

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 43-13363
Date Received: 10/29/2004
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

LARRY HENSON Phone: (208)824-5543

PO BOX 183
ALMO ID USA 83312

JACKIE HENSON Phone: (208)824-5543

PO BOX 183
ALMO ID USA 83312

2. Date of Priority: 12/31/1878

3. Source: SPRING Trib. to: SINKS

4. Point of Diversion:

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

5. Description of diverting works:

CURRENTLY WATER SPRINGS OUT OF THE GROUND AND IS COLLECT IN AN AGING CONCRETE STRUCTURE THAT SURROUNDS THE SPRING. STRUCTURE HAS HISTORICALLY BEEN USED AS POOL FOR SWIMMING AND BATHING. PRIOR TO CONSTRUCTION OF THE CONCRETE STRUCTURE UNDEVELOPED POND WAS USED FOR SAME.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
RECREATION	01/01	12/31	0.63	

7. Total Quantity Appropriated is:
0.63 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

COPY

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
15S	24E	22	NE	SE	RECREATION	

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

SOURCE AKA BATH SPRING

15. Basis of Claim: Beneficial Use

16. Signature(s)

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): [Signature]

Date: 10/29/2004

Date: _____

State of Idaho)
County of Swan Falls) SS.

Subscribed and sworn (or affirmed) before me this 29th day of October 2004



[Signature]

Notary Public

Residing at Swan Falls, Id

My commission Expires 5-7-2004

COPY

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NOTICE OF HEARING ON MOTION TO FILE LATE NOTICE OF CLAIM

DEPUTY CLERK
Snake River Basin Adjudication

Hancock, Vikie

Subject: FW: 43-13363

-----Original Message-----

From: McHugh, Candice

Sent: Wednesday, February 23, 2005 9:29 AM

To: Bromley, Chris; Hancock, Vikie

Cc: Kelly, Vicki

Subject: RE: 43-13363

Vikie,

If you are prepared to make a recommendation on this, it may be possible to include it in the current late claim report. You would need to discuss this with Don. Otherwise, there's no rush, because it won't go out until next year's late claim report (2-06).

Thanks

Candice

2/23/2005

SRBA
SUBCASE SUMMARY REPORT 43-13363

[Return to SRBA Home Page](#)

SRBA SUBCASE SUMMARY REPORT HTML12
02-28-2005

SUBCASE: 43-13363 FILE#: 00351
CLAIMANT: HENSON, LARRY
PO BOX 183

ALMO ID 83312
STATUS: LATE CLAIM TO IDWR SPECIAL MASTER: MELANSON, JOHN M
WATER SOURCE:

**** PARTIES INVOLVED ****

NO ACTIVE PARTIES TO THE SUBCASE

**** ROA ENTRIES ****

11-10-2004	MOTION TO FILE LATE NOTICE OF CLAIM	MG	02-23-2005
11-10-2004	HEARING SET ON MOTION FOR LATE CLAIM	HV	02-15-2005 0130
01-25-2005	ORDER RESETTING HEARING ON MOTION FOR LATE	HS	02-22-2005 0130
02-22-2005	HEARING HELD	HH	02-22-2005 0130
02-22-2005	MINUTES		
02-23-2005	ORDER GRANTIN LATE CLAIM		
02-23-2005	LATE CLAIM FORWARDED TO IDWR		02-23-2005

[Return to SRBA Home Page](#)

Receipt Details for ID C076932

Status	Adjustment Type	Version
		1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
2/25/2005 1:56:57 PM	2/25/2005 3:14:50 PM	STATE	\$163.00	Check
Payer	LARRY HENSON CONSTRUCTION			

Account Information:

Check #	Account #	Credit Card Name	Authorization #
3801			
Card Expiration Date	Credit Card Transaction #		

Comment	NOTICE OF CLAIM TO A WATER RIGHT
---------	----------------------------------

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$163.00	ADJUDICATION FILING FEE	41503	0337			1155

Refund(s):

Amount	Payee	Date	Document Number
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Water Right Information:

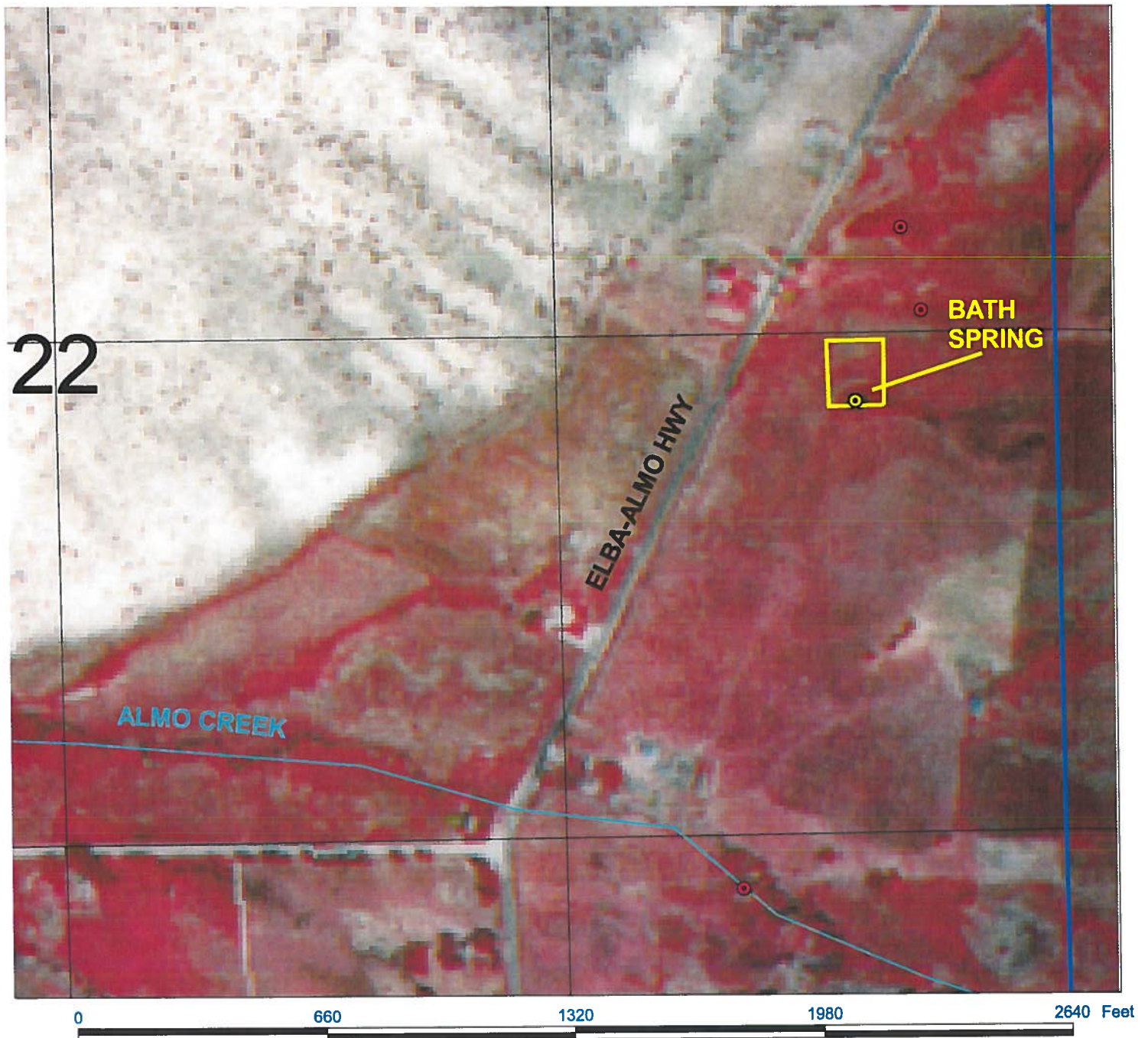
Basin Number	Sequence Number	Split Suffix	Amount	Type
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Print Report

Idaho Department of Water Resources

RECOMMENDED PLACE OF USE
TWP 15S, RNG 24E, SEC 22, NESE
PREPARED FEBRUARY 22, 2005

RIGHTS: 43-13363



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



GIS PLACE OF USE PRESENTATION
1987 NAPP AERIAL PHOTOGRAPHY

PREPARED BY VIKIE HANCOCK

02/28/2005

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

RIGHT NUMBER: 43-13363

NAME AND ADDRESS: LARRY HENSON
PO BOX 183
ALMO ID 83312

JACKIE HENSON
PO BOX 183
ALMO ID 83312

SOURCE: SPRING

TRIBUTARY: SINKS

QUANTITY: 0.630 CFS

PRIORITY DATE: 12/31/1878

POINT OF DIVERSION:

T15S R24E S22 NENESE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
RECREATION

PERIOD OF USE
01/01 12/31

QUANTITY
0.630 CFS

PLACE OF USE: RECREATION Within CASSIA County

T15S R24E S22 NESE

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: Beneficial Use

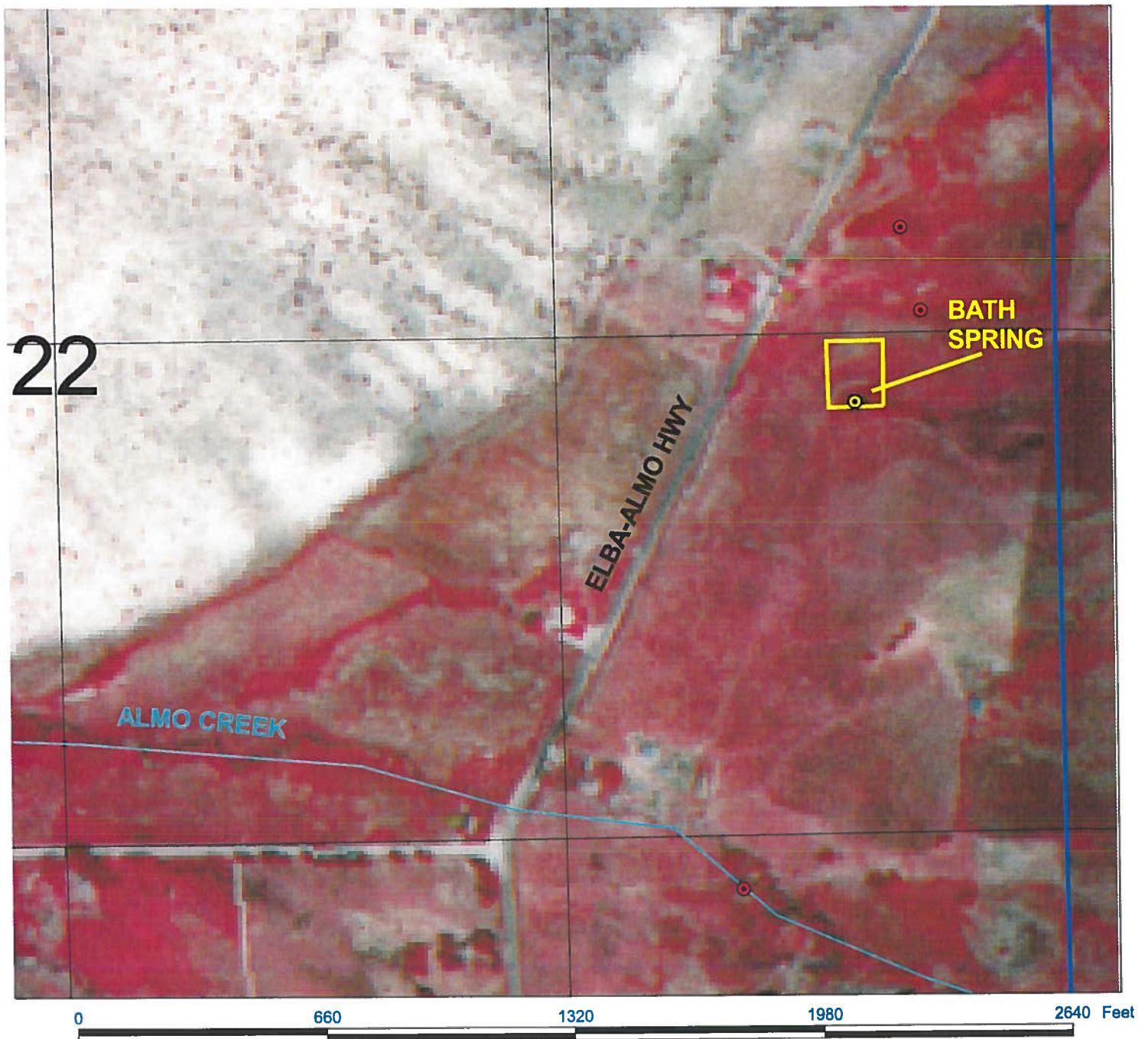
RECREATION USE FOR POOL.

SOURCE IS ALSO KNOWN AS BATH SPRING.

Idaho Department of Water Resources

RECOMMENDED PLACE OF USE
TWP 15S, RNG 24E, SEC 22, NESE
PREPARED FEBRUARY 22, 2005

RIGHTS: 43-13363



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



GIS PLACE OF USE PRESENTATION
1987 NAPP AERIAL PHOTOGRAPHY

PREPARED BY VIKIE HANCOCK

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-13363 V1

WATER RIGHT NUMBER: 43-13363 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LARRY HENSON PO BOX 183 ALMO, ID 83312 (208)824-5543
Current Owner	JACKIE HENSON PO BOX 183 ALMO, ID 83312 (208)824-5543

Priority Date: 12/31/1878

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
RECREATION	01/01 to 12/31	0.630 CFS	
<u>Total Diversion:</u>		0.630 CFS	

Location of Point(s) of Diversion

SPRING	NE1/4NE1/4SE1/4	Sec. 22, Twp 15S, Rge 24E, B.M.
CASSIA County		

Place of Use

RECREATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	24E	22													X				

Conditions of Approval:

1. C18 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.

Remarks:

1. Explanatory RECREATION USE FOR POOL.
2. Explanatory SOURCE IS ALSO KNOWN AS BATH SPRING.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 43-13363 V1

Comments:

1. vhancock 2/28/2005 PRIORITY DATE

Comment: PER HOMESTEAD INFORMATION ON MYRON B. DURFEE - SEE FILE

2. vhancock 2/28/2005 QUANTITY

Comment: PER HISTORICAL MEASUREMENTS. SEE FILE FOR QUANTITY AND VOLUME INFO..

Memo

February 23, 2005

From: Vikie Hancock

To: File

Re: 43-13363

This motion to file a late claim in the SRBA was granted February 22, 2005. The claim for *recreation* is based upon historical use of a hot spring for swimming and bathing.

The spring is locally known as *Bath Spring*. It is located in the NESE of Section 22, T15S, R24E on the east side of the highway just north of Almo. It is on property currently owned by Larry and Jackie Henson. The spring bubbles to the surface within a 25 ft X 45 ft X 6 ft deep enclosure that was constructed around the natural spring to form a bathing pool. The water was measured at 101 degrees F.

This property was originally homesteaded by Myron Durfee who received his homestead patent in 1888 [see file]. Myron Durfee also received a water right in the 1928 Jobe Adams decree for irrigation of 160 acres including this property, priority date 1878 [see file]. The claimed priority date of 43-13363 is based on that decree, assuming that the settlers would have availed themselves of the hot water as soon as the land was claimed under the homestead act.

At a point prior to 1942 a concrete and wooden structure was constructed around the pool [see photo in file]. According to Henson, the building included rooms for changing, etc. and the claimant's predecessors charged admission. The original building has fallen into disrepair and it has not been a commercial operation for some years, but at no time did informal use of the pool for soaking and swimming stop completely.

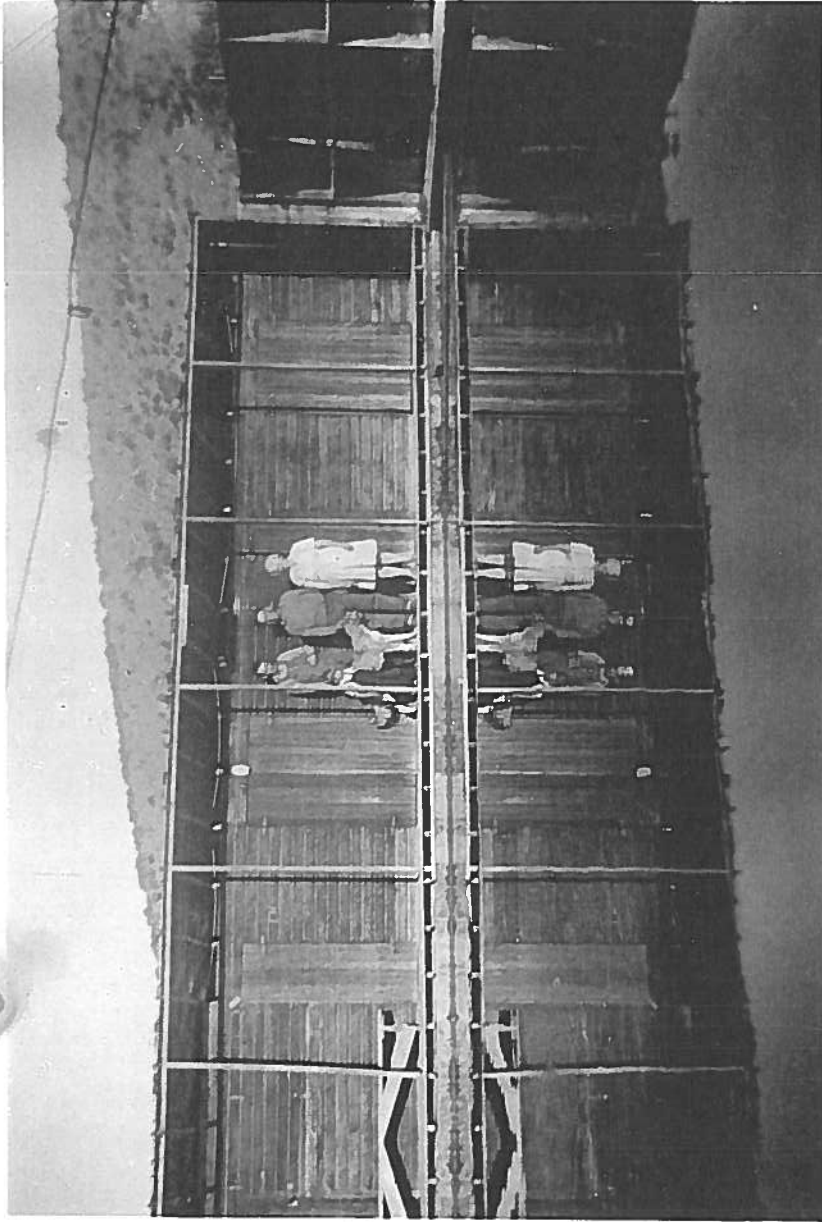
Downstream right 43-10130 (.03 cfs for stockwater) and claim 43-13363 (.63 cfs for recreation) equal the diversion rate of the spring measured in 1963 - .66 cfs [see document in file]. The computed volume of the current pool is approximately 6750 cubic feet or about .15 acre feet. At .63 cfs, the pool fills in less than 24 hours. The overflow from the pool is conveyed southeast down a channel and beyond the Henson's property line. SRBA decreed stockwater right 43-10130 is used on the property directly south of Henson's.

I propose to recommend right 43-13363 as claimed.

Because the original structure is in such a state of disrepair, with numerous leaks in the concrete pool, Mr. Henson proposes to construct a new pool some 70 feet from the spring. He intends to build a headbox located at the original point of diversion, pump the water to his new pool and then return the water to the original outlet of the spring so that no change is made in the wetlands below the current spring pool and so that stockwater is

still available to the user downstream. We consulted with Corey Skinner and Allen Merritt who did not believe that a transfer would be necessary to affect the described change in place of use. Terry Blau was consulted regarding stream channel issues.

TOP ↑



RECEIVED

FEB 23 2005

Department of Water Resources
Southern Region

surface that springs
about 1942

David Dwyer

RECEIVED

FEB 23 2005

Department of Water Resources
Southern Region

Accession/Serial #: IDIDAA 003040 **BLM Serial #:** IDIDAA 003040

Note: This record has not been checked against the Legal Land Patent. We don't have an electronic image for this document.

Names

Patentee: MYRON B DURFEE

Survey

State: IDAHO

Acres: 160

Metes/Bounds: No

Title Transfer

Issue Date: 4/18/1888

Land Office: Idaho

Cancelled: No

U.S. Reservations: No

Mineral Reservations: No

Authority: May 20, 1862: Homestead EntryOriginal (12 Stat. 392)

Document Numbers

Document Nr.: 499

Accession/Serial Nr.: IDIDAA 003040

BLM Serial Nr.: IDIDAA 003040

Aliquot Parts	Sec./ Block	Township	Range	Fract. Section	Meridian	State	Counties	Survey Nr.
E½SE	22/	15-S	24-E	No	Boise	ID	Cassia	
SENE	22/	15-S	24-E	No	Boise	ID	Cassia	
SWNW	23/	15-S	24-E	No	Boise	ID	Cassia	

Dated this 6th day of April, 1929

Decree Date

10-18-1928

ALBION IDAHO LAND COMPANY

By W. G. Bissell and Branch Bird
Attorneys

ALL DEFENDANTS REPRESENTED BY LOWE & WOLF

By S. T. Lowe

E. M. Wolf
Attorneys

UNITED STATES OF AMERICA)
DISTRICT OF IDAHO) ss.

I, W. D. McReynolds, Clerk of the United States District Court for the District of Idaho, do hereby certify that the foregoing copy of Order of Court amending Decree and Stipulation for amendment of decree in the case of Albion Idaho Land Company, vs. Jobe Adams, et al. No. 992 has been by me compared with the original, and that it is a correct transcript therefrom and of the whole of such original, as the same appears of record and on file at my office and in my custody.

In testimony whereof, I have set my hand and affixed the seal of said Court in said District this 8th day of April, 1929

(SEAL)

W. D. McReynolds
Clerk.

By F. M. Hughell
Deputy.

Filed for record at request of Bissell & Bird at 10:20 A.M., April 15, 1929

Fee: \$1.00

B. F. Wilson County Recorder

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT
OF IDAHO, SOUTHERN DIVISION.

ALBION-IDAHO LAND COMPANY,
a corporation
Plaintiff,

-vs-

JOBE ADAMS, et al,
Defendants.

DECREE #992.

WHEREAS, on the 17th day of May, 1922, the plaintiff, Albion-Idaho Land Company duly filed its complaint in equity in the above entitled court, which said cause was entitled the Albion-Idaho Land Company, a corporation, complainant versus Jobe Adams and numerous others as defendants, and

WHEREAS, by order of the Court duly made and entered the title of said cause was designated as Albion-Idaho Land Company versus Jobe Adams, et al, and was docketed and all proceedings were had under said title, and

WHEREAS, on the said 22nd day of May, 1922, the said complainant caused to be filed with the Clerk of the United States District Court for said District its lis pendens, and caused the same to be thereafter, on the 30th day of June, 1922, to be duly filed of record with the County Recorder of Cassia County, Idaho, and said lis pendens was on said day duly recorded in Book 1, of lis pendens on pages 211-2-3-4 of the records of said County, and

WHEREAS, thereafter due and regular service of summons was made upon all parties mentioned in said complaint, either personally or by due publication as shown by the records and files in said action, and

Chas. Van Kirk
1880-Apr. 30

1.3 s.f.
.5 s.f.

To be diverted from Green Canyon Creek Waters of Antelope Springs, for the irrigation of a tract of land commencing at the NE corner of the Southeast Quarter of Sec. 6, Twp. 14 S. R. 25 E.B.M., thence South 14 rods for a place of beginning, thence South 306 rods, thence West 80 rods, thence North 306 rods, thence East 80 rods to place of beginning, except road rights of way.

F. C. Vosburg
1921-June 18

1.4 s.f.

To be diverted from Cassia Creek for the irrigation of $S\frac{1}{2}NE\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, Sec. 23, Twp. 13 S. R. 28 E.B.M.

Amend

ALMO CREEK.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That Almo Creek and its tributaries, viz., Sythe Creek, Edwards Creek, Stine Creek, Blacksmith Fork Creek and Grape Creek, do not contribute to the supply of the water users out of Raft River and its tributaries in the irrigation of the land, and that said Almo Creek hereby is set apart as a separate water district and that the users of water from Raft River and its tributaries have no interest whatever in the use of the waters of Almo Creek and the distribution of the same; that the use of the waters of Almo Creek in accordance with the priorities hereinafter decreed, or otherwise shall not be considered as a violation of the injunctive provisions of this decree so far as the users of water from Raft River and its tributaries are concerned.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That the various parties hereinafter named be, and hereby are, awarded and decreed for use in the irrigation of their lands the following and various amounts of water hereby specifically mentioned with the priorities as hereinafter specified and set out for the irrigation of their particular tracts of land hereinafter described, to-wit:

3 Henry D. Belnap
1879-Apr. 15

Dupe

1.8 s.f.

To be diverted from South Almo Creek for the irrigation of $SW\frac{1}{4}SW\frac{1}{4}$, Sec. 9, $SE\frac{1}{4}NE\frac{1}{4}$ and $E\frac{1}{2}SE\frac{1}{4}$, Sec. 8, Twp. 15 S. R. 24 E.B.

4 Henry R. Cahoon
1879-Apr. 30

*Dupe
Huc?*

2 s.f.

To be diverted from South Almo Creek for the irrigation of $E\frac{1}{2}NW\frac{1}{4}$, $NW\frac{1}{4}NW\frac{1}{4}$ and $NE\frac{1}{4}SW\frac{1}{4}$, Sec. 22, Twp. 15 S. R. 24 E.B.M.

5 Ida Jones Cahoon
1880-Apr. 1

col

1.2 s.f.

To be diverted from North Almo Creek for the irrigation of the following: Beginning at the NE corner of $NW\frac{1}{4}SW\frac{1}{4}$, Sec. 13, thence West 240 rods, thence South 53 rods $5\frac{1}{2}$ feet, thence East 240 rods, thence North 53 rods $5\frac{1}{2}$ feet, to place of beginning, containing 80 acres

6 Ida Jones Cahoon
1910-June 20

Ida Jones

2.5 s.f.

To be diverted from North Almo Creek for the irrigation of $NE\frac{1}{4}SW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$, Sec. 12, $NE\frac{1}{4}NW\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, Sec. 13, Twp. 15 S. R. 24 E.B.M.

7 Helen Edwards
1879-Mar. 17

Ida Jones

1.6 s.f.

To be diverted from North Almo Creek for the irrigation of $SW\frac{1}{4}NW\frac{1}{4}$, Sec. 13, $SW\frac{1}{4}NE\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, Sec. 14, Twp. 15 S. R. 24 E.B.M.

1879-Mar. 17

1.6 s.f.

To be diverted from Edwards Creek. This right is supplemental and not in

addition to the above right, for the irrigation of the land above described.

Brent Jones
Jesse Jones
1880-Apr. 1

1.2 s.f.

To be diverted from North Almo Creek for the irrigation of $SE\frac{1}{4}SE\frac{1}{4}$, Sec. 14, Twp. 15 S. R. 24 E.B.M., South $1/3$ $NW\frac{1}{4}SE\frac{1}{4}$, Sec. 14, Twp. 15 S. R. 24 E.B.M. South $1/3$ $NW\frac{1}{4}SW\frac{1}{4}$, Sec. 13 Twp. 15 S. R. 24 E.B.M., South $1/3$ $NE\frac{1}{4}SE\frac{1}{4}$, Sec. 14, Twp. 15 S. R. 24 E.B.M.

1910-June 20

A Gary Jones
B Brent Jones
1.5 s.f.

To be diverted from North Almo Creek for the irrigation of $SE\frac{1}{4}SW\frac{1}{4}$ and $SW\frac{1}{4}SE\frac{1}{4}$, Sec. 14, Twp. 15 S. R. 24 E.B.M., $NE\frac{1}{4}NW\frac{1}{4}$ and $NW\frac{1}{4}NE\frac{1}{4}$, Sec. 14, Twp. 15 S. R. 24 E.B.M.

William Jones
Mary Ann Jones
1880-Apr. 1

Gary Jones
7 s.f.

To be diverted from North Almo Creek for the irrigation of $NE\frac{1}{4}SW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$, Sec. 13 $NW\frac{1}{4}NE\frac{1}{4}$, Sec. 24, Twp. 15 S. R. 24 E.B.M. $SE\frac{1}{4}SW\frac{1}{4}$, Sec. 13, $E\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, Sec. 24 Twp. 15 S. R. 24 E.B.M. $SW\frac{1}{4}SW\frac{1}{4}$, Sec. 13 $NE\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$, Sec. 23, $W\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$, Sec. 24, Twp. 15 S. R. 24 E.B.M.

1880-Apr. 1

7 s.f.

To be diverted from Edwards Creek for the irrigation of the above described land.

William Shangles
1879-Apr. 30
1884-Apr. 30
1885-Apr. 30

1 s.f.
.8 s.f.
1 s.f.

To be diverted from South Almo Creek, for the irrigation of $E\frac{1}{2}SE\frac{1}{4}$, Sec. 30, $N\frac{1}{2}NW\frac{1}{4}$ $SW\frac{1}{4}NW\frac{1}{4}$, Sec. 32, Twp. 15 S. R. 24 E.B.M.

Almo Water Company,
a corporation.

M. B. Durfee right
1878-Apr. 30

4 s.f.

To be diverted from Main Almo Creek for the irrigation of $E\frac{1}{2}SE\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}$, Sec. 22 $SW\frac{1}{4}NW\frac{1}{4}$ and $NW\frac{1}{4}SW\frac{1}{4}$, Sec. 23, Twp. 15 S. R. 24 E.B.M.

H. R. Cahoon right
1879-Apr. 30

2 s.f.

374
 $E\frac{1}{2}NW\frac{1}{4}$, $NW\frac{1}{4}SW\frac{1}{4}$, Sec. 22, Twp. 15 S. R. 24 E.B.M. *with 40 374 also*

H. D. Durfee, Jr. right
1879-Apr. 30

2 s.f.

$SW\frac{1}{4}$, Sec. 15, Twp. 15 S. R. 24 E.B.M.

H. D. Durfee, Sr. right
1879-Apr. 30

2 s.f.

$NE\frac{1}{4}$, Sec. 16, Twp. 15 S. R. 24 E.B.M.

Wm. E. Johnston right
1879-Apr. 15

1.9 s.f.

30 $SW\frac{1}{4}SW\frac{1}{4}$, Sec. 9 and $SE\frac{1}{4}NE\frac{1}{4}$ and $E\frac{1}{2}SE\frac{1}{4}$, Sec. 8, Twp. 15 S. R. 24 E.B.M. *PIR LIFE*

Thomas O. King right
1880-Apr. 20

2 s.f.

mistake, accomp Trans
 $SW\frac{1}{4}SE\frac{1}{4}$, Sec. 23, $NE\frac{1}{4}NW\frac{1}{4}$, Sec. 20, Twp. 15 S. R. 24 E.B.M.

Jacob Paden right
1880-Apr. 30
1883-Apr. 30

2 s.f.

380
 $NW\frac{1}{4}NW\frac{1}{4}$, Sec. 26, $S\frac{1}{2}SW\frac{1}{4}$, $NW\frac{1}{4}SW\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, Sec. 23, Twp. 15 S. R. 24 E.B.M.

James T. Taylor right
1880-May 1
1883-May 1

1.6 s.f.

$N\frac{1}{2}$, Sec. 15, Twp. 15 S. R. 24 E.B.M.

AME
PC

*mut
Acres
200*

200

160

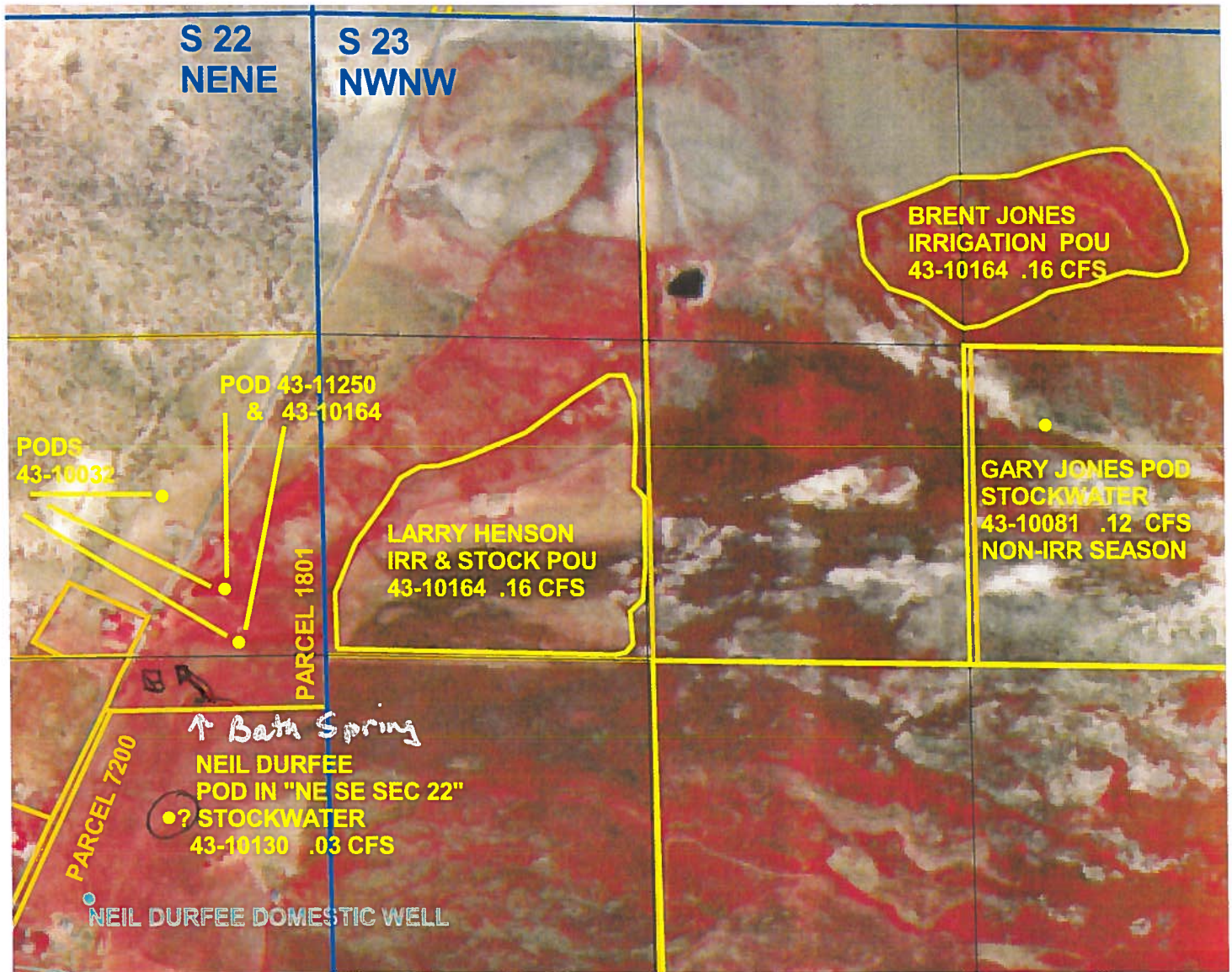
160

115

40

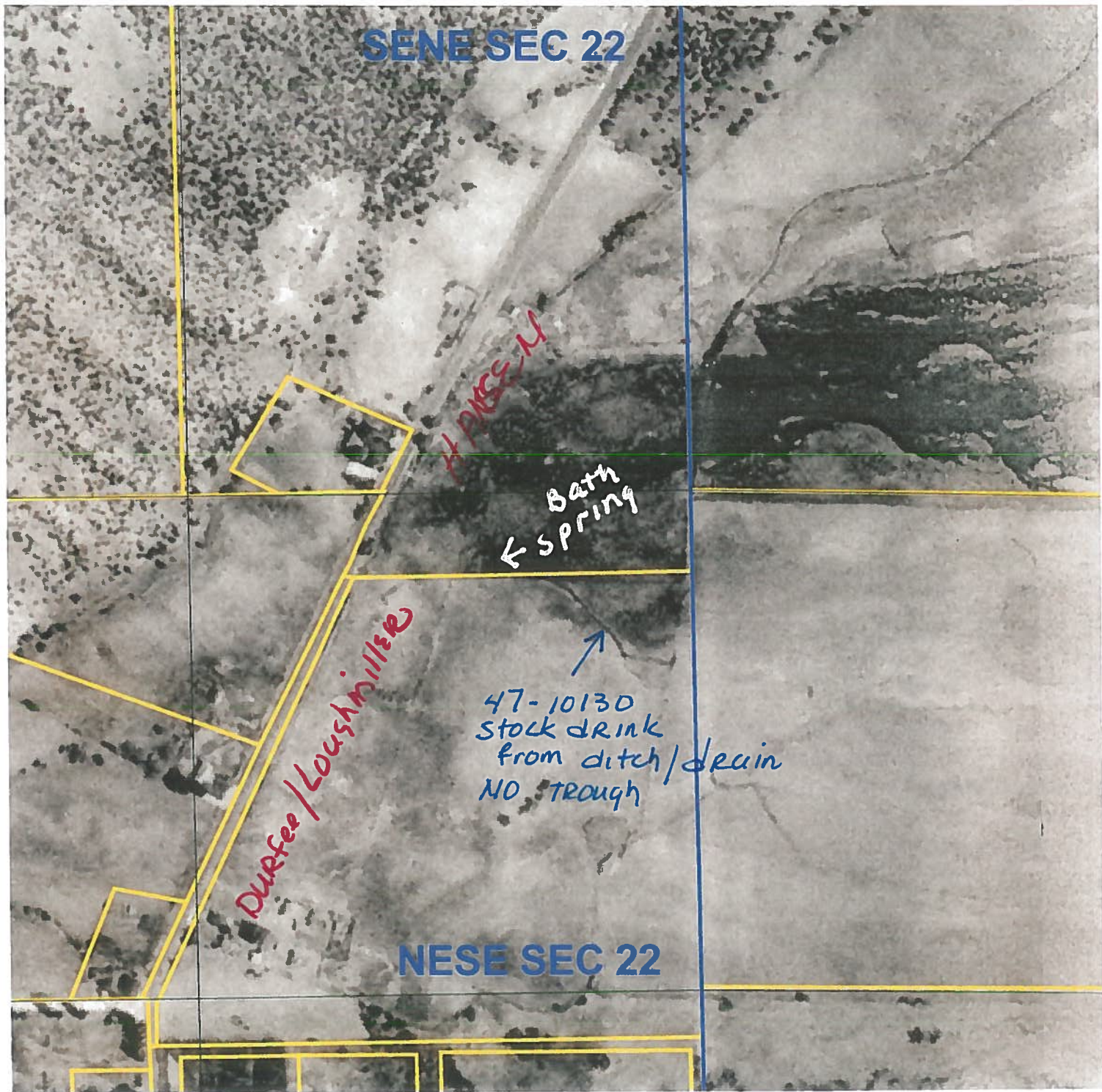
140

320



WATER RIGHTS FROM "WARM SPRING(S)" IN SENE AND NESE SECTION 22, T15S, R24E

- 43-11250 - LARRY HENSON, - 2 PODS IN SESENE SEC 22 - AKA NORTH AND MIDDLE SPRINGS
- 43-10164 - BRENT JONES - 2 PODS IN SESENE SEC 22 - AKA NORTH AND MIDDLE SPRINGS
- 43-10130 - NEIL DURFEE - 1 POD IN NESE SEC 22 - NO FURTHER IDENTIFICATION OF SPRING
- 43-10081 - GARY JONES - POD IN SWNE S23 FROM SPRING ORIGINATING IN SESENE S22
- 43-10032 - HAROLD DURFEE - THREE SPRINGS IN SENE SEC 22 NO ID OF SPRINGS



1992 AERIAL PHOTO



CASSIA COUNTY TAXLOTS

VHANCOCK
10/28/04

BATH SPRING = NENESE 522
T155 R24E

From the computations
it appears that the
watermaster was using
a Cipolletti Wier. At
any rate, "Bath" Spring
was flowing at $\frac{2}{16}$ "
over the wier (.75")
while "North" Spring was
flowing 1.25" over the wier.
The watermaster noted
"north" spring was flowing
5.5 inches.

$$\frac{.75}{1.25} = .6 \times 5.5' = 3.3''$$

3.3" = .066 cfs is
discharge of Bath Spring 1963

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 $1\ 3/16$ inch over a 1 foot weir which is 5.35 miner inches.

On October 30, 1963, the North Spring did measure $1\ 1/8$ 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 $1\ 1/4$ inch over a 1 foot weir which is 5.50 miner inches.

On December 4, 1963, the North Spring did measure $1\ 1/4$ 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 $1\ 3/16$ inch over a 1 foot weir which is 5.35 inches.

On January 4, 1964, the North Spring measured $1\ 1/4$ 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.

O. J.
O. J. LLOYD, WATERMASTER

1/17/73

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

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

Per meeting with Larry Hansen 10/29/04

Spring AKA "Bath Spring"

Spring is located in NE NE SE S22T15SR24E

it is entirely north of the fence line between the Hansen property & the Niel Durfee (now Loughmiller) property.

However, A survey showed that the property line actually runs through the Spring - $\frac{3}{4}$ on Hansen's land $\frac{1}{4}$ Loughmiller

History:

When Almo area settled in late 1800's pond was used for swimming / bathing as water is $\approx 100^{\circ}\text{F}$. Also baptizing by LDS Church.

In 1920's or 1930's a concrete structure was built around & encompassing the spring. Dressing rooms were built. Claimant's predecessor charged admittance.

Structure deteriorated and use ~~de~~ diminished over the years. Measurement in 1963 documented $\approx .46$ cfs discharge from pool.

Claim filed for stockwater for 100 head cattle by Niel Durfee (.03 cfs) but no claim filed in SRBA for Recreation By Hansen. Niel Durfee rec'd decree 43-10130 from source

Stock watering by Niel Durfee consisted of ditch or drain from ^{Bath} spring / pool that ran southeasterly through his property & sank (see map)

Post 1987

- Niel Durfee recently sold to Loughmiller who has plans for a subdivision there
- Hansen wishes to upgrade pool by pumping the water $\approx$ 50 yards to a new pool so that the spring can again be used for swimming / bathing. According to Hansen Proposed changes will not affect historical use on Niel Durfee property.
- Hansen will petition the SRBA court to file a late claim for recreation use to protect his right to use the spring.

Fees quoted:

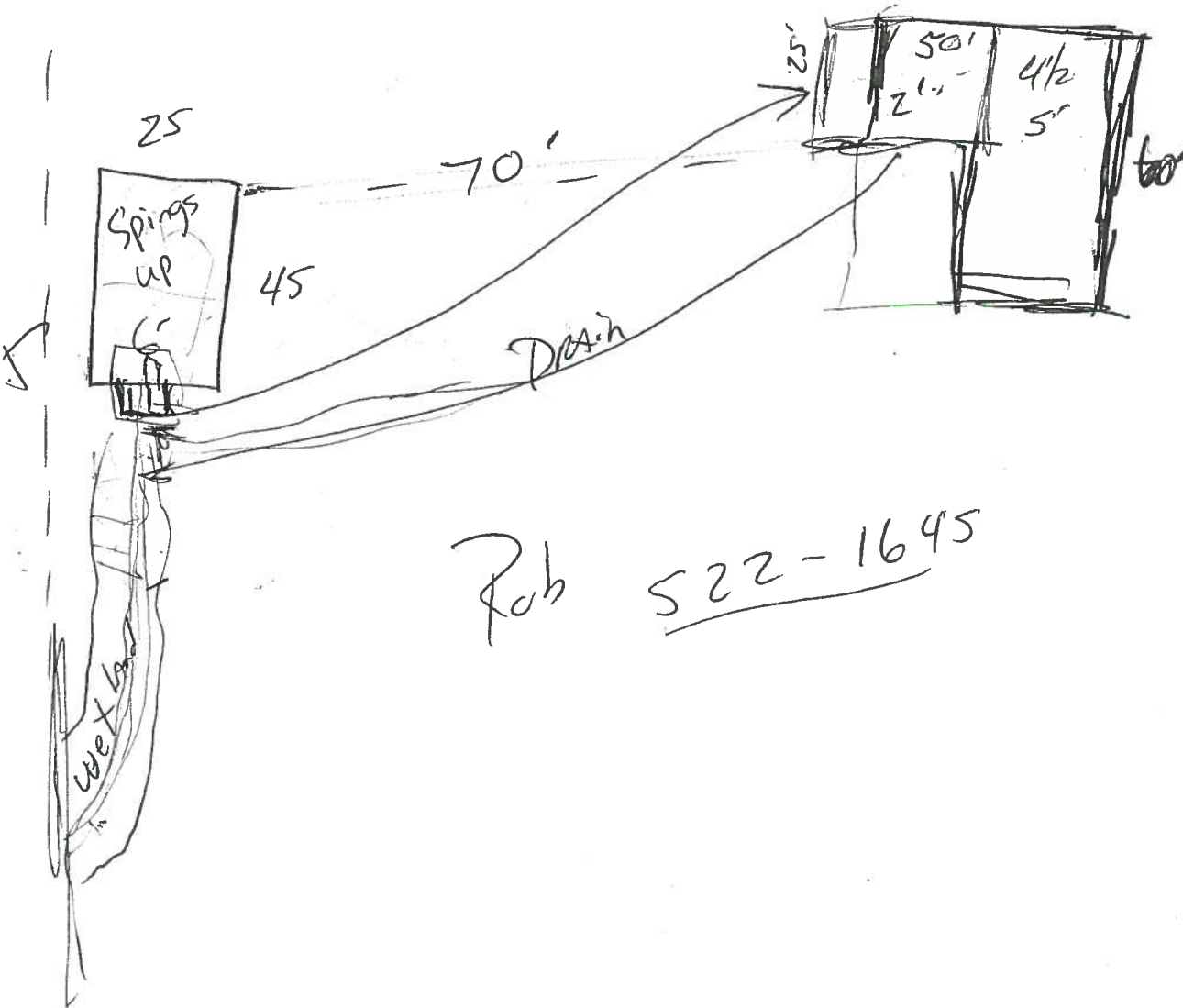
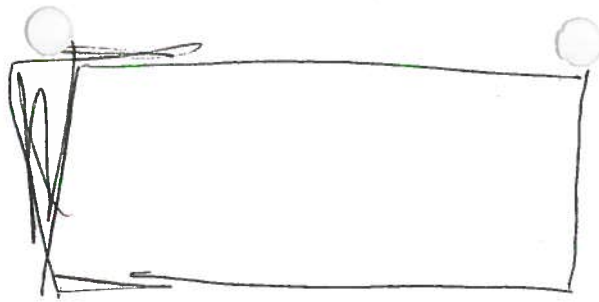
\$50 claim

50 late fee

63 (@ \$100 per cfs)

\$163.00

WAF



Rob 522-1645

Proposed
change per
L. Henson
2/22/05