

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: A43-10164
Date Received: 5/11/1989
Receipt No: S007095
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GLEN W. JONES 208-824-5513
Address: P.O. BOX 151
ALMO, ID 83312

AND/OR
Name: BRENT JONES 208-824-5513
Address: P.O. BOX 151
ALMO, ID 83312

2. Date of Priority: DEC 31, 1878

3. Source: SPRINGS Trib. to: SINKS

4. Point of Diversion:

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

5. Description of diverting works:
OPEN DITCHES TO POND

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.070		
IRRIGATION	03/15	11/15	0.400		

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

8. Total consumptive use is 30.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/200 BEEF STOCK

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15S	24E	23	NW		NE		IRR	5.0
			NE		NW		IRR	5.0
			NE		NW		STOCK	
			NW		NW		STOCK	
							Section Acres	10.0
							Total Acres	10.0

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:
NONE.

14. Remarks:

THIS SOURCE IS SHARED BETWEEN SEVERAL WATER USERS.
THESE HAVE FILED SEPERATELY, A43-10032, HAROLD DURFEE.
THE STREAM OF WATER IS ALTERNATED BACK AND FORTH EACH WEEK
BETWEEN DURFEE AND JONES.

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: _____

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): Glen W. Jones Date: 5-11-89

Date: _____

State of Idaho

County of Twin Falls)
SS.

Subscribed and sworn (or affirmed) before me this 11th day

of May 19 89

Steve [Signature]
Notary Public

Seal

Residing at Twin Falls

My Commission Expires Dec 7, 1994

15 14
22 23

NENW

NWNE

POND

10

SPRINGS

A43-10164

MICROFILMED

MAR 8 4 1993

22 23

27 26



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

A43-10164
GLEN W. JONES
BRENT JONES
P.O. BOX 151
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

MICROFILMED

MAR 04 1993

For

A 43-10164

2-3-92

This claim may be a part of an original decreed. right. I informed Tamy Jones that if the decree is valid that the right would reflect that decree (see Finding #15 pg 4.)

This is the evidence submitted if further review indicates additional info is needed then the Jones's should be contacted.

KKC

P/D may need to be changed.

MICROFILMED

MAR 04 1993

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

EDWIN R. DUFFEE and GLEN JONES

Claimants

vs.

H. E. KING, J. E. TRACY, Inc.
and HAROLD K. WARD,

Respondents

FINDINGS, DECISION AND ORDER
OF THE
LOCAL GROUND WATER BOARD
FOR
CASSIA COUNTY, IDAHO

The above entitled matter came on regularly for hearing before a local ground water board consisting of Carl E. Tappan, Chairman, Jeel E. Kasmussen and Thomas R. Newell, established according to statute, at 10 o'clock, A. M. on June 28, 1962, at Almo, County of Cassia, State of Idaho

Claimants Edwin R. Duffee and Glen Jones were represented by Herman B. Dadko, Attorney at Law. The respondents H. E. King, J. E. Tracy, Inc., and Harold K. Ward were represented by Adonis H. Nielson, of the firm of Nielson and Nielson, Attorneys at Law. Both legal representatives main offices at Burley, Idaho.

FINDINGS

THE BOARD FINDS THAT:

1. The claimants, Edwin R. Duffee and Glen Jones, own lands within the basin of Almo Creek and tributaries in Sections 22 and 23, Township 15 South, Range 24 East of the Boise Meridian.
2. The claimant, Edwin R. Duffee appropriates ground water by pumping from a household well at his residence. The household well is 18 feet deep and has been equipped with a small electric motor and pump to provide water under pressure for domestic use.
3. The claimants, Edwin R. Duffee and Glen Jones, appropriate spring waters by diversion of the so-called "North and Middle Springs" issuing on the farm owned by the said Edwin R. Duffee and located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 22

Township 15 South, Range 24 East of the Boise Meridian. The spring waters diverted are used on claimants lands, as above described, for irrigation and stock water purposes. The channels leading from the "North and Middle Springs" to the fields where the water is used have not been improved nor cleaned by the claimants.

4. The yield of the household well is reported to have been sufficient to furnish the Edwin R. Durfee residence with domestic and culinary water supply for years.

5. The "North and Middle Springs" were measured September 18, 1947, as flowing 9.5 and 6.5 miners inches, respectively, thus providing a total flow of 16.0 miners inches (0.32 cubic feet per second). The evidence indicates that these spring flows have continued without noticeable change in volume for many years prior to June, 1961.

6. The claimants, Edwin R. Durfee and Glen Jones, their grantors or predecessors have put to beneficial use for irrigation and stock water purposes sixteen (16.0) miners inches (0.32 cubic feet per second) of the waters issuing as the "North and Middle Springs" on the lands above described.

7. The respondents, H. E. King, J. E. Tracy, Inc., and Harold K. Ward, own lands within the basin of Almo Creek and tributaries in sections 22, 23, 25 and 26, Township 15 South, Range 24 East of Boise Meridian. These lands are located south and east from the claimants lands and down country from the "North and Middle Springs".

8. The respondents, H. E. King, J. E. Tracy, Inc., and Harold K. Ward made application June 15, 1961, for permit to appropriate three hundred fifty (350) miners inches (7.0 cubic feet per second) of ground water by means of a well located in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 22, Township 15 South, Range 24 East of the Boise Meridian to supplement existing irrigation water rights on lands owned by them. This irrigation well is about one-fourth mile south of the "North and Middle Springs" and has been drilled to a depth of 500 feet (20-inch casing for 200 feet, 16-inch casing for 150 feet, and uncased for 150 feet) See Permit No. G-30035.

9. The respondents irrigation well, when completed, flowed under artesian pressure. Soon thereafter a large capacity electric motor and pump was installed over the well with a view to increase its discharge by pumping. The well is not capped, has no control valve and flows freely to the atmosphere when the pump is not running.

10. The artesian flow from the respondents irrigation well, when first opened during June of 1961, was twenty (20) miners inches (0.40 cubic feet per second). The electric pump operated for 9 days during October, 1961. The pump discharge was estimated as one hundred twenty five (125) miners inches (2.50 cubic feet per second) with an incident drawdown of 156 feet. The pump was then shut down and the artesian flow from the well continued thereafter at about eighteen (18.0) miners inches (0.36 cubic feet per second).

11. The respondents, after pumping their irrigation well for only 9 days in October, 1961, voluntarily shut down the pump when the effects of its operation on the domestic supply of the Edwin R. Durfee household well and on the flow of the "North and Middle Springs" came to their attention. Lacking control facilities at the irrigation well the artesian flow therefrom has continued.

12. The ground waters appropriated are warm waters under artesian pressure with piezometric surfaces below the ground level at the household well, which does not flow, and above the ground level at the irrigation well, which does flow. The spring waters appropriated are also warm waters and issue from the ground at an intermediate elevation as compared with the higher ground level at the household well and the lower ground level at the irrigation well.

13. The potentials of the sources of these ground waters and spring flows have been sufficient to serve the domestic and culinary uses of the Edwin R. Durfee household and to maintain the flow the claimants springs at a uniform rate for many years prior to the opening of the respondents irrigation well. The intermingling of waters from other and independent sources precludes the declaration that the decrease in artesian pressure on the household well and the spring flows has been caused solely by the operation of the irrigation well.

of the respondents, yet it is evident that the primary sources of water are interconnected and of common origin.

14. The artesian pressure or pressures of the underground waters supplying the household well, flowing at the springs and tapped by the respondents well or by other wells unknown or unlisted represent a common potential to the water users concerned. The said pressure or pressures is/are not deemed a necessary condition to the use of waters appropriated by means of wells but is/are deemed a necessary condition to the use of spring waters which have been appropriated for beneficial uses.

15. The records of the State Department of Reclamation include a copy of the water decree issued by the District Court of Cassia County (Kirk vs. Bartholomew) and signed by Judge C. O. Stockslager October 5, 1893. This decree includes among the priorities established to the use of the waters of Almo Creek and tributaries those applying to tracts of lands then belonging to M. B. Durfee and Jacob Paden. Each is represented as owning 200 acres and entitled to a diversion based on one inch per acre. The priorities decreed to the Paden tract are junior to those decreed to the Durfee tract. The Paden right to the use of creek waters is shown in this decree as inclusive of 10 inches of Warm Springs water. Information is lacking as to which of the several warm springs was to be tapped and as to which particular parcel of the Jacob Paden tract was to be served or if issuing on lands owned by the appropriator or other. The evidence presented at the subject hearing indicates that part of the Paden tract is now owned by claimant Glen Jones (40 acres) and part by J. E. Tracy, Inc. (120 acres). The present ownership of the remaining part (40 acres) was not indicated. The extent and continuity of use under this right is in controversy as to the specific spring source and the manner in which the water may have been diverted and/or applied.

DECISION AND ORDER

THE BOARD ORDERS THAT: I.

The right of claimant, Edwin R. Durfee to one (1.0) miners inch (0.02 cubic feet per second) of ground water for domestic and culinary purposes for use in the house in which he has resided 66 years, located in the NE¹/₄,

Section 22, Township 15 South, Range 24 East of Boise Meridian be confirmed as representing a superior use of long standing.

II.

The right of claimants, Edwin R. Durfee and Glen Jones, to sixteen (16.0) miners inches (0.32 cubic feet per second) of spring water issuing as the "North and Middle Springs" for agricultural uses on lands in SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 22, and W $\frac{1}{2}$ NW $\frac{1}{4}$, Section 23, all in Township 15 South, Range 24 East, of Boise Meridian be confirmed with a priority date of April 30, 1878. 132

III.

The right of present owners (respondent J. E. Tracy, Inc., claimant Glen Jones and unlisted John Doe) of the Jacob Paden tract of 200 acres as described in the decree of the District Court of Cassia County, dated October 5, 1893 (see Kirk vs. Bartholomew) to ten (10.0) inches of "Warm Springs" waters of priority date of April 30, 1880, be confirmed subject to clarification of the intent of the Court as to the particular spring source or sources to be tapped, the specific parcel of Paden lands to be served and further proof that title to the said right has been conveyed to the present landowner or owners and beneficial use of the waters made for agricultural purposes. 120

IV.

The water rights of respondents, H. E. King, J. E. Tracy, Inc., and Harold K. Ward, as may obtain through proof of completion of works and beneficial use as defined in Permit No. G-30035 for the irrigation well be recognized as of junior priority date to those rights as set forth heretofore (see I, II, and III).

V.

In administration of the water rights as confirmed in the foregoing paragraphs, due recognition shall be given to the provisions of the Idaho ground water statutes to the end that the respondents may exercise the junior rights defined under Permit No. G-30035.

(a) By supplementing the diminished flow of the "North and Middle Springs" with water in place and in kind to maintain a total constant flow

of 16 miners inches (0.32 cubic feet per second) or to such lesser amount as may be mutually agreed upon between said claimants and respondents, their assigns and/or successors;

(b) By providing other suitable substitute supply to maintain a constant flow of one (1.0) miners inch (0.02 cubic feet per second) in the event that the domestic water supply of the E. R. Durfee household well, as described in Item I above, is not thus restored or cannot be recovered through deepening of the said well within reasonable limits to be set by the State Reclamation Engineer.

VI

Further in the administration of the foregoing water rights due cognizance shall be given to the increased drafts here authorized from the source tapped by the respondents well to the end that the senior or superior rights shall not be impaired through the dissipation of the ground-water supply and the consequent inability of the respondents to supplement the diminished spring flows or the domestic supply at any future time.

THE BOARD FURTHER ORDERS THAT:

VIII.

The claimant E. R. Durfee and Glen Jones clean and keep clean the channels leading from the "North and Middle Springs" to the end that water issuing from these two springs flow freely and without saturating the adjacent immediate surrounding ground, to the fields where the water is used.

VIII

The respondents H. E. King, J. E. Tracy, Inc., and Harold K. Ward equip their irrigation well with capping and/or control devices meeting the specifications of the State Reclamation Engineer

Signed at Boise and Oakley, Idaho, this _____ day of December, 1962.

Chairman

MAY 8 1963
RECORDED

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. STEED HEARING

A43-10164

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

IDWR Employee/Agent Frank Hitchcock

September 8, 1997 1:34pm

NAME:
OLEN WARD-UPPER RAFT RIVER

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

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

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

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

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

**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: 43-10164

BRENT JONES

PO BOX 151

ALMO ID 83312

Telephone Number: (208)824-5533

GLEN W JONES

PO BOX 151

ALMO ID 83312

Telephone Number: (208)824-5533

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

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

DATE: 6-11-2001 SIGNATURE: Brent Jones
Please print your name: Brent Jones

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

09/22/2000

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

RIGHT NUMBER: 43-10164

NAME AND ADDRESS: BRENT JONES
GLEN W JONES
PO BOX 151
ALMO, ID 83312

SOURCE: SPRINGS TRIBUTARY: SINKS

QUANTITY: 0.16 CFS

PRIORITY DATE: 12/31/1878

POINT OF DIVERSION: T15S R24E S22 SESENE Within CASSIA County
T15S R24E S22 SESENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01-01 12-31	0.07 CFS
IRRIGATION	04-01 10-31	0.16 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County				
T15S R24E S23	NENW	4	T15S R24E S23	NWNE 11
STOCKWATER Within CASSIA County				
T15S R24E S23	NWNW		T15S R24E S23	NENW
15 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.

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
WATER DISTRICT 43D.

ADDED
10-25
09

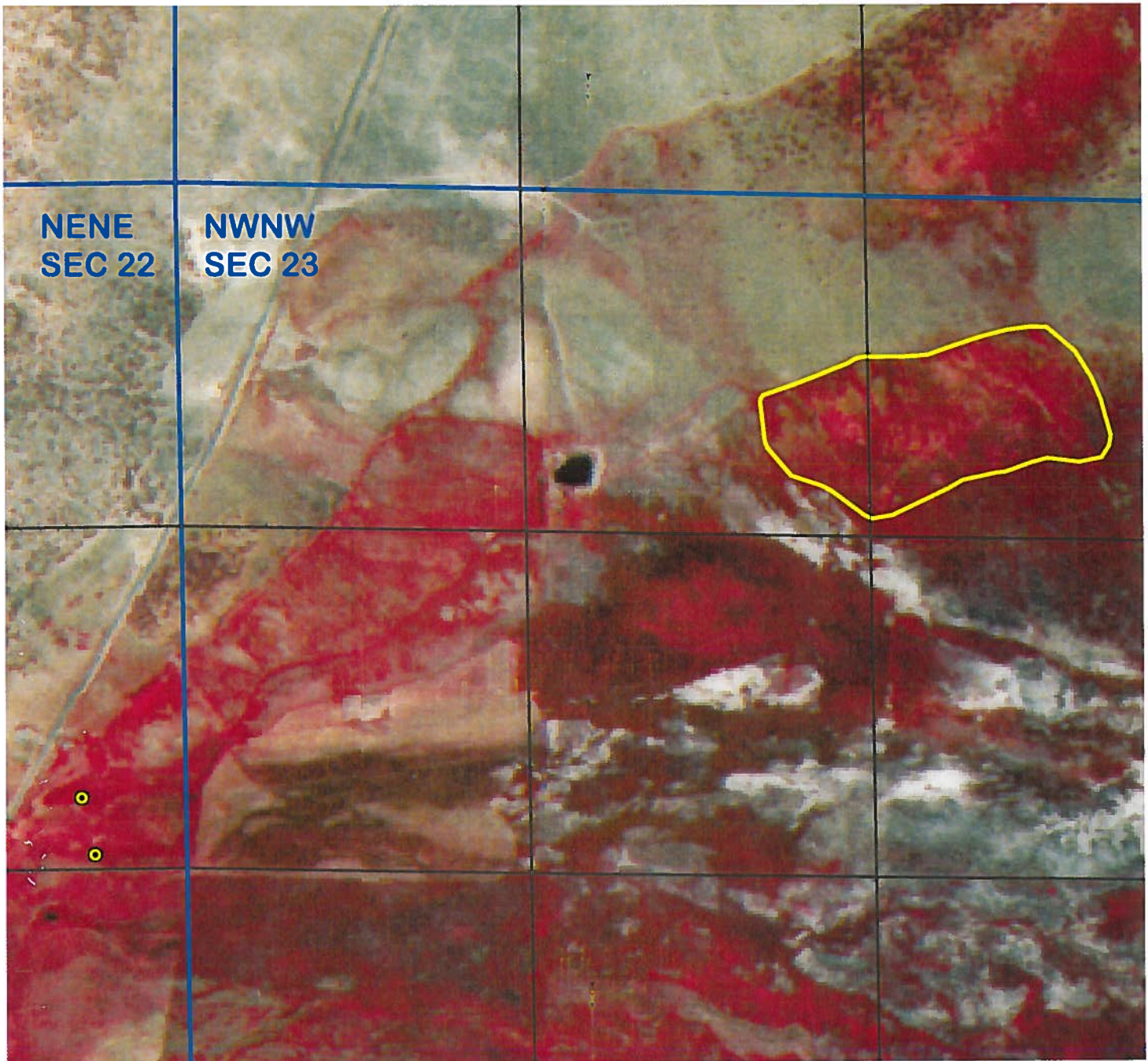
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

USE OF THIS RIGHT IS COMBINED WITH WATER FROM ALMO WATER
COMPANY.

Idaho Department of Water Resources

RIGHTS: 43-10164

RECOMMENDED PLACE OF USE
TWP 15S, RNG 24E, Sec 23
Data entry on September 26, 2000



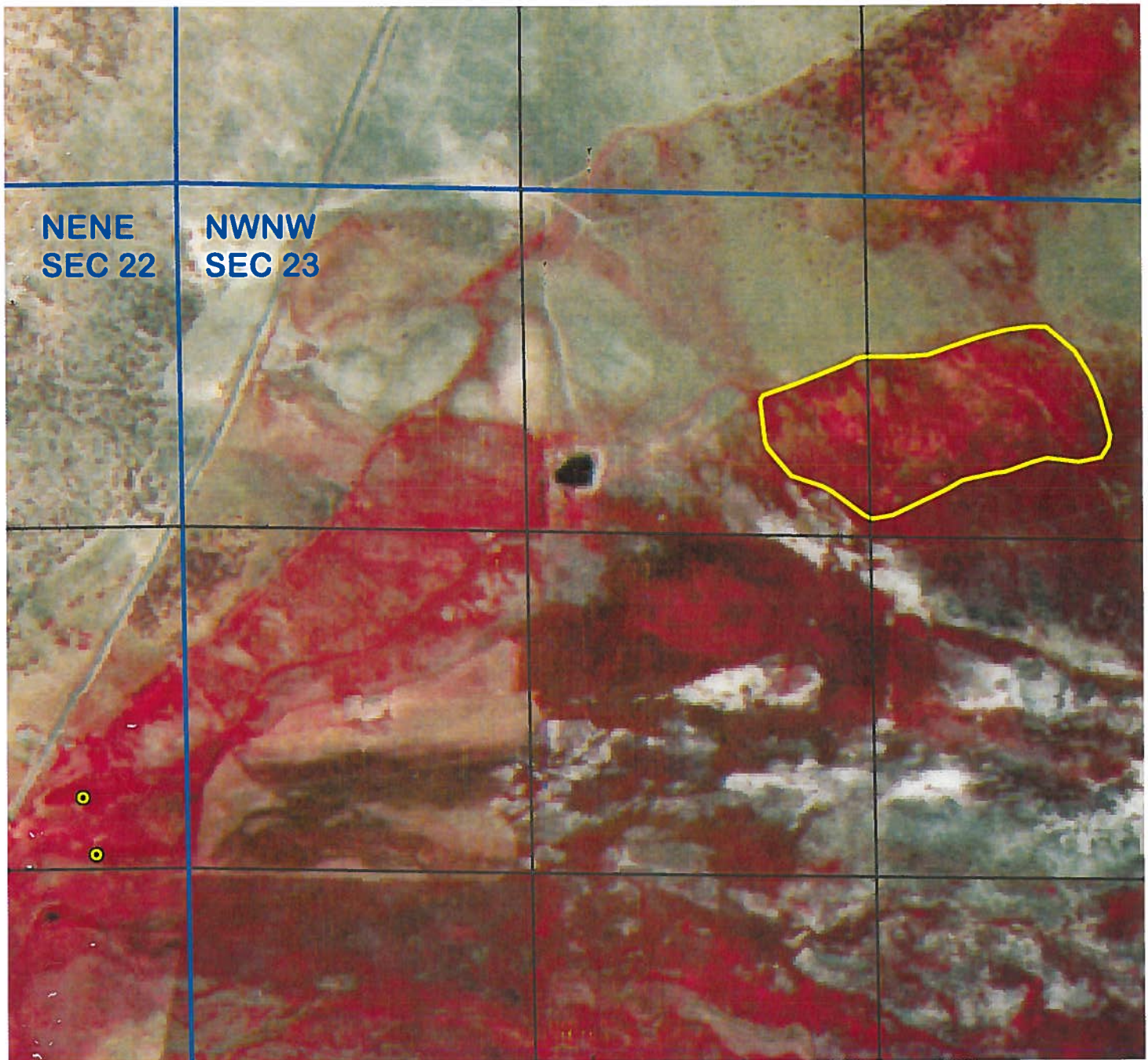
-  RECOMMENDED POINT OF DIVERSION
-  RECOMMENDED PLACE OF USE
-  SECTION LINES
-  QUARTER/QUARTER LINES



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

RIGHTS: 43-10164

RECOMMENDED PLACE OF USE
TWP 15S, RNG 24E, Sec 23
Data entry on September 26, 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

CLAIM NUMBER: A43-10164

USE PERIOD FROM	TO	DIVERSION RATE	DIVERSION VOLUME
03-15	11-15	~~0.40~~ CFS	1.14
01-01	12-31	0.07 CFS	.07

TOTAL DIVERSION:	~~0.40 CFS~~	
CONSUMPTIVE USE:		~~30.00 AFEA~~

Stage: BENEFICIAL USE

CASSIA County

of m

Sum
10.0

15

• • • • •

Other Rights: NONE.

Comments

App
VDS

5-22

RECOMMENDATION NOTES

From: Vikie Hancock

9/25/00

Regarding: Claims 43-11250 and 43-10164

These claims are for water from two warm springs located just east of the Almo Elba highway in the SESENE Section 22, T15S, R24E. They are locally known as "Middle" and "North" Springs. "Bath" Spring is close by, but at this time not associated with these springs. **43-01064** is for .4 cfs for irrigation and .07 cfs for stockwater claimed by Brent Jones. **43-11250** is for .4 cfs for irrigation by Larry Henson. There are two other claims on this source: **43-10032** for 0.07 cfs for stockwater by Harold Durfee and **43-10081** for stockwater by R.O. Jones.

The beneficial use of these springs for irrigation is evidenced by an entry in the Lee Kirk - v- Bartholomew Decree of 1893. *See file.* This/these uses were not included in the Jobe Adams Decree, which did not systematically include all spring sources. A subsequent decision by the Water Resource Board in Cassia County in 1962 re-substantiated the beneficial use of this water and also quantified the water, referencing measurements done in 1947 that showed a production capacity of 0.32 cfs of Middle and North Springs. That documentation is not in the file. The water resource board also referenced later measurements that were presented to show injury to the springs by pumping from a newly constructed well. Those measurements are in the file and show a diminished capacity of .21 cfs.

Evidence in the file indicates that claimants, and their predecessors in interest, continuously diverted the water from these springs and made attempts to divert what had historically been available to them from the springs, for irrigation and stockwater, since 1878. From the information available to me, I believe that claimants have a right to 0.32 cfs of water from the North and Middle warm springs, as stated in the Lee Kirk - v- Bartholomew Decree. I believe that Brent Jones, as successor in interest to Glen Jones, has a right to 50% of the springs, or 0.16 cfs. I believe that Harold Durfee, and his son-in-law Larry Henson as successor to a portion of Harold Durfee's right, have a combined right to 50% of the springs, or 0.16 cfs.

Brent Jones claimed his portion of the springs in one claim for irrigation and stockwater. Although he claimed 0.07 cfs for stockwater and 0.40 cfs for irrigation, I am recommending his claim **43-10164** for 0.07 cfs for year round stockwater and 0.16 cfs for irrigation with a combined total diversion rate of 0.16 cfs.

Harold Durfee claimed his portion of the springs, **43-10032**, as 0.07 cfs of year-round stockwater. Larry Henson claimed his portion, **43-11250**, as 0.40 cfs

for irrigation. I am recommending 43-11250 for .16 cfs for irrigation and limiting the combined totals of 43-10032 and 43-11250 to a combined total diversion rate of 0.16 cfs.

R.O. Jones and Sons also claimed the springs as source for winter-only stockwater with a diversion rate of 0.12 cfs, as claim **43-10081**, which has already been partially decreed in the SRBA with no objection filed. This use is outside the irrigation season, and the total of the three stockwater rights do not exceed the decreed capacity of the springs. The 1880 priority date of 43-10081 is two years junior to the claims made by Glen & Brent Jones and Harold Durfee and Larry Henson, which may avoid injury to them. It is noted, however, that this use of the springs was not mentioned in the Board's decision in 1962. A more in-depth investigation of this stockwater right may have resulted in an adjustment of the priority date.

Brent Jones & Larry Henson
stated that they rotate
use of the entire flow of the
water for irrigation, each
using it ~50% of the time.
This is a continuation of the
agreement between prior users
of the water.

North & Middle Springs
Sec 22, SESENE, T15S R24E

IRRIGATION SEASON

Jones

0.32 cfs

Durfee

43-10164 0.07 stock

.16 irr

Total .16

43-10032 (stock) 0.0

43-11250 (irr) 0.14

Combined total 0.14

0.32

Total available / historically available
split between Jones & Durfee in
decision from 1963. Durfee successor
for irrigation right is Larry Hanson.
Jones successor is son Brent Jones

NON-IRRIGATION SEASON

0.32 cfs

Total

R.D. Jones

43-10081 (stock)

0.12

Brent Jones

43-10164 (stock)

0.07

H. Durfee

43-10032 (stock)

0.07

=

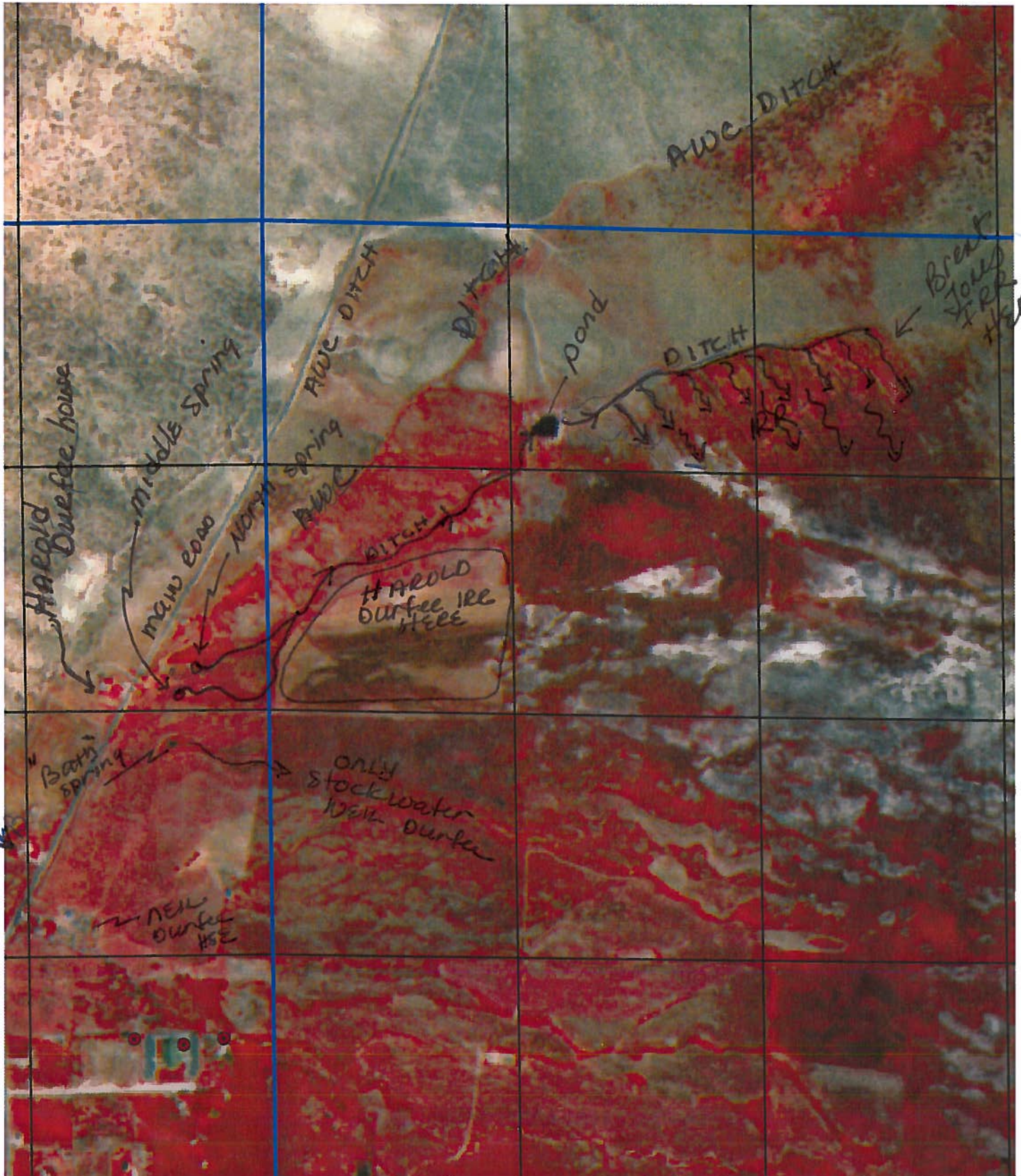
0.26 cfs

FIELD NOTES

Claim No(s): Brent Jones

SPRING

TWP 15S, RNG 24E



Field Exam Notes

Field Exam Date: 03-14-2000

Claim No: VARIOUS - BRENT JONES

Agent: Vikie Hancock

I met with the claimant this date to discuss his various claims in the Almo area. It was prior to the irrigation season and so the actual field exam was limited. Mr. Jones has Almo Water Company water shares that he uses in conjunction with the water represented by Claims 43-00379, -00380 and -10164. His father, Glen Jones, is deceased and should be removed from the claims when proper documentation is received. Mr. Jones address is correct. Also see field notes on GIS layout.

Claim **A43-10164** is on two springs that are located in the SE NE Section 22. They are known as Middle and North Springs. There is a third spring, Bath Spring, that is not included as a source for this claim. Bath spring is used by Neil Durfee as stockwater and claimed as A43-10030. Bath Spring actually used to be a partially covered cement pool and admission was charged for use of the hot pool. The spring water is warm to the touch but not hot. The waters of both Middle and North springs merge a short distance from the springs and the claimant conveys the water via a ditch to a pond in the SWNE NW of Section 23. From the pond he runs a ditch to the northwest and flood irrigates around 15 acres as calculated by GIS. In 1963 and 1964 the springs were measured in response to the diminishing effects of a well drilled by King and Tracy in the SESE section 22. They measured 0.21 cfs at that time. In 1947 the springs were measured at 0.32 cfs and in 1962 the local groundwater board issued an order granting Glen Jones and Edwin Durfee a right to 0.32 cfs from Middle and North Springs with a priority date of 1878. In addition to this irrigation claim, Gary Jones has claimed winter season stockwater, Brent Jones included .07 cfs year-round stockwater in this claim and Harold Durfee has claimed rear-round stockwater of 0.07 cfs from three springs, which I presume includes Bath Spring. Harold ^{Durfee} Jones has not claimed an irrigation claim to the Middle and North springs, however Brent ^{Jones} Durfee says that he should. My recommendation is that Brent Jones be awarded a POU of 15 acres and the proper portion of 0.32 cfs that will be determined when it is known if Mr. Durfee wishes to file an irrigation claim to the springs.

A43-00379 is based upon a decreed right to the POU claimed in the 1928 Jobe Adams Decree. The source for this claim should be changed to North Almo Creek as it was originally decreed. IDWR followed the USGS map for stream identification at claims taking but the map is in error. During my field exam with Brent, and also Gary Jones this date, they showed me the different channels that are Edwards Creek and North Almo Creeks. Claimant's points of diversion are definitely on the stream known as North Almo or the North Fork, which is a manmade channel diverted from Almo Creek in Section 4, T15S, R24E. Where the North Almo channel crosses under the Elba/Almo Highway

there is a weir that is used by the District 43B watermaster to measure North Almo Creek. Water users of N. Almo below this weir are: Brent Jones, Gary Jones and the May Family Trust (formerly Edna Cahoon). Waters from North Almo Creek sink upon the property of Gary Jones. Any waters that may run off enter Almo Creek. At a point in the NWNESE the two channels are very close and water from N. Almo can be injected into Edwards and vice-versa. This is done to more efficiently convey water when the flows are either very high or very low as Gary Jones has rights to both sources. I found acres irrigated that Mr. Jones had not claimed in the NESWSE and NWNWSE section 14 and which should be included in the recommendation. The full diversion rate decreed should be recommended. Mr. Jones also claimed A43-00380 for use on the same land. See below.

A43-00380 is a highwater decreed right to N. Almo Creek and should also have the claimed source changed. Half of the place of use for this decreed right was in the NWNE and NENW of section 14, which is land owned by Gary Jones. This decreed right was split by transfer #3218 wherein the point of diversion of 0.75 cfs of the 1.5 decreed was moved to section 10. This leaves a total of 0.75 cfs appurtenant to property owned by Brent Jones and diverted in section 14. Mr. Jones has an accomplished transfer of POU. Gary Jones has not as yet filed a claim to his 0.75cfs under this right.

A43-02477 is based upon a license and an accomplished transfer of place of use. There is now a pivot on the tracts. Expansion claim **A43-10167** was for an additional 58 acres irrigated with the same diversion rate because of increased efficiency of water use. I found only 38 additional acres by GIS and the irrigated acres I identified were verified by Claimant. Also, the priority date of 1970 is not substantiated in the file. 1976 ASCS photos do verify usage to as early as that date. Claimant will attempt to find proof of use in 1970.

Claim **A43-02463** agrees with the original license in place of use. The expansion of 40 acres as claimed in **A43-10168** was found to be closer to 30. The number of expanded acres was found to be represented in the 1976 ASCS photo by claimant. It appears that in 1987 the bulk of the 30 acres was more marginally irrigated than in years past. Claimant says the east half of the 40 is quite rocky. Proof of priority of the expansion has not been substantiated back to 1971, but is verified to 1976 per ASCS maps. Mr. Jones also informed me that since 1987 he has installed a pivot.

A43-11222 is a claim for an instream diversion of stockwater from Raft River that Mr. Jones filed yesterday.

3-14-2000

A43-10164 Brent Jones Springs

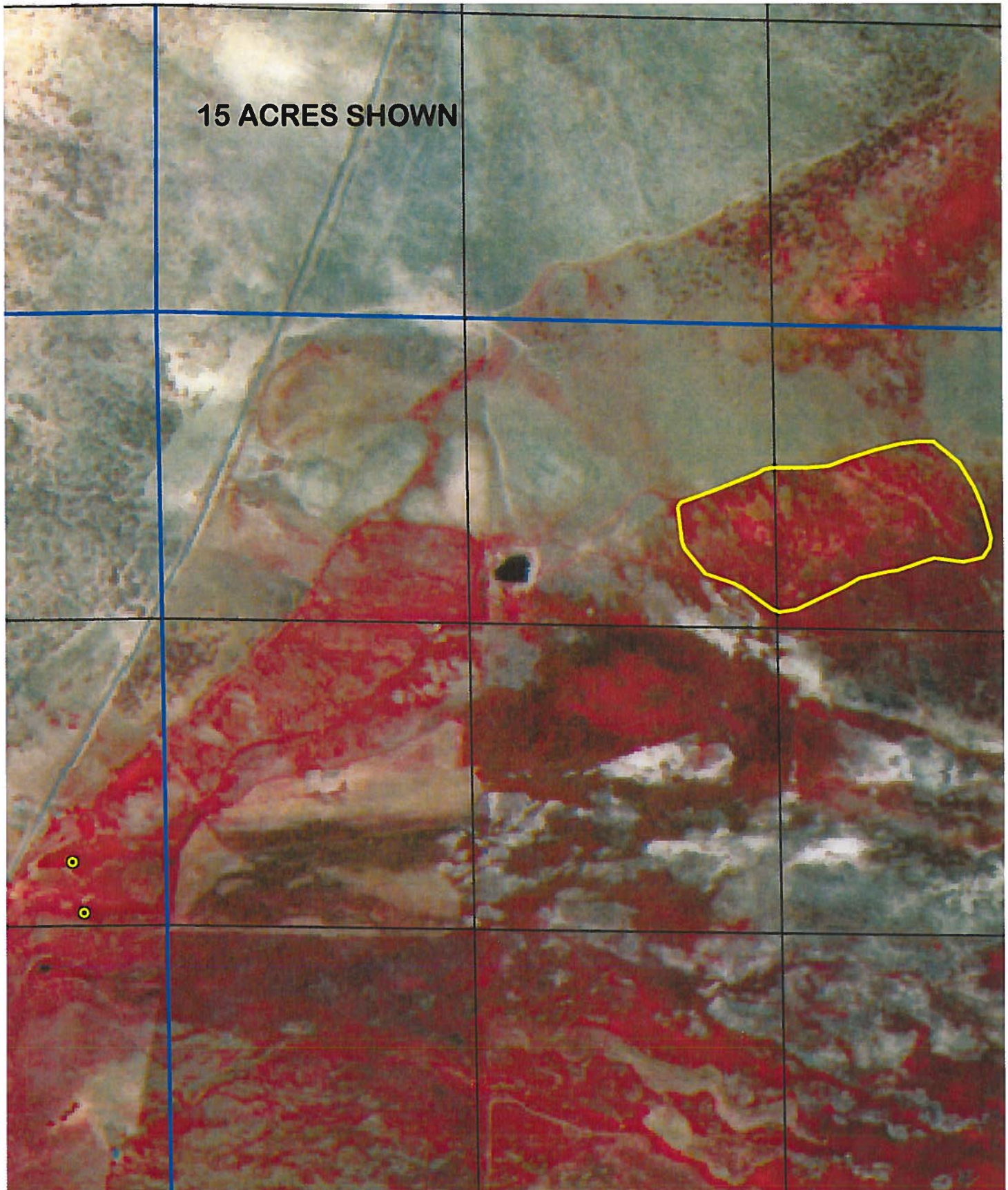
- 1) Calculate Acres, could be more than claimed
- 2) 2 springs claimed. Known as North Spring & middle spring. 3rd Spring known as bath spring & is only used by NIEL Durfee for Stockwater (A43-10130).
- 3) 2 stockwater claims on Springs
GARY JONES A43-10081 ^{winter only} and ^{3 springs}
Harold Durfee A43-10032 for .07 cfs
- 4) Brent Jones says Harold Durfee should have filed a 1R claim.
Brent Jones will contact Harold Durfee.
- 5) We went over total measured capacity of 0.32 cfs.

I will wait on this recommendation until Brent advises me about the potential Harold Durfee Claim & how they split the use. Brent max is " Harold Durfee already 3.5" for stock.

FILE NOTES

CLAIM NO(S): A43-10164

**TWP 15S, RNG 24E
SEC 22, 23**



AJ5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

06/06/00 09:10:59
Page 1

Water Right Number - 43-10081

Prefix Translation: WATER RIGHT

Old (D) Number -

*** C - CURRENT OWNER ***
R O JONES & SONS INC

1 - PO BOX 137
2 -
3 -
City- ALMO
Phone - 208-824-5588

State- ID Zip- 83312

Priority Date
04/01/1880

Region
ERROR IN REGION

Stage
D - DECREED

Status

Source
WARM WATER SPRINGS CREEK

Tributary
ALMO CREEK, NORTH

Twn Rng Sec Tract Lot Rflg County Point of Diversion
15S 24E 23 NW SW NE (31) CASSIA

Code Description Period From Period To Water Use Diversion Rate Diversion Volume
04 - STOCKWATER 11/15 03/15 0.120

Total Div. Rate - + Total Div. Volume - + Total Div. Capacity - + Total Consumptive Use - + KW Usage - +
0.120

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
15S	24E	13	SE SW			04	STOCKWATER	(31) CASSIA	
15S	24E	23	NE NE			04	STOCKWATER	(31) CASSIA	
15S	24E	23	SW NE			04	STOCKWATER	(31) CASSIA	
15S	24E	23	SE NE			04	STOCKWATER	(31) CASSIA	
15S	24E	24	NE NW			04	STOCKWATER	(31) CASSIA	
15S	24E	24	NW NW			04	STOCKWATER	(31) CASSIA	

Now known

- - - Diversion Means - DITCH
- - - Non-Irrigation Use -

- - - Other Rights for Same Use - CATTLE ALSO DRINK FROM OTHER SPRINGS.

Remarks

EXP STOCKWATER, 500 RANGE
PARCEL NOS. RP15S24E134800A, RP15S24E23999, RP15S24E240600,
RP15S24E243000A

No Old Water Right Numbers found.

Water right number - 43-10081

Prefix Translation: WATER RIGHT

+ - - - - Conditions of Approval - - - - -
N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.

+ - - - - Decree Plaintiff - - - - + + - - - - Decree Defendant - - - - + + - Decree Date - +
STATE OF IDAHO UNITED STATES, ET AL 07/24/1998

+ - - Audit Fields - 12/19/97 DSMITH 12/22/97 DSMITH 02/09/98 JROBERTS 02/18/98 JROBERTS 03/04/98 CPDCHAFF
03/04/98 ADT-DSHA 08/07/98 ADT-DSHA

+ - - - - Comments - - - - -
Date: 12/22/1997 User Id: DSMITH Subject: COPIED FROM REMARKS
WARM WATER SPRINGS CREEK HEADS AT A SPRING IN THE SESENE OF S.22 T15S, R24E. THIS WATER IS USED BY OTHERS FOR IRRIG. DURING THE
IRRIG. SEASON BUT DURING THE NON-IRRIG. SEASON THE WARM WATER FLOWS INTO MY PASTURE WHERE THE CATTLE RELY ON IT FOR DRINKING
WATER DURING THE NON-IRRIG. SEASON.
Date: 02/09/1998 User Id: JROBERTS Subject: REDUCED DIVERSION RATE
REDUCED DIVERSION RATE TO .12 CFS FOR 500 RANGE CATTLE. Jr

+ - - - - Adjudication Rights Dates and Flags Area - - - - -
Court Report Filing - 03/02/1998
Objection Filed Date - 08/00/0000
Response Filed Date - 00/00/0000
Claim Received Date - 04/06/1989
Proof Due Date - 00/00/0000
Licensed Date - 00/00/0000
Field Inspection Made - 00/00/0000
Field Inspection Flag -
Verified Date - 02/18/1998
Last Amended Date - 00/00/0000
Proof Made Date - 00/00/0000
Receipt Number - S006804
POU Ownership Flag - Y
Name Connector -
Civil Case Number - 39576
Old Case Number -
Old Judicial District -
Temporary Right - P
Water District -
Federal/State Indicator - S
Presumption Flag -
Notice of Error Flag -

Water Right Number - 43-10032

Prefix Translation: WATER RIGHT

Old (D) Number -

*** C - CURRENT OWNER ***
DURFEE

BEATRICE

DURFEE

HAROLD

1 -
2 -
3 -
City- ALMO
Phone - 208-824-5565
State- ID Zip- 83312
1 -
2 -
3 -
City- ALMO
Phone - 208-824-5565
State- ID Zip- 83312

Priority Date 12/31/1878
Region ERROR IN REGION
Stage D - DECREED
Status

Source THREE SPRINGS
Tributary SINKS

Twn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Diversion Name
15S	24E	22	SE NE			(31)	CASSIA	

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
04	STOCKWATER	01/01	12/31		0.070	

Total Div. Rate 0.070
Total Div. Volume
Total Div. Capacity
Total Consumptive Use
KW Usage

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
15S	24E	22	SE NE			04	STOCKWATER	(31) CASSIA

Diversion Means - NONE - STOCK DRINKS DIRECTLY FROM THE CHANNEL FROM THE SPRINGS.

Non-Irrigation Use -

Other Rights for Same Use - NONE.

Remarks

EXP PARCEL NO. 15S24E221800
STOCKWATER, 200 BEEF STOCK

Old Water Right Numbers
No Old Water Right Numbers found.

Water right number - 43-10032

Prefix Translation: WATER RIGHT

+ - - - - - Conditions of Approval - - - - -
N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.

+ - - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - +
STATE OF IDAHO UNITED STATES, ET AL + - Decree Date - +
07/24/1998

+ - - Audit Fields - 04/14/92 SMITH 03/30/95 POST-STD 09/05/97 KCHRISTE 09/11/97 AJU3-DJO 02/17/98 KCHRISTE
03/04/98 CPDASHAF 03/04/98 ADT-DSHA 08/07/98 ADT-DSHA

+ - - - - - Comments - - - - -
No Comments Found

+ - - - - - Adjudication Rights Dates and Flags Area - - - - -
Court Report Filing - 03/02/1998 - Field Inspection Made - 00/00/0000 - Civil Case Number - 39576
Objection Filed Date - 00/00/0000 - Verified Date - 00/00/0000 - Old Judicial District -
Response Filed Date - 00/00/0000 - Last Amended Date - 00/00/0000 - Temporary Right - P
Claim Received Date - 03/07/1989 - Proof Made Date - 00/00/0000 - Water District -
Proof Due Date - 00/00/0000 - Receipt Number - S006471 - Federal/State Indicator - S
Licensed Date - 00/00/0000 - POU Ownership Flag - Y - Presumption Flag -
Name Connector - AND/OR - Notice of Error Flag -

AJ5809NP
No. A43-10130

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/13/00
PAGE: 5

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	NEIL DURFEE PO BOX 174 ALMO ID 83312 (208) 824-5544	12/31/1910	STOCKWATER	01-01 12-31	0.140 CFS	
TOTAL DIVERSION:					0.140 CFS	

Water Source: WARM SPRING

Tributary to: SINKS

Stage: BENEFICIAL USE

Point(s) of Diversion:

T15S R24E S22

NESE

CASSIA County

Place of use Legal Description for: STOCKWATER

	NE	NW	SE	SW	NE	NW	SE	SW
T R S	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac
15S 24E 22	:	:	:	:	:	:	:	:

POU County: CASSIA

Non-Irrigation Uses: S/100 BEEF CATTLE

Other Rights: CATTLE DRINK FROM ALMO CR. & WELL AT SWNESE OF SEC.22.

Remarks: GEN 1-20-98: CHANGE OF ADDRESS PER NOTICE REC'D 9-8-97 - VH

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Back Spring

DATED AT ALMO, IDAHO THIS 4th. DAY OF JANUARY 1964

TO WHOM IT MAY CONCERN

We, the undersigned, do hereby certify that we were witnesses to the water measurements herein specified and on the dates herein specified and that they were measured by Mr. O. J. Lloyd, the Almo Water Company Watermaster at this time.

On October 30, 1963, the Bath Spring stream measured $15/16$ inch over a 1 foot weir.

On October 30, 1963, the Middle Spring did measure $1 \frac{3}{16}$ inch over a 1 foot weir which is 5.35 miner inches.

On October 30, 1963, the North Spring did measure $1 \frac{1}{8}$ inch over a 1 foot weir which is 5.00 miner inches.

On December 4, 1963, the Bath Spring stream measured $12/16$ inch over a 1 foot weir.

On December 4, 1963, the Middle Spring did measure $1 \frac{1}{4}$ inch over a 1 foot weir which is 5.50 miner inches.

On December 4, 1963, the North Spring did measure $1 \frac{1}{4}$ inch over a 1 foot weir which is 5.50 miner inches.

On January 4, 1964, the Bath Spring stream measured $12/16$ inch over a 1 foot weir.

On January 4, 1964, the Middle Spring measured $1 \frac{3}{16}$ inch over a 1 foot weir which is 5.35 inches.

On January 4, 1964, the North Spring measured $1 \frac{1}{4}$ inch over a 1 foot weir which is 5.50 miner inches.

The King, Ward, and Tracy Co. flow measured 2 inches over a 1 foot weir on October 30, 1963 and the well was capped November 4, 1963. The flow at this is still capped.

Ordo

O. J. LLOYD, WATERMASTER

1/17/13

This is the measurements of Burfee springs in the pasture east across the road from Burfee home. There was an old concrete wall foundation they called Bath Spring and 2 other springs.

This is the results of a ground water bond hearing and a well drilled by King, Ward and someone else (I've forgotten name) and Burfee. This is a flowing well and is supposed to be capped.

43 B221

IN THE DISTRICT COURT FOR THE FOURTH JUDICIAL DISTRICT
OF IDAHO, IN AND FOR CASSIA COUNTY.

L. E. KIRK, et al,

Plaintiffs.

VS.

A. BARTHOLOMEW, et al,

Defendants

Decree

Upon filing the Findings of Fact and Conclusions of Law herein, counsel having been heard thereon and the Court being fully advised, it is considered, ordered, adjudged and decreed that the plaintiff, The Raft River Land & Cattle Company is awarded the use of the waters of Raft River and its tributaries as follows:

1. Twenty-five inches during the entire year for domestic and stock purposes upon the Shirley preemption claim, dating from April 1st, 1871.
2. One Hundred and sixty inches for Shirley preemption claim to be used during early irrigating season of each year from the 1st day of April up to July 1st, dating from April 1st, 1871.
3. One Hundred and sixty inches for the Shirley home-
stead claim to be used during the early irrigating season from April 1st up to July 1st of each year, dating from April 1st, 1871.
4. One Hundred and Sixty inches for the Signs claim to be used during the early irrigating season of each year from April 1st up to July 1st, dating from April 1st, 1871.

follows: One Hundred and Sixty inches for his own claim to be used upon the lands described in the findings of fact for the entire irrigating season from April 1st to October 1st in each and every year, dating from June 30th, 1887.

11.

F That the defendant, M. ~~W.~~ Durfee, be and he is hereby awarded the use of the amount of water hereinafter stated, to-wit: the use and the right to use Two Hundred inches of the waters of said Almo Creek, and its tributaries, to be measured under a four inch pressure at the point of diversion for the irrigation of the lands described in the findings of fact during the irrigation season, said right to date from April 30th, 1878.

NO SPRINGS

12.

A That the defendant, James T. Taylor, be and he is hereby awarded the use of the amount of water hereinafter stated, to-wit: the use and the right to use 80 inches of the waters of said Almo Creek, and its tributaries, to be measured under a four inch pressure at the point of diversion for the irrigation of the lands described in the findings of fact, during the irrigation season of each year, said right to date from the 1st day of May, 1880; also 80 inches of the waters of said stream measured under a four inch pressure to date from the 1st day of May, 1885.

13.

K That the defendant, Thomas C. King, be and he is hereby awarded the use of the amount of water hereinafter stated, to-wit: the use and the right to use 180 inches of the waters of said Almo Creek, and its tributaries, to be

That the defendant W.E. Johnston be and he is hereby awarded the use of the amount of water hereinafter stated, to wit: the use and the right to use 90 inches of the waters of said Almo Creek and its tributaries, to be measured under a four inch pressure at the point of diversion, for the irrigation of the lands described in the Findings of Fact, said right to date from the 18th day of April, 1879..

A

24

That the defendant C.V. Spencer be and he is hereby awarded the use of the amount of water hereinafter stated, to wit: the use and the right to use 100 inches of the waters of said Almo Creek and its tributaries, to be measured under a four inch pressure at the point of diversion, for the irrigation of the lands described in the Findings of Fact, said right to date from the 30 day of April 1882

A

242

That the defendant Jacob Paden be and he is hereby awarded the use of the amount of water hereinafter stated, to wit: the use and the right to use 40 inches of the waters of said Almo Creek and its tributaries, to be measured under a four inch pressure at the point of diversion, for the irrigation of the lands described in the Findings of Fact, said right to date from the 30 day of April 1880

Also 100 inches of the waters of said Almo Creek and its tributaries, to be measured under a four inch pressure at the point of diversion, for the irrigation of the lands described in the Findings of Fact, said right to date from the 30 day

of April 1885. Also 10 inches of the

waters of Hamm Springs from 1885

37.

It is further ordered, adjudged and decreed that the Clerk's costs and disbursements in this case shall be paid by each party in proportion to the amount of water which he is adjudged to receive by virtue of this decree.

It is further ordered, adjudged and decreed that each party shall pay his own witnesses and attorneys; and Sheriff's fees and none shall have the right to tax the costs against another.

C. B. Strickland
Dated October 5th, 1895.

James H. Brown

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF IDAHO, IN AND
FOR THE COUNTY OF CASSIA. 43-BX-1

LEa Kirk, et al,)
Plaintiff,)
Vn.) Findings of Fact.
A. Bartholomew et al,)
Defendants.)

This case came on for hearing at the September Term, 1893 said cause being called for hearing it was stipulated by agreement of all to submit said cause on the testimony taken at the first trial of said cause and to argue the same at chambers. Said cause was argued at Chambers at Hailey in January, 1893, and afterwards said cause was called at the September Term, 1893, at Albion, Court then being in session, and the attention of said court was called to said testimony and arguments of counsel was had upon the evidence heretofore taken in pursuance of said stipulation.

Stewart and Dietrich appeared for plaintiff Raft River Land & Cattle Company and Stephen Keogh. F. S. Richards for plaintiff Lea Kirk. Hawley & Reeves for plaintiffs R. C. McCormick. & H. W. Smith for Sweets & Bros. & Pierce and James Hitt; Arthur Brown for the Durham Land & Cattle Company; F. S. Richards for the defendants, Langford, and W. R. Jones; J. C. Rogers for defendants Bartholomew, Hubbard, Whittaker and Brunson; Hawley & Reeves for G. V. Spencer, T. O. King, Jacob Faden, M. D. Durfee, H. R. Cahoon, H. D. Durfee Jr. W. E. Johnston, J. P. Janson, J. T. Taylor, Charles Heath, Charles Eames, G. D. Graham, Joseph Eason, William Holt, J. W. Miller and Henry Eames.

The Court having heard and considered the evidence and the arguments of counsel and being fully advised in the premises finds the following facts;

I find that to properly irrigate the lands during the ~~XXXXXX~~ seasons hereinafter mentioned which are entitled to irrigation both for late and early water, one inch per acre is the amount necessary to each appropriator, and each is awarded an inch per acre during the

Thereafter stated that he is entitled to water and to the amounts hereinafter stated.

I find that all the lands for which water is in those findings found to have been appropriated are arid and desert in character and that one inch of water measured under a four inch pressure, per acre is needed for the proper irrigation of said lands,

I find that the plaintiff, the Raft River Land & Cattle Company is and was during the pendency of this action, a corporation duly organized and acting under the laws of the Territory of Utah, and has had an office and was and is doing business on Raft River in Cassia County, in the former Territory, now State of Idaho.

I find that the said Raft River Land & Cattle Company is the owner of the Shirley preemption claim, the Shirley homestead claim, Signes claim; the Shepard ⁿ desert claim, the Shephard preemption claim. That it has appropriated from the waters of Raft River for each of said claims by and through its grantors. That the said company through its grantors, on the first day of April of the year 1871, for the irrigating of the said Shirley preemption claim of 160 acres, appropriated from the waters of Raft River 160 inches of water measured under a four inch pressure. That for said Shirley preemption claim said company and its grantors have used an inch of water to the acre each and every year during the early irrigating season, to wit, from the first day of April to the first day of July. That for the use of that claim said company is entitled to 160 inches of water during all of the period aforesaid. That the land upon which said water was appropriated and used as aforesaid is described there the East 1/2 of the South East 1/4 of Sec. 6 and the West 1/2 of the South West 1/4 of Sec. 5 Township 14 South, Range 37 East Boise Meridian.

I find that said Raft River Land and Cattle Company through its grantors on the first day of April of the year 1871, for the irrigation of said Shirley homestead claim, appropriated from the waters of Raft River 160 inches of water measured under a four inch pressure; that for said Shirley homestead claim said company and its grantors have used an inch to the acre each and every year during the early irrigating season

-13-

lay of April 1884, one hundred and sixty inches of water to be used on the following described land, in irrigating the same. That he has used said amount of water on said land from April 1st to October 15th, each and every year since said appropriation down to the date of these findings. That the land upon which said water has been so used is described as follows, to wit: The East half of the North West Quarter of Section 18, and the South East Quarter of the South West Quarter and the South West Quarter of the South East Quarter of Section 7, Township 15 South, Range 27 East of Boise Meridian.

I find that on the 30th of April, 1878, the defendant M. B. Durfee was the owner of and in possession of the East $1/3$ of the South East $1/4$ and the South East $1/4$ of the North East $1/4$ of Sec. 22, and the South West of the North East $1/4$ and the North West $1/4$ of the South West $1/4$ of Sec. 23, Township 15 South Range 24 East, Boise Meridian. That on said date said defendant appropriated of the waters of said Almo Creek and its tributaries 200 inches measured under a four inch pressure and by means of dams and ditches diverted said amount of said water of said Creek and conducted the same to and upon the said lands, and since that time and continuously during the irrigating season of each year has used said water in the amount as aforesaid on said land for the purpose of irrigating and cultivating the same and growing agricultural crops thereon.

That on the 1st day of May 1880 the defendant, James T. Taylor, his grantors and predecessors in interest were the owners of the North $1/3$ of Sec. 15, Township 15, South of Range 24 East, Boise Meridian, and that upon said day said defendant his grantors and predecessors in interest appropriated of the waters of said Almo Creek 80 inches measured under a four inch pressure, and by means of dams and ditches diverted said amount of water and conducted the same upon said lands, and since that time continuously during the irrigating season of each year has used said water on his said land for the purpose of irrigating and cultivating the same and growing agricultural crops on said land.

That on the 1st day of May 1885 said defendant made a further appropriation of 60 inches of the water of said Almo Creek, measured under

four inch pressure and by means of dams and ditches diverted said amount of water and conducted the same upon said lands, and since that time continuously during the irrigating season of each year has used said water on his said land for the purpose of irrigating and cultivating the same and growing agricultural crops on said land.

That on the 30th day of April 1880, the defendant, Jacob Paden, his grantors and predecessors in interest, were the owners of the said North West 1/4 of the North West 1/4 of Sec. 26, and the South 1/2 of ~~of~~ the South West 1/4, and the North East 1/4 of the South West 1/4, and the South East 1/4 of the North West 1/4 of Sec. 23, Township 15 South of Range 24 East Boise Meridian, and that upon said day said defendant his grantors and predecessors in interest, appropriated of the waters of said Almo Creek and its tributaries, 90 inches measured under a four inch pressure and by means of dams and ditches diverted said amount of water and conducted the same upon said lands, and since that time continuously during the irrigating season of each year has used said water on his said land for the purpose of irrigating and cultivating the same and growing agricultural crops on said land.

That on the 30th day of April 1885 said defendant his grantors and predecessors in interest made the further appropriation of 100 inches of the waters of said Almo Creek and its tributaries, measured under a four inch pressure, and by means of dams and ditches diverted said amount of water and conducted the same upon said lands and since that time continuously during the irrigating season of each year has used said water on his said land for the purpose of irrigating and cultivating the same and growing agricultural crops on said land.

That on the 30th day of April 1880 said defendant, his grantors and predecessors in interest made the further appropriation of 10 inches of water measured under a four inch pressure of the water of Warm Springs, and conducted the same upon said lands and since that time continuously during the irrigating season of each year has used said water on his said land for the purpose of irrigating and cultivating the same and growing agricultural crops on said land.

That the defendant, William Shangles and his grantors and predecessors in interest was and were on the 30th day of April, 1879, the owners

-21-

of the waters of Raft River and its other tributaries, and that the injunctions adjudged herein shall not apply after June 15 in each & every year as between said parties and the other parties hereto so far as as the waters of said Almo Creek and its tributaries are concerned, but shall apply first as between the parties decreed the right to the use of the flow of the waters of said Almo Creek and tributaries without reference to the other parties hereto, and secondly as between the other parties hereto.

Sept. 22/98

O. O. Stockslager

Dist. Judge.

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