

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: A43-10218

Date Received: 5/23/1989

Receipt No: 500 7288

Received By: Adm

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WALLACE C. TAYLOR 208-824-5572
Address: P.O. BOX 144
ALMO, ID 83312

AND/OR

Name: ROBERT E. TAYLOR 208-824-5572
Address: P.O. BOX 144
ALMO, ID 83312

2. Date of Priority: JUL 04, 1880

3. Source: SPRING Trib. to: NORTH ALMO CREEK

4. Point of Diversion:

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

5. Description of diverting works:
EARTHEN DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.800		
STOCKWATER	01/01	12/31	0.050		

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

8. Total consumptive use is 507.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 200 RANGE &/OR HORSES

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15S	24E	15	NE		NE		IRR	35.0
			NW		NE		IRR	40.0
			SW		NE		IRR	28.0
			SE		NE		IRR	20.0
			NE		NW		IRR	40.0
			NE		NW		STOCK	
			SE		NW		IRR	40.0

Section Acres 203.0

Total Acres 203.0

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:
SHARES IN ALMO WATER COMPANY

14. Remarks:

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1 Map
1 copy of water Filings

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): Stallan C Taylor Date: 5-23-89

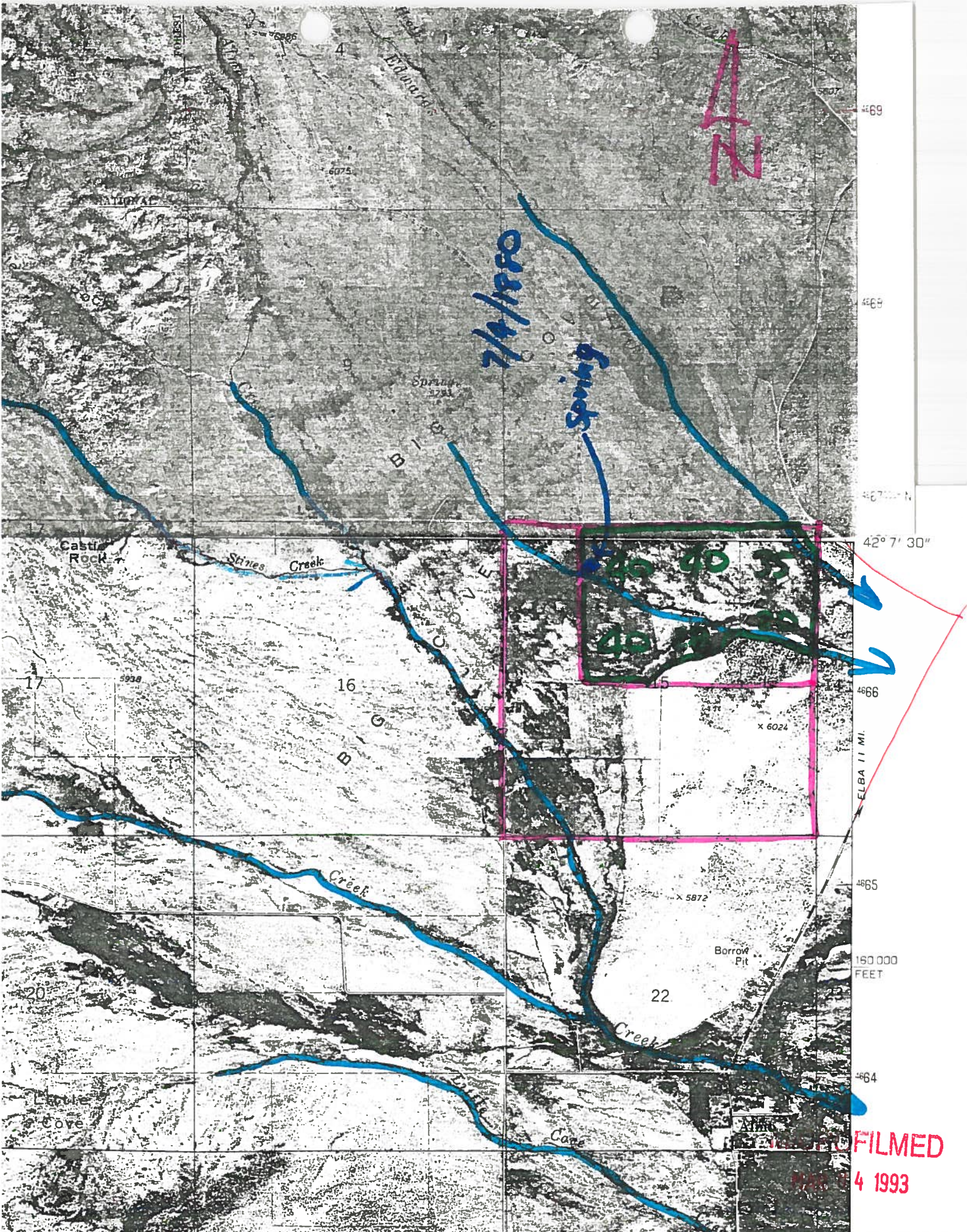
Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 23rd day
of May 19 89
[Signature]
Notary Public

Seal

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



7/4/80

Spring

A
N

46 40 35
40 35 32

42° 7' 30"

ELBA 11 MI.

150 000 FEET

FILMED
MAR 04 1993

THIS INDENTURE, Made this day of August, ...
 in the year of our Lord one thousand nine hundred and forty-four, ...
 between Harry Taylor, a widower since May 26, 1934, ...
 of American Fork, County of Utah, ...
 State of Utah, the party of the first part, and
 Wallace C. Taylor and Etta V. Taylor, his wife, ...
 of Almo, County of Cassia, ...
 State of Idaho, the parties of the second part:

WITNESSETH, That the said party of the first part, for and in consideration of the sum of
 Three Thousand and No/100 DOLLARS,
 lawful money of the United States of America,
 to him in hand paid by the said parties of the second part, the receipt whereof is hereby
 acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey
 and confirm unto the said parties of the second part, and to their heirs and assigns forever,
 all the following described real estate, situated in Cassia County,
 State of Idaho, to-wit:

Southeast Quarter of the Northwest Quarter, South Half of the
 Northeast Quarter, and Part of the Northeast Quarter of the
 Northeast Quarter, described as follows, to-wit: Commencing
 18 rods West from the Northeast corner of Section Fifteen,
 thence 40 rods South, thence 20 rods East of South to join
 the section line 48 rods South of the Northeast corner, thence
 South 32 rods, thence 80 rods west, thence 80 rods North,
 thence 62 rods East to place of beginning, in Section Fifteen,
 Township Fifteen South, Range Twenty-four, East Boise Meridian.



TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging
 or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits
 thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the
 said party of the first part:

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together
 with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever.
 And the said party of the first part, and his heirs, the said premises in the quiet and peaceable
 possession of the said parties of the second part, their heirs and assigns, against the said party
 of the first part, and his heirs, and against all and every person and persons whomsoever, lawfully
 claiming or to claim the same, shall and will WARRANT and by these presents defend.

NOT RECORDED
 MAR 31 1993

INDEXED

COMPARED
4 5387

No. 155227

WARRANTY DEED

Presented to and plotted by me

7 17 1946

Assessor's Office

By _____

Deputy

Dated 8 - 4, 19 44

STATE OF IDAHO,

COUNTY OF Lemhi } SS.

I hereby Certify that this instrument was filed for record at the request of

Charles C. Taylor

at 30 minutes past

o'clock 8 M, this 11 1945

of A. D. 19

in my office, and duly recorded in Book

52 of Books

at page 209

IVIN HOGGAN

By J. W. McCallister, Deputy,

Fees, \$ 1.20

STEVENS CO. PRINTERS & BINDERS, BOULDER, COLO.

My commission expires: Aug. 3, 1947.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year

and acknowledged to me that he executed the same.

person whose name subscribed to the within instrument,

known to me to be the person whose name subscribed to the within instrument,

personally appeared Harry Taylor, a widower,

On this 4th day of August, in the year 19 44, before me,

COUNTY OF Utah } SS.

STATE OF IDAHO,

UTAH,

Signed, Sealed and Delivered in the Presence of:

Harry Taylor

(SEAL)

(SEAL)

(SEAL)

(SEAL)

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of:

Harry Taylor

(SEAL)

(SEAL)

(SEAL)

(SEAL)

MICROFILMED

MAR 04 1993

Notice

PAGE

has been

Witness

I, J. Taylor do hereby Claim
all the water that rise and
flow from the Springs on my land
and more generally known as Taylor's
springs to be taken to and use
the same to wit: The North
East quarter of ~~the~~ section 15
Township 15th S of Range 24
East Boise Meridian said water
has been used by me since 1880. and it
is my intention to comply
in full with the laws of
Idaho Territory in regard to
water claims Location
Dated this June 19th } Jas. T. Taylor
A.D. 1888.

Filed for record at the request
of James T. Taylor June 19th
1888 at 9 o'clock A.M.
Duly Recorded same in No. 2
of Water Claims page 249.
Witness when posted } M. A. Brown
Co Recorder

MICROFILMED
MAR 04 1993

Springs
NE 1/4 Sec 15

Notice of Water Claim.

Notice is hereby given that the undersigned has created and claimed forty inches of water under a four inch pressure. Said quantity of water has been used by me since the 4th of July 1880, and is to be and has been diverted from Almo Creek ^{in Cassia Co. Idaho Ter.} at this point and notice, on N.W. 1/4 Sec. 15 T. 15 S. of R 24 E. B. 2 N. for the purpose of irrigating said quarter section now occupied and owned by me. Said water is diverted by means of a dam and ditch said ditch being about 18 inches wide and 7 inches deep.

James S. Taylor
Witnessed by - James M. Murphy

Almo creek water
Rights deeded to
Almo Water Co
in 1907 By
James Taylor

MICROFILMED

MAR 04 1993

Water Right

of

N N

Land in water

Filed for record at 9
o'clock A.M. April 12th 1882
and duly recorded in
Page 68 Book 2 of Water
Claims, by register
James J. Taylor

S. J. Westerman Recorder
of H. S. Thompson & Son

MICROFILMED
MAR 04 1993

Notice of Water Claim.

Notice is hereby given
that the undersigned has located and
claimed forty inches of water
under a four inch pressure. Said
quantity of water has been used
by me since the 4th of July 1880,
and is to be and has been diverted
from Alamo Creek ^{in Garza Co. D. T.} at this point
and notice, on N.W. 1/4 Sec. 15 T. 15 S.
of R 24 E. B. 21. for the purpose of
irrigating said quarter section now
occupied and owned by me. Said
water is diverted by means of a dam
and ditch said ditch being about
18 inches wide and 7 inches deep.

James S. Taylor
Witnessed by James M. Murphy

MICROFILMED
MAR 04 1993

Wm. Risher
of
James A. A. A. A. A.

Filed for record at 9
clock A.M. April 12th 1882
and duly recorded on
page 69 Book 2 of Master
Deeds, by request of
James J. Taylor

S. J. Westbourne Recorder
By H. S. Westbourne Deputy

MAR 04 1993
MICROFILMED

MAR U 4 1993
MICROFILMED

A13-10218



photos taken by Scott Taylor
Dec 27th 1991.



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

A43-10218
WALLACE C. TAYLOR
ROBERT E. TAYLOR
P.O. BOX 144
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

Water Right Number - A43-10218

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

*** C - CURRENT OWNER ***
TAYLOR
Last Name
First Name
Address
State- ID Zip- 83312

TAYLOR

ROBERT E.

WALLACE C.
1 - P.O. BOX 144
2 -
3 -
City- ALMO
Phone - 208-824-5572
1 - P.O. BOX 144
2 -
3 -
City- ALMO
Phone - 208-824-5572

State- ID Zip- 83312

Priority Date - 07/04/1880
Region - ERROR IN REGION
Stage - J - BENEFICIAL USE
Status -

Source - SPRING
Tributary - NORTH ALMO CREEK

Turn Rng Sec Tract Lot Rflg County Point of Diversion Stream Index (Blank if no Index Code)

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		03/15	11/15		0.800	
04 - STOCKWATER		01/01	12/31		0.050	

Total Div. Rate - 0.800
Total Div. Volume - 507.5
Total Consumptive Use - 507.5
KM Usage -

Turn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
15S	24E	15	NE NE		35.0		01	IRRIGATION	(31) CASSIA
15S	24E	15	NW NE		40.0		01	IRRIGATION	(31) CASSIA
15S	24E	15	SW NE		28.0		01	IRRIGATION	(31) CASSIA
15S	24E	15	SE NE		20.0		01	IRRIGATION	(31) CASSIA
15S	24E	15	NE NW		40.0		01	IRRIGATION	(31) CASSIA
15S	24E	15	SE NW		40.0		01	IRRIGATION	(31) CASSIA
15S	24E	15	NE NW				04	STOCKWATER	(31) CASSIA

Total Acres: 203.0

+ - - Diversion Means - EARTHEN DITCHES
+ - - Non-Irrigation Use - S/ 200 RANGE &/OR HORSES
+ - - Other Rights for Same Use - SHARES IN ALMO WATER COMPANY

Proof of Priority

MICROFILMED
MAR 4 1993

Court Report Filing	-	00/00/0000	Field Inspection Made	-	00/00/0000	Civil Case Number	-	39576
Objection Filed Date	-	00/00/0000	Field Inspection Flag	-		Old Case Number	-	
Response Filed Date	-	00/00/0000	Verified Date	-	00/00/0000	Old Judicial District	-	
Claim Received Date	-	05/23/1989	Last Amended Date	-	00/00/0000	Temporary Right	-	P
Proof Due Date	-	00/00/0000	Proof Made Date	-	00/00/0000	Water District	-	
Licensed Date	-	00/00/0000	Receipt Number	-	S007288	Federal/State Indicator	-	S
Claims Tape Error Flg	-		POU Ownership Flag	-	Y	Presumption Flag	-	
See Exempt Flag	-		Name Connector	-	AND/OR	Notice of Error flag	-	

MICROFILMED
MAR 04 1993

12/07/2000

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

RIGHT NUMBER: 43-10218

NAME AND ADDRESS: ROBERT E TAYLOR
WALLACE C TAYLOR
C/O CAROLE TAYLOR
2714 WAKONDA DR
FORT COLLINS, CO 805211244

SOURCE: SPRING TRIBUTARY: ALMO CREEK, N. FK

QUANTITY: 0.4 CFS

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

PRIORITY DATE: 07/04/1880

POINT OF DIVERSION: T15S R24E S15 SWNENW 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	0.400 CFS
STOCKWATER	01-01 12-31	0.050 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County			
T15S R24E S15	NENE	38	T15S R24E S15 NWNE 40
T15S R24E S15	SWNE	15	T15S R24E S15 SENE 16
T15S R24E S15	NENW	40	T15S R24E S15 SENW 38
STOCKWATER Within CASSIA County			
T15S R24E S15	SENE		NENE
T15S R24E S15	NWNE		SWNE
T15S R24E S15	SENE		NENW

187 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

USE OF THIS RIGHT IS COMBINED WITH WATER FROM ALMO WATER
COMPANY.
STOCKWATER 200 RANGE CATTLE, HORSES

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)**

DATE: 01/21/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE RATE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME

IRRIGATION STOCKWATER

03-15 11-15
01-01 12-31

0.800 CFS

507.50 AFA

Tributary to: ~~NORTH ALMO CREEK~~

Stage: BENEFICIAL USE

T15S R24E S15

SWNENW

Almo Cr, N. Fk

CASSIA County

Place of use Legal Description for: IRRIGATION

NE

MM

MS

SE

[illegible]

TOTAL ACRES

2D3.D

Place of use Legal Description for: STOCKWATER

ME

MIN

MS

SEE[illegible]

POU County: CASSIA

Non-Irrigation Uses: S/ 200 RANGE &/OR HORSES

33

Other Rights: ~~SHARES IN ALMO WATER COMPANY~~

Dates: **Exam Made Date:**

Verified Date:

Objection Filed Date:

Misc: Water District Number:

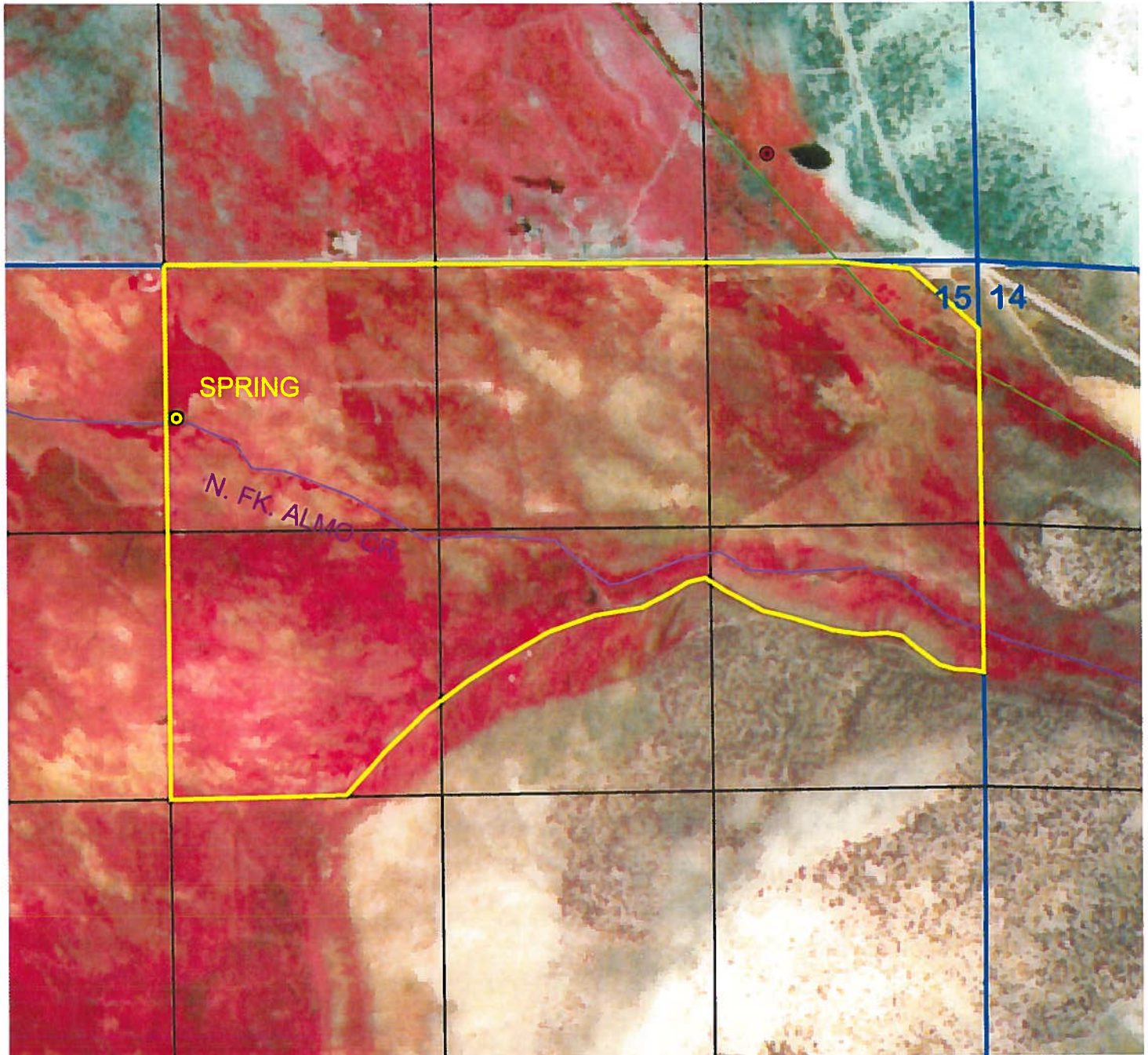
Field inspection flag:

Presumption Flag:

522
C-18

RIGHT: 43-10218

RECOMMENDED PLACE OF USE
TWP 15S, RNG 24E, Sec 15
Data entry on December 6, 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

RECOMMENDATION NOTES

From: Vikie Hancock

12/6/00

Regarding: 43-10218

This claim is for springs located in the NENW of Section 15 T15S, R24E, on claimant's land. The map submitted with the claim in 1989 shows the springs located on the north bank of N. Fk. Almo Creek. Pictures of the springs were also submitted by the claimant, Wallace Taylor, in 1991. Mr. Taylor is now deceased, as is his son, Robert. Communication regarding the Wallace Taylor claims and recommendations are being sent to Carol Taylor per an address change. The land was farmed by Robert Briggs of Almo until April of 2000.

One historical document submitted with the original claim references the springs and another water from Almo Creek. Both are signed by the homesteader James Taylor and state that water use was begun in 1880. The document referencing water from Almo Creek names a diversion rate of 40 inches. The document concerning the "Taylor Springs" states only that all the water of the springs is used. There are no springs indicated on the USGS quad map in the N ½ of Section 15.

A review of the 1893 Lee Kirk v Bartholomew Decree finds that Taylor was decreed 80 inches of water from Almo Creek from 1880 and 60 additional inches from 1883. There is no mention of springs, but that is not unusual for the decree. (It is not known how or why the 40 inches mentioned in the 1880 document in our files became 80 inches in the decree, but we are way past that investigation here). In 1907 James Taylor deeded his water rights to Almo Water Company. It is possible that the springs were not included in that deed if they were not included in the Lee Kirk Decree. One can speculate that the water was one and the same, given the location of the springs, but it is also possible that the springs were considered private water and not meant to be deeded over. The deed is not specific enough to determine exactly what water rights were included, and others in the valley are using springs that come up on their land in addition to Almo Water Company deliveries, within the Almo Water Company boundary.

In the 1895 document referencing the springs, James Taylor does not state where the springs are located, only that he takes the water to the NE1/4 of Section 15. The springs identified in this claim are in the NENW Sec 15. It appears from the 1991 pictures that the springs immediately dump into the N. Fk Almo Creek Canal and are then mingled with Almo Creek water and conveyed to the irrigated land through ditches. Robert Briggs confirmed this during a phone conversation with me 12-6-00, and in fact he says he was there when the pictures were taken. He says that water from the springs is mingled with the other surface water and used on the entire irrigated acreage, on both

sides of N. Fk Almo Creek. I told him that Mr. Taylor had claimed 40 inches of water. He said that there was not that much from the springs, that it was probably closer to 20 inches. He also told me that the spring was about 10 feet north of the creek and 20 feet west of the head gate, on the same side of the fence and on Wallace Taylor's property.

It seems that the claimant, Wallace Taylor, combined the diversion rate from the document referring to Almo Creek water and applied it to the springs. But baring any information to the contrary, I believe a water right for 20 inches dating to 1880 exists on this spring.



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

JAN 18 2000

Department of Water Resources

December 29, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Robert E. Taylor
C/O Wally Taylor
2714 Wakonda Dr.
Fort Collins, CO 80521-1244

Carole Taylor

RE: Snake River Basin Adjudication (SRBA) ^R
Water Rights #A43-04008, A43-07152, 43-10215, 43-10216,
A 43-10217 and 43-10218

all records changed 1-21-2K, ss

Dear Water Right Holder:

Mail recently sent to you was returned to us by the Postal Service. They also advised us your address has changed to the above address. We have enclosed the returned mail.

Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, list any other water rights you have, and return this letter by January 14, 2000. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records. Be sure to list your water right numbers.

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1/800-451-4129 to obtain a form to make this required change to the water right records.

Sincerely,

Sally
Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region
Enclosure:
Returned Mail

#####

The address is correct as shown above or as otherwise changed.

Carole Taylor
Water Right Holder's Signature

970-484-3626
Telephone No.

1/14/00

Wallace Taylor and Robert Taylor are both recently deceased. I have forwarded your letter of 12/9/99 to our attorney Ray Rigby in Rupert, Idaho.

I'm sorry I was out of town when
the letter finally arrived at my
address.

Carole Taylor

A43-04008

A43-07152

~~A~~43-10215

~~#~~43-10216

43-10217

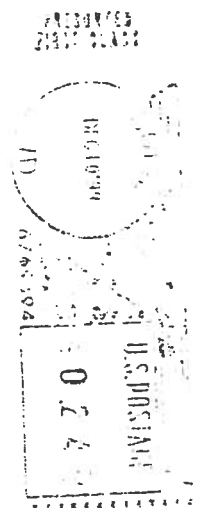
43-10218

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

PA 43-04008
PA 43-07152
PA 43-10217
PA 43-10218
PA 43-10216

RETURN SERVICE
REQUESTED



Wally Taylor
ROBERT E TAYLOR

PO BOX 144
ALMO ID 83312

TAYLOR TO SENDER
RETURN
TAYLOR
2714 WAKONDA DR
FORT COLLINS CO 80521-1244

83312-0144 83720/0098

