

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: A43-10306
Date Received: 6/01/1989
Receipt No: S007435
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LARRY WALKER
Address: C/O JAMES POWERS
SUBLETT RT.
MALTA, ID 83342

AND/OR

Name: JAMES POWERS
Address: SUBLETT RT.
MALTA, ID 83342

208-645-2296

2. Date of Priority: MAR 15, 1972

3. Source: WARM CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	28E	35	SW	NW	SW		CASSIA

5. Description of diverting works:
CHECK DAMS & CONCRETE PIPE, DITCHES. POND CREATED BY SPR. DEV.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.800		

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

8. Total consumptive use is 135.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A43-10306

Page 1

Date: 06/01/89

MICROFILMED

MAR 04 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
12S	28E	34	NE		SE		IRR	8.0
			NW		SE		IRR	1.3
			NW		SE		STOCK	
			SW		SE		IRR	4.0
			SE		SE		IRR	10.0
							Section Acres	23.3
							Total Acres	23.3

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
A43-04106

14. Remarks:
THE TOTAL FLOW OF WARM CREEK IS ROTATED AMONG THE THREE OWNERS LISTED. WALKER RIGHT CONSISTS OF ENTIRE FLOW FOR 3½ DAYS. EXPANSION OF IRRIGATED ACRES UNDER A43-10306. THERE IS NO INCREASE IN AMOUNT OF WATER DIVERTED ONLY IN ACRES IRRIGATED.

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): James Powers Date: 6-1-89

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 1st day
of June 19 89 Steve Ollendick
Notary Public

Seal

Residing at Twin Falls
My Commission Expires Dec 7, 1994

28E.

125.

RD.

34

35

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MAR 04 1993



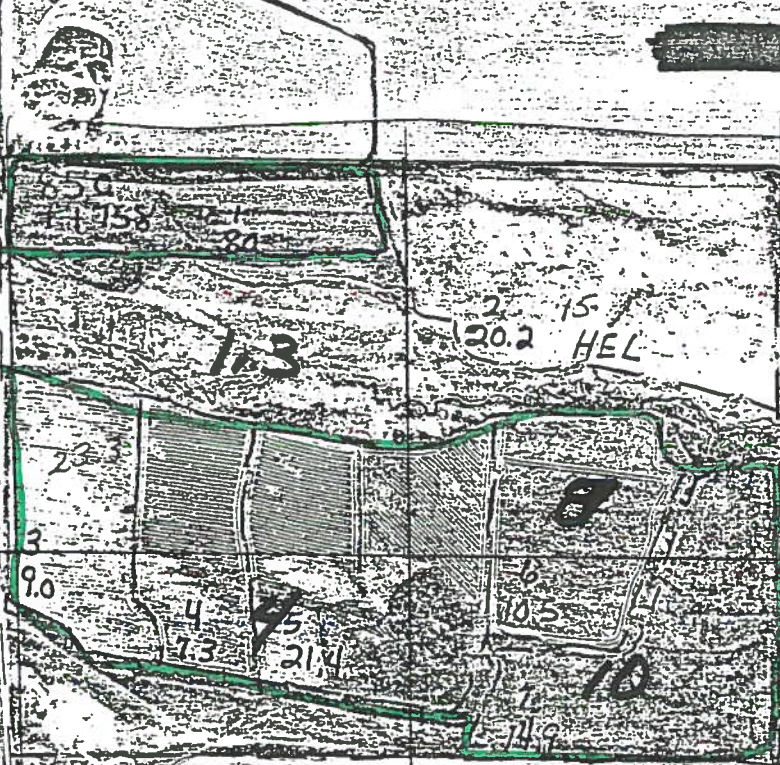
JJ 22

WALKER

5 34

T 12

R 28



JJ 24

NOT FILMED
MAR 04 1993

A43-10306



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

December 5, 1991

R. KEITH HIGGINSON
Director

A43-10306
JAMES POWERS
SUBLETT RT.

MALTA

ID 83342

RE: Evidence of Priority

RESPONSE DEADLINE

FEBRUARY 3, 1992

Dear Claimant:

The Notice(s) of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicate your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. **The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will soon conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, proof must be provided supporting the priority date you have claimed.**

The Department will not recommend the Notice(s) be decreed by the court as claimed if no evidence of a priority date is submitted.

Please find enclosed a computer printout of your Notice(s) and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

Please submit the required evidence supporting the priority date(s) by **February 3, 1992**, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

A handwritten signature in cursive script that reads "Allen Merritt".

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

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MAR 04 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

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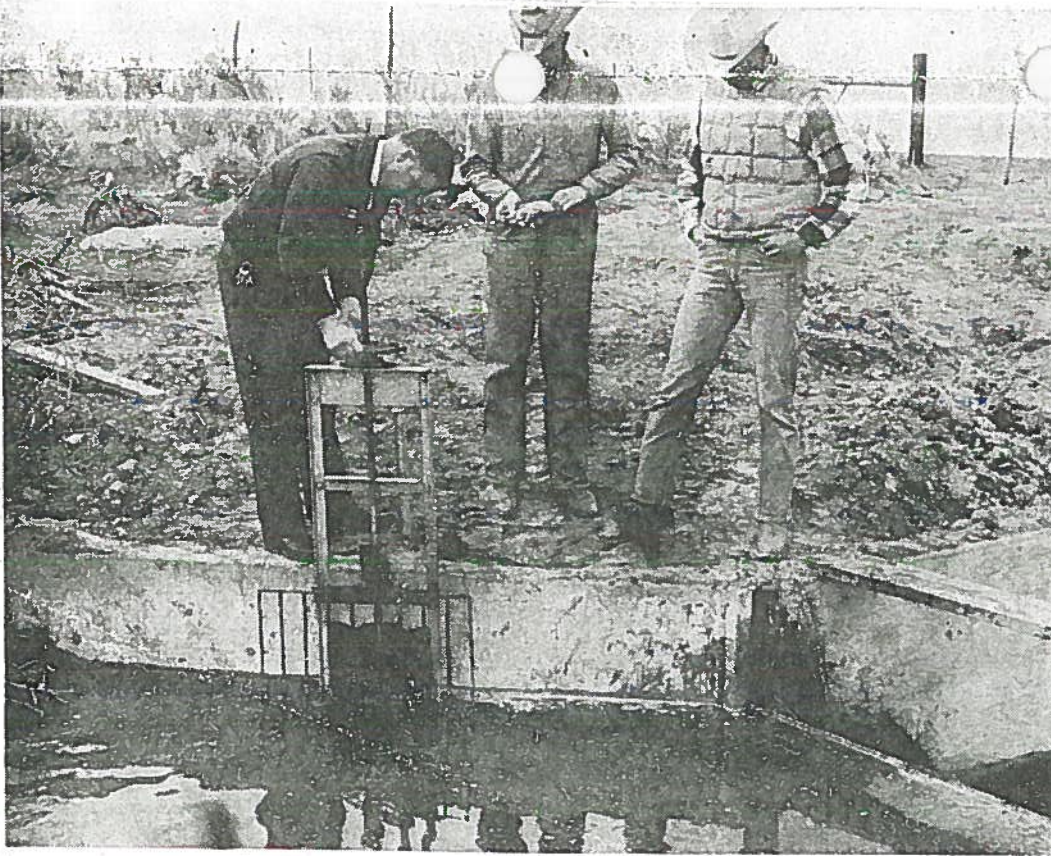
Respectfully submitted,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

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MAR 04 1993

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MAR 04 1993



D. RAY GUILLES, Ellis and Jim Powers turn water into the new pipeline system for the first time. The concrete structure is designed to withstand any anticipated flows. Some 3,950

feet of the concrete rubber-gasket pipe were installed, part 12-inch and the remainder 10-inch. Most of the structure is underground.



WATCHING water gush from one of seven outlet risers in the new system are D. Ray Guiles, Jim and Ellis Powers. Ellis estimated 50 percent more water now delivered here. Before the new system it took 2½ to 3 hours to

deliver water to this point from the diversion, now it takes 10 minutes. The system, known as an "inverted siphon," will deliver 175 inches of water. The joint project cost nearly \$9,000. (Photos by Gary Post)

South Idaho Press
4/30/1970 Edition
from Burley SCS
office
by James Powers

for Evidence of
Priority for
Expansion Claim
A 43-10306
submitted 2/4/92
G. V. H.

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MAR 04 1993

For Evidence of
Priority of
Expansion Claim

A43-10306

Submitted 2/4/92
R. L. L.

SIP. Paper April 30-1970

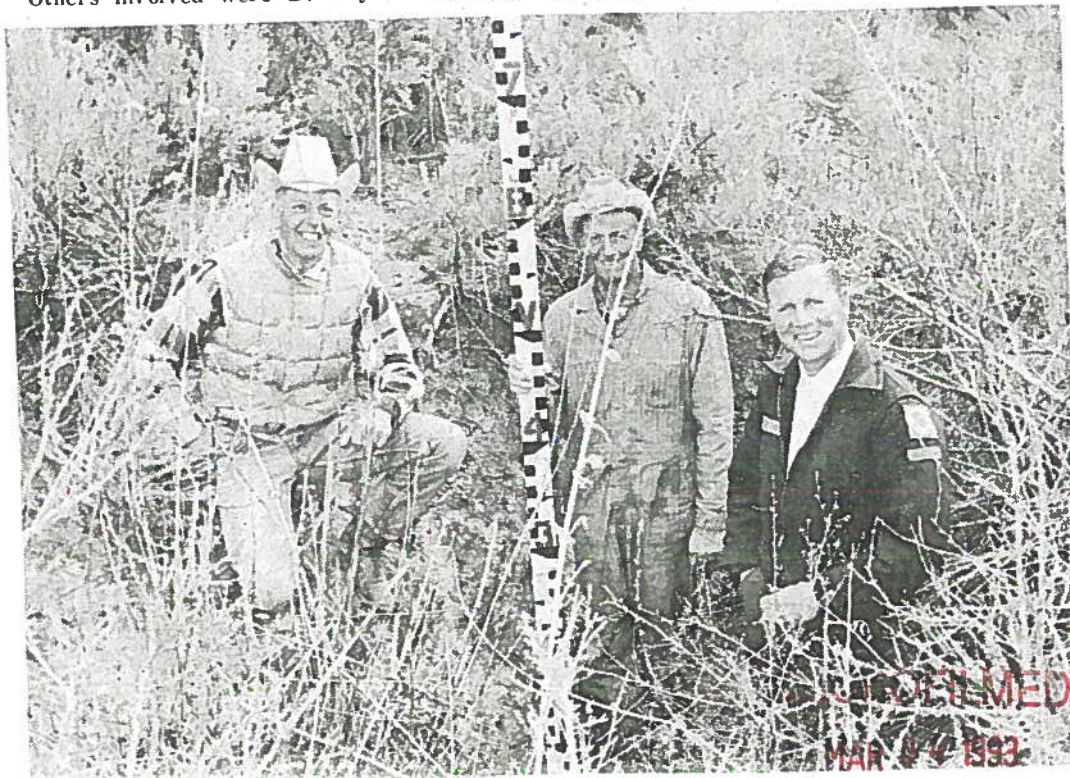
From Corley SCS Office
by James Powers

Photos Tell Story Of New Water System At Sublett



LOOKING over an aging and washed out diversion structure which was replaced by a group of Sublett farmers who divert water from Warm Creek are Jim and Ellis Powers. Others involved were D. Ray Guiles, Ray

Guiles and Ernest Burke. The group relied on cooperation and cash to improve their system, according to Gary Post of the Soil Conservation Service which surveyed and designed the area for concrete pipeline.



JIM AND ELLIS Powers and D. Ray Guiles stand in a badly eroded ditch which was replaced by the pipeline project. Due to steepness of the ground, these ditches had cut

8-10 feet deep, at which time a new route would be selected. The water loss in a channel like this was estimated at 40 to 50 percent.

MAR 24 1993

Evidence of Priority
A 43-10306
Submitted 2/4/93
P.L.

My name is James Powers. I have known the Larry Walker family for many years. Their interest in maintaining the best result as to water has been a high priority. They have helped to convert an old irrigation system into a very fine underground system. This better utilizes the water on their farm. Water is a very valuable part of our life in Idaho.

James Powers

STATE OF IDAHO
COUNTY OF CASSIA

On this 29th day January 1992 before me a notary public in and for said State personally appeared James Powers known to me be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

Barbara Anderson

Notary Public
Residing at Albion, Idaho
My commission Expires 7/23/93

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MAR 04 1993

06/01/2001

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

RIGHT NUMBER: **43-10306**

NAME AND ADDRESS: LARRY WALKER
C/O TODD & TYLER POWERS
1352 S 3200 E
MALTA, ID 83342

SOURCE: WARM CREEK TRIBUTARY: SINKS

QUANTITY: 0.23 CFS

USE OF THIS RIGHT WITH RIGHT NO. 43-4106B IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.70 CFS.

PRIORITY DATE: 04/01/1972

POINT OF DIVERSION: T12S R28E S35 SWNWSW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-31	0.23 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T12S R28E S34	NESE	13	T12S R28E S34	NWSE	24
T12S R28E S34	SWSE	11	T12S R28E S34	SESE	19

67 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 22 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 43-
4106B PURSUANT TO SECTION 42-1426, IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

THIS RIGHT IS FOR AN ENLARGEMENT OF 22 ACRES WITHIN THE
PLACE OF USE DESCRIBED FOR THIS RIGHT.

TODD & TYLER POWERS

5/30/01
SC

43-4106D

POWERS

SOLD TO GARY WARD

NWSW S. 34 T12S R28E

Sold w/o water? see Deed

→ 43-4106B
10306

} Larry Walker

change of address

add T/T Powers as lessee

(based on COO w/ father)
(see 43-4106D)

Shirley Cr. — New claim filing
on instream use

03/22/2001

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

RIGHT NUMBER: 43-10306
NAME AND ADDRESS: LARRY WALKER
C/O JAMES POWERS
SUBLETT RT
MALTA, ID 83342
JAMES POWERS
SUBLETT RT
MALTA, ID 83342

Revised
OWNER LIST
PER NOE
from T/T POWERS
6/1/01
SCU

SOURCE: WARM CREEK TRIBUTARY: SINKS

QUANTITY: 0.23 CFS

USE OF THIS RIGHT WITH RIGHT NO. 43-4106B IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.70 CFS.

PRIORITY DATE: 04/01/1972

POINT OF DIVERSION: T12S R28E S35 SWNWSW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04-01 10-31	0.23 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T12S R28E S34	NESE	13	T12S R28E S34	NWSE	24
T12S R28E S34	SWSE	11	T12S R28E S34	SESE	19

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CLAIM NUMBERS
43-4106B
43-10306

DATE
3/22/01
AGENT
SCC

TRANSFER NUMBER
HOMESTEAD ENTRY NO.
CLAIMED ACRE TOTAL
48+23.3=71.3
GEOGRAPHIC INFO ACRES
66.9

	TNS	RNG	SEC	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM	12S	28E	34													8	1.3	4	10
GIS																			
RECOM																			
CLAIM																7	22	14	5
GIS																13.4	23.5	11.1	18.9
RECOM																			
CLAIM																13.4	23.5	11.1	19
GIS																13	24	11	19
RECOM																7	22	11	5
CLAIM																			
GIS																			
RECOM																			
CLAIM																			
GIS																			
RECOM																			

43-POU.SHP
HAPE NOS.

GIS Ac. 66.9
- 45.0 CLAIM
21.9 Enlargement (22.0 Ac)
} 67 AC. PPU

43-POD.SHP
OS. DESCRIPTION

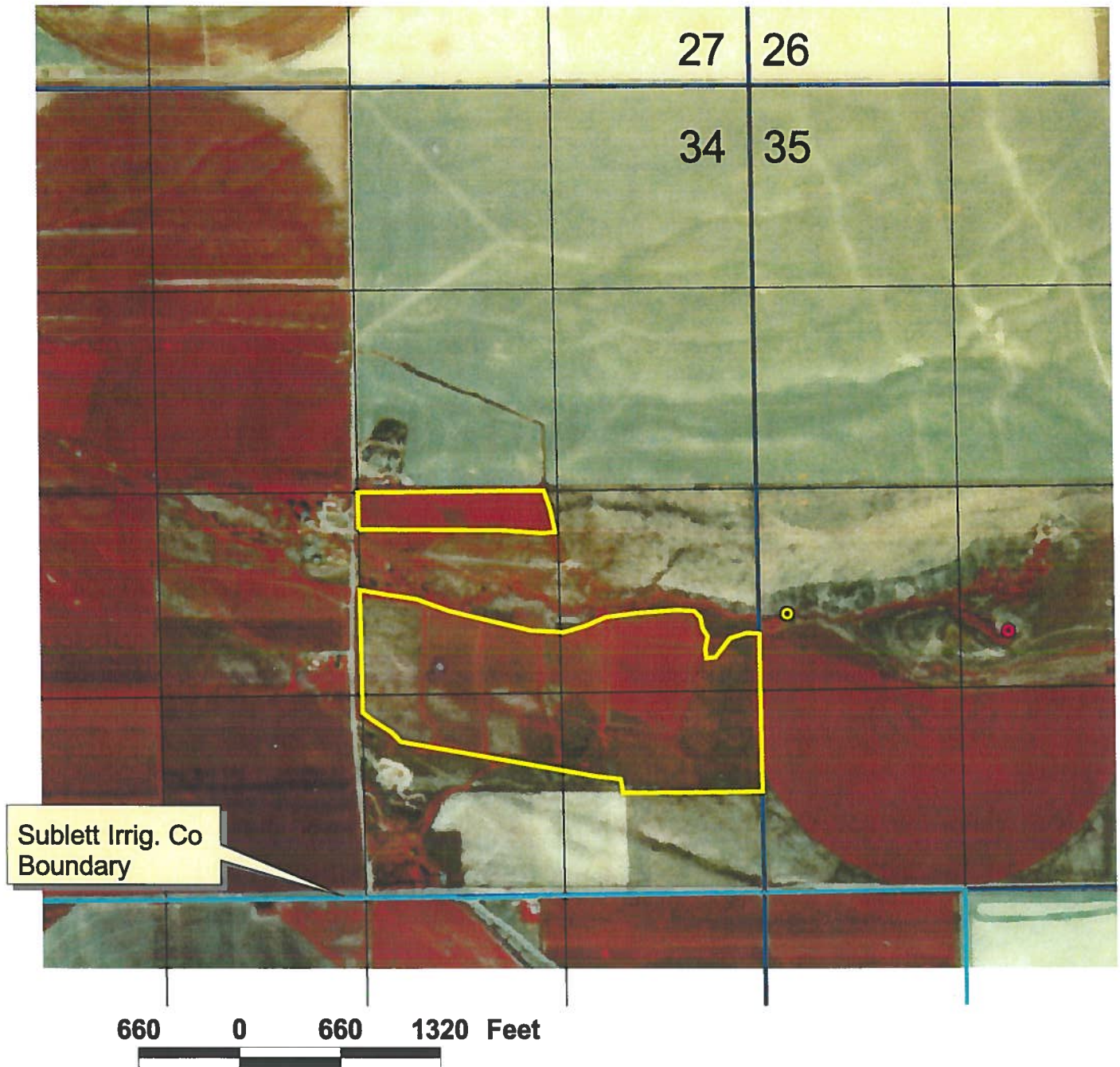
Ground Water Recharge may require Separate Claim!
Rotation: 3 1/2 Days = 0.70 cfs full-time rates
proof of priority: Newspaper story of system enhancement (c. 1970)
⇒ 4-1-1972
POD: S.35 SWNWSW
Remarks: C18 - K01 - K06 - E01 + K02 - K09

3F TABLES UPDATED
43-DBPOU.DBF
43-DBPOD.DBF
PEG LAYOUT

Q for Enlargement: (0.70 / 67) (22 Ac) = 0.23 cfs
(See full review in file 43-4106B)
Combined & limit w/ 4106B at 0.70 cfs

IDAHO DEPARTMENT OF WATER RESOURCES

43-4106B & 43-10306



T12S R28E SEC 34 SE 1/4



- RECOMMENDED PLACE OF USE
- POINT OF DIVERSION
- SECTION LINES
- 1/4-1/4 LINES

GIS PLACE OF USE PRESENTATION
1987 &/OR 1988 NAPP PHOTOGRAPHY

DATA ENTRY BY: STEVE CLELLAND
DATE: March 22, 2001

R PROOF

CVR

MAPS

PHOTOS

MISC

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