

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A43-10357

Date Received: 6/ 6/1989

Receipt No: S007564

Received By: *name change*

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: WILLIAM D JONES 208-824-5527
Address: PO BOX 152
ALMO ID 83312
AND/OR
Name: ANNALEE JONES 208-824-5527
Address: PO BOX 152
ALMO ID 83312
AND/OR
Name: ROD JONES 208-824-5527
Address: PO BOX 152
ALMO ID 83312

2. Date of Priority: JUL 15, 1925

3. Source: SPRINGS Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
16S	23E	18	SE	SE	SE		CASSIA

5. Description of diverting works:
SPRINGS, NATURAL POOLS AND TROUGHS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.050		

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

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

9. Non-irrigation uses:
TWO HUNDRED BEEF

RECEIVED

SEP 25 1997

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCESDepartment of Water Resources
Southern Region
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIPPlease print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): _____
Adjudication Claim No(s): A43-10357
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
 - AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
 - OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant William D. Jones
P.O. Box 152 Alm, ID 8331
4. New Owner/Claimant(s) AnnaLee Jones Rod Jones
Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
New Mailing Address _____
City, State and ZIP Code _____
New Telephone Number (208) 824-5527
5. Date you acquired the property _____
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres you irrigate _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) X William D. Jones
X AnnaLee Jones Rod Jones
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

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
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CIVIL CASE NUMBER: 39576

Ident. Number: **A43-10357**
Date Received: 6/ 6/1989
Receipt No: S007564
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: WILLIAM D. JONES 208-824-5527
Address: P.O. BOX 152
ALMO ID 83318

2. Date of Priority: JUL 15, 1925

3. Source: SPRINGS Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
16S	23E	18	SE	SE	SE		CASSIA

5. Description of diverting works:
SPRINGS, NATURAL POOLS AND TROUGHS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.050		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
TWO HUNDRED BEEF

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16S	23E	18	SE	SE		STOCK	

11. Place of use in counties: CASSIA

MICROFILMED

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

13. Other Water Rights Used:

NONE

14. Remarks:

CLAIM AMENDED TO PEAK STOCK USE OF 200 HEAD RANGE CATTLE ON
01-27-92. KKC

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): William D. Jones Date: 1/27/92
_____ Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 27th day
of January 19 92

Mary A. Baldwin
Notary Public

Seal

Residing at Gooding Id
My Commission Expires 10/6/1992

MICROFILMED

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A43-10357
Date Received: 6/06/1989
Receipt No: SP07564
Received By: RHS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILLIAM D. JONES 208-824-5527
Address: P.O. BOX 152
ALMO, ID 83318

2. Date of Priority: JUL 15, 1925

3. Source: SPRINGS Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
16S	23E	18	SE	SE	SE		CASSIA

5. Description of diverting works:
SPRINGS, NATURAL POOLS AND TROUGHS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
ONE HUNDRED BEEF

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
16S	23E	18	SE	SE		STOCK	

11. Place of use in counties: CASSIA

A43-10357

Page 1

Date: 06/06/89

MICROFILMED

MAR 04 1993

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

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): William D. Jones Date: 6/6/89
Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 6 day
of June 19 89 Bruce A. Schuld
Notary Public

Seal

Residing at _____

My Commission Expires _____

BRUCE A. SCHULD, NOTARY PUBLIC
RESIDING AT BOISE, IDAHO
MY COMMISSION EXPIRES APRIL 11, 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

Southern

- . Blaine + Viola Wright
- . 40 Ted Higley
- . Box 57
- . Malta ID 83342

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

MAILING DATE: April 8, 1992

RESPONSE DATE: April 22, 1992

RE: NOTICE OF CLAIM NO[S]: A 43-10357

RECEIVED

APR 18 1992

Dear Claimant(s):

Department of Water Resources
Southern Region Office

We are currently preparing the Notice(s) of Claim referenced above for the Director's Report in the Snake River Basin Adjudication. Our research indicates there may have been a change in either the ownership or address for the above claim(s). IDWR records currently show the following name and address for the owner of the claim(s) listed above:

- . William D. Jones
- . P.O. Box 152
- . Almo ID 83318

If our current records, as listed above, are not correct please complete the enclosed Change in Ownership or Change of Address form, as appropriate, to correct our records.

Your response must be received in this office by the Response Date indicated above. If no response is received from you, all further legal notices concerning the claim(s) will be sent to the name and address shown above. If you have claims other than those referenced here, please contact the Department so we may assist you in updating the information for all your claims. Should you have any questions, or feel that you need assistance, please contact IDWR at 1-800-451-4129.

Sincerely,

Donald V. Shaff
Manager Adjudication Section

state:region

Enclosures:

- Change of Ownership Form
- Change of Address Form

MICROFILMED

MAR 04 1993

For A43-10357.

4-14-92

Ted Higley came in this date and identified the P/U as his property. The claimant has watered his stock out of ~~Cotton Creek~~ ^{Cotton Creek} at the listed P/U through an agreement with Mr Higley but no springs exist in sec 18. Mr Higley further stated that he did not wish Mr. Jones to obtain a water right on his property.

This right may describe water use ~~on~~ for a system in Sec 17 which Mr Jones owns own.

Kelly L. Christensen

MICROFILMED

MAR 04 1993

M E M O R A N D U M

DATE: APRIL 14, 1992
TO: A43-10357
FROM: JOHN CARLSON
RE: PROPERTY OWNERSHIP

I called Mr. Jones regarding a conversation he had earlier with Stacy on " he owns the water right and Blaine & Viola Wight own the land". It is true that Jones does not own the land but there is a lane which runs to the spring which his livestock utilize for water. In dry years like this there is no water on his land. I requested he a letter and map to describe the situation. He will also talk with the Wights on the matter. If we receive a change of ownership from the Wights, with the proper legal, we are probably going to have to change the name. While we are not obligated a letter to Mr. Jones may assist him in identifying this change. He does not wish to have the name changed as he feels it is his right.

MICROFILMED
MAR 04 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

- . Blaine + Viola Wight
- . 40 Ted Higley
- . Box 57
- . Malta ID 83342

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

MAILING DATE: April 8, 1992

RESPONSE DATE: April 22, 1992

RE: NOTICE OF CLAIM NO[S]: A 43-10357

Dear Claimant(s):

We are currently preparing the Notice(s) of Claim referenced above for the Director's Report in the Snake River Basin Adjudication. Our research indicates there may have been a change in either the ownership or address for the above claim(s). IDWR records currently show the following name and address for the owner of the claim(s) listed above:

- . William D. Jones
- . P.O. Box 152
- . Almo ID 83318

824-5527

If our current records, as listed above, are not correct please complete the enclosed Change in Ownership or Change of Address form, as appropriate, to correct our records.

Your response must be received in this office by the Response Date indicated above. If no response is received from you, all further legal notices concerning the claim(s) will be sent to the name and address shown above. If you have claims other than those referenced here, please contact the Department so we may assist you in updating the information for all your claims. Should you have any questions, or feel that you need assistance, please contact IDWR at 1-800-451-4129.

Sincerely,

Donald V. Shaff
Manager Adjudication Section

state:region

Enclosures:

- Change of Ownership Form
- Change of Address Form

William Jones has the water right
but its on Wight's property.

MICROFILMED

MAR 04 1993

WATER RIGHT NUMBER - A43-10357

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (CD) NUMBER -

+ - - - - LAST NAME - - - - + + - - - - ADDRESS - - - - - +

*** C - CURRENT OWNER ***
JONES

WILLIAM D.

1 - P.O. BOX 152

2 -

3 -

CITY- ALMO

PHONE - 208-824-5527

STATE- ID ZIP- 83318

+ - - - - PRIORITY DATE - - - + + - - - - REGION - - - + + - - - - STAGE - - - + + - - - - STATUS - - - - +
07/15/1925 J - BENEFICIAL USE

+ - - - - SOURCE - - - - - + + - - - - TRIBUTARY - - - - - + + - - - - SINKS - - - - - +

+ - - - - POINT OF DIVERSION - - - - - + + - - - - STREAM INDEX (BLANK IF NO INDEX CODE) - - - - - +

TWN 16S 23E 18 SE SE SE (31) CASSIA

+ - - - - DESCRIPTION - - - - - + + - - - - WATER USE - - - - - + + - - - - DIVERSION RATE - - - - - + + - - - - DIVERSION VOLUME - - - - - +

04 - STOCKWATER

01/01

12/31

0.040

+ - - - - TOTAL DIV. RATE - - - + + - - - - TOTAL DIV. VOLUME - - - + + - - - - TOTAL DIV. CAPACITY - - - + + - - - - TOTAL CONSUMPTIVE USE - - - + + - - - - KW USAGE - - - +

0.040

+ - - - - TRNG SEC TRACT LOT ACRES CODE DESCRIPTION COUNTY

16S 23E 18 SE SE

04

STOCKWATER

(31) CASSIA

+ - - - - DIVERSION MEANS - SPRINGS, NATURAL POOLS AND TROUGHS

+ - - - - NON-IRRIGATION USE - ONE HUNDRED BEEF

+ - - - - OTHER RIGHTS FOR SAME USE - NONE

+ - - - - REMARKS - - - - - + + - - - - REMARKS - - - - - + + - - - - NO REMARKS FOUND.

+ - - - - OLD WATER RIGHT NUMBERS - - - - - + + - - - - OLD WATER RIGHT NUMBERS - - - - - + + - - - - NO OLD WATER RIGHT NUMBERS FOUND.

+ - - - - CONDITIONS OF APPROVAL - - - - - + + - - - - CONDITIONS OF APPROVAL - - - - - + + - - - - NO CONDITIONS OF APPROVAL FOUND.

+ - - - - DECREE PLAINTIFF - - - + + - - - - DECREE DEFENDANT - - - + + - - - - DECREE DATE - - - + + - - - - 00/00/0000

+ - - - - AUDIT FIELDS - 06/06/89 STANTON

MICROFILMED
MAR 4 1993

[illegible]

CIVIL CASE NUMBER	-	39576
OLD CASE NUMBER	-	
OLD JUDICIAL DISTRICT	-	
TEMPORARY RIGHT	-	P
WATER DISTRICT	-	
FEDERAL/STATE INDICATOR	-	S
PRESUMPTION FLAG	-	

Maeta 83342

*Change Heart + Mind
Dated 4/17/20

WATER EXAMINER

6/16/93 KJ

"Verified By"
 Topo Map/Ortho-PQ
 ASCS Map
 Watermaster Records
 NAEP Photos
 Field Exam
 Other (See Remarks)
 County Records
 Witness Statement
 Project Records
 IDWR Records

OCT 17 1991

NOTE TO FILE

From: Vikie Hancock

5/10/00

Regarding: Claim number 43-10357

A routine database search revealed that, without my specific knowledge, a Partial Decree was issued on this stockwater claim in March 1998 despite the apparently unresolved conflict. No communication from Mr. Higley in regard to the issuance of a Partial Decree for this right in Mr. Jones name was received at the time, or in response to my letter to him dated July 29, 1999.

No further action is anticipated without notice from Mr. Higley or Mr. Jones.

Water Right Number - 43-10357

Prefix Translation: WATER RIGHT

Old (D) Number -

*** C - CURRENT OWNER ***
JONES
Last Name - + First Name - + Address - +
WILLIAM D
1 - PO BOX 152
2 -
3 -
City- ALMO
Phone - 208-824-5527
1 - PO BOX 152
2 -
3 -
State- ID Zip- 83312

JONES

ANNALEE

State- ID Zip- 83312

JONES

ROD

City- ALMO
Phone - 208-824-5527
1 - PO BOX 152
2 -
3 -
State- ID Zip- 83312

+ - - Priority Date - - + + - - Region - - + + - - Stage - - + + - - Status - - + +
07/15/1925 ERROR IN REGION D - DECREED

+ - - Source - - - - - + + - - Tributary - - - - - +
SPRINGS SINKS

+ - - Point of Diversion - - - - - +
TWN Rng Sec Tract Lot Rflg County Diversion Name

16S 23E 18 SE SE SE (31) CASSIA

+ - - Code Description Period From Period To Water Use Diversion Rate Diversion Volume
04 - STOCKWATER 01/01 12/31 0.050

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.050 0.0

+ - - Place of Use - - - - - +
TWN Rng Sec Tract Lot Acres Code Description County
16S 23E 18 SE SE 04 STOCKWATER (31) CASSIA

+ - - Diversion Means - SPRINGS, NATURAL POOLS AND TROUGHS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

+ - - Remarks - - - - - +

EXP PARCEL NO. RP16S23E189000
STOCKWATER, 200 BEEF

P. decree

Water right number - 43-10357

Prefix Translation: WATER RIGHT

----- Old Water Right Numbers -----
----- Old Water Right Numbers -----
----- No Old Water Right Numbers found. -----

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

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

----- Audit Fields -----
04/14/92 CHRISTEN 04/20/92 SMITH 03/30/95 POST-STD 09/09/97 JROBERTS 10/07/97 JROBERTS
10/08/97 JROBERTS 02/12/98 AJU3-DJO 03/04/98 CPDASHAF 03/04/98 ADT-DSHA 08/07/98 ADT-DSHA

----- Comments -----
Date: 04/14/1992 User Id: CHRISTEN Subject: IDMR WILL COMPLETE REVIEW
TED HIGLEY CAME INTO THE OFFICE ON 4-14-1992 AND IDENTIFIED THE P/U AND P/D LISTED ON THIS CLAIM AS BEING HIS PROPERTY. HE
FURTHER STATED THAT THERE IS NO SPRING WITHIN THE CLAIMED FORTY. HE STATED THAT HE HAS AN AGREEMENT FOR MR JONES TO WATER HIS
COMS OCCASIONALLY IN COTTONWOOD CREEK WITHIN THE CLAIMED P/U BUT HE DOES NOT WANT MR JONES TO ESTABLISH A WATER RIGHT ON HIS
PROPERTY. MR HIGLEY STATED THAT MR JONES OWNS THE PROPERTY IN SEC 17 AND
THAT THERE IS A SPRING IN THAT SECTION THAT IS USED FOR STOCK WATER AND THAT THIS CLAIM MAY ACTUALLY REPRESENT THAT USE. IF SO
THIS CLAIM WOULD REQUIRE AN AMENDMENT FOR THE P/D AND P/U. KKC
Date: 04/14/1992 User Id: CHRISTEN Subject: COPIED FROM REMARKS 01-27-92. KKC
CLAIM AMENDED TO: PEAK STOCK USE OF 200 HEAD RANGE CATTLE ON
Date: 10/07/1997 User Id: JROBERTS Subject: NAME CHANGE
FORM RECEIVED ADDING WIFE AND SON'S NAMES TO CLAIM. JR
Date: 10/08/1997 User Id: JROBERTS Subject: CHANGE POU AND POD BACK TO SECTION 18
MR. JONES HAD INDICATED HE WOULD AMEND HIS CLAIM TO SECTION 17 BUT WHEN HE CAME TO THE OFFICE HE CHANGED HIS MIND AND WANTED IT
LEFT IN SECTION 18, AS HIS FATHER HAD USED THE WATER THIS WAY FOR OVER FORTY YEARS, EVEN THOUGH HE DID NOT OWN THE PROPERTY. JR

----- Adjudication Rights Dates and Flags Area -----

Court Report Filing	Field Inspection Made	Civil Case Number
Objection Filed Date - 03/02/1998	Field Inspection Flag - 00/00/0000	Old Case Number - 39576
Response Filed Date - 00/00/0000	Verified Date - 00/00/0000	Old Judicial District -
Claim Received Date - 06/06/1989	Last Amended Date - 00/00/0000	Temporary Right - P
Proof Due Date - 00/00/0000	Proof Made Date - 00/00/0000	Water District -
Licensed Date - 00/00/0000	Receipt Number - S007564	Federal/State Indicator - S
	POU Ownership Flag - Y	Presumption Flag -
	Name Connector - AND/OR	Notice of Error Flag -

COMMUNICATION DOCUMENTATION

From: Vikie Hancock

March 23, 2000

Regarding:

Customer:

A43-10357

BILL JONES[illegible]

Mr. Jones came in this day to discuss his irrigation claims. I asked him about this stockwater claim on Ted Higley's property.

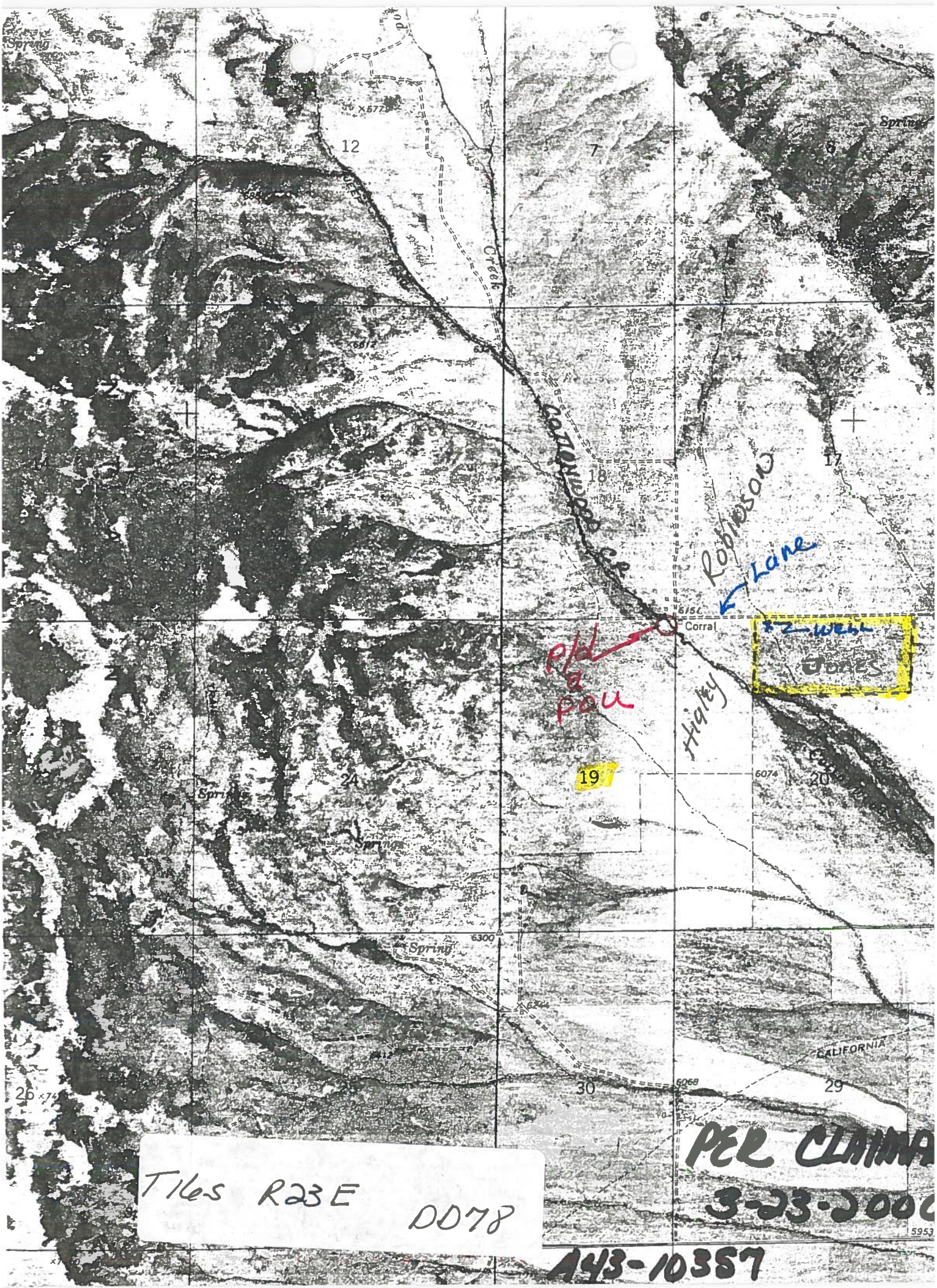
He said that the "springs" he referred to were the source of Cottonwood creek and that he intended to claim a point on Cottonwood Creek as a stockwater place of use.

He pointed out the place on the 1976 OPQ where his stock walk from his land, down a lane between Higley's property and Robinson's property, and access the creek on a corner of Higley's property. This is located in the extreme NENENE corner of section 19 according to the place he pointed to on the map. It had originally been claimed in the SESESE Section 18.

Mr. Jones also has a well on his property that he uses for watering his stock. Because of the distance that this property is from his residence, however, he is not able to check that the well is functioning everyday. The surface water is therefore still important to his operation.

I told him that, according to memos in the file, Ted Higley was not inclined to let him (Jones) have a water right on his land. I suggested to Mr. Jones that he may want to call Higley and find out what his intentions were, and if they could come to an agreement about this claim. I also told him that if he decided to pursue the claim knowing that Higley may object to it, he needed some kind of evidence in the file showing that he had indeed historically used that point of diversion and place of use to water his cattle.

I agreed that I would talk to our attorney about what his rights may be to water his stock on another person's land.



Tiles R23E DD78

PER CLAIMA
3-23-2000

A43-10357



State of Idaho
DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 29, 1999

Ted Higley
P.O. Box 57
Malta, Idaho 83342

See
page 2

RE: Snake River Basin Adjudication (SRBA)

Dear Mr. Higley,

I have finally succeeded in having a question answered about your claims, and sending you a copy of the shape file I created that outlines your irrigated acres. What I outlined here totals 513 acres. You originally claimed 1106 acres, so take a look at this and make sure that I didn't miss anything that's being irrigated; as you remember, my notes were getting a little soggy in the rain. If you find errors in the place of use, or in the points of diversion that I marked, please note them on the map and return it to me so I can make corrections.

The question I had on your claims concerns two of the licenses you claimed on Cottonwood Creek, and the license you claimed on South Cottonwood. I believe that you agreed that you claimed License 43-02120A in error, as you don't divert anything from South Cottonwood Creek, and the Buller family has also claimed this license. If you wish to, you can withdraw that claim by signing a simple form, which I can forward to you in the mail.

The question I had about the other two licenses, 43-02208 and 43-02231, concerned whether or not you had any basis for claiming them, as they were never appurtenant to the ranch. The short answer from our legal staff is: not unless you have documentation that conveys an interest in those licenses to you or your predecessor. It looked to me like the land that those water rights were licensed to is no longer being irrigated, and hasn't been for a long time. If I'm correct about that, then those rights may have been forfeited long ago.

This doesn't mean that you don't have a right to the water represented by those licenses. It just means that your right to the water is based on Beneficial Use of the water after, and possibly even during, the time that the license holders were irrigating with their share. One of the licensed tracts is downstream of all but your 160 acres in section 28. The other licensed tract is upstream of the ranch, but part of the water may have been available to the ranch as waste water even during the time the land was being actively irrigated. It does indicate, however, that there was water available to the downstream license holder in 1916.

The question concerning your Beneficial Use claim number A43-04234, is whether you will need to change the priority date on all or part of it, to fit around those off ranch licensed rights that existed in 1916. As far as your claims A43-02203 and A43-02204, based on licenses that were appurtenant to the ranch, those look like valid claims to me as they stand.

I measured 12 cfs in the stream when I was up there on June 2nd. If you divide that amount of water by the 513 acres I calculated, it comes up to 0.023 cfs per acre, just over the Idaho accepted standard of one inch per acre (1 inch equals 0.02 cfs). Your claim A43-04234 is for 22.12 cfs, but it's possible that that figure isn't based upon any measurement of the water, but by the standard of claiming 1 inch per acre, (1106×0.02 cfs comes out to 22.12 cfs). I believe that the 12 cfs is probably an accurate representation of what you are diverting for the ranch.

One more issue that I wanted to discuss with you is the claim for stockwater that William Jones has on your property. The Department talked to Mr. Jones in 1992, and again in 1997, and he believes he has a valid basis to claim a stockwater right in section 18. It is documented in the file that you do not wish him to have a water right on your property. If the Department ends up recommending his right in the Adjudication, you will, of course, have the opportunity to formally object to it. It would be preferable, however, if the two of you came to some agreement before then, and gave us direction on how to handle this claim. Meanwhile, one of our legal staff is going to research similar situations to see how the Department proceeded on those.

I've enclosed the computer photo with the outlined acres, and also profile reports of all the claims I've discussed here, for your convenience. Please get in touch with me, when you get a chance, so I can make any needed corrections in your place of use or diversion points, and we can discuss the priority date on the claim based on beneficial use, as well as the Jones claim. It doesn't look like I'm going to have time to take another tour of your ranch, even though I'd love to see it in the sunshine.

Sincerely,

Vikie Hancock
Water Resource Agent

VERIFIED BY *R* 10/9/97

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: OCT-9-1997

PAGE: A-1

RIGHTS FROM:	SOURCE: SPRINGS	TRIBUTARY: SINKS	
RIGHT NUMBER:	43-10357		
NAME & ADDRESS:	WILLIAM D JONES ANNALEE JONES ROD JONES PO BOX 152 ALMO ID 83312		
SOURCE:	SPRINGS	TRIBUTARY: SINKS	
QUANTITY:	0.05 CFS		
PRIORITY DATE:	07/15/1925		
POINT OF DIVERSION:	T16S R23E S18	SESESE	Within CASSIA County
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE STOCKWATER	PERIOD OF USE 01-01 12-31	QUANTITY 0.05 CFS
PLACE OF USE:	STOCKWATER T16S R23E S18	Within CASSIA County SESE	
EXPLANATORY MATERIAL:	BASIS OF CLAIM - BENEFICIAL USE PARCEL NO. RP16S23E189000 STOCKWATER, 200 BEEF		



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

September 11, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

WILLIAM D JONES
PO BOX 152
ALMO ID 83312

RE: SNAKE RIVER BASIN ADJUDICATION CLAIM # A43-10357

Dear Mr. Jones:

The Department of Water Resources is currently in the process of reviewing domestic and stockwater claims in your area for a Director's Report of our recommendations of the rights which will be issued at the end of November 1997. Some questions have arisen on the locations of the Point of Diversion (Item #4) and the Place of Use (Item #10) for this claim. I have enclosed a map and ask that you indicate the location of the SPRING in Section 18. It has been suggested that perhaps this claim should be for a Spring in Section 17, not Section 18. If so, we may need you to amend your claim. There is no charge to do this but I will need to notarize your signature. Please give me a call at the office (208-733-3033) so we can set up an appointment. As we are under a deadline to complete these reviews for the Director's Report, I ask that you respond by September 30th.

Sincerely,

Jeanie

Jeanie Robertson
Sr. Water Resource Agent

/jr

Enclosures:

*- called and indicated I was correct
and he would be in to amend
his claim to Section 17. When
he came to the office, however,
he changed his mind and said
he meant to claim it that way
His father had used the water
this way for over forty years and
he wanted to make the claim
even though he didn't actually
own the property in Section 18.*

10/8/97

=====

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

C	WILLIAM D JONES PO BOX 152 ALMO ID 83318 (208) 824-5527	07/15/1925	STOCKWATER	01-01 12-31	0.05 CFS	
TOTAL DIVERSION:					0.05 CFS	

Water Source: SPRINGS

Tributary to: SINKS

Stage: BENEFICIAL USE

Point(s) of Diversion: T16S R23E S18 SESESE

CASSIA County

Place of use Legal Description for: STOCKWATER																																					
NE								NW				SW				SE																					
NENE				NWNE		SWNE		SENE		:	NENW		NWNW		SWNW		SENW		:	NESW		NWSW		SWSW		SESW		:	NESE		NWSE		SWSE		SESE		:
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:
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16S	23E	18	:							:										:								:								S	:

POU County: CASSIA

Non-Irrigation Uses: STOCKWATER, 200 BEEF

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A43-10357

Other Water Rights Listing Overlapping Place(s) of Use:
A43-04234

5007564
825.00

Remarks: GEN ^{EXP} PARCEL NO. RP16S23E189000

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag: Presumption Flag:

Comments: Date: 04/14/1992 User-ID: CHRISTEN Subject: COPIED FROM REMARKS
CLAIM AMENDED TO PEAK STOCK USE OF 200 HEAD RANGE CATTLE ON
01-27-92. KKC

Date: 04/14/1992 User-ID: CHRISTEN Subject: IDWR WILL COMPLETE REVIEW

Comments: Date: 04/14/1992 User-ID: CHRISTEN Subject: IDWR WILL COMPLETE REVIEW
TED HIGLEY CAME INTO THE OFFICE ON 4-14-1992 AND IDENTIFIED THE
P/U AND P/D LISTED ON THIS CLAIM AS BEING HIS PROPERTY. HE
FURTHER STATED THAT THERE IS NO SPRING WITHIN THE CLAIMED FORTY.
HE STATED THAT HE HAS AN AGREEMENT FOR MR JONES TO WATER HIS
COWS OCCASIONALLY IN COTTONWOOD CREEK WITHIN THE CLAIMED P/U BUT
HE DOES NOT WANT MR JONES TO ESTABLISH A WATER RIGHT ON HIS
PROPERTY.
MR HIGLEY STATED THAT MR JONES OWNES THE PROPERTY IN SEC 17 AND
THAT THERE IS A SPRING IN THAT SECTION THAT IS USED FOR STOCK
WATER AND THAT THIS CLAIM MAY ACTUALLY REPRESENT THAT USE. IF SO
THIS CLAIM WOULD REQUIRE AN AMENDMENT FOR THE P/D AND P/U. KKC

Audit: 04/14/92 CHRISTEN 04/20/92 SMITH 03/30/95 POST-STD

DATE: 10/08/97
PAGE: 1

Stage: BENEFICIAL USE
CASSIA County

Tributary to: SINKS

MS

POU County: CASSIA

Other Rights: NONE

Dates: **Exam Made Date:**

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Comments: Date: 04/14/1992 User-ID: CHRISTEN Subject: IDNR WILL COMPLETE REVIEW
TED HIGLEY CAME INTO THE OFFICE ON 4-14-1992 AND IDENTIFIED THE
P/U AND P/D LISTED ON THIS CLAIM AS BEING HIS PROPERTY. HE

Comments: Date: 04/14/1992 User-ID: CHRISTEN Subject: IDMR WILL COMPLETE REVIEW

FURTHER STATED THAT THERE IS NO SPRING WITHIN THE CLAIMED FORTY. HE STATED THAT HE HAS AN AGREEMENT FOR MR JONES TO WATER HIS COMS OCCASIONALLY IN COTTONWOOD CREEK WITHIN THE CLAIMED P/U BUT HE DOES NOT WANT MR JONES TO ESTABLISH A WATER RIGHT ON HIS PROPERTY. MR HIGLEY STATED THAT MR JONES OWNS THE PROPERTY IN SEC 17 AND THAT THERE IS A SPRING IN THAT SECTION THAT IS USED FOR STOCK WATER AND THAT THIS CLAIM MAY ACTUALLY REPRESENT THAT USE. IF SO THIS CLAIM WOULD REQUIRE AN AMENDMENT FOR THE P/D AND P/U. KKC

Date: 04/14/1992 User-ID: CHRISTEN Subject: COPIED FROM REMARKS CLAIM AMENDED TO PEAK STOCK USE OF 200 HEAD RANGE CATTLE ON 01-27-92. KKC

Date: 10/07/1997 User-ID: JROBERTS Subject: NAME CHANGE FORM RECEIVED ADDING WIFE AND SON'S NAMES TO CLAIM. jr

Date: 10/08/1997 User-ID: JROBERTS Subject: CHANGE POU AND POD BACK TO SECTION 18 MR. JONES HAD INDICATED HE WOULD AMEND HIS CLAIM TO SECTION 17 BUT WHEN HE CAME TO THE OFFICE HE CHANGED HIS MIND AND WANTED IT LEFT IN SECTION 18, AS HIS FATHER HAD USED THE WATER THIS WAY FOR OVER FORTY YEARS, EVEN THOUGH HE DID NOT OWN THE PROPERTY. jr

Audit: 10/08/97 JROBERTS