my informing the claimant that irrigation was limited to the 4-1 to 10-31 season. This is in the same general area as the POU of license 43-2586 and is claim number 43-11212. I remember that I did ask about this use at the time that it was filed, but received no reply from the atty at that time. I'm assuming that any decisions regarding the old license will apply to this new claim. These people are astute, and I'm sure would be able to supply us ample information about their methods.

Also, I have another question. Some members of Almo Water Company have expressed dismay that one member (he's the water master, actually) filed a beneficial use claim, priority 1879, for irrigation from some springs that fall within the boundaries of the company. They contend that these springs only occur because of the Almo Creek ditches that run through the area and that the water should be left to flow back into the stream. One of the springs is very close to Almo Creek itself. I did a field exam and there are conveyances from the springs, albeit in the usual dismal state of repair. (Ditch washed out, pump from pond broken, etc). He also uses one for domestic use, but the AWC members don't care about that, just his irrigation use. I inferred to the complaining members that I may recommend the springs based upon my field exam, and that they could protest it. If we have guidelines, I don't want to recommend something in error. I have found a Sept 1981 memo dealing with water appropriation within an irrigation district boundary, but it doesn't specifically address springs. These springs are not mentioned in the Jobe Adams, however there is another set of springs within the company boundaries that are also being used for irrigation, also not mentioned in the Jobe Adams, that no one has complained about even though these area also claimed by AWC members. The two claims on these other springs seem valid because irrigation from the springs was included in a decree filed previous to the Jobe Adams, (Kirk v Bartholomew) and upheld by a later court decision regarding injury to the springs by GW pumping. Just FYI, I guess.

10-17-00

Telephone reply from Candice that it would probably be best to recommend the springs on Curt Darke's claim and let any objections be brought up in SRBA Court.

DAK

May 25, 2000

10:30 am

Almo School, Almo Idaho

MEETING WITH MEMBERS OF ALMO WATER COMPANY

Members in attendance: David May, Bud Ward, Ted Tracy, William Tracy, Larry Henson, Brent Jones, Gary Jones, Ivan Darrington, Bruce Durfee, Cordell Sheridan, and AWC President Doug Ward. I exchanged pleasantries with Neil Durfee and watermaster Curtis Durfee outside the building, but neither attended the meeting.

The meeting was called to order by Doug Ward and I was introduced. I had previously met all but David May and Bud Ward in the course of investigating individual water right claims in the Adjudication.

I began with a brief history of the Almo Water Company, as I had come to understand it from my research. I passed around copies of the Almo Creek portion of the Jobe Adams Decree, the 1918 license and 1983 statutory claim and showed my copy of the Deed signed by the original founders of AWC conveying their individual water rights to the company.

I presented an overlay showing the original decreed acres, the acres licensed under a 1918 priority date and the acres claimed by statutory claim in 1983. I explained that the priority date on the stat claim - 1918 - was not reasonable since those acres were not included in the Jobe Adams. I said that the priority date of the water represented by the stat claim would necessarily have to be sometime after 1928, and I explained the lack of substantiation of either acres or diversion rate on a statutory claim. There was no further discussion in regard to providing proof of priority. It was noted that if 1" per acre were allowed, the total cfs claimed in the adjudication would actually allow for more acres irrigated within the boundary of the company. Some members then pointed out areas on the GIS layout presentation that they felt could be included in the irrigated acres. There were also areas marked irrigated that some present agreed were not irrigated and should be deleted. I encouraged anyone who felt he saw errors in the boundary or areas marked as irrigated to point them out, and made notes on the GIS layout accordingly.

The first specific issue discussed was the claim filed by Curt Durfee on decree number 43-00374. AWC also filed on this claim. Those present said that it had always been known that -00374 was a duplicate of decree -00387, and that only the number of shares represented by -00387 had ever been delivered to the property. I said that if it was a duplicate, then only -00387 was valid and

that no one should get the diversion rate represented by -00374. Those present agreed.

The next issue discussed was in regard to the springs that Curt Durfee filed a claim upon (A43-10076). Some of those in AWC feel that the springs are tributary to Almo Creek and so belong to Almo Water Company per the language in the original deed dated in 1907. It was stated that, as long as the water from the springs flooded through Durfee's fields and into Almo Creek it had at least been available to users in the company, but when he started pumping out of the pond, there was some objection to that. We discussed the fact that one of the springs was right next to Almo Creek and that it's not known if the springs even existed prior to the extensive irrigation, or if they did why they weren't mentioned in any of the decrees. It was noted that none of the decrees were consistent about what they included and what they left out. I told those at the meeting that if I recommended Curt's claims to the springs, they could file an objection in the SRBA court and present evidence to the judge that the claims weren't valid because of the deed, or for any other reason. I pointed out that there were adjudication filings on other springs within the AWC boundaries.

There were some questions about the stat claim by Bruce Durfee on Stines Creek (43-10013). I read aloud the section in the 1970 AWC vs Darrington decision that stated that there were no other users on Stines Creek except the parties named in the lawsuit. Since Bruce Durfee's father was not listed as a user in 1970, I questioned the 1951 priority date he claimed. Bruce stated that they were users in 1970 and fielded some questions from those present about the ditch used. It became apparent that the ditch used could also convey water from Almo Creek and at one time had, but Durfee said that he didn't use his Almo water on the marginal lands up there at all anymore. The members dropped the subject at this point, and so did I.

I brought up the Matthews license 43-02586 claimed in the adjudication by the Conservation Fund, and gave Doug Ward a copy of the agreement that was entered into by Matthews as a result of the AWC protest to their license. I mentioned that this agreement also discusses the Belnap decree 43-00373, which also seemed to be a duplicate right. Doug indicated that he would look into ownership of the license, and asked me to send a copy of the 1907 AWC Deed, also.

After the meeting I met with Ted Tracy to discuss the J.E. Tracy claims and also with Brent Jones.

Vikie Hancock
Sr. Water Resource Agent



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

August 18, 1999

Curtis Durfee
PO Box 185
Almo, Idaho 83312

RE: Snake River Basin Adjudication (SRBA)
Claim Nos: A43-10076 and A43-11199

Dear Curtis,

Enclosed is a copy of your new claim on Almo Creek, and the receipt for fees paid. Please check this document for accuracy in all respects.

It has come to my attention that you purchased property in Sections 17 and 18 from Ivan Darrington. The property you purchased in 1995 was not included in Mr. Darrington's Adjudication Claim for a water right from Stines Creek filed in 1989, so currently there is no claim for irrigation water on this acreage, nor will there be any water right decreed to this acreage in the SRBA. If you are irrigating this property, you may want to contact me to see if it would be possible for you to file a Notice of Claim to a Water Right on Stines Creek water.

I also wanted to remind you that we are in need of proof of priority for the beneficial use of the three springs claimed under A43-10076. If you have any questions about that, or any other issues, feel free to call me here, anytime.

Sincerely,

Vikie Hancock
Water Resource Agent

Field Exam Notes

8/9/1999

Claim No: 43-10076

Agent: Vikie Hancock

The three springs were found in the approximate locations indicated by the claimant when originally filed. Claimant was along for the field examination. He stated that the springs were running way below the amounts diverted earlier in the year.

The "Duck Pond" spring is captured from a marshy area and held in a man made pond. At the time of the FE the outflow of the pond went down along a corral, past the house, and flood irrigated the area east and south of the house. There was power, a pump and pipe at the site. Claimant stated that the usual method of irrigation from the spring also included sprinkler lines located in the NW SW quarter of section 22, but that this winter the pipe had become plugged, and since there was sufficient water for flood irrigation, they hadn't repaired the pipe yet. He said they had used the pump and sprinklers last year. Claimant said that it usually in the spring the flow was about 20 inches, and it looked to him like the flow was about 5 or 6 inches now. I measured the spring at .157 cfs, or 7.8 inches.

The "House" spring provides water for irrigation of the hay field, lawn around the two houses, and drinking water. A buried 2 inch PVC pipe conveys the water from the spring head to the house and lawn. Claimant was sprinkling the lawn during the field exam. A ditch also runs from the spring along the grade to the southeast to irrigate hay field. This ditch was washed out approx 150 yards from the spring, and hadn't been repaired, but the ditch was still there, and looked as if it had been used to irrigate the pasture in recent years. Where there was water in the ditch, it was overgrown with weeds and grass. No measurement was attempted.

The third spring is located across the north/south road that runs along the west edge of the property. The water from this spring flows down the barrow pit of the road and then under the road in a 2.5 foot cement culvert. It enters the pasture to the north of the claimant's property, and the claimant diverts it south into his hay field. The depth of water was 0.75 inches in the culvert. Claimant said that in early spring there is about a 3 inch depth of water in the culvert. There was a high water mark 5 inches high on the cement, but claimant said that probably represented some flood water that happens periodically in the spring. No measurement was attempted.

Place of use of the three springs appears to be as claimed and as indicated by GIS shape file. It is also irrigated by 5 water shares of Almo Water Company, and claimant also says he has 2 cfs of water from Almo Creek decreed to his

ancestor, Henry Cahoon, for use on that property. He says this 2 cfs was decreed separate from the water included in the Almo Water Company holdings in the Jobe Adams decree. I told him that this 2 cfs of water represented by decreed right number 43-00374 was filed on by Almo Water Company. He said that was in error, and he was under the impression that his claim number 43-10076 was for the Almo Creek water as well as the springs. I showed him the claim, and told him that it was only for the springs. He wanted to change claim 43-10076 to include the 2 cfs from Almo Creek, but I told him it would be best to file another claim, as the sources, and possibly the priority dates, would be different. He decided that he wanted to file a claim on the 2 cfs from Almo Creek, also.

I then discussed with him the fact that the affidavit he submitted for proof of priority for the claim on the springs did not mention the springs at all, but only Almo Creek. (This substantiated to me that he had believed that his claim number 43-10076 included Almo Creek). I told him that he needed to come up with some kind of proof of when the springs had been put to use. He said that he had heard his father tell of the old homestead and garden that used the water from the Duck Pond Spring, and I told him that he would want to see if he could get something to document the use of all the springs.

In regard to the \$50 fee charged Mr. Durfee for the new claim on Almo Creek, I felt that under the circumstances, no late fees were appropriate. It seemed apparent to me that he had intended that claim number 43-10076 include his use of decreed water from Almo Creek, and it's exclusion may have been an error in communication at the time of claims taking.

After ANALYSIS of GPS'd points AND Almo Creek Channel, I believe it is possible that the "Duck Pond" spring is actually a diversion of Almo Creek. Awaiting proof of B.U. docs.

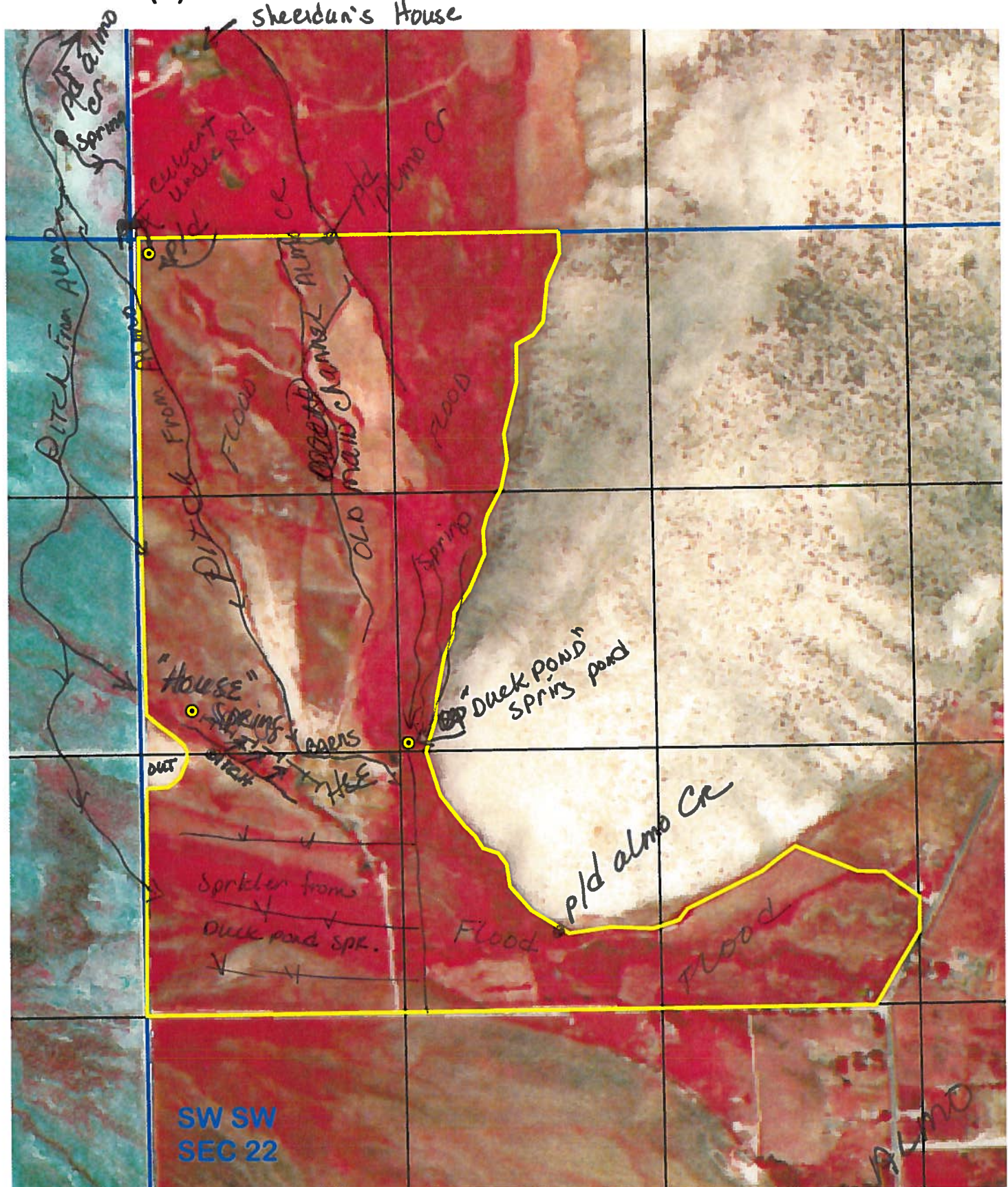
U# 8/18/99

FIELD NOTES

189 ACRES SHOWN

CLAIM NO(S): A43-10076

TWP 15S, RNG 24E, Sec 22



V HANCOCK

Date: 8-6-99

1987/1988 NAPP PHOTOGRAPHY

FIELD EXAM NOTES AND PHOTO LOG

Claim Nos: A43-10076 Date 8-6 1999
 Claimant / Area of Concern: Curtis Durfee Page 1 of 1

Roll	Pic #	Description
16	1	"DUCK POND" SPRING
	2	Stream from Duck Pond Spring
	3-4	"HOUSE" Spring
	5-6	
	7	
	8	Topmost Spring head west of ROAD
	9	Spring water coming ~~through~~ thru Culvert
	10	Spring going thru pasture N of pool
	11-12	POOL from NW corner
	13	GPS Tag at Duck pond Spring
	14	POOL Looking N from Road to house

Audio tape #

Notes: "Duck pond" spring used to flood irrigate & also pump to sprinklers. Pipe plugged this year so not using until repaired. Used last year.

"House" spring - 2" PVC pipe to house. Used for irrigation in yard & for drinking.

Ditch runs off to Southeast & irrigates with also

Top spring in NW corner originates west of ROAD off property. Runs ~~to~~ under ROAD in culvert. In spring well runs 3 inches deep in culvert. Now remaining .75" deep. Culvert is 2.5' ~~wide~~ diameter.

WIDTH	DEPTH	AREA	VELOCITY	DISCHARGE
0.3	0.2	0.06	0.57	0.0342
0.3	0.2	0.06	0.47	0.0282
0.3	0.2	0.06	0.64	0.0384
0.4	0.25	0.1	0.57	0.057
		0		0
		0		0
		0		0
		0		0
		0		0
		0		0
		0		0
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		0		0
		0		0
		0		0
		0		0
		0		0
		0		0
		0		0
		0		0
			TOTAL CFS	0.1578

AGENT: V. HANCOCK

LOCATION: 20 yards below pond

ALSO SEE MEASUREMENT NOTES

A43-10076

Open Channel Discharge Measurement Notes

A. GENERAL INFORMATION

1. Name of stream or ditch: "Duck Pond" Spring Outflow
2. Location: ≈ 20 yds below pond
3. Person(s) conducting measurement: V. HAWCOCK
4. Date of measurement: 8-6-99
5. Weather conditions: Windy, hot
6. Measuring device size and ID no.: Swoffer
7. Spin test before: - after: -
8. Purpose of measurement: SRBA Field Exam
9. Cross section description: Muddy

B. MEASUREMENT DATA

[illegible]

C. REMARKS

See Calculation Sheet

SIGNATURE

2

[Handwritten signature]

R 16
pix 13



Power Pole and GIS TAG at
Duck Pond Spring



POU FROM SW corner

A43-10076

Roll 16
PIX 1



"Duck Pond" Spring



PIX 2



Outflow of Duck Pond Spring.
Looking South

A43-10076

R 16
Pin 3



"House" Spring

← diverting works
no longer used

2" pre
bored
to house
←

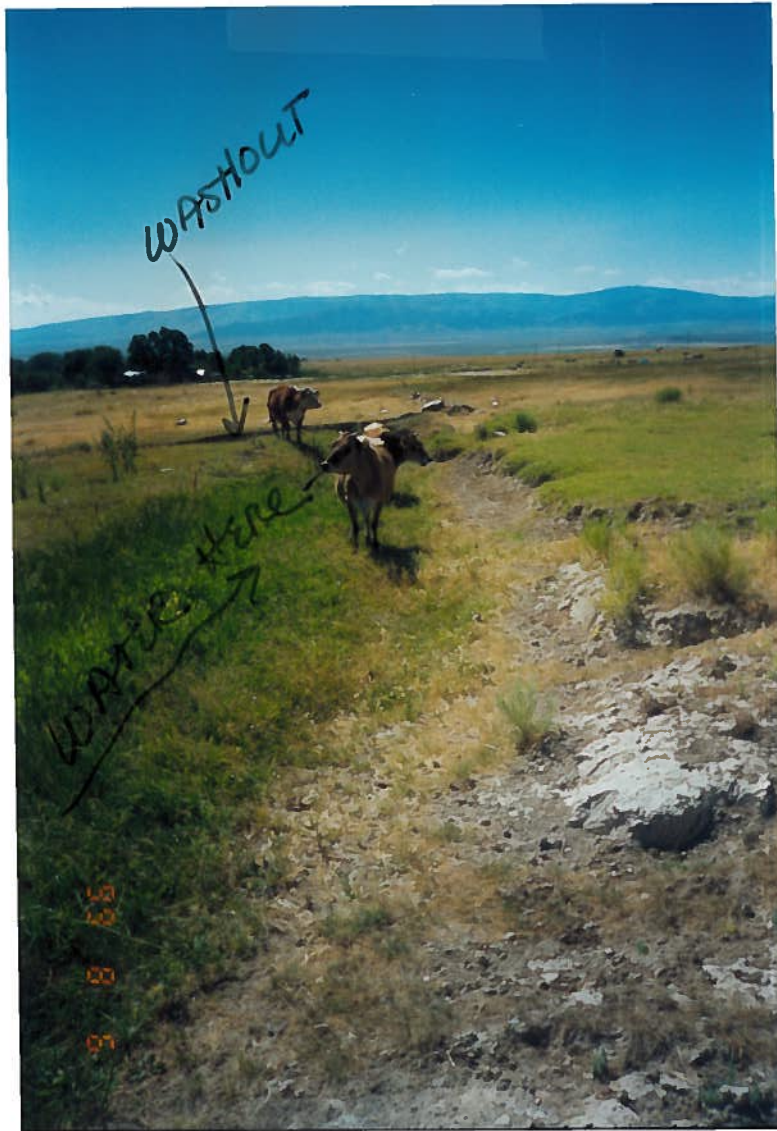


IRR
ditch

A43-10076

P6

R16
Pix 5



IRRIGATION DITCH FROM
HOUSE Spring

A43-10076

PIX 10



Top Spring flowing East
Along Claimant's North Boundary

PIX 9



Top Spring at N. Boundary.
Flowing through Culvert



Place of Use From NW Corner

A43-10076

CONVERSATION MEMO

Date:

8-4-99

Regarding:

Customer:

Cart Duffer

From: Vikie Hancock

[illegible]

Spoke with the claimant by phone & made an appt to meet him at his home at 10:00 am Friday August 6th.



Place of Use From NW Corner

A43-10076