

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: 43-13382

Date Received: 1-6-2005

Receipt No.: C077713

RECEIVED

APR 17 2006

DEPT. OF WATER RESOURCES
SOUTHERN REGION

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s): Jay L. Black * Phone: (208) 824-5593

Mailing Address: P. O. Box 103, Almo, Idaho Zip: 83312

* See additional claimants described in Exhibit "A" attached hereto and made a part hereof.

2. Date of Priority (Only one (1) per claim): April 1, 1890

3. Source of water supply (a): Summit Creek

which is tributary to (b): Grape Creek

4. a. Location of existing point of diversion is: Township 14 S. Range 24 EBM Section 25
NW1/4 of SW1/4 of NW1/4, Govt. Lot, _____ B.M., County of Cassia

Additional points of diversion if any:

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____. _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc.); including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. A diversion dam in Summit Creek, diverting summit Creek into a earthen ditch which carries the water from Summit Creek, a tributary to Grape Creek, to Grape Creek, where the water is commingled with the water of Grape Creek and becomes Grape Creek water for diversion from Grape Creek under Water Right Nos. 43-00402, 43-00403A, 43-00404, 43-00405, 43-00406, 43-00407, 43-02215, 43-02247, all rights held by claimants.

Last Name Black Ident.No. 43-13382 SCANNED

APR 03 2006

6. Water is claimed for the following purposes:
(both dates are inclusive) (cfs) (acre feet)

For irrigation purposes from April 1 to October 31 amount 17.6 or _____

For stockwater purposes from January 1 to December 31 amount .05 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed: (a) 17.6 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses – Describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) Stockwater right not to exceed 13,000 gallons per day.

10. Description of place of use: Acres described in water rights identified in paragraph 5 of this claim
a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Total
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	

Total number of acres irrigated: 728

11. In which county(ies) are lands listed above as place of use located? Cassia

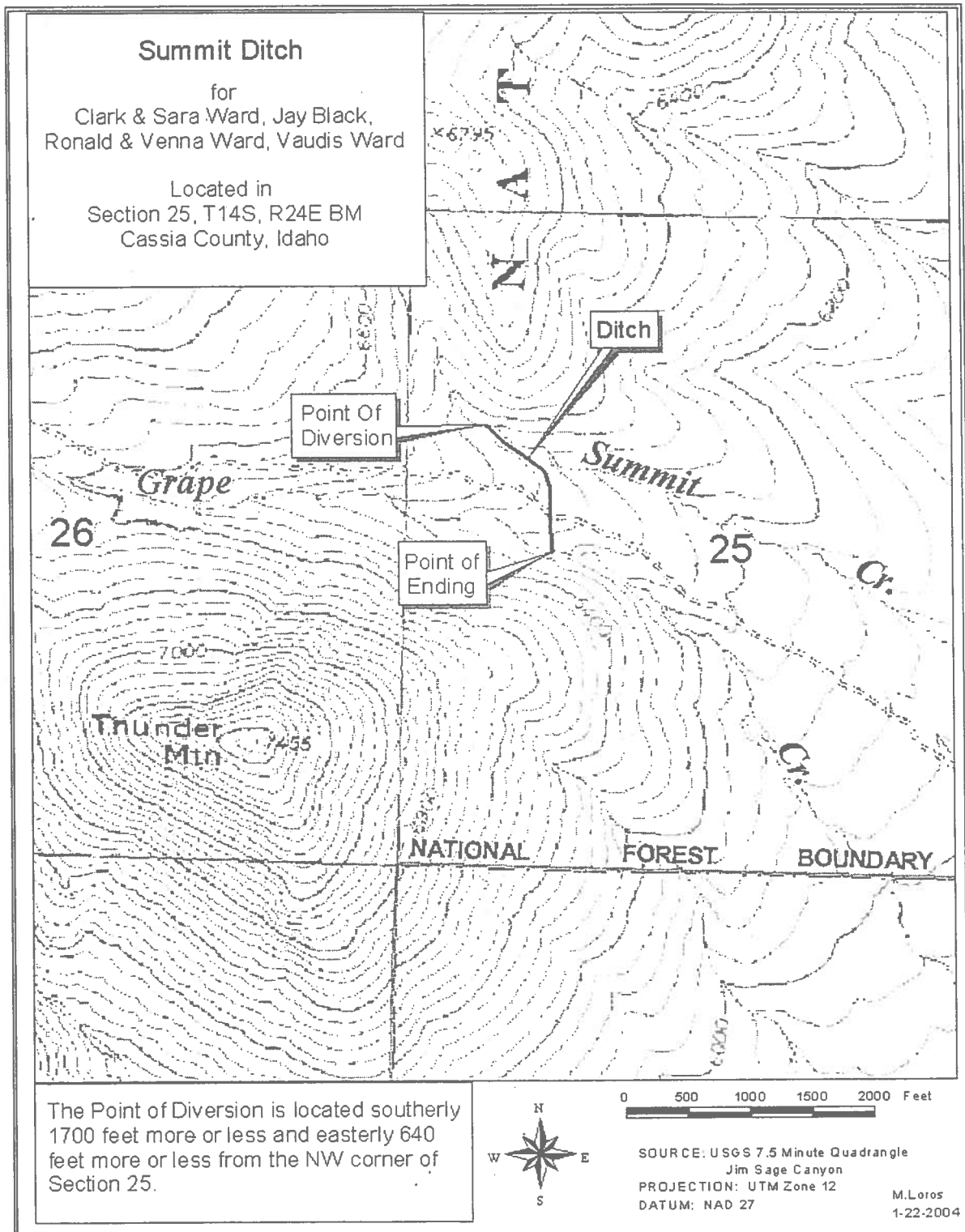
12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
See paragraph 5 or None ()

14. Remarks: The water diverted under this right has historically been diverted from Summit Creek into a ditch which carries the water of Summit Creek to Grape Creek to which Summit Creek is a tributary. The Summit Creek water then becomes a part of Grape Creek and is diverted pursuant to the water rights related to the diversion and beneficial use of water from Grape Creek by the claimants under the water rights described in paragraph 5. This water right has been established by the diversion from Summit Creek and the application of water to beneficial use as a part of Grape Creek.

Last Name Black Ident.No. 43-13382 SCANNED

APR 8 3 2006



43-13382

SCANNED

APR 03 2006

15. Basis of Claim (check one): Beneficial Use ☒ Posted Notice ☐ License ☐ Permit ☐
Decree ☐

If applicable, provide IDWR Water Right Number.: _____
Court _____ Case No. _____ Decree Date _____
Plaintiff vs. Defendant: _____

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: one (1)

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) Jay L. Black Date Jan. 5-05

Date _____

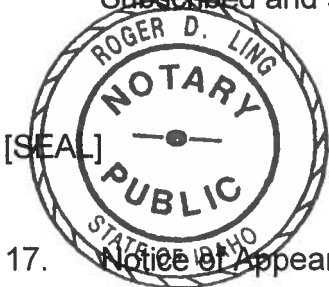
For Organizations: I do solemnly swear or affirm that I am _____ of _____, that I have signed the foregoing document in the space below as _____ of _____ and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho or _____)
County of Minidoka) ss.

Subscribed and sworn (or affirmed) before me this 5th day of January, 2005.



Roger D. Ling
Notary Public, State of Idaho
Residing at: Rupert, Idaho
My Commission expires: 10/30/06

17. Notice of Appearance:

Notice is hereby given that I, Roger D. Ling, will be acting as attorney at law on behalf of the claimant signing the above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Roger D. Ling
Roger D. Ling
LING, ROBINSON & WALKER
Address: P. O. Box 396
Rupert, Idaho 83350-0396
Date January 5, 2005

Last Name Black Ident.No. 43-13382 **SCANNED**

APR 03 2006

EXHIBIT "A" TO NOTICE OF CLAIM TO A WATER RIGHT

GRAPE CREEK WATER RIGHTS AND OWNERS

<u>Water Right</u>	<u>Owners</u>
43-00402	Jay L. Black and Kenneth S. Black
43-00403A	Jay L. Black and Kenneth S. Black
43-00404	Jay L. Black and Sharon P. Black
43-00405	Jay L. Black and Sharon P. Black
43-02247	Jay L. Black and Kenneth S. Black
43-00406	Ronald C. Ward and Venna C. Ward
43-00407	Clark Ward, Sara Jane Ward, and Vaudis J. Ward
43-02215	Clark Ward, Sara Jane Ward, and Vaudis J. Ward

43-13382

SCANNED

APR 03 2006

RECEIVED

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
MAY 03 2005
DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

Case No. 39576

)
)
) ORDER GRANTING MOTION TO FILE
) LATE NOTICE OF CLAIM
) For water rights: 43-13382
)
)

On January 6, 2005, Claimants Jay L. Black, Kenneth S. Black, Sharon P. Black, Ronald C. Ward, Venna C. Ward, Clark Ward, Sara Jane Ward and Vaudis J. Ward, through their attorney Roger D. Ling, filed a *Motion to File Late Notice of Claim* for the above water right.

A hearing was held on April 21, 2005, in Blackfoot, Idaho. Mr. Kelly Anthon appeared for the Claimants to support the *Motion* at the hearing, and no one appeared in opposition.

Following questioning by the Court, the Court has concluded that the Claimant presented proper grounds for the *Motion to File Late Notice of Claim* to be granted.

Therefore, IT IS ORDERED, that the above water right is hereby **allowed** to proceed as claims.

The original Notice of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the I.D.W.R for further action.

Dated: April 22, 2005. *jm*

[Signature]
JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

SCANNED

MAY 03 2005

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on May 02, 2005, with sufficient first-class postage to the following:

CLARK WARD
JAY L BLACK
KENNETH S BLACK
RONALD C WARD
SARA JANE WARD
SHARON P BLACK
VAUDIS J WARD
VENNA C WARD

Represented by:
ROGER D LING
PO BOX 396
RUPERT, ID 83350
Phone: 208-436-4717

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ORDER

Page 1 5/02/05

FILE COPY FOR 00352

Deputy Clerk

MAY 03 2005

BRENT T. ROBINSON
JASON D. WALKER

KELLY ARTHUR ANTHON
MICHAEL P. TRIBE

ROGER D. LING, OF COUNSEL

LING, ROBINSON & WALKER

ATTORNEYS AT LAW
615 "H" STREET
P. O. BOX 396
RUPERT, IDAHO 83350-0396

RECEIVED

APR 07 2006

DEPARTMENT OF
WATER RESOURCES

AREA CODE 208
TELEPHONE 436-4717
FAX 436-6804

April 6, 2006

Donald V. Shaff, MPA
Adjudication Bureau Chief
Idaho Department of Water Resources
P. O. Box 83720
Boise, Idaho 83720-0098

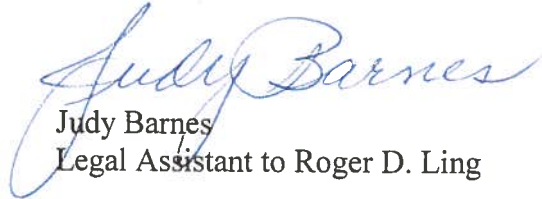
RE: SRBA Notice of Claim to a Water Right No. 43-13382 – Jay L. Black, et al.

Dear Mr. Shaff:

We are in receipt of your letter dated April 4, 2006 regarding additional fees due in the above-referenced claim. Pursuant thereto, enclosed is our firm's check in the amount of \$50.00 for the late claim fee. Thank you for your courtesies extended.

Very truly yours,

LING, ROBINSON & WALKER


Judy Barnes
Legal Assistant to Roger D. Ling

Receipt #
CB 80869
CB
4-7-06

jb

enc

SCANNED

APR 10 2006

Idaho Department of Water Resources Receipt

Receipt ID C080869

Payment Amount \$50.00 Date Received 4/7/2006 1:19:06 PM Region State Status
Payment Type Check Check Number 38546

Payer LING, ROBINSON AND WALKER

Comment SRBA CLAIM TO WATER RIGHTS #43-13382 JAY L BLACK ET AL

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$50.00	ADJUDICATION LATE FEE	0337	41503	1155	


Signature Line (Dept. Representative)

STAFF TIME LOG

LATE CLAIMS

Claim No(s). 43-13382

[illegible]

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: _____

Date Received: _____

Receipt No.: _____

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

1. Name of Claimant(s): Jay L. Black * Phone: (208) 824-5593

Mailing Address: P. O. Box 103, Almo, Idaho Zip: 83312

* See additional claimants described in Exhibit "A" attached hereto and made a part hereof.

2. Date of Priority (Only one (1) per claim): April 1, 1890

3. Source of water supply (a): Summit Creek

which is tributary to (b): Grape Creek

4. a. Location of existing point of diversion is: Township 14 S. Range 24 EBM Section 25
NW1/4 of SW1/4 of NW1/4, Govt. Lot, _____ B.M., County of Cassia

Additional points of diversion if any:

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc.); including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. A diversion dam in Summit Creek, diverting summit Creek into a earthen ditch which carries the water from Summit Creek, a tributary to Grape Creek, to Grape Creek, where the water is commingled with the water of Grape Creek and becomes Grape Creek water for diversion from Grape Creek under Water Right Nos. 43-00402, 43-00403A, 43-00404, 43-00405, 43-00406, 43-00407, 43-02215, 43-02247, all rights held by claimants.

Last Name Black Ident.No. _____ **SCANNED**

JAN 11 6 2005

6. Water is claimed for the following purposes:
(both dates are inclusive) (cfs) (acre feet)

For irrigation purposes from April 1 to October 31 amount 17.6 or _____

For stockwater purposes from January 1 to December 31 amount .05 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed: (a) 17.6 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses – Describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) Stockwater right not to exceed 13,000 gallons per day.

10. Description of place of use: Acres described in water rights identified in paragraph 5 of this claim
a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total
			NEN	NWN	SWN	SEN	NEN	NWN	SWN	SEN	NEN	NWN	SWN	SEN	NEN	NWN	SWN	SEN	

Total number of acres irrigated: 728

11. In which county(ies) are lands listed above as place of use located? Cassia

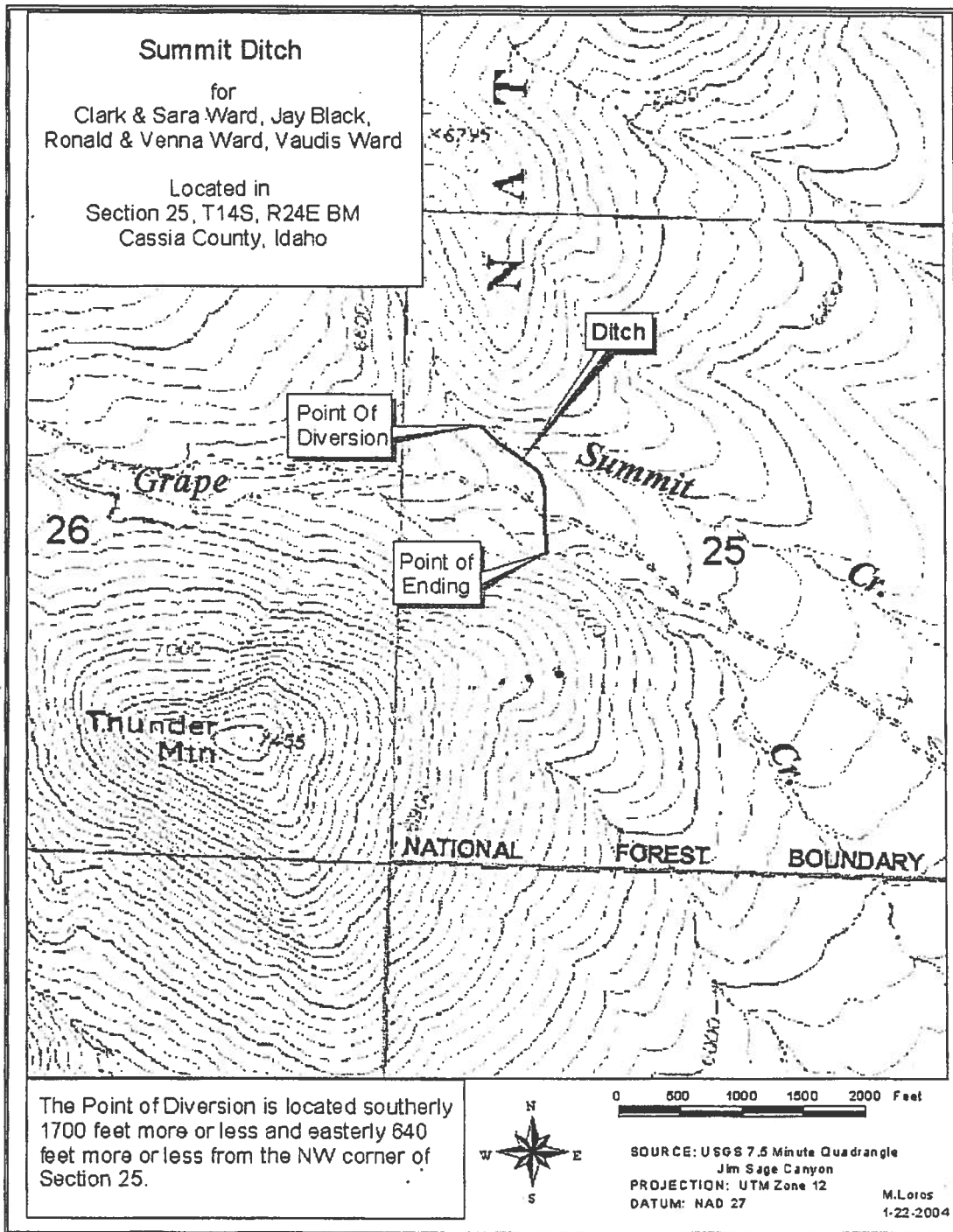
12. Do you own the property listed above as place of use? Yes ✓ No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
See paragraph 5 or None ()

14. Remarks: The water diverted under this right has historically been diverted from Summit Creek into a ditch which carries the water of Summit Creek to Grape Creek to which Summit Creek is a tributary. The Summit Creek water then becomes a part of Grape Creek and is diverted pursuant to the water rights related to the diversion and beneficial use of water from Grape Creek by the claimants under the water rights described in paragraph 5. This water right has been established by the diversion from Summit Creek and the application of water to beneficial use as a part of Grape Creek.

Last Name Black Ident.No. _____ SCANNED

JAN 11 6 2005



SCANNED

JAN 06 2005

15. Basis of Claim (check one): Beneficial Use ☒ Posted Notice ☐ License ☐ Permit ☐
Decree

If applicable, provide IDWR Water Right Number.:
Court Case No. Decree Date
Plaintiff vs. Defendant:

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: one (1)

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

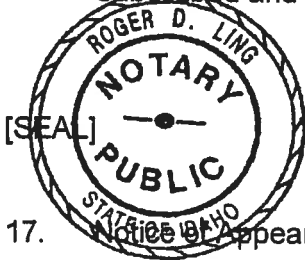
Signature of Claimant(s) Jay L. Black Date Jan. 5-05
Date

For Organizations: I do solemnly swear or affirm that I am of , that I have signed the foregoing document in the space below as of and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent
Title and Organization Date

State of Idaho or)
County of Minidoka) ss.

Subscribed and sworn (or affirmed) before me this 5th day of January, 2005.



Roger D. Ling
Notary Public, State of Idaho
Residing at: Rupert, Idaho
My Commission expires: 10/30/06

17. Notice of Appearance:

Notice is hereby given that I, Roger D. Ling, will be acting as attorney at law on behalf of the claimant signing the above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Roger D. Ling
Roger D. Ling
LING, ROBINSON & WALKER
Address: P. O. Box 396
Rupert, Idaho 83350-0396
Date January 5, 2005

Last Name Black Ident.No.

SCANNED
JAN 11 6 2005

EXHIBIT "A" TO NOTICE OF CLAIM TO A WATER RIGHT

GRAPE CREEK WATER RIGHTS AND OWNERS

<u>Water Right</u>	<u>Owners</u>
43-00402	Jay L. Black and Kenneth S. Black
43-00403A	Jay L. Black and Kenneth S. Black
43-00404	Jay L. Black and Sharon P. Black
43-00405	Jay L. Black and Sharon P. Black
43-02247	Jay L. Black and Kenneth S. Black
43-00406	Ronald C. Ward and Venna C. Ward
43-00407	Clark Ward, Sara Jane Ward, and Vaudis J. Ward
43-02215	Clark Ward, Sara Jane Ward, and Vaudis J. Ward

SCANNED

JAN 6 2005

RECEIVED

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
MAY 03 2005
DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

Case No. 39576

)
)
) ORDER GRANTING MOTION TO FILE
) LATE NOTICE OF CLAIM
) For water rights: 43-13382
)
)

On January 6, 2005, Claimants Jay L. Black, Kenneth S. Black, Sharon P. Black, Ronald C. Ward, Venna C. Ward, Clark Ward, Sara Jane Ward and Vaudis J. Ward, through their attorney Roger D. Ling, filed a *Motion to File Late Notice of Claim* for the above water right.

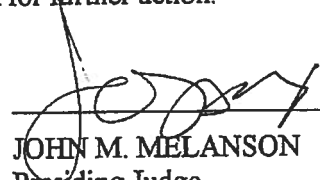
A hearing was held on April 21, 2005, in Blackfoot, Idaho. Mr. Kelly Anthon appeared for the Claimants to support the *Motion* at the hearing, and no one appeared in opposition.

Following questioning by the Court, the Court has concluded that the Claimant presented proper grounds for the *Motion to File Late Notice of Claim* to be granted.

Therefore, IT IS ORDERED, that the above water right is hereby allowed to proceed as claims.

The original Notice of Claim, as well as any attached filing fees, and a copy of this *Order* will be forwarded to the I.D.W.R for further action.

Dated: April 22, 2005. *jm*


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on May 02, 2005, with sufficient first-class postage to the following:

CLARK WARD
JAY L BLACK
KENNETH S BLACK
RONALD C WARD
SARA JANE WARD
SHARON P BLACK
VAUDIS J WARD
VENNA C WARD

Represented by:
ROGER D LING
PO BOX 396
RUPERT, ID 83350
Phone: 208-436-4717

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

ORDER

Page 1 5/02/05

FILE COPY FOR 00352

Deputy Clerk

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line that serves as a signature line.

RECEIVED
JAN 06 2005
DEPARTMENT OF
WATER RESOURCES

Name of Party Filing Document:
Jay L. Black

Attorney Name & Address:
Roger D. Ling, ISB No. 1018
LING, ROBINSON & WALKER
615 H Street, P. O. Box 396
Rupert, Idaho 83350

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

In Re SRBA

) Subcase No. 43-13382

Case No. 39576

)
) STANDARD FORM 4

)
) MOTION TO FILE:

) ☒ LATE NOTICE OF CLAIM

) ☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended October 16, 1997), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

SCANNED

SF. 4
Amended 9/30/96

(over) JAN 11 6 2005

Page 1

☒ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended October 16, 1997).

My name is

My address is

My phone number is: Work:

Home:

I am an attorney representing Jay L. Black and Kenneth S. Black,
Jay L. Black and Sharon P. Black,
Ronald C. Ward and Venna C. Ward, and
Clark Ward, Sara Jane Ward, and Vaudis J. Ward

My name is Roger D. Ling

My address is P. O. Box 396
Rupert, Idaho 83350

My phone number is (208) 436-4717

MOTION TO FILE A LATE NOTICE OF CLAIM

A *Motion to File a Late Notice of Claim* will require a hearing before the Presiding Judge.

- ☒ I did not file a Notice of Claim to the use of water in the SRBA because:
The claimants above named filed claims to use the water of Grape Creek, to which Summit Creek is a tributary. It was not known that a water right would be required for the diversion of Summit Creek to Grape Creek at a point above the normal confluence of the two creeks. The need for a right to divert Summit Creek into Grape Creek was noted as the result of the demands by the United States Forest Service, Department of Agriculture, that a water right be shown to exist to justify the easement for the ditch across Forest Service land used in this diversion.
- ☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.
- ☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. §42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 50.00.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on Tuesday, April 19, 2004 at 1:30 p.m.
(Insert date and time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho. The parties may participate by phone by dialing the presiding judge at (918) 583-3445, Code 406128

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

☐ I must amend my Notice of Claim to the use of water in the SRBA because:

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be Completed)

State of Idaho

County of Minidoka

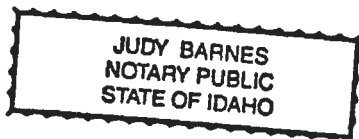
Roger D. Ling, duly sworn, upon oath, deposes and says:
(Name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. § 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Signature of person filing motion

Roger D. Ling
Attorney signing in representative capacity

Subscribed and sworn to before me on: January 5, 2005
(Insert Date)



Judy Barnes
Notary Public for State of Idaho
Residing at: Rupert, Idaho
My Commission expires: 02/12/2005

INSTRUCTION FOR MAILING

You must mail the motion, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted by the Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I hereby certify that on January 5, 2005, I mailed the original and copies of this motion, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

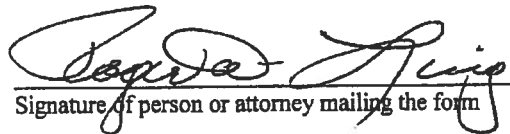
IDWR Document Depository
P. O. Box 83720
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Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 033
Boise, Idaho 83734

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert names/addresses of parties)


Signature of person or attorney mailing the form

Hancock, Vikie

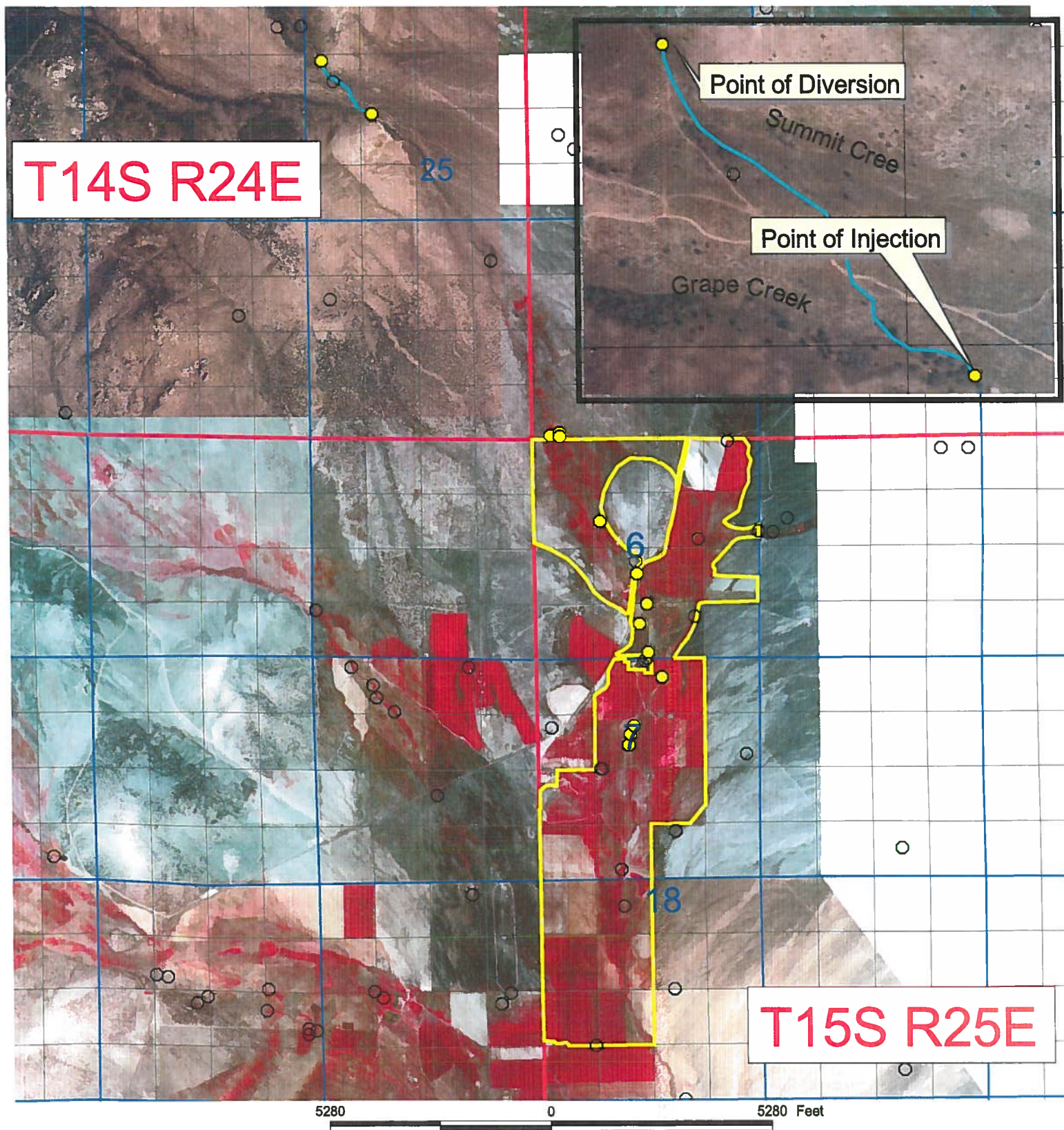
From: Shaff, Don
Sent: Thursday, January 06, 2005 3:14 PM
To: Hancock, Vikie
Subject: Ward et al Late Claim

Hi Vikie,

I need to pass on a heads up for a claim Jay Black et al will have (assigned 43-13382 I gave to the Court) for 17.6 cfs from Summit Creek trib to Grape Creek with an 1890 priority date. Ling prepared the motion for them and did not come to you at least to get a number. I'm sure the motion will come through here tomorrow or Monday and come up in Docs to give you more than the minimum data entry I did for the Temporary claim I created today.

Don Shaff
don.shaff@idwr.idaho.gov
208-287-4921

43-13382



- ☒ Recommendation PO Diversion
- ☐ Recommendation PO Use
- ☐ Township/Range
- ☐ Sections
- ☐ QQ



Recommendation Representative
 Photo date: 1987 or 1988 NAP
 Prepared by: Douglas Jones
 Date prepared: 10-30-2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 4, 2006

JAY L BLACK et al
C/O ROGER D LING
PO BOX 396
RUPERT ID 83350-0396

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #43-13382

Dear Mr. Ling:

The Notice of Claim to a Water Right you filed for your client, Jay Black, Kenneth Black, Sharon Black, Ronald Ward, Venna Ward, Clark Ward, Sara Jane Ward and Vaudis Ward, was received from the SRBA Court recently. I have enclosed receipt #C077713 for the filing fees your firm paid.

Before we can process your claim, however, a late fee in the amount of \$50.00 is due. According to SRBA Court Administrative Order 1, Rules of Procedure, (Page 3 of the Standard Form 4 you filed), "A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed."

Please notify us in writing if your client's address changes or if there is a change in ownership of their property and water right.

Sincerely,

Donald V. Shaff, MPA
Adjudication Bureau Chief

DVS:ss:region
Enclosure:

Receipt #C077713

SCANNED

APR - 5 2006

<u>Bas</u>	<u>Seq</u>	<u>Seq</u>	<u>Suff</u>	<u>Basis</u>	<u>Status</u>	<u>Priority Dat</u>	<u>Rate</u>	<u>Volu</u>	<u>Source</u>	<u>Water Use Owner(s)</u>	<u>Source Ta App.ID</u>
43	402			Decreed	Active	1880-04-01	3.2		GRAPE CREEK	IRRIGATIC BLACK, JA wrAdjudicationRecommendation	
43	403	A		Decreed	Active	1881-04-01	3.2		GRAPE CREEK	IRRIGATIC BLACK, JA wrAdjudicationRecommendation	
43	404			Decreed	Active	1880-04-01	3.2		GRAPE CREEK	IRRIGATIC BLACK, JA wrAdjudicationRecommendation	
43	405			Decreed	Active	1890-04-01	0.8		GRAPE CREEK	IRRIGATIC BLACK, JA wrWaterRight	
43	406			Decreed	Active	1880-04-01	3.2		GRAPE CREEK	IRRIGATIC WARD, RC wrAdjudicationRecommendation	
43	407			Decreed	Active	1880-04-01	3.2		GRAPE CREEK	IRRIGATIC WARD, CL wrAdjudicationRecommendation	
43	2215			License	Active	4/30/1917	0.6		GRAPE CREEK	IRRIGATIC WARD, CL wrAdjudicationRecommendation	
43	2247			License	Active	10/13/1922	0.2		GRAPE CREEK	IRRIGATIC BLACK, JA wrAdjudicationRecommendation	

17.6

Multiple Owners
for 43-13382

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 43-00402

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

KENNETH S BLACK
352 S HWY 27
BURLEY, ID 83318

SOURCE: GRAPE CREEK TRIBUTARY: RAFT RIVER

QUANTITY: 3.20 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 10.4 CFS. COMBINED RIGHT NOS.:
43-403A, 43-404, 43-105, 43-2247, 43-2279, 43-10304 AND
43-13030.

PRIORITY DATE: 04/01/1880

POINT OF DIVERSION: T14S R25E S31 LOT 4 (SWSWSW) Within Cassia County
LOT 4 (SWSWSW)
LOT 4 (SWSWSW)
T15S R25E S06 SWSSENW
NENESW
NESESW

PURPOSE AND	PURPOSE OF USE	PERIOD OF USE	QUANTITY
PERIOD OF USE:	Irrigation	04-01 TO 10-31	3.20 CFS

PLACE OF USE:	Irrigation	Within Cassia County
	T15S R25E S06 LOT 1 (NENE) 31.0	LOT 2 (NWNE) 27.0
		SENE 26.0
	LOT 3 (NENW) 24.0	LOT 4 (NWNW) 44.0
	LOT 5 (SWNW) 43.0	SENE 11.0
		NESW 35.0
		LOT 6 (NWSW) 9.4
		SESE 14.0
		NESE 23.0
		NWSE 38.0
		SWSE 30.0
	378.4 Acres Total	

USE OF THIS RIGHT WITH RIGHT NO. 43-403A IS LIMITED TO THE
IRRIGATION OF THE SAME 244 ACRES WITHIN THE PLACE OF USE
DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 378 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-403A, 43-404,
43-105, 43-2247, 43-2279, 43-10304 AND 43-13030..

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. I.C. SECTION 42-1412(6).

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
_____) Water Right 43-00407

NAME AND ADDRESS: CLARK WARD
SARA JANE WARD
VAUDIS J WARD
HC 61 BOX 1560
MALTA, ID 83342

SOURCE: GRAPE CREEK TRIBUTARY: RAFT RIVER

QUANTITY: 3.20 CFS

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

PRIORITY DATE: 04/01/1880

POINT OF DIVERSION: T14S R25E S31 LOT 4 (SWSWSW) Within Cassia County
T15S R25E S06 NESESW
S07 NESENW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.05 CFS
	Irrigation	04-01 TO 10-31	3.20 CFS

PLACE OF USE: Irrigation Within Cassia County

T15S R25E S07	NESW 39.0	LOT 3	(NWSW) 37.0
LOT 4	(SWSW) 40.0		SESW 40.0
S18	NENW 40.0	LOT 1	(NWNW) 40.0
LOT 2	(SNNW) 39.0		SENW 40.0
	NESW 40.0	LOT 3	(NWSW) 38.0
393.0 Acres Total			

Stockwater Within Cassia County

T15S R25E S07	NESW	LOT 3	(NWSW)
LOT 4	(SWSW)		SESW
S18	NENW	LOT 1	(NWNW)
LOT 2	(SNNW)		SENW
	NESW	LOT 3	(NWSW)

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 383 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-407, 43-2215, 43-4110, 43-7112,
43-10290, 43-13029.

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

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. I.C. SECTION 42-1412(6).

RECEIVED
JAN 06 2005
DEPARTMENT OF
WATER RESOURCES

Name of Party Filing Document:
Jay L. Black

Attorney Name & Address:
Roger D. Ling, ISB No. 1018
LING, ROBINSON & WALKER
615 H Street, P. O. Box 396
Rupert, Idaho 83350

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

In Re SRBA

Case No. 39576

) Subcase No. 43-13382
)
) STANDARD FORM 4
)
) MOTION TO FILE:
) ☒ LATE NOTICE OF CLAIM
) ☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended October 16, 1997), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

SCANNED

SF. 4
Amended 9/30/96

(over) JAN 11 6 2005

Page 1

☒ I have read **SRBA Administrative Order 1, Rules of Procedure** (amended October 16, 1997).

My name is

My address is

My phone number is: Work:

Home:

I am an attorney representing Jay L. Black and Kenneth S. Black,
Jay L. Black and Sharon P. Black,
Ronald C. Ward and Venna C. Ward, and
Clark Ward, Sara Jane Ward, and Vaudis J. Ward

My name is Roger D. Ling

My address is P. O. Box 396
Rupert, Idaho 83350

My phone number is (208) 436-4717

MOTION TO FILE A LATE NOTICE OF CLAIM

A *Motion to File a Late Notice of Claim* will require a hearing before the Presiding Judge.

- ☒ I did not file a Notice of Claim to the use of water in the SRBA because:
The claimants above named filed claims to use the water of Grape Creek, to which Summit Creek is a tributary. It was not known that a water right would be required for the diversion of Summit Creek to Grape Creek at a point above the normal confluence of the two creeks. The need for a right to divert Summit Creek into Grape Creek was noted as the result of the demands by the United States Forest Service, Department of Agriculture, that a water right be shown to exist to justify the easement for the ditch across Forest Service land used in this diversion.
- ☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.
- ☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. §42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$_____.
- ☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$50.00.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on Tuesday, April 19, 2004 at 1:30 p.m.
(Insert date and time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho. The parties may participate by phone by dialing the presiding judge at (918) 583-3445, Code 406128

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be Completed)

State of Idaho

County of Minidoka

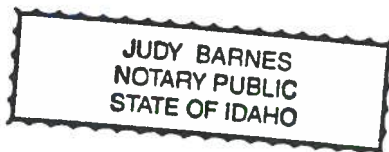
Roger D. Ling, duly sworn, upon oath, deposes and says:
(Name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. § 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Signature of person filing motion

Roger D. Ling
Attorney signing in representative capacity

Subscribed and sworn to before me on: January 5, 2005
(Insert Date)



Judy Barnes
Notary Public for State of Idaho
Residing at: Rupert, Idaho
My Commission expires: 02/12/2005

INSTRUCTION FOR MAILING

You must mail the motion, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted by the Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I hereby certify that on January 5, 2005, I mailed the original and copies of this motion, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

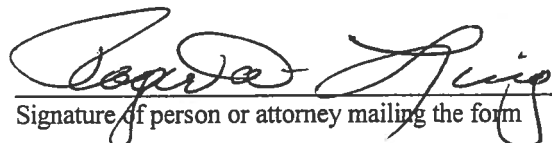
IDWR Document Depository
P. O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 033
Boise, Idaho 83734

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert names/addresses of parties)


Signature of person or attorney mailing the form

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: _____

Date Received: _____

Receipt No.: _____

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

1. Name of Claimant(s): Jay L. Black * Phone: (208) 824-5593
Mailing Address: P. O. Box 103, Almo, Idaho Zip: 83312
* See additional claimants described in Exhibit "A" attached hereto and made a part hereof.
2. Date of Priority (Only one (1) per claim): April 1, 1890
3. Source of water supply (a): Summit Creek
which is tributary to (b): Grape Creek
4. a. Location of existing point of diversion is: Township 14 S. Range 24 EBM Section 25
NW1/4 of SW1/4 of NW1/4, Govt. Lot, _____ B.M., County of Cassia
Additional points of diversion if any:
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____. _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc.); including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. A diversion dam in Summit Creek, diverting summit Creek into a earthen ditch which carries the water from Summit Creek, a tributary to Grape Creek, to Grape Creek, where the water is commingled with the water of Grape Creek and becomes Grape Creek water for diversion from Grape Creek under Water Right Nos. 43-00402, 43-00403A, 43-00404, 43-00405, 43-00406, 43-00407, 43-02215, 43-02247, all rights held by claimants.

Last Name Black Ident.No. _____

SCANNED

JAN 11 6 2005

6. Water is claimed for the following purposes:
(both dates are inclusive) (cfs) (acre feet)

For irrigation purposes from April 1 to October 31 amount 17.6 or _____

For stockwater purposes from January 1 to December 31 amount .05 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed: (a) 17.6 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses – Describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) Stockwater right not to exceed 13,000 gallons per day.

10. Description of place of use: Acres described in water rights identified in paragraph 5 of this claim
a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Total
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

Total number of acres irrigated: 728

11. In which county(ies) are lands listed above as place of use located? Cassia

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

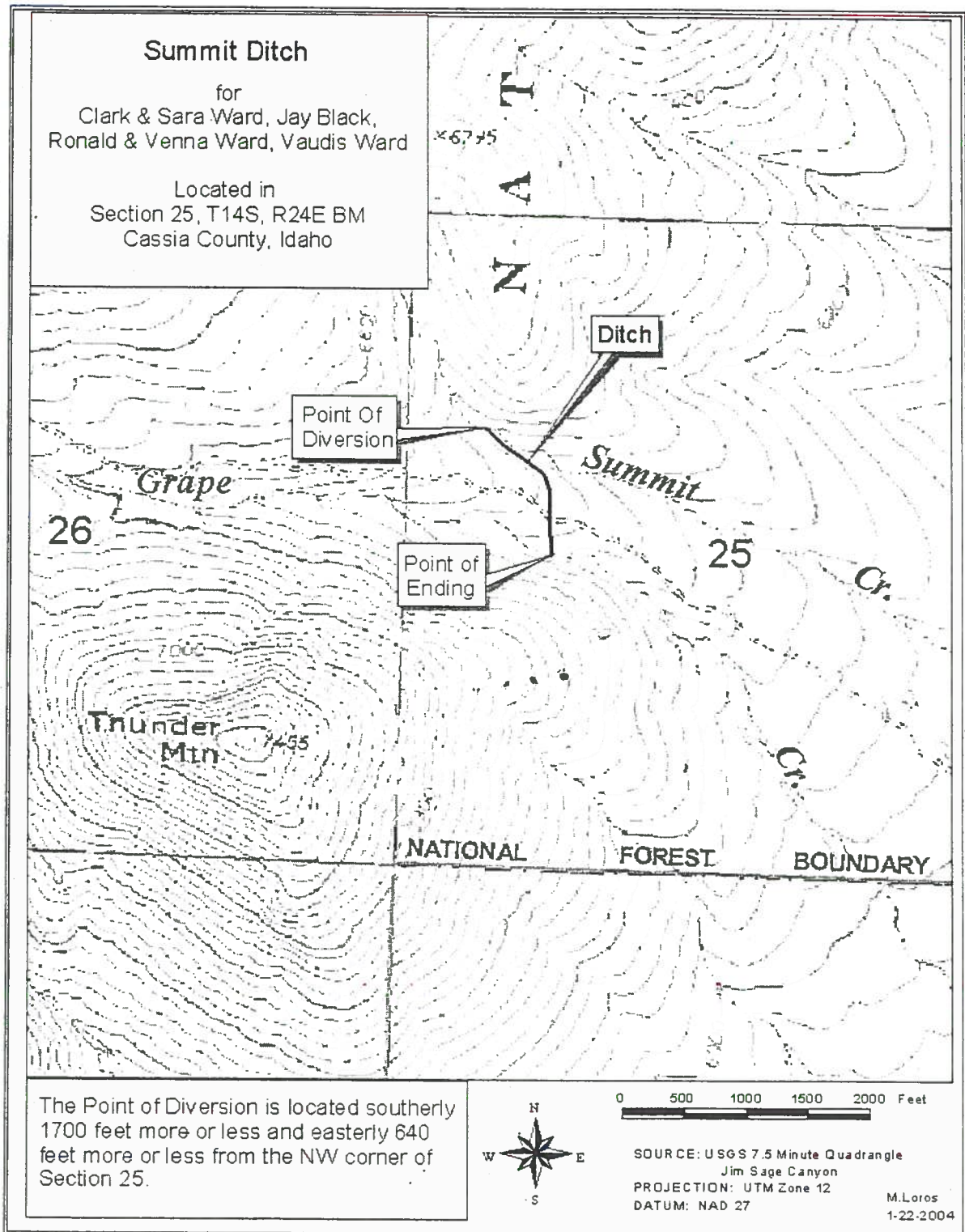
13. Describe any other water rights used at the same place and for the same purposes as described above.

See paragraph 5 or None ()

14. Remarks: The water diverted under this right has historically been diverted from Summit Creek into a ditch which carries the water of Summit Creek to Grape Creek to which Summit Creek is a tributary. The Summit Creek water then becomes a part of Grape Creek and is diverted pursuant to the water rights related to the diversion and beneficial use of water from Grape Creek by the claimants under the water rights described in paragraph 5. This water right has been established by the diversion from Summit Creek and the application of water to beneficial use as a part of Grape Creek.

Last Name Black Ident.No. SCANNED

JAN 11 6 2005



SCANNED

JAN 06 2005

15. Basis of Claim (check one): Beneficial Use ☒ Posted Notice ☐ License ☐ Permit ☐
Decree ☐

If applicable, provide IDWR Water Right Number.: _____

Court _____ Case No. _____ Decree Date _____

Plaintiff vs. Defendant: _____

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: one (1)

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) Jay L. Black Date Jan. 5-05

Date _____

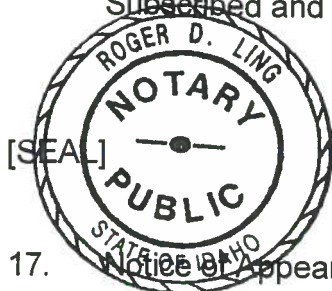
For Organizations: I do solemnly swear or affirm that I am _____ of _____, that I have signed the foregoing document in the space below as _____ of _____ and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho or _____)
County of Minidoka) ss.

Subscribed and sworn (or affirmed) before me this 5th day of January, 2005.



Roger D. Ling
Notary Public, State of Idaho
Residing at: Rupert, Idaho
My Commission expires: 10/30/06

17. Notice of Appearance:

Notice is hereby given that I, Roger D. Ling, will be acting as attorney at law on behalf of the claimant signing the above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Roger D. Ling
Roger D. Ling
LING, ROBINSON & WALKER
Address: P. O. Box 396
Rupert, Idaho 83350-0396
Date January 5, 2005

Last Name Black Ident.No. _____

SCANNED

JAN 6 2005

EXHIBIT "A" TO NOTICE OF CLAIM TO A WATER RIGHT

GRAPE CREEK WATER RIGHTS AND OWNERS

Water Right

Owners

43-00402	Jay L. Black and Kenneth S. Black
43-00403A	Jay L. Black and Kenneth S. Black
43-00404	Jay L. Black and Sharon P. Black
43-00405	Jay L. Black and Sharon P. Black
43-02247	Jay L. Black and Kenneth S. Black
43-00406	Ronald C. Ward and Venna C. Ward
43-00407	Clark Ward, Sara Jane Ward, and Vaudis J. Ward
43-02215	Clark Ward, Sara Jane Ward, and Vaudis J. Ward

SCANNED

JAN 16 2005

10/31/2007

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

RIGHT NUMBER: 43-13382

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

SHARON P BLACK
PO BOX 103
ALMO ID 83312

RONALD C WARD
PO BOX 109
ALMO ID 83312

CLARK W WARD
HC 61 BOX 1560
ELBA ID 83326

KENNETH S BLACK
352 S HWY 27
BURLEY ID 83318

VENNA C WARD
PO BOX 109
ALMO ID 83312

VAUDIS J WARD
HC 61 BOX 1560
ELBA ID 83326

SARA JANE WARD
HC 61 BOX 1560
MALTA ID 83342

SOURCE: SUMMIT CREEK

TRIBUTARY: GRAPE CREEK

QUANTITY: 15.360 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

The rights listed below are limited to a total combined diversion rate of 17.6 cfs at the points of redistribution. Combined Right Nos.: 43-402, 43-403A, 43-404, 43-405, 43-406, 43-407, 43-2215, 43-2247, 43-13382.

PRIORITY DATE: 10/24/1928

POINT OF DIVERSION:

T14S R24E S25 NWSWN Within CASSIA County
T14S R24E S25 NWNESW Injection Within CASSIA County
T14S R25E S31 SWSWSW Lot 4 Rediversion Within CASSIA County
T14S R25E S31 SWSWSW Lot 4 Rediversion Within CASSIA County
T14S R25E S31 SWSWSW Lot 4 Rediversion Within CASSIA County
T15S R25E S6 SWSNW Rediversion Within CASSIA County
T15S R25E S6 NENESW Rediversion Within CASSIA County
T15S R25E S6 NESESW Rediversion Within CASSIA County
T15S R25E S6 NESESW Rediversion Within CASSIA County

10/31/2007

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

T15S R25E S6 SESESW Rediversion Within CASSIA County
T15S R25E S7 NWNWNE Rediversion Within CASSIA County
T15S R25E S7 NESENW Rediversion Within CASSIA County
T15S R25E S7 NESENW Rediversion Within CASSIA County
T15S R25E S7 SESENW Rediversion 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	15.360 CFS
STOCKWATER	01/01 12/31	0.050 CFS

PLACE OF USE:

IRRIGATION in CASSIA County

T15S R25E S06 Lot 1 NENE	31.00	T15S R25E S06 Lot 2 NWNE	27.00
T15S R25E S06 SWNE	23.00	T15S R25E S06 SENE	26.00
T15S R25E S06 Lot 3 NENW	24.00	T15S R25E S06 Lot 4 NWNW	44.00
T15S R25E S06 Lot 5 SWNW	43.00	T15S R25E S06 SENW	11.00
T15S R25E S06 NESW	35.00	T15S R25E S06 Lot 6 NWSW	9.40
T15S R25E S06 SESW	14.00	T15S R25E S06 NESE	23.00
T15S R25E S06 NWSE	38.00	T15S R25E S06 SWSE	30.00
T15S R25E S07 NWNE	40.00	T15S R25E S07 SWNE	40.00
T15S R25E S07 NENW	30.00	T15S R25E S07 SENW	39.00
T15S R25E S07 NESW	39.00	T15S R25E S07 Lot 3 NWSW	37.00
T15S R25E S07 Lot 4 SWSW	41.00	T15S R25E S07 SESW	40.00
T15S R25E S07 NWSE	38.00	T15S R25E S18 NENW	40.00
T15S R25E S18 Lot 1 NWNW	40.00	T15S R25E S18 Lot 2 SWNW	40.00
T15S R25E S18 SENW	40.00	T15S R25E S18 NESW	40.00
T15S R25E S18 Lot 3 NWSW	39.00		

STOCKWATER in CASSIA County

T15S R25E S07 NESW		T15S R25E S07 Lot 3 NWSW	
T15S R25E S07 Lot 4 SWSW		T15S R25E S07 SESW	
T15S R25E S18 NENW		T15S R25E S18 Lot 1 NWNW	
T15S R25E S18 Lot 2 SWNW		T15S R25E S18 SENW	
T15S R25E S18 NESW		T15S R25E S18 Lot 3 NWSW	

961.4 ACRES TOTAL

768

The rights listed below are limited to the irrigation of a combined total of acres in a single irrigation season. Combined Right Nos.: 43-402, 43-403A, 43-404, 43-405, 43-406, 43-407, 43-2215, 43-2247, 43-13382.

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

10/31/2007

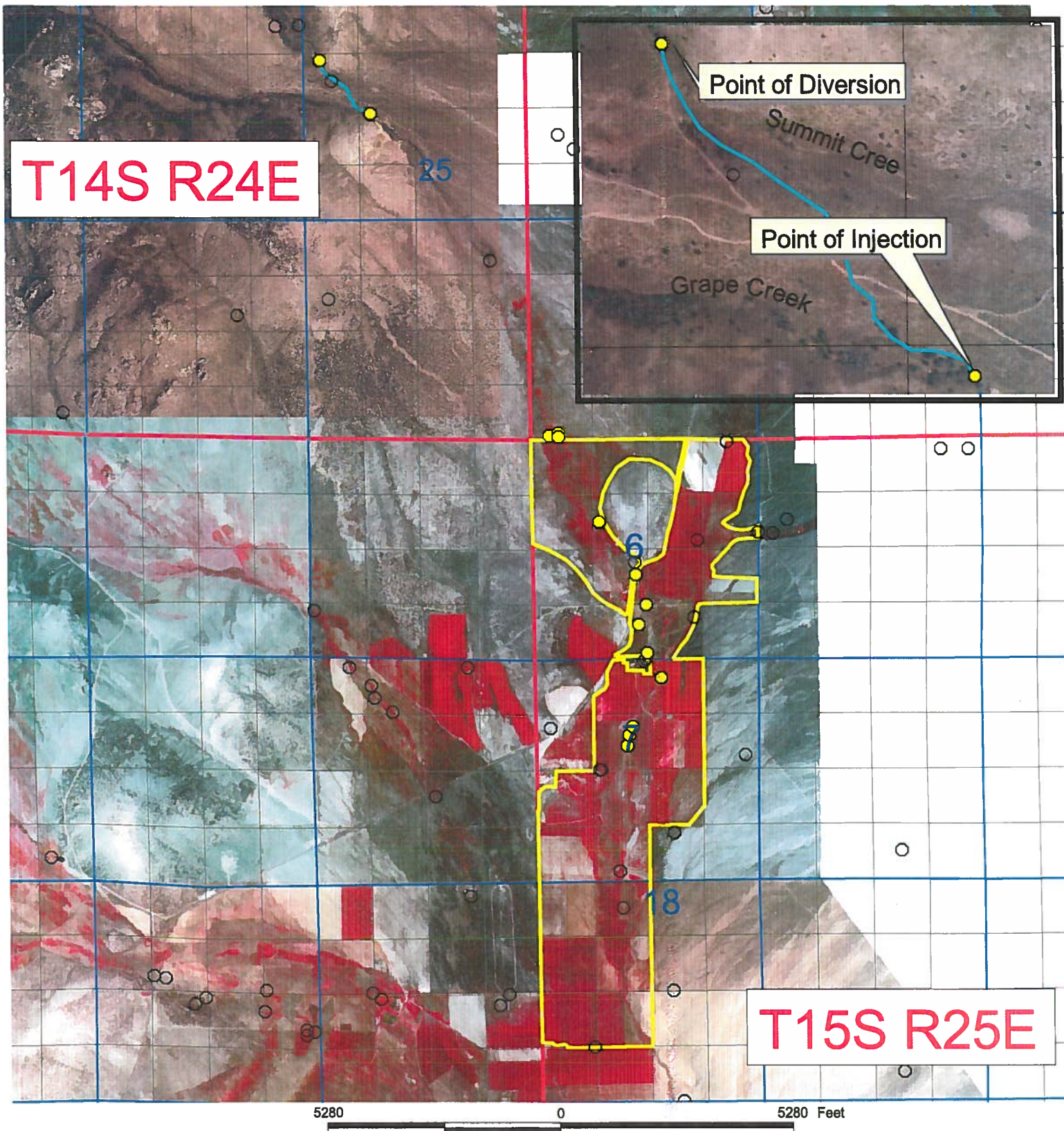
IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
Stockwater use is for 200 range cattle.

43-13382



- ☒ Recommendation PODiversion
- ☐ Recommendation PO Use
- ☐ Township/Range
- ☐ Sections
- ☐ QQ



Recommendation Representati
 Photo date: 1987 or 1988 NAP
 Prepared by: Douglas Jones
 Date prepared: 10-30-2007

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 43-407

WATER RIGHT NUMBER: 43-407

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	RIGBY ANDRUS & MOELLER CHTD PO BOX 250 REXBURG, ID 83440 (208)356-3633
Current Owner	SARA JANE WARD HC 61 BOX 1560 MALTA, ID 83342 (208)824-5560
Current Owner	CLARK W WARD HC 61 BOX 1560 ELBA, ID 83326 (208)824-5560
Current Owner	VAUDIS J WARD HC 61 BOX 1560 ELBA, ID 83326 (208)824-5560

Priority Date: 04/01/1880

Basis: Decreed

Status: Active

Source

GRAPE CREEK

Beneficial Use

STOCKWATER

IRRIGATION

Location of Point(s) of Diversion

GRAPE CREEK

CASSIA County

GRAPE CREEK

CASSIA County

GRAPE CREEK

CASSIA County

Place of Use

STOCKWATER

402	3.2	244	244
403A	3.2	244	
404	3.2	200	200
405	.8	200	
406	3.2	160	
407	3.2	160	
2215	.6	30	
2247	.2	10	768
77.6			

Twp	Rge	Sec	NE				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	25E	7					X	X	X	X					
								L3	L4						

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 43-407

15S 25E 18		X	X	X	X	X	X	
			L 1	L 2			L 3	

IRRIGATION

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 25E 7									39.0	37.0	40.0	40.0					156.0
										L 3	L 4						
15S 25E 18					40.0	40.0	39.0	40.0	40.0	38.0							237.0
						L 1	L 2			L 3							

Total Acres: 393

Conditions of Approval:

1. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. STOCKWATER 200 RANGE CATTLE
4. E56 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 383 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-407, 43-2215, 43-4110, 43-7112, 43-10290, 43-13029.
5. 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.
6. N05 THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:Comments:

1. TFAWCETT 10/3/1997 ADDRESS CORRECTION
Comment: CORRECTED ATTORNEY ADDRESS AND TELEPHONE NUMBER.
2. vhancock 1/25/2001 COPIED FROM REMARKS
Comment: ALL OF THE SURFACE RIGHTS INCLUDED WITHIN THE RIGHTS DESCRIBED IN PARAGRAPH 13 ARE CONSTANTLY SUBJECT TO SHORTAGE. THEREFORE WHATEVER WATER IS AVAILABLE FROM THOSE SURFACE RIGHTS, IF SHORT IS SUPPLEMENTED BY THE WELLS AND USED INTERCHANGEABLY ON THE LAND CLAIMED IN PARAGRAPH 13.^^^ OWNERSHIP CODE UPDATED BY FH TO SHOW ATTORNEY 07-17-1995.^^^
3. vhancock 6/14/2001 PPU
Comment: CHGD PPU SHAPE PER NOE 6-4-01

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 43-407

Dates and Other Information:

Licensed Date:
Decreed Date: 6/28/2002
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
Water District Number: 43D
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		383

Combined Water Rights: 43-407 , 43-2215 , 43-4110 , 43-7112 , 43-10290 ,
43-13029

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 43-402

WATER RIGHT NUMBER: 43-402

Owner Type Name and Address

Original Owner WAKE

, ID

Current Owner KENNETH S BLACK
352 S HWY 27
BURLEY, ID 83318
(208)678-7963Current Owner JAY L BLACK
PO BOX 103
ALMO, ID 83312
(208)824-5593

Priority Date: 04/01/1880

Basis: Decreed

Status: Active

Source

GRAPE CREEK

Tributary

RAFT RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Diversion Rate

3.200 CFS

Annual VolumeTotal Diversion: 3.200 CFSLocation of Point(s) of Diversion

GRAPE CREEK	NE1/4SE1/4SW1/4 ✓	Sec. 6,	Twp 15S,	Rge 25E, B.M.
CASSIA County				
GRAPE CREEK	SW1/4SE1/4NW1/4 ✓	Sec. 6,	Twp 15S,	Rge 25E, B.M.
CASSIA County				
GRAPE CREEK	L4 (SW1/4SW1/4SW1/4) ✓	Sec. 31,	Twp 14S,	Rge 25E, B.M.
CASSIA County				
GRAPE CREEK	L4 (SW1/4SW1/4SW1/4) ✓	Sec. 31,	Twp 14S,	Rge 25E, B.M.
CASSIA County				
GRAPE CREEK	L4 (SW1/4SW1/4SW1/4) ✓	Sec. 31,	Twp 14S,	Rge 25E, B.M.
CASSIA County				
GRAPE CREEK	NE1/4NE1/4SW1/4 ✓	Sec. 6,	Twp 15S,	Rge 25E, B.M.
CASSIA County				

Place of Use

IRRIGATION

Twp	Rge	Sec		NE		NW		SW		SE							
	NE		NW		SW		SE		NE		NW		SW		SE		Totals

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 43-402

15S 25E 6	31.0	27.0	23.0	26.0	24.0	44.0	43.0	11.0	35.0	9.4	14.0	23.0	38.0	30.0	378.4
	L 1	L 2			L 3	L 4	L 5			L 6					

Total Acres: 378.4

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.
2. E52 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 10.4 CFS. COMBINED RIGHT NOS.: 43-403A, 43-404, 43-105, 43-2247, 43-2279, 43-10304 AND 43-13030.
3. E55 USE OF THIS RIGHT WITH RIGHT NO. 43-403A IS LIMITED TO THE IRRIGATION OF THE SAME 244 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 378 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-403A, 43-404, 43-105, 43-2247, 43-2279, 43-10304 AND 43-13030..

Remarks:Comments:

1. vhancock 6/5/2001 POD

Comment: THERE ARE THREE POINTS OF DIVERSION FROM GRAPE CREEK IN SWSW SEC 31 T14S, R25E. ONE IS ASSOCIATED WITH THE POND AND PIPELINE, TWO ARE DIRECTLY FROM THE CHANNEL.

Dates and Other Information:

Licensed Date:
 Decreed Date: 6/28/2002
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: OR
 Water District Number: 43D
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number: 39576
 Judicial District: FIFTH
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

Rate	Volume	Acres
10.4		378

Combined Water Rights: 43-404 , 43-2247 , 43-402 , 43-403A , 43-405 , 43-10304 , 43-13030

Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
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Water Right Report 43-403A

WATER RIGHT NUMBER: 43-403A

Priority Date: 04/01/1881
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
GRAPE CREEK	RAFT RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	3.200 CFS	
	Total Diversion:	3.200 CFS	

Location of Point(s) of Diversion

GRAPE CREEK CASSIA County	SW1/4SE1/4NW1/4	Sec. 6,	Twp 15S,	Rge 25E, B.M.
GRAPE CREEK CASSIA County	NE1/4NE1/4SW1/4	Sec. 6,	Twp 15S,	Rge 25E, B.M.
GRAPE CREEK CASSIA County	L4 (SW1/4SW1/4SW1/4)	Sec. 31,	Twp 14S,	Rge 25E, B.M.
GRAPE CREEK CASSIA County	L4 (SW1/4SW1/4SW1/4)	Sec. 31,	Twp 14S,	Rge 25E, B.M.
GRAPE CREEK CASSIA County	L4 (SW1/4SW1/4SW1/4)	Sec. 31,	Twp 14S,	Rge 25E, B.M.
GRAPE CREEK CASSIA County	NE1/4SE1/4SW1/4	Sec. 6,	Twp 15S,	Rge 25E, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 43-403A

15S 25E 6	31.0	27.0	23.0	26.0	24.0	44.0	43.0	11.0	35.0	9.4	14.0	23.0	38.0	30.0	378.4
	L 1	L 2			L 3	L 4	L 5			L 6					

Total Acres: 378.4

Conditions of Approval:

1. E52 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 10.4 CFS. COMBINED RIGHT NOS.: 43-402, 43-404, 43-405, 43-2247, 43-2279, 43-10304 AND 43-13030.
2. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 378 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-402, 43-404, 43-405, 43-2247, 43-2279, 43-10304 AND 43-13030.
3. 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.
4. E55 USE OF THIS RIGHT WITH RIGHT NO. 43-402 IS LIMITED TO THE IRRIGATION OF THE SAME 244 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Remarks:Comments:

1. vhancock 11/8/2000 COPIED FROM REMARKS

Comment: The A suffix was assigned to this claim as the number 43-00403 had already been claimed. The proof report is attached.

Dates and Other Information:

Licensed Date:
 Decreed Date: 6/28/2002
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: OR
 Water District Number: 43D
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number: 39576
 Judicial District: FIFTH
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

Rate	Volume	Acres
10.4		378

Combined Water Rights: 43-404 , 43-2247 , 43-402 , 43-403A , 43-405 , 43-10304 , 43-13030

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 43-404

WATER RIGHT NUMBER: 43-404

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	LOWE
	, ID
Original Owner	J SPENCER BLACK PO BOX 103 ALMO, ID 83312
Current Owner	JAY L BLACK PO BOX 103 ALMO, ID 83312 (208)824-5593
Current Owner	SHARON P BLACK PO BOX 103 ALMO, ID 83312 (208)824-5593

Priority Date: 04/01/1880

Basis: Decreed

Status: Active

Source

GRAPE CREEK

Tributary

RAFT RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	3.200 CFS	
	<u>Total Diversion:</u>	3.200 CFS	

Location of Point(s) of Diversion

GRAPE CREEK CASSIA County	NE1/4NE1/4SW1/4	Sec. 6, Twp 15S, Rge 25E, B.M.
GRAPE CREEK CASSIA County	NE1/4SE1/4SW1/4	Sec. 6, Twp 15S, Rge 25E, B.M.
GRAPE CREEK CASSIA County	L4 (SW1/4SW1/4SW1/4)	Sec. 31, Twp 14S, Rge 25E, B.M.
GRAPE CREEK CASSIA County	L4 (SW1/4SW1/4SW1/4)	Sec. 31, Twp 14S, Rge 25E, B.M.
GRAPE CREEK CASSIA County	L4 (SW1/4SW1/4SW1/4)	Sec. 31, Twp 14S, Rge 25E, B.M.
GRAPE CREEK CASSIA County	SW1/4SE1/4NW1/4	Sec. 6, Twp 15S, Rge 25E, B.M.

Place of Use

IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 43-404

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	25E	6	31.0	27.0	23.0	26.0	24.0	44.0	43.0	11.0	35.0	9.4		14.0	23.0	38.0	30.0		378.4
			L 1	L 2			L 3	L 4	L 5			L 6							

Total Acres: 240

Conditions of Approval:

1. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 378 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-402, 43-403A, 43-405, 43-2247, 43-2279, 43-10304, 43-13030.
2. E55 USE OF THIS RIGHT WITH RIGHT NO. 43-405 IS LIMITED TO THE IRRIGATION OF THE SAME 200 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. 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.
4. E52 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 10.4 CFS. COMBINED RIGHT NOS.: 43-402, 43-403A, 43-405, 43-2247, 43-2279, 43-10304, 43-13030.

Remarks:Comments:

1. SSHERMAN 1/22/1998 OWNERSHIP CHANGE

Comment: FORM 42-248/42-1409(6) OWNERSHIP CHANGE, J SPENCER BLACK AND JAY L BLACK TO JAY L AND SHARON P BLACK. NOTE: MAP SUBMITTED BY NEW OWNERS DOES NOT SHOW POU IN NENW OF T15S R 25E SEC. 7. SEE 01/22/1998 MEMO TO FILE.

Dates and Other Information:

Licensed Date:

Decreed Date: 6/28/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector: OR

Water District Number: 43D

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number: 39576

Judicial District: FIFTH

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 43-405

WATER RIGHT NUMBER: 43-405

Owner Type Name and Address

Original Owner LOWE

Current Owner , ID
 SHARON P BLACK
 PO BOX 103
 ALMO, ID 83312
 (208)824-5593

Current Owner JAY L BLACK
 PO BOX 103
 ALMO, ID 83312
 (208)824-5593

Priority Date: 04/01/1890

Basis: Decreed

Status: Active

Source

GRAPE CREEK

Tributary

RAFT RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Diversion Rate

0.800 CFS

Annual VolumeTotal Diversion: 0.800 CFSLocation of Point(s) of Diversion

GRAPE CREEK	NE1/4SE1/4SW1/4	Sec. 6,	Twp 15S,	Rge 25E, B.M.
CASSIA County				
GRAPE CREEK	SW1/4SE1/4NW1/4	Sec. 6,	Twp 15S,	Rge 25E, B.M.
CASSIA County				
GRAPE CREEK	L4 (SW1/4SW1/4SW1/4)	Sec. 31,	Twp 14S,	Rge 25E, B.M.
CASSIA County				
GRAPE CREEK	L4 (SW1/4SW1/4SW1/4)	Sec. 31,	Twp 14S,	Rge 25E, B.M.
CASSIA County				
GRAPE CREEK	L4 (SW1/4SW1/4SW1/4)	Sec. 31,	Twp 14S,	Rge 25E, B.M.
CASSIA County				
GRAPE CREEK	NE1/4NE1/4SW1/4	Sec. 6,	Twp 15S,	Rge 25E, B.M.
CASSIA County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 43-405

15S 25E 6	31.0	27.0	23.0	26.0	24.0	44.0	43.0	11.0	35.0	9.4		14.0	23.0	38.0	30.0		378.4
	L 1	L 2			L 3	L 4	L 5			L 6							

Total Acres: 240

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.
2. E55 USE OF THIS RIGHT WITH RIGHT NO. 43-404 IS LIMITED TO THE IRRIGATION OF THE SAME 200 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 378 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-402, 43-403A, 43-404, 43-2247, 43-2279, 43-10304, 43-13030.
4. E52 USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 10.4 CFS. COMBINED RIGHT NOS.: 43-402, 43-403A, 43-404, 43-2247, 43-2279, 43-10304, 43-13030.

Remarks:Comments:

1. vhancock 6/5/2001 OWNERSHIP CHG
 Comment: PER DEED SUBMITTED 6-5-01.

Dates and Other Information:

Licensed Date:
 Decreed Date: 6/28/2002
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: OR
 Water District Number: 43D
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number: 39576
 Judicial District: FIFTH
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
10.4		378
Combined Water Rights: 43-404 , 43-2247 , 43-402 , 43-403A , 43-405 , 43-10304 , 43-13030		

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 43-406

WATER RIGHT NUMBER: 43-406

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JOHN C WARD
Current Owner	ELBA, ID VENNA C WARD PO BOX 109 ALMO, ID 83312 (208)824-5594
Current Owner	RONALD C WARD PO BOX 109 ALMO, ID 83312 (208)824-5594
Original Owner	NELLIE WARD , ID

Priority Date: 04/01/1880

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GRAPE CREEK	RAFT RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	3.200 CFS	
	<u>Total Diversion:</u>	3.200 CFS	

Location of Point(s) of Diversion

GRAPE CREEK CASSIA County	NE1/4SE1/4NW1/4	✓ Sec. 7, Twp 15S, Rge 25E, B.M.
GRAPE CREEK CASSIA County	SE1/4SE1/4NW1/4	✓ Sec. 7, Twp 15S, Rge 25E, B.M.
GRAPE CREEK CASSIA County	NW1/4NW1/4NE1/4	✓ Sec. 7, Twp 15S, Rge 25E, B.M.
GRAPE CREEK CASSIA County	L4 (SW1/4SW1/4SW1/4)	Sec. 31, Twp 14S, Rge 25E, B.M.
GRAPE CREEK CASSIA County	SE1/4SE1/4SW1/4 (Rediversion)	✓ Sec. 6, Twp 15S, Rge 25E, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec		NE		NW		SW	
				NE		NW		SW	

725 +
2215
2247

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 43-406

	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
15S 25E 7		40.0	40.0		30.0			39.0						38.0			187.0

Total Acres: 187

Conditions of Approval:

1. E51 USE OF THIS RIGHT WITH RIGHT NO. 43-2507 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.74 CFS.
2. E55 USE OF THIS RIGHT WITH RIGHT NO. 43-2507 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 187 ACRES IN A SINGLE IRRIGATION SEASON.
3. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. 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.
5. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks:Comments:

1. vhancock 11/13/2000 USE

Comment: Non-irrigation use is stockwater.

2. vhancock 11/13/2000 POU

Comment: Place of use claimed in section 31 was not included in original decreed pou and required an expansion claim. As of this date claimant has not filed an expansion claim to cover the use in section 31. Accomplished transfer of pou is use within PPU.

3. vhancock 11/13/2000 POD

Comment: PODs verified by GPS during field exam 9-30-1999.

Dates and Other Information:

Licensed Date:

Decreed Date: 6/28/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector: AND

Water District Number: 43D

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number: 39576

Judicial District: FIFTH

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

COMMUNICATION DOCUMENTATION

From: Vikie Hancock

February 2, 2004

Regarding:

Customer:

Grape Creek / Summit Creek

Jay Black

Jay Black came into the office in response to a letter he received from the USFS dated Jan 26, 2004, regarding his lack of a recorded water right on Summit Creek in Cassia County.

Jay Black, Ron Ward and Clark Ward all have SRBA decreed rights on Grape Creek (decree date June 2002). At the time of my recommendations, I was unaware that their diversions from Grape Creek included water diverted from Summit Creek and injected into the Grape Creek Channel approximately 1.5 miles upstream of their uppermost claimed point of diversion. Therefore, Summit Creek was not included as a source and the point of diversion was not included in their SRBA decreed rights.

Grape Creek was included in the Jobe Adams Decree of 1929, and Jay Black told me this date that most likely the ditch from Summit Creek to Grape Creek was constructed not long after Grape Creek was put to use by the original homesteaders. He knows that it existed when he was a small child and he remembers that in or around 1967 his family put in a permanent structure to divert the entire flow of Summit Creek to Grape Creek, cutting off the original Summit Creek channel all together. Before that time they cleaned and repaired the diversion each year. He also remembers that the Forest Service noticed the newly constructed permanent structure and disapproved, however they did not ask to have the dam removed.

Two options exist in the SRBA for the Wards and Mr. Black to obtain a recorded historical water right on Summit Creek:

- 1) File late claims on Summit Creek base upon beneficial use with a priority date one day after the Jobe Adams decree. Combined, the rights based upon beneficial use and the Grape Creek rights based upon the Jobe Adams decree would be limited to the diversion rate decreed, which was already one inch per acre.
- 2) Ask to have the SRBA decrees set aside, corrected and re-decreed with the addition of Summit Creek as a source and the points of diversion and injection added to their SRBA decreed rights. Priority 4-1-1880.

Mr. Black felt that the most correct was to have his SRBA decrees set aside and corrected to include Summit Creek. His opinion is that the use of Summit Creek was inadvertently left out of the Jobe Adams as it was inadvertently left out of the SRBA. He believes that the ditch from Summit to Grape existed well before 1929 and that a priority date of that year would not accurately reflect

their right. He estimates that 0.5 cfs is the entire flow of Summit Creek and that it is already counted in the Grape Creek rights.

As of this date there is only one recorded water right on Summit Creek . SRBA decreed right 43-10657 is for instream stockwater use in the name of USFS. Priority date is 5/1/1880. POU is just above the Black/Ward diversion from Summit to Grape Creek.

Mr. Black is going to inform Ron and Clark Ward that he intends to petition the Court to set aside his decree. I gave him the Court's address and asked him to keep me informed after they had their hearing so that I could make the new recommendations and keep the process going.

Jay Black 43-402 } -1880
43-404 }

Ron ward 43-406 - 1880

Clark ward 43-407 - 1880

Jay Black also has rights 43-403 & 43-405
for high water on Grape Creek which he
does not think he needs to amend.
VH

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-10657 V2

WATER RIGHT NUMBER: 43-10657 V2

Owner Type

Current Owner

Name and Address

UNITED STATES OF AMERICA ACTING THROUGH
 USDA FOREST SERVICE
 550 W FORT ST MSC 033
 BOISE, ID 83724
 (208)387-0835

*Decreed
 June 2000*

Priority Date: 05/01/1880

Basis: Beneficial Use

Status: Active

Source

SUMMIT CREEK

Tributary

SINKS

Beneficial Use

STOCKWATER

From To

6/01 to 9/30

Diversion Rate

0.020 CFS

Annual VolumeTotal Diversion: 0.020 CFSLocation of Point(s) of Diversion

SUMMIT CREEK	NE1/4NE1/4	Sec. 26, Twp 14S, Rge 24E, B.M.
CASSIA County	(Beginning of Reach)	
SUMMIT CREEK	SW1/4NW1/4	Sec. 25, Twp 14S, Rge 24E, B.M.
CASSIA County		
SUMMIT CREEK	SW1/4NW1/4	Sec. 25, Twp 14S, Rge 24E, B.M.
CASSIA County	(Injection)	
SUMMIT CREEK	SW1/4NW1/4	Sec. 25, Twp 14S, Rge 24E, B.M.
CASSIA County	(Ending of Reach)	

Place of Use

STOCKWATER

Twp	Rge	Sec	NE	NW	SW	SE	Totals
14S	24E	25	X	X	X	X	
14S	24E	26	X				

Conditions of Approval:

1. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-10657 V2

2. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

1. Point of Diversion WATER FROM SUMMIT CREEK IS DIVERTED INTO A DITCH IN THE SWNW, T14S, R24E, S25 AND CARRIED TO GRAPE CREEK.
2. Explanatory FOREST SERVICE RECORD ID = 0414 17040210 05 0002

Comments:

1. RBROWN 4/27/1999 REVISION
Comment: ADDED DITCH DESCRIPTION

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag: NONE RECEIVED
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

SubCase:

SubCase Number: 43-10657
Class: 1
SF5 Filed Date: 4/28/1999
Special Master Recom Signed Date: 5/7/1999
Attorney Assigned: NICHOLAS B SPENCER
Adjudication Agent:
Basis of Claim:
Date Filed: 7/7/1998 Objection Status: Active



United States
Department of
Agriculture

Forest
Service

Intermountain Region

324 25th Street
Ogden, UT 84401
801-625-5605

File Code: 2720-3

Date: **JAN 26 2004**

Mr. Jay L. Black
P.O. Box 103
Almo, ID 83342

**REGISTERED – RETURN
RECEIPT REQUESTED**

Dear Mr. Black:

We met with you and the Wards in September 2003, to review the Summit Creek Ditch and your applications for Agriculture Irrigation and Livestock Watering System easements (commonly referred to as "Ditch Bill" easements). While reviewing the system, we took the opportunity to survey the location of the point of diversion and ditch with a Global Positioning System unit.

Ditch Bill easements are authorized by Public Law 99-545. This act stipulates criteria that must be met in order to obtain an easement. One criterion requires the applicant to have a valid existing water right for the water conveyed by the water system. By law, the Forest Service cannot issue a permanent Ditch Bill easement without a valid water right.

Your application indicates that water right A43-00406, a water right owned by all of the persons using the Summit Creek Ditch, is the water right associated with your water systems on Grape Creek. This water right does not appear to authorize the water you take from Summit Creek. Upon further review of the State water records, we could not find any right to you or the Wards for the Summit Creek water you divert off the National Forest.

At this time, the State water right records would indicate you do not have a water right for Summit Creek on National Forest System lands, and your application and those of the Wards do not meet all criteria for the Ditch Bill easement. This problem will need to be remedied, and we suggest you contact:

Idaho Department of Water Resources (IDWR)
Southern Region Office
1341 Fillmore Street
Suite 200
Twin Falls, Idaho 83301
Phone: (208) 736-3033

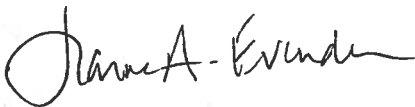


Specifically, you will need to provide a water right that recognizes your right to divert water from Summit Creek at a point of diversion shown on the enclosed map. As mentioned earlier, the ditch and point of diversion were surveyed and the map was prepared from the survey information.

We think this matter should be of some importance and we are willing to work with you. We would appreciate your earliest consideration of this matter. Please initiate action through the IDWR within the next 2 months.

Please contact Jim Nutt at 208-331-5941 or Bob Klarich at 801-625-5159 if you have questions regarding this letter or your easement application. If you file for the Summit Creek diversion, please contact Jim or Bob after you file with IDWR.

Sincerely,



JEANNE A. EVENDEN
Director, Lands

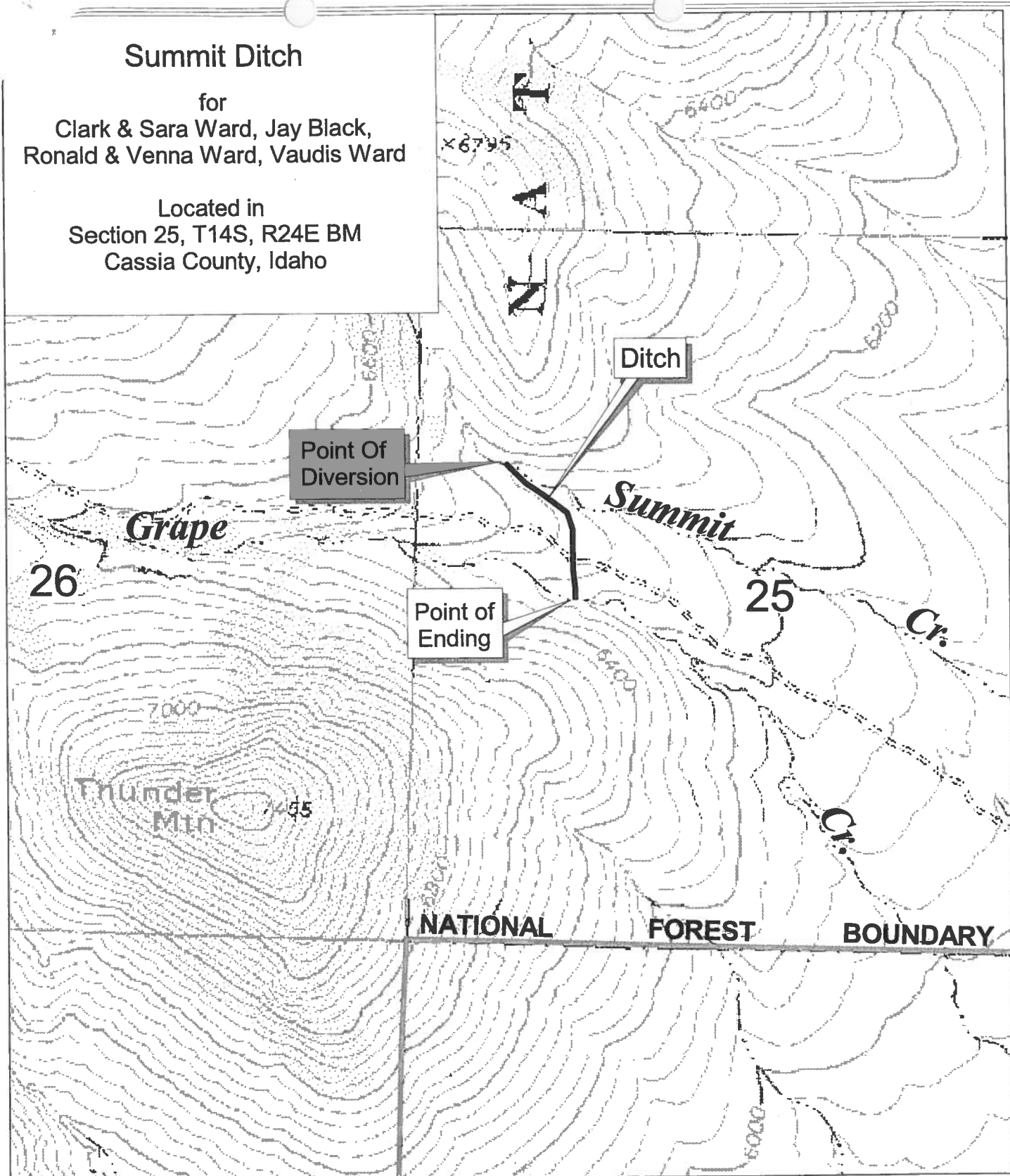
Enclosure

ALL 1880
Jay Black
43-402
43-404
Clark Ward
43-407
Ron Ward
43-406

Summit Ditch

for
Clark & Sara Ward, Jay Black,
Ronald & Venna Ward, Vaudis Ward

Located in
Section 25, T14S, R24E BM
Cassia County, Idaho



The Point of Diversion is located southerly 1700 feet more or less and easterly 640 feet more or less from the NW corner of Section 25.



0 500 1000 1500 2000 Feet

SOURCE: USGS 7.5 Minute Quadrangle
Jim Sage Canyon
PROJECTION: UTM Zone 12
DATUM: NAD 27

M.Loros
1-22-2004

COMMUNICATION DOCUMENTATION

From: Vikie Hancock

December 6, 2004

Regarding:

Customer:

43-402 & 43-404 Jay Black

Roger Ling

Roger Ling called representing Jay Black in regard to the issue of Summit Creek and Grape Creek. Summit Creek is not listed as a source in the above water rights decreed in the SRBA, however it is conveyed to Grape Creek through a man made diversion and contributes water to Grape Creek [see Communication Doc dated 2/2/04]. Mr. Ling called to see if I had any suggestions as to how to correct the water rights through the AJ process. He mentioned motioning the SRBA Court to set aside the decrees for correction and also motioning the court to accept a late claim based upon beneficial use for the Summit Creek water as possible solutions.

I told Mr. Ling that I had suggested the same options to his client, and that any beneficial use claim would have a priority date one day after the decree. He said that he had not done any research into the other rights on Summit Creek, and asked if I had. I told him that as of February 2004, when I last did research on this matter, the only other right was an instream stockwater right in the name of the USFS, priority 1880.

I also told him that there were others that used water from the same ditch and asked if they were also being represented by him. It appears that they are not, but he was aware of the right by Ron Ward. He did not mention Clark Ward. He asked if I had a copy of the old decrees. I told him they were part of the Jobe Adams and he said he probably had a copy of that in his office.