

09/28/2004

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

RIGHT NUMBER: 25-4276

NAME AND ADDRESS: RALPH J STEELE
531 S 52ND E
IDAHO FALLS ID 83401

SOURCE: DEER CREEK

TRIBUTARY: WILLOW CREEK

QUANTITY: 0.660 CFS

PRIORITY DATE: 04/01/1970

POINT OF DIVERSION:

T03S R40E S9 SWNE Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.660 CFS

PLACE OF USE:

IRRIGATION Within BINGHAM County

T03S R40E S09	NWNE	7.0	T03S R40E S09	SWNE	18.0
T03S R40E S09	NENW	8.7	T03S R40E S09	SENE	23.0
T03S R40E S09	NESW	7.2	T03S R40E S09	NWSE	6.1

70 ACRES TOTAL

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

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

EXPLANATORY MATERIAL:

PROFILED

SCANNED

OCT 04 2004

Water Right 25-4276

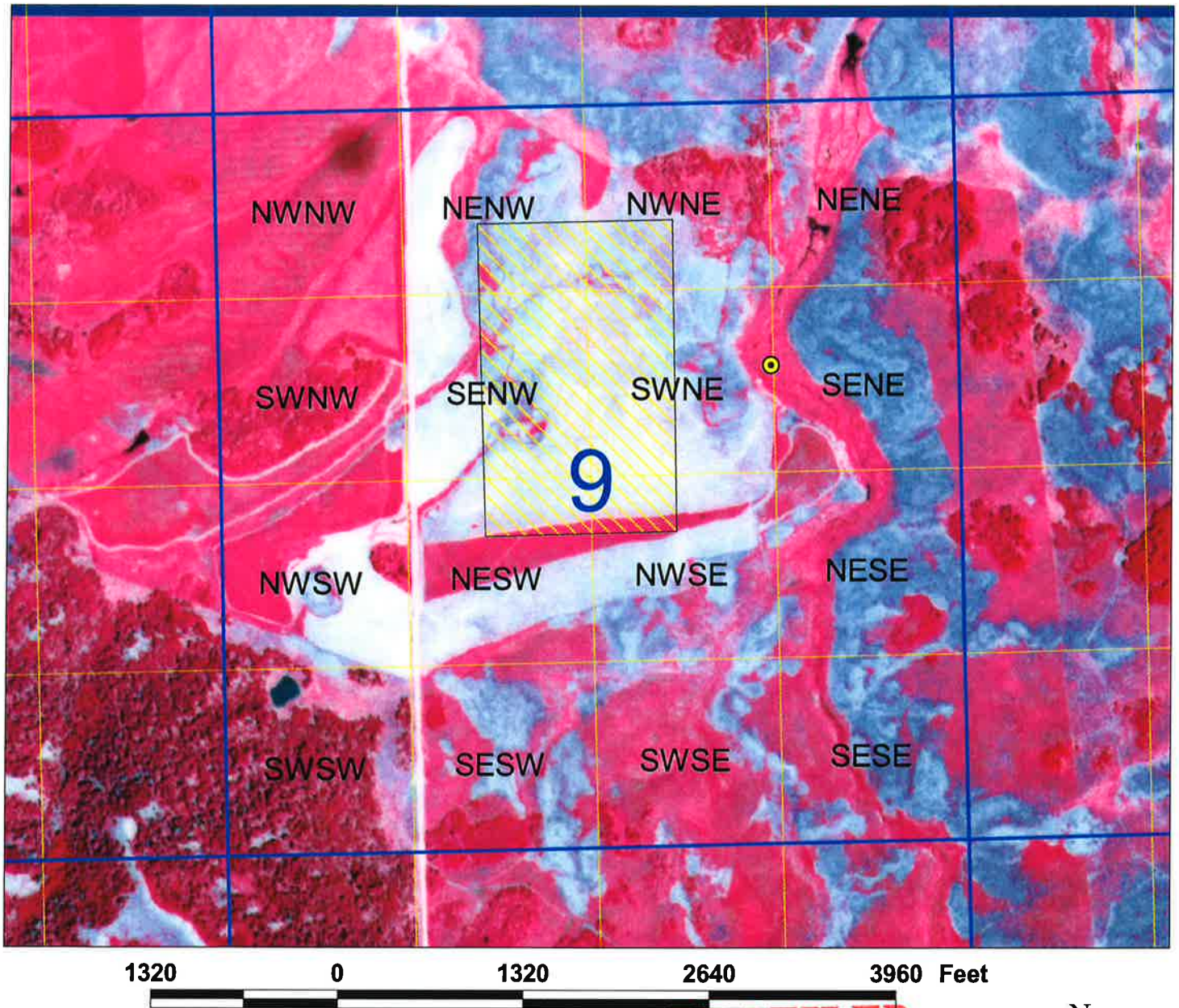


State of Idaho

Department of Water Resources

Eastern Region

Water Right(s): 25-4276



PROFILED

SCANNED

OCT 04 2004

-  Point of Diversion
-  Place of Use
-  Sections
-  QQ



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by R. Mikesell
Date: September 2004

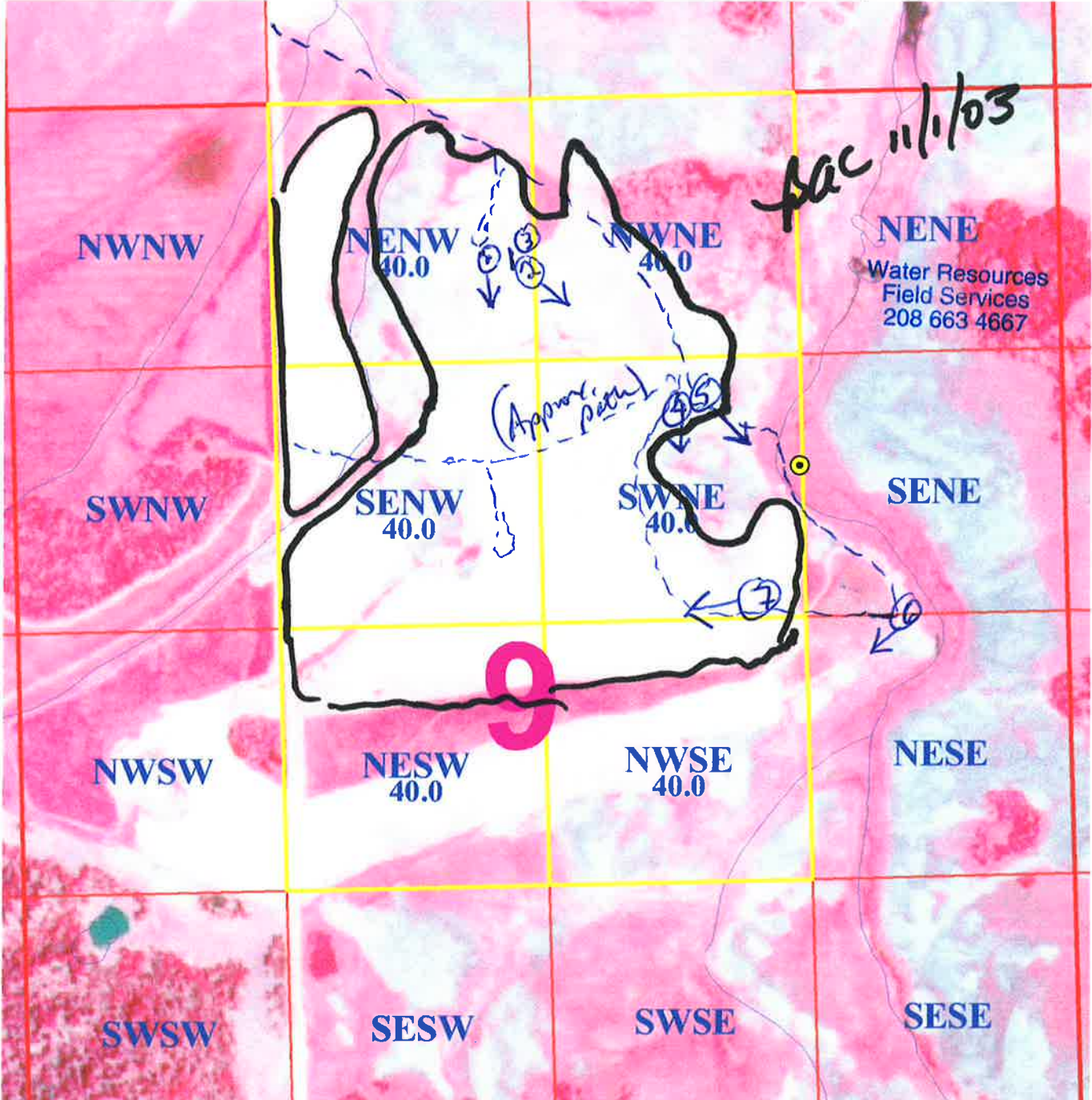
④ = 436510 m E UTM
4780790 m N UTM



PROFILED

Water Resources
Field Services
208 663 4667

Water Right Claim Number 25-04276, **25-13094** 1/20/2000
 Township, 3S40E **13094** 13097



Legend					
	Irrigated Area		Section Line		Roads
	Place of Diversion		Quarter Section Line		Streams and Canals

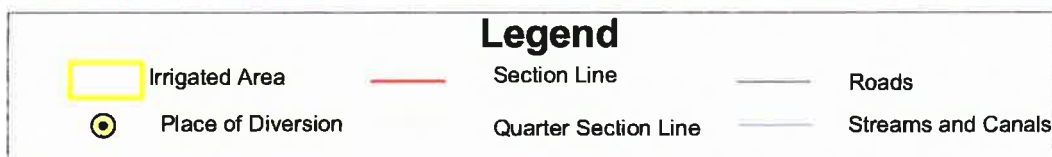
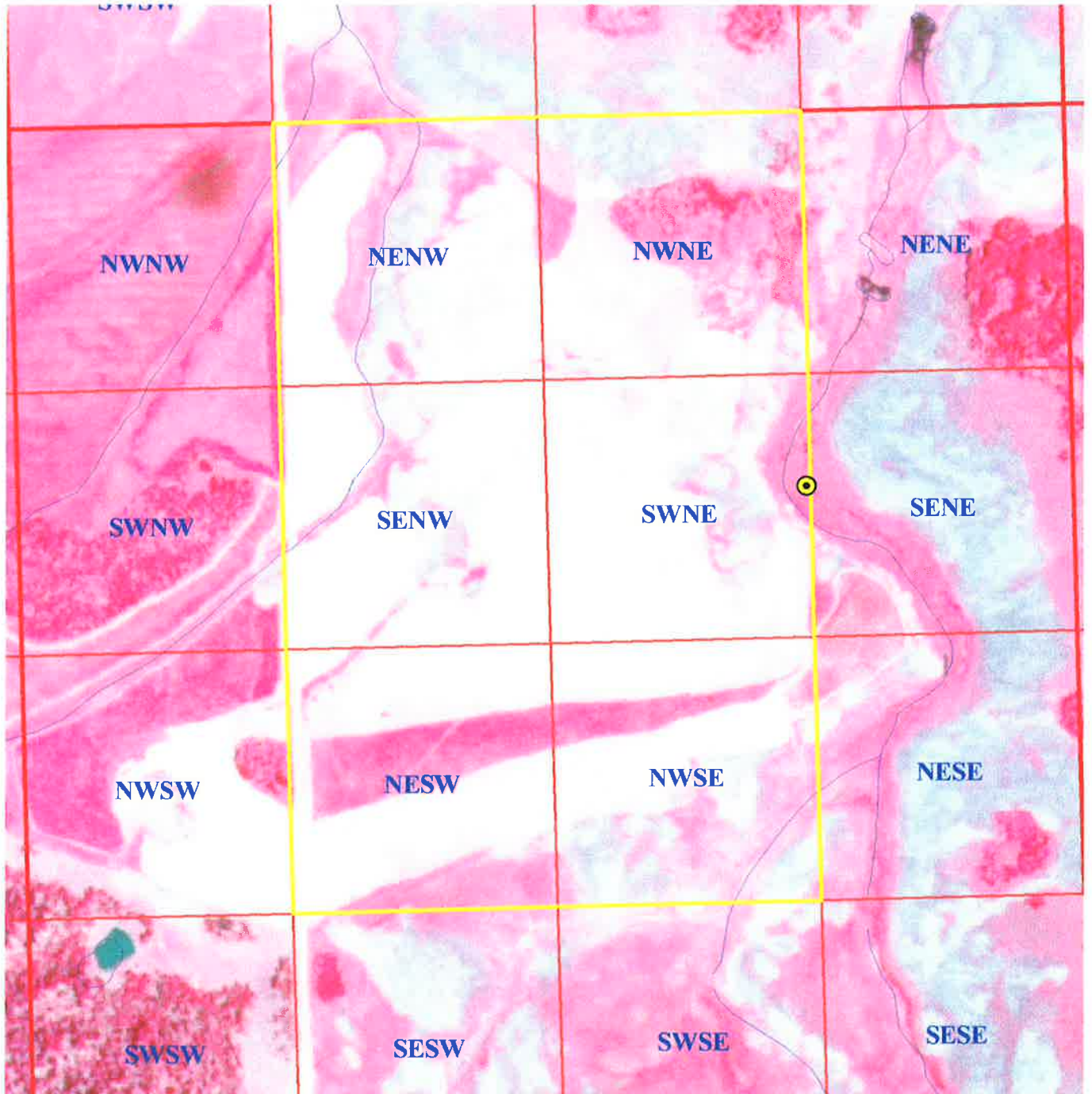


SPATIAL DYNAMICS
PROFILED

SCANNED
 OCT 04 2004

Water Right Claim Number 25-04276
Township , 3S40E

11/08/2000



SPATIAL
DYNAMICS



Water Right Claim Number 25-04276
Township , 3S40E

11/08/2000



 Irrigated Area

 Place of Diversion

 Section Line

 Quarter Section Line

 Roads

 Streams and Canals

Legend



Rm

09/28/2004

**NOTICE OF ERROR
REPLY**

RECEIVED

OCT 13 2004

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

Department of Water Resources
Eastern Region

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 25-4276

RALPH J STEELE

531 S 52ND E

IDAHO FALLS ID 83401

Telephone Number: (208)523-5424

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE:

10/13/04

SIGNATURE:

Ralph J Steele
Ralph J Steele

Please print your name:

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

**PROFILED
SCANNED**

OCT 15 2004

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

In Re: Water Right Claim Nos. 25-13094, A25-4283, A25-4277, A25-4276

State of Idaho)
County of Bonneville) ss.

AFFIDAVIT OF WOODROW BUTLER

WOODROW BUTLER, being first duly sworn on his oath, deposes and says as follows:

1. That I am over the age of 21, and I am competent to make this Affidavit.
2. That I am currently residing at my ranch located near Bone, Idaho, and have resided at this address since 1919.
3. That I have personal knowledge of the ranch known as "Deer Creek Land & Cattle Company" located in Bingham County, Idaho, and owned by Ralph Steele and his partners, based upon having resided on my ranch, which is situated directly adjacent to the Deer Creek Land & Cattle Company ranch, since 1919.
4. That I also have personal knowledge of the Deer Creek Land & Cattle Company ranch because I was a member of the Board of Directors for the Eastern Idaho Grazing Association for many years, and I was responsible for riding on horseback through the neighboring ranches to ensure that all fences were properly constructed and maintained.

AFFIDAVIT OF WOODROW BUTLER - 1

SCANNED

OCT 04 2004

PROFILED

5. That Ralph Steele, a partner in Deer Creek Land & Cattle Company, and I frequently shared farm equipment in order to more efficiently harvest the crops we grew on the properties identified above.

6. That beginning in 1954 and continuing each year thereafter, I personally observed that Ralph Steele grew and harvested barley on large sections of his ranch, including those areas near Willow Creek on the easterly side of the ranch.

7. That in 1962 and 1963, I personally observed that Ralph Steele grew and harvested potatoes on that section of his ranch near Willow Creek on the easterly side of the ranch.

8. That beginning in 1962 and continuing each year thereafter, I personally observed that Ralph Steele grew and harvested barley and alfalfa on large sections of his ranch, including those areas on the west side of the road, which runs through the ranch, and irrigated such areas from water held in the pond that is fed by the Steele Springs.

9. That beginning in 1964 and continuing each year thereafter, I personally observed that Ralph Steele grew and harvested barley and alfalfa on large sections of his ranch, including those areas near his cabin on the easterly side of the ranch, and irrigated such areas from water out of Deer Creek.

10. That beginning in 1966 and continuing each year thereafter, I personally observed that Ralph Steele grew and harvested barley and alfalfa on large

sections of his ranch, including those areas on the south end of the ranch near the cattle guard, and irrigated such areas from water out of a pond which flows into Deer Creek.

FURTHER, AFFIANT SAYETH NAUGHT.

Woodrow Butler
WOODROW BUTLER

SUBSCRIBED AND SWORN TO before me this 10th day of February,
2004.



Katherine Stule Moriarty

Notary Public for Idaho

Residing at: Idaho Falls

My commission expires: 1/22/2010

All hand lines - tractor pump

3 lines $\frac{1}{4}$ mile

40/30 John Deere tractor

No style PDA Used - moved ~~tractor~~ tractor to west
condiment place

No idea on # of heads/quantity/size of pump

it has been a "while" since they irrigated. They haven't
had the need - (tried to do seed potatoes but couldn't) - they
get 1 cut of alfalfa usually with moisture from sky.

They have also had ~~big~~ problems w/ vandals since they
haven't had anyone staying up there daily.

He said ~~we~~ he could look up some records if we needed them

9/28/04

Based on the above statement Ernie & I agreed on recommending
.33 cfs on each line with 1 ~~line~~ line for claim # 4253
on 2 lines for claim # 4276. Since no cfs is needed on
claim 4253 we will only acknowledge .66 cfs on claim 4276
- no current system to ~~measure~~ measure.

PROFILED

SCANNED

OCT 04 2004

Water Resources Field Services

1571 N. 1100 E.
Terreton, ID 83450
208-663-4667

RECEIVED
DEC 10 2003
Department of Water Resources
Eastern Region

December 9, 2003

#9

Ralph J. Steele
531 S 52nd E
Idaho Falls ID 83401

Re: Adjudication Water Right Claims A25-4276, A25-4277, A25-4283, and
A25-13094, A25-13095, A25-13096

Dear Mr. Steele:

Last night I got your message on the telephone, asking for guidance for letters on the history of irrigation at your ranch near Bone, Idaho. The enclosed pamphlet from IDWR explains what is needed. Basically, IDWR needs a statement from someone who actually saw the irrigation taking place, with enough detail that a reviewer can know *what lands* were irrigated, *when*, with *how much water*. The more detail a person can provide, the better.

For instance, a statement like "I know Ralph Steele irrigated his ranch" would be very weak. A strong statement would be something like:

"In the summer of 1968 or 1969 I delivered a PTO pump to Ralph Steele's ranch. It couldn't have been any later than 1969 because I took the blue truck and it was wrecked early in 1970. The pump was a Berkely centrifugal pump and it ran six handlines. Ralph ran it with a John Deere 4020 tractor but it didn't work the tractor very hard. He had a half-mile of eight-inch aluminum mainline and he watered most of the place with the cabin on it, between the road and Deer Creek. A four-inch line went under the culvert and he watered about ten acres on the west of the road. About 1985 or 1986 I went up to the ranch to replace the seals in the pump and it looked like he was irrigating about the same ground. This ranch is south of Bone, it is the north edge of Ralph's place."

If you can't find a neighbor, hired man, or relative who can document your irrigation, please send a statement of your own describing exactly what you did, and when. This won't be nearly as strong coming from yourself, but it may be all you can do. If you can provide receipts for the pumps and sprinklers, or photos of the place being irrigated, that will help. Maybe you have an old ASCS report that identifies "80 acres irrigated pasture" or "100 acres irrigated alfalfa" on one of these parcels.

PROFILED

SCANNED

OCT 04 2004

There are three different places that need to be documented. The first is the north parcel of land, on either side of the road. This is the place with the cabin, where the water would come from Deer Creek. The second is on the south end of your land, near the cattle guard. The water would come from a reservoir that is east of the road and north of the cattle guard. This reservoir shows on the USGS maps. The third place is on the south east of your place, east of the cattle guard. This is the place with a potato planter sitting in the middle of the field. The water would come from a creek on the east, down in a canyon a couple hundred feet deep.

I have returned your files to Michael Holliday at IDWR, and I can't remember exactly which claim numbers go to each of these parts of your lands. If you return a copy of this letter with the statements, Mr. Holliday can look at the files and sort out which claim is which. Since he has the files, please return the statements directly to him. His address is:

Attn: Michael Holliday
IDWR
900 N Skyline Ste A
Idaho Falls ID 83402

Please call me or Mr. Holliday if you have more questions. You can reach me at 663-4667 or 681-9100. Mr. Holliday's number is 5235-7161.

Sincerely,

Bryce A. Contor

cc: Michael Holliday

PROFILED
SCANNED

OCT 04 2004

To: Ralph Steele Adjudication Claims, Basin 25, T03S R40E.
Fr: Bryce Contor
Date: 11/20/03

Bryce A. Contor

Re: Phone conversation with Ralph Steele.

Mr. Steele called me on 11/18/03 and we talked about his adjudication claims. I asked about the north piece of land that lies on either side of the road, which would be claims A25-04276, A25-04283, A25-13095, and A25-13097. Mr. Steele said it has been a long time since that land was farmed. He used to harvest hay but for many years it has been in grass. He has never had any of his land in CRP. I tried to ask specifically about the history of irrigation. Mr. Steele repeated that it has been a long time since the land was *farmed* and that the ponds are no longer there in Deer Creek. I don't think he ever confirmed or denied that he had irrigated that parcel.

We spent quite a bit of time talking about his history of growing potatoes "on the field where the potato planter is." I found a potato planter on the claimed POU for A25-13094. He was concerned that one of the hired hands who helped with that crop is no longer living and that he doesn't know how to contact the other. I tried to find out when the potato farming occurred but didn't get a specific answer. I don't think I really got a specific assertion that the place was *irrigated*. Ordinarily potatoes are an irrigated crop but I have relatives who have occasionally grown dryland potatoes in Teton Basin, which is a similar climate and elevation. Mr. Steele said he has neighbors who can provide affidavits that he "grew potatoes," and I tried to coach him specifically that their affidavits should refer to what they themselves saw, and describe in detail the *irrigation* they observed and when they observed it.

We didn't specifically talk about the lands under A25-04277 or A25-13096. The conversation focussed on the potato lands.

Water Resources
Field Services
206 663 4667

PROFILED

SCANNED

OCT 04 2004

Bryce Contor

Water Resources Field Services

General Comments - Ralph Steele Claims

These are all beneficial use claims for sprinkler irrigation from ponds and streams. I did not find any evidence of irrigation. Because recommending disallowal is a sobering prospect I looked hard and walked extensively over the claimed places of use. I've marked the paths I took on layouts in the files.

The claims indicate sprinkler irrigation, and the lands are too rolling for gravity irrigation. Portable pumps and sprinkler pipes can be easily moved, and it has been 14 years since these claims were filed. Nevertheless, I expected to see some traces - tractor tracks or dirt roads to where pumps would have been located, rock piles or remnants of wooden supports where portable mainlines went over cliffs and obstacles, at least some traces of damaged pipes or irrigation fittings. I poked around the buildings and looked carefully for these things and did not find them. Unless the claimant produces some documentation I propose disallowal of irrigation based on no evidence of beneficial use.

Scanned images of my field notes are in the photos file folder as "A25-4276_Steele_Notes_X.jpg" where "X" is the page number. The notes refer to GPS locations by UTM coordinate as that allows me to scale directly to USGS maps in the field. The GPS points reported in the summaries and in the data file use IDTM coordinates.

The last page of the claim in file A25-13094 is a summary map of all the claims. In general my inspection found those lands are potentially irrigable. It looks like a more complete and better representation of what was intended by the claimant than some of the individual maps in the claim files.

Paper file A25-04276 contains correspondence, a contact log, and a cartoon map showing relative locations of these claims. Claims A25-13095, A25-13096, and A25-13097 are enlargements of other claims. In those cases I have put most of the field notes and photos in the underlying claim file.

General Comments - A25-04276

A25-13097 is an enlargement of this right. The entire place is currently in a good stand of grass but old farm machinery suggest it was once farmed. It may not be in CRP as cattle have been grazing. Ordinarily cattle are excluded from CRP though in a drought year I think cattle can be allowed if the owner surrenders part

or all of the CRP payment for that year.

Ownership

Appears to be correct.

POD

None found.

POU

Farmed and potentially irrigable lands are marked on layout in file.

Overlap

Enlargement A25-13097

Conflict

None noted

Priority

No evidence in the file. A letter to the claimant invites evidence of priority.

Quantity

No evidence.

Water Use

No evidence of irrigation. Stockwater is not claimed but could be recommended.

List of Photos

A25-4276_A25-12097_1.jpg	Place of use looking south from the top of a little hill near the north edge of the POU.
A25-4276_A25-13097_2.jpg	Looking east from the same location.
A25-4276_A25-13097_3.jpg	Photo showing the CRP-like grass cover at the same location.

SCANNED

OCT 04 2004

PROFILED

A25-4276_A25-13097_4.jpg	Place of use looking south from the east edge of the POU.
A25-4276_A25-13097_5.jpg	Looking down into Deer Creek from the same location. The claimed points of diversion are somewhere in this creek.
A25-4276_A25-13097_6.jpg	Looking southwest upstream at Deer Creek from the SE tip of the place of use. This photo and the last include all possible locations for the POD(s).
A25-4276_A25-13097_7.jpg	South edge of POU, looking west from a location just a little west of the previous photo.


Bryce A. Contor


Date

SCANNED
OCT 04 2004

PROFILED

Water Resources
Field Services
1571 N 1100 E
Terreton ID 83450



Ralph Steele
531 S 52nd E
Idaho Falls ID 83401

11/13/03

Dear Mr. Steele -

I got your phone message I tried to
call you back at 523-5424. Please
contact me again at 681-9100. If I
don't answer please leave me a
contact phone number. It is VERY
IMPORTANT to get some documentation
from you.

Thank you, Bryce A. Coutor

Water Resources
Field Services
208 663 4667

PROFILED

SCANNED

OCT 04 2004

SCANNED

OCT 04 2004

PROFILED

A25-04276 / A25-13095¹³⁰⁹⁷ #1 Pole from waypoint 73
looking South



A25-04276 / A25-13095¹³⁰⁹⁷ #2 Pole from waypoint 73
looking east



SCANNED

OCT 04 2004

PROFILED

A25-04226 / A25-13097 #3 POU at waypoint 73
grass, looks like CFP



SCANNED

OCT 04 2004

PROFILED

A25-04267 / A25-13097 #4 Ben at waypoint 74
looking south



A25-04267 / A25-13097 #5 looking down into Deer Creek
from waypoint 74 (South East). Cleared pump location is
somewhere in this reach of creek.



SCANNED

OCT 04 2004

PROFILED

A25-04276/A25-13097#6 Deer Creek looking SW from
Waypoint 75. Photos 5 & 6 show all possible
location claimed for pumps.



A25-04276/A25-13097 #7. POB South edge, taken
~ 100 feet west of Waypoint 75 looking west



October 24, 2003

Ralph J. Steele
531 S 52nd E
Idaho Falls ID 83401

Re: Adjudication Water Right Claims A25-4276, A25-4277, A25-4283, and
A25-13094, A25-13095, A25-13096

Dear Mr. Steele:

A number of years ago you filed these water right claims in the Snake River Basin Adjudication. An enclosed rough map shows the general location of these claims. The Idaho Department of Water Resources (IDWR) is now preparing its recommendations for the court for your area. IDWR has contracted me to do a field inspection of your water rights. I plan to do this on Saturday, November 1 (weather permitting; for the sake of moisture I hope I can't get up there!). If you would like to be there or send someone to accompany me that would be good, but it is not necessary.

Three of these rights are "beneficial use" rights, which means they were developed before licenses were required, and there has never been a lawsuit over them resulting in a decree. This kind of right is perfectly legal and legitimate, but because there has never been any action on them, IDWR has never verified the priority date of the right. To get a good recommendation, it is very important that you submit "evidence of priority" documenting the first use of rights A25-04276, A25-04277, A25-04283, and A25-13094. An enclosed pamphlet suggests the kinds of evidence that may be useful. If you get a statement or letter from someone, be sure that it clearly says "I saw ..." or "I *did*" It is not good enough to say, "I *know*" For instance, I know that the Twin Falls Canal Company started using water in 1910, but since I didn't see that myself, a letter from me would not verify their use of water. It is important that the letter clearly says *when* the person first saw this, and it is even better if they tie the date to an event that clarifies how they know this. For instance, "I know Uncle Ralph started sprinkling in 1970 because that is the year I got my driver's license and he let me drive the red truck with a load of sprinkler pipe up to the ranch."

The other three rights are "enlargement claims" based on adding acres to existing water rights. We need some indication of when that happened, but it doesn't need to be a formal "evidence" like for the beneficial use rights.

SCANNED
OCT 04 2004

Water Resources
Field Services
208 663 4667

PROFILED

I haven't been up there yet, but I know a lot of that ground has been put into CRP. If it has, please send copies of the CRP documents (listing the legal descriptions) and a letter explaining the use of irrigation for the last five years before going into CRP.

I look forward to helping make sure your water rights are correctly recommended. Please call me at 208 282 7846 or 208 681 9100 if you have questions. I will be out of town October 29 through 31, but if you leave a message I can get back to you. You may mail evidence of priority or other documentation to me or directly to IDWR at:

Attn: Michael Holliday
IDWR
900 N Skyline Ste A
Idaho Falls ID 83402

Be sure to enclose a note identifying the water right numbers the documentation is for.

Sincerely,

Bryce A. Contor

4007 7 0 100
PROFILED
Water Resources
Field Services
208 663 4667

Ralph Steel Contact Log

10/20/03 11:25 AM 523-5424 no answer
12:00 noon 523-5424 no answer

10/23/03 7:15 PM 523-5424 no answer

11/10/03 (11/11/03?) phone msg from Mrs. Steele, no contact # left.

11/13/03 9:00 AM 523-5424 no answer

11/13/03 9:45 AM " " "

11/13/03 11:45 AM " " "

11/13/03 12:25 " " "

SCANNED

OCT 04 2004

PROFILED

Water Resources
Field Services
208 663 4667

JUL 30 2001

Log for claim 25-04276

Spatial Dynamics CAT

11/8/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
03s40e	9	NWNE	5	40	Indiscernible
03s40e	9	SWNE	20	40	Indiscernible
03s40e	9	NENW	5	40	Indiscernible
03s40e	9	SEnw	20	40	Indiscernible
03s40e	9	NESW	10	40	Indiscernible
03s40e	9	NWSE	10	40	Indiscernible
Totals:			70	240	

AJ5809NP
No. A25-04276

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/18/00
PAGE: 50

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	RALPH J STEELE 531 S 52ND E IDAHO FALLS ID 83401 (208) 523-5424	04/01/1970	IRRIGATION	04-01 11-01	1.400 CFS	
TOTAL DIVERSION:					1.400 CFS	
CONSUMPTIVE USE:						175.00 AFA

Water Source: DEER CREEK

Tributary to: WILLOW CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion:

T03S R40E S09

SWNE

BINGHAM County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE							
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM		
03S	40E	9	:			05	20			05				20			10			:			
																			10			:	
																			TOTAL ACRES			:	70.0

POU County: BINGHAM

Non-Irrigation Uses: NONE

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A25-13097

Other Water Rights Listing Overlapping Place(s) of Use:
A25-13097

Remarks: GEN A SUCTION PUMP IS USED TO PULL WATER OUT OF NATURALLY PONDED
WATER IN STREAM. BEAVERS HAVE CREATED SEVERAL PONDS AND THE
EXACT POINT OF DIVERSION MAY CHANGE WITHIN THE DESCRIBED
40 ACRE TRACT IDENTIFIED IN ITEM 4.

Dates: Exam Made Date: Verified Date: 06/03/1985 Objection Filed Date:

Misc: Water District Number: 01 Field Inspection Flag:
Presumption Flag:

Audit: 09/13/89 ESRBA 03/29/95 POST-STD

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Deer Creek Land & Cattle Co. c/o Ralph Steele
Rt. #1, Box 116, Idaho Falls, ID 83401 (Name of Claimant)
(Mailing Address) (Zip Code) Telephone No. 523-5424

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) 4-01-1970

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Deer Creek tributary to Willow Creek

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive) (Mo., Day)	(Mo., Day)
Quantity	<u>1.40 cfs</u>	Use <u>irrigation</u>	Period of Use From <u>4/1</u>	To <u>11/1</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

(4) 1.40 cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SW 1/4 NE 9 Sec. 9 Twp. 3S Rge. 40E B.M., County of Ringham
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.
pump, pipeline, sprinkler system

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTAL
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
3S	40E	9		5	20		5			20	10					10			70

No. of acres 70

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization:

May 2, 1991

Ralph J. Steele
531 S. 52nd E.
Idaho Falls, ID 83401

RE: **Evidence of Priority**

Dear Mr. Steele:

The Notices of Claim identified with the numbers shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notices indicates the water usage are 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, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date.

For your reference I have provided a printout of your Notices and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the pamphlet, 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".

It is our goal to recommend this historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notices have been or soon will be conducted by Department personnel. But, the Department will not recommend the Notices be decreed by the court if no evidence of a priority date is submitted.

Please submit the required evidence supporting the priority dates by **June 3, 1991**, referencing all documents with the corresponding Notice numbers. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

MICROFILMED
NOV 10 1992

Ralph J. Steele

Page 2

All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,

Ernest Carlsen
Water right Supervisor, Adjudication

EC:sc

Enclosure: Brochure on "Evidence of Priority"
Proof Report

A25-13097
RALPH J. STEELE
531 S. 52ND E.

IDAHO FALLS ID 83401

A25-04277
RALPH J. STEELE
531 S. 52ND E.

IDAHO FALLS ID 83401

A25-13094
RALPH J. STEELE
531 S. 52ND E.

IDAHO FALLS ID 83401

A25-04276
RALPH J. STEELE
531 S. 52ND E.

IDAHO FALLS ID 83401

A25-13096
RALPH J. STEELE
531 S. 52ND E.

IDAHO FALLS ID 83401

A25-13095
RALPH J. STEELE
531 S. 52ND E.

IDAHO FALLS ID 83401

A25-04283
RALPH J. STEELE
531 S. 52ND E.

IDAHO FALLS ID 83401

MICROFILMED

NOV 10 1992

SCANNED

JUL 30 2001

\$120 X

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: A25-04276

Date Received: 9/13/1989

Receipt No: E010488

Received By: Rat

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RALPH J. STEELE
Address: 531 S. 52ND E.
IDAHO FALLS, ID

208-523-5424

83401

2. Date of Priority: APR 01, 1970

3. Source: DEER CREEK

Trib. to: WILLOW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03S	40E	9	SW	NE			BINGHAM

5. Description of diverting works:
PUMP, PIPELINE & SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.400		

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

A.F.A.

8. Total consumptive use is 175.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03S	40E	9	NW	NE		IRR	5.0
			SW	NE		IRR	20.0
			NE	NW		IRR	5.0

A25-04276

Page 1

Date: 09/13/89

MICROFILMED
NOV 10 1992

A2504276



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03S	40E	9	SE	NW		IRR	20.0
			NE	SW		IRR	10.0
			NW	SE		IRR	10.0
						Section Acres	70.0
						Total Acres	70.0

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:
NONE

14. Remarks:

A SUCTION PUMP IS USED TO PULL WATER OUT OF NATURALLY PONDED WATER IN STREAM. BEAVERS HAVE CREATED SEVERAL PONDS AND THE EXACT POINT OF DIVERSION MAY CHANGE WITHIN THE DESCRIBED 40 ACRE TRACT IDENTIFIED IN ITEM 4.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: 1

For Individuals:

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

Signature of Claimant(s): [Signature] Date: Sept 13-89

Date: _____

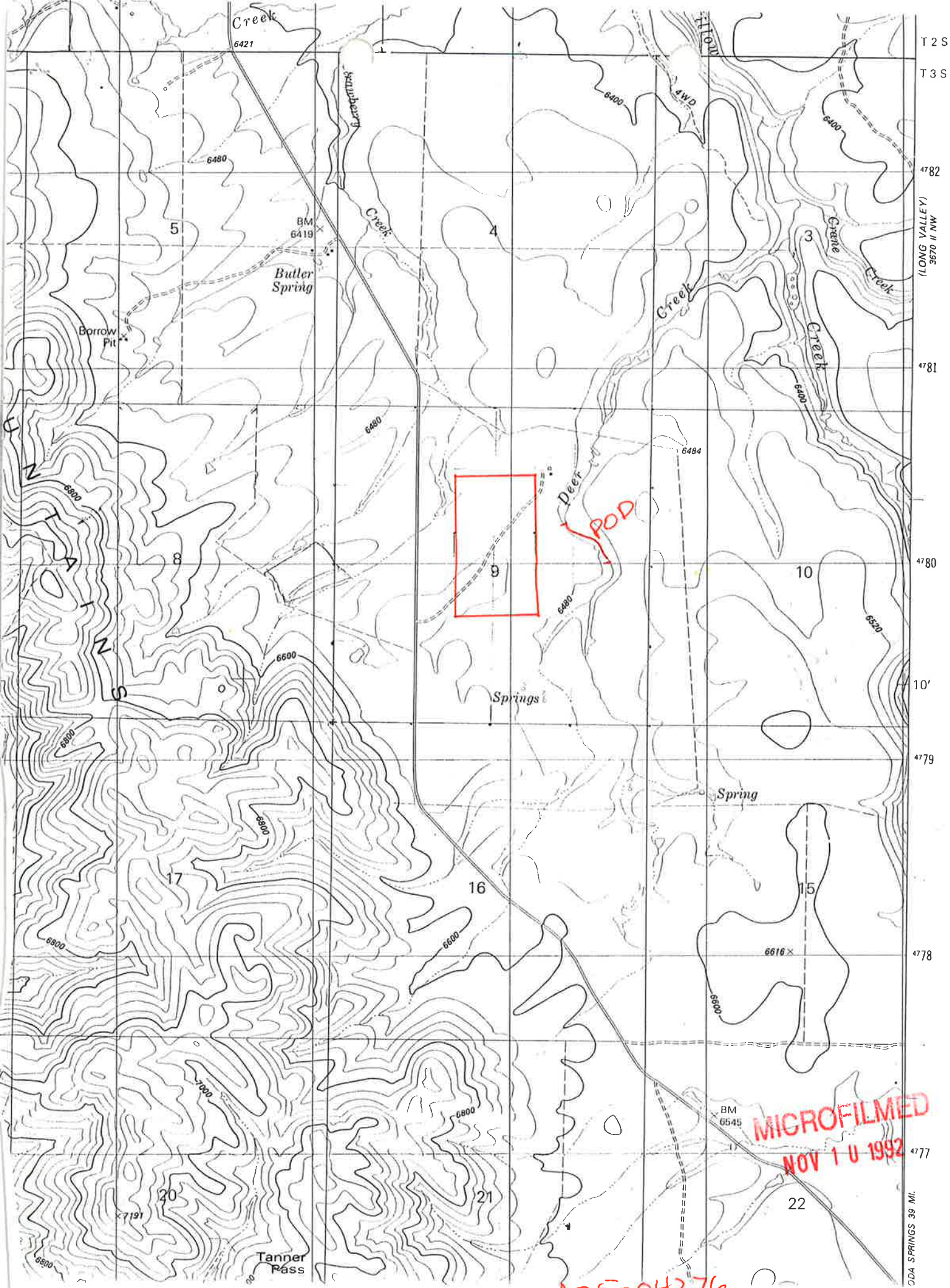
State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 13th day
of September 19 89

[Signature]
Notary Public

Seal

Helen Harrington, Notary Public
Residing at Residing at Boise, Idaho
My Commission Expires December 1, 1994



A25-04276