

09/22/2004

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

RIGHT NUMBER: 25-4277
NAME AND ADDRESS: RALPH J STEELE
531 S 52ND E
IDAHO FALLS ID 83401
SOURCE: UNNAMED STREAM TRIBUTARY: DEER CREEK
QUANTITY: 0.660 CFS
5.000 AFY
PRIORITY DATE: 10/31/1966
POINT OF DIVERSION:

T03S R40E S16 NENESE Within BINGHAM County
T03S R40E S16 SENESE Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	01/01 12/31	5.00 AFY
STOCKWATER	05/01 12/15	0.260 CFS
IRRIGATION FROM STORAGE	04/01 11/01	5.00 AFY
IRRIGATION	04/01 11/01	0.400 CFS

PLACE OF USE: IRRIGATION Within BINGHAM County

T03S R40E S15	NWSW	2.0	T03S R40E S15	SWSW	0.6
T03S R40E S16	NESE	2.3	T03S R40E S16	SWSE	3.7
T03S R40E S16	SESE	12.0			

STOCKWATER same as IRRIGATION
IRRIGATION FROM STORAGE same as IRRIGATION

20.6 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.

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

EXPLANATORY MATERIAL: Beneficial Use

Water Right 25-4277

SCANNED
OCT 04 2004

1

PROFILED

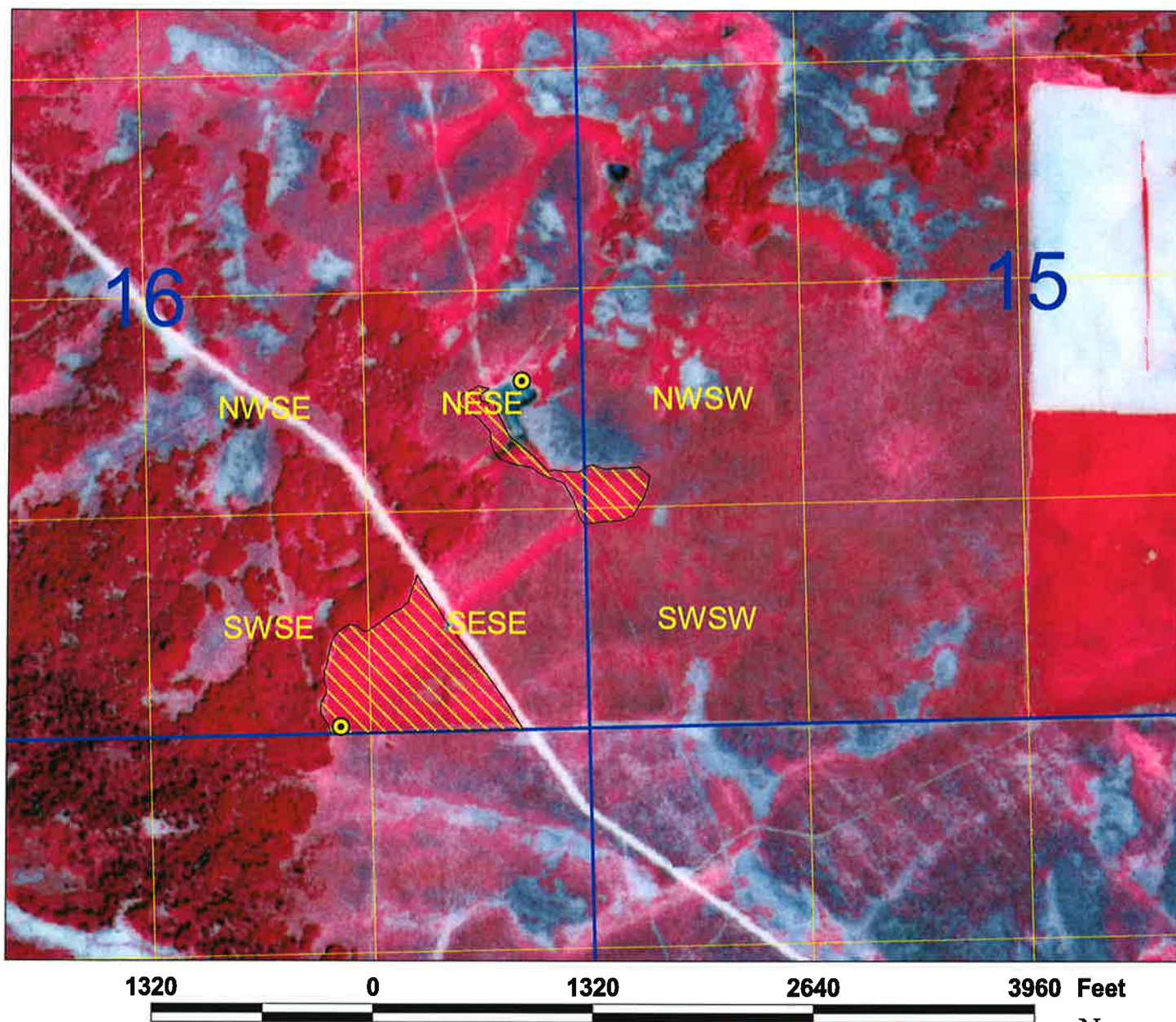


State of Idaho

Department of Water Resources

Eastern Region

Water Right(s): 25-4277



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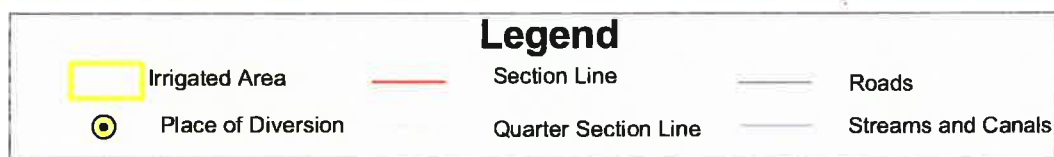
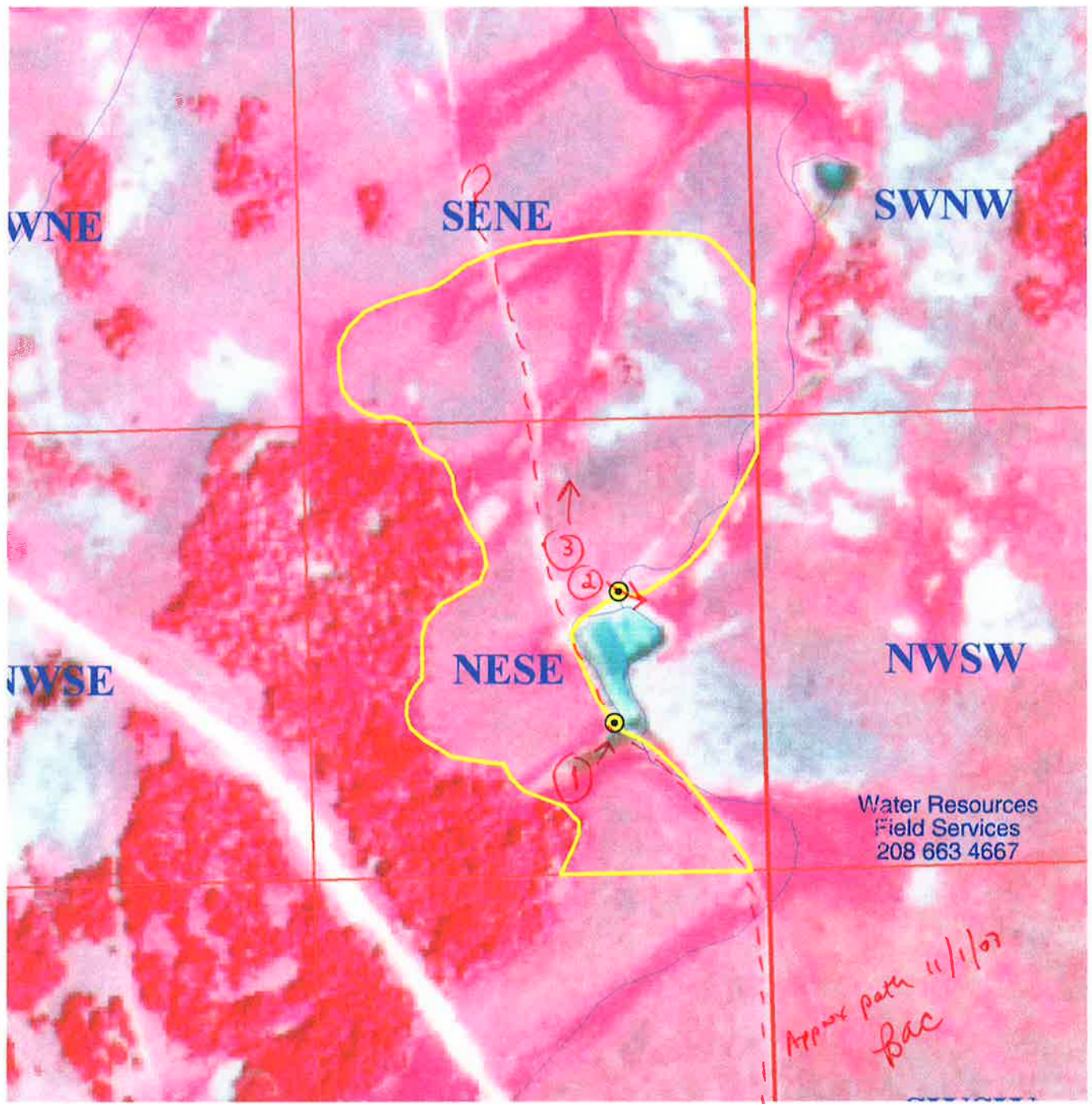
- ⊙ Point of Diversion
- ▨ Place of Use
- ▭ Sections
- QQ



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

Water Right Claim Number 25-04277
Township , 3S40E

11/08/2000



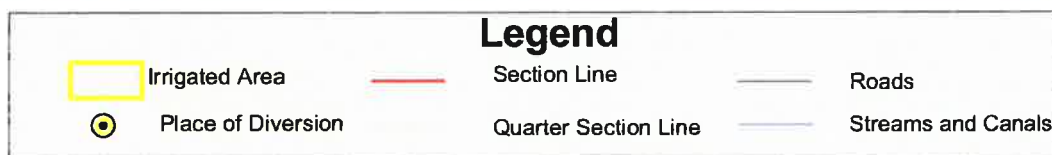
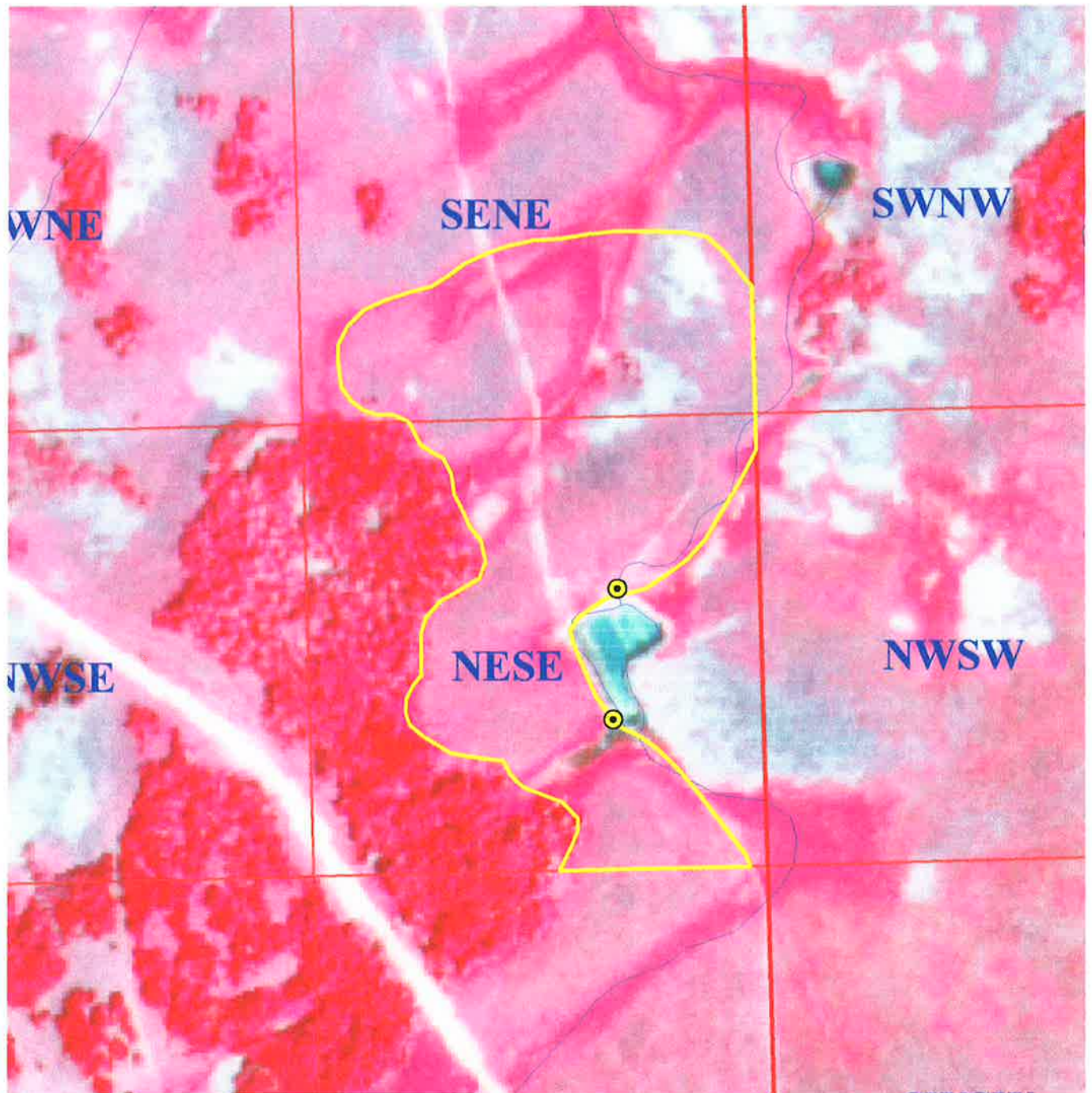
300 0 300 600 900 Feet

SPATIAL
DYNAMICS



Water Right Claim Number 25-04277
Township , 3S40E

11/08/2000

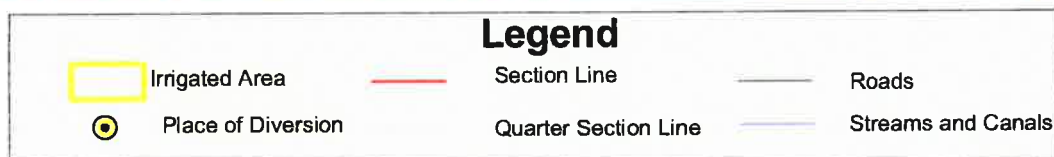
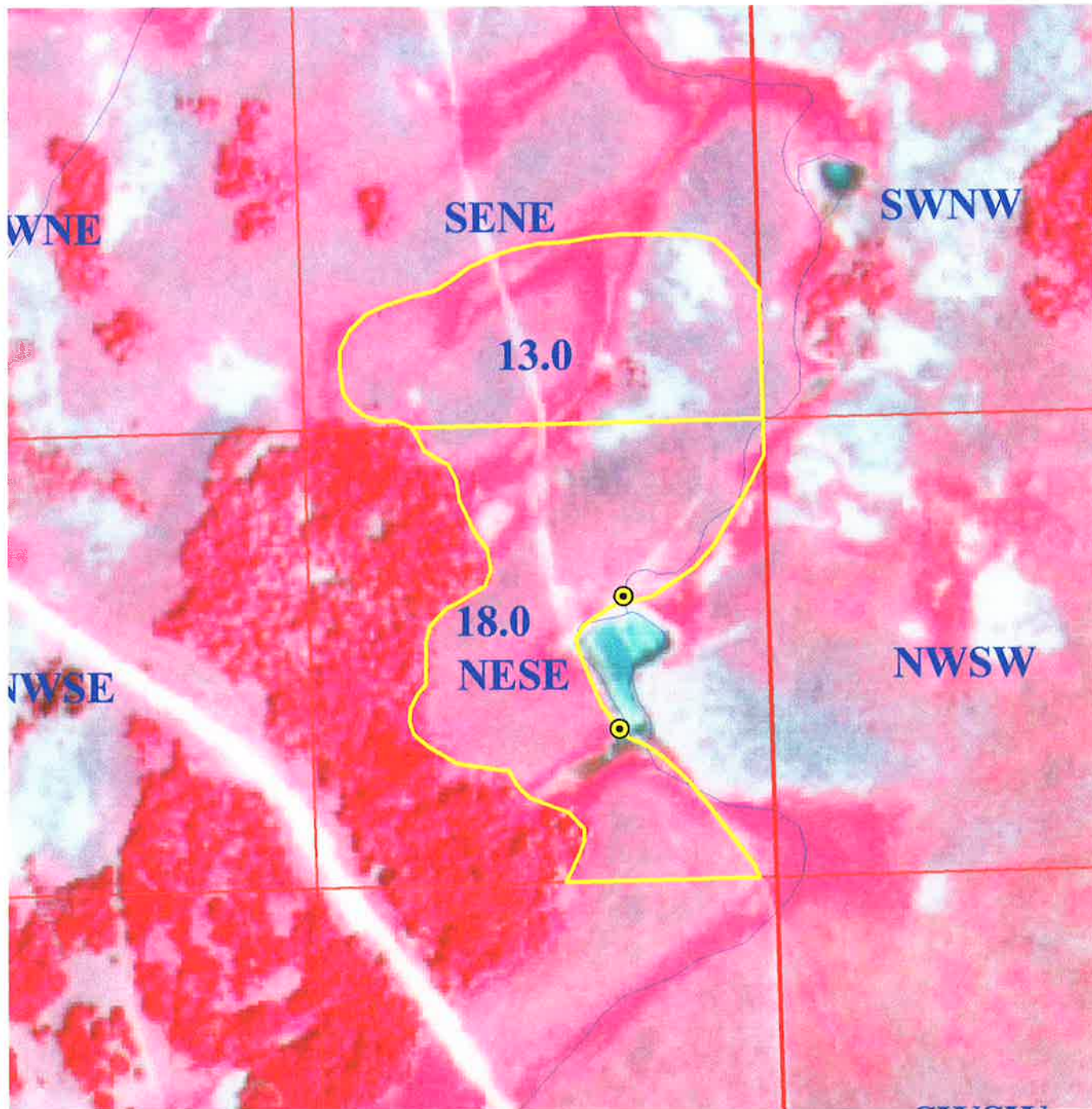


300 0 300 600 900 Feet

SPATIAL DYNAMICS

Water Right Claim Number 25-04277
Township , 3S40E

11/08/2000



 SPATIAL
DYNAMICS



Rm

09/22/2004
RECEIVED
OCT 13 2004

NOTICE OF ERROR
REPLY

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

Department of Water Resources
Eastern Region

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.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 25-4277
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):

RJS
10/13/04
Shovel Rose irrigation ditched in claim.

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: _____ SIGNATURE: _____

Please print your name: _____

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

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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

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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

#10

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

A25-13096 is an enlargement of this claim and this review applies to both claims. I did find a pond, but no evidence of irrigation. Only part of the claimed POU (the part of A25-13096 west of the road) appears to have been farmed. There is a culvert under the road where a mainline could be placed to take water to this part of the claimed POU but there was no indication that this had actually happened.

Unless the claimant provides additional documentation I propose recommending only deminimus stockwater use with the claimed priority.

Ownership

Appears to be correct.

POD

The center of the dam is GPS waypoint 82, 681,500E, 230,781N IDTM.

POU

Layouts approximately show potentially irrigable lands, consistent with claimant's maps. Only the POU west of the road appears to have been farmed.

Overlap

A25-13096 is an enlargement. The claims do not overlap place of use.

Conflict

None noted.

Priority

No evidence.

Quantity

No evidence of irrigation. The pond is about two acres by dot count from the USGS map, visually estimated at twelve feet deep. Using an inverted pyramid formula, $(2 \text{ acres} \times 12 \text{ feet})/3 = 8 \text{ acre feet}$.

Water Use

Stockwater.

List of Photos

A25-4277_A25-13096_1.jpg Looking NE at dam.

A25-04277_A25-13096_2.jpg Looking SE at dam.

A25-04277_3.jpg

POU for A25-04277

A25-13096_1.jpg

POU west of road, looking NW.

A25-13096_2.jpg

POU east of road from the same location.

Bryce A. Contor

Bryce A. Contor

11/15/03

Date

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A25-04277/A25-13096 #2 Dam & pond looking SE



A25-04277/A25-13096 #1 Dam & pond, looking just east of N from south end of pond

OCT 04 2004

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A25-04272 #3 Pou looking N from
just NW of dam



Water Resources
Field Services
208 663 4667

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OCT 04 2004

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JUL 31 2001

Log for claim 25-04277

Spatial Dynamics CAT

11/8/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
03s40e	16	SENE	7	13	
03s40e	16	NESE	15	18	
Totals:			22	31	

AJ5809NP
No. A25-04277

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/18/00
PAGE: 51

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	04/01/1954	IRRIGATION IRRIGATION STORAGE IRRIGATION FROM STORAGE STOCKWATER	04-01 11-01 01-01 12-31 04-01 11-01 05-01 12-15	1.000 CFS 0.260 CFS	 5.00 AFA 5.00 AFA
TOTAL DIVERSION:					1.000 CFS	5.00 AFA
CONSUMPTIVE USE:						55.00 AFA

Water Source: UNNAMED STREAM

Tributary to: DEER CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion: T03S R40E S16 NENESE SENESE 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	:	SUM
03S	40E	16	:				07	:							15	:	22.0
TOTAL ACRES																22.0	

Place of use location for IRRIGATION FROM STORAGE is the same location as described for: IRRIGATION

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: BINGHAM

Non-Irrigation Uses: S/1200 CATTLE

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A25-13096

Other Water Rights Listing Overlapping Place(s) of Use:
A25-13096

Dates: Exam Made Date: Verified Date: 03/12/1985 Objection Filed Date:
Misc: Water District Number: Field Inspection Flag:
Presumption Flag:
Audit: 09/13/89 ESRBA 03/29/95 POST-STD

(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.

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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
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398 X

JUL 2 2001

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: A25-04277
Date Received: 9/13/1989
Receipt No: EO10488
Received By: RAF

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RALPH J. STEELE
Address: 531 S. 52ND E.
IDAHO FALLS, ID 83401 208-523-5424

2. Date of Priority: APR 01, 1954

3. Source: UNNAMED STREAM Trib. to: DEER CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03S	40E	16	NE	NE	SE		BINGHAM
			SE	NE	SE		BINGHAM

5. Description of diverting works:
EARTH DAM, 250 FT. LONG, 10 FT. HIGH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.000		
IRRIGATION STORAGE	01/01	12/31			5.00
IRRIGATION FROM STORAGE	04/01	11/01			5.00
STOCKWATER	05/01	12/15	0.260		

7. Total Quantity Appropriated is:
1.000 C.F.S. (and/or) 5.00 A.F.A.

8. Total consumptive use is 55.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/1200 CATTLE

A25-04277

Page 1

Date: 09/13/89

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NOV 10 1992



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03S	40E	16	SE	NE		IRR	7.0
			NE	SE		IRR	15.0
Section Acres							22.0
Total Acres							22.0

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:

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: _____

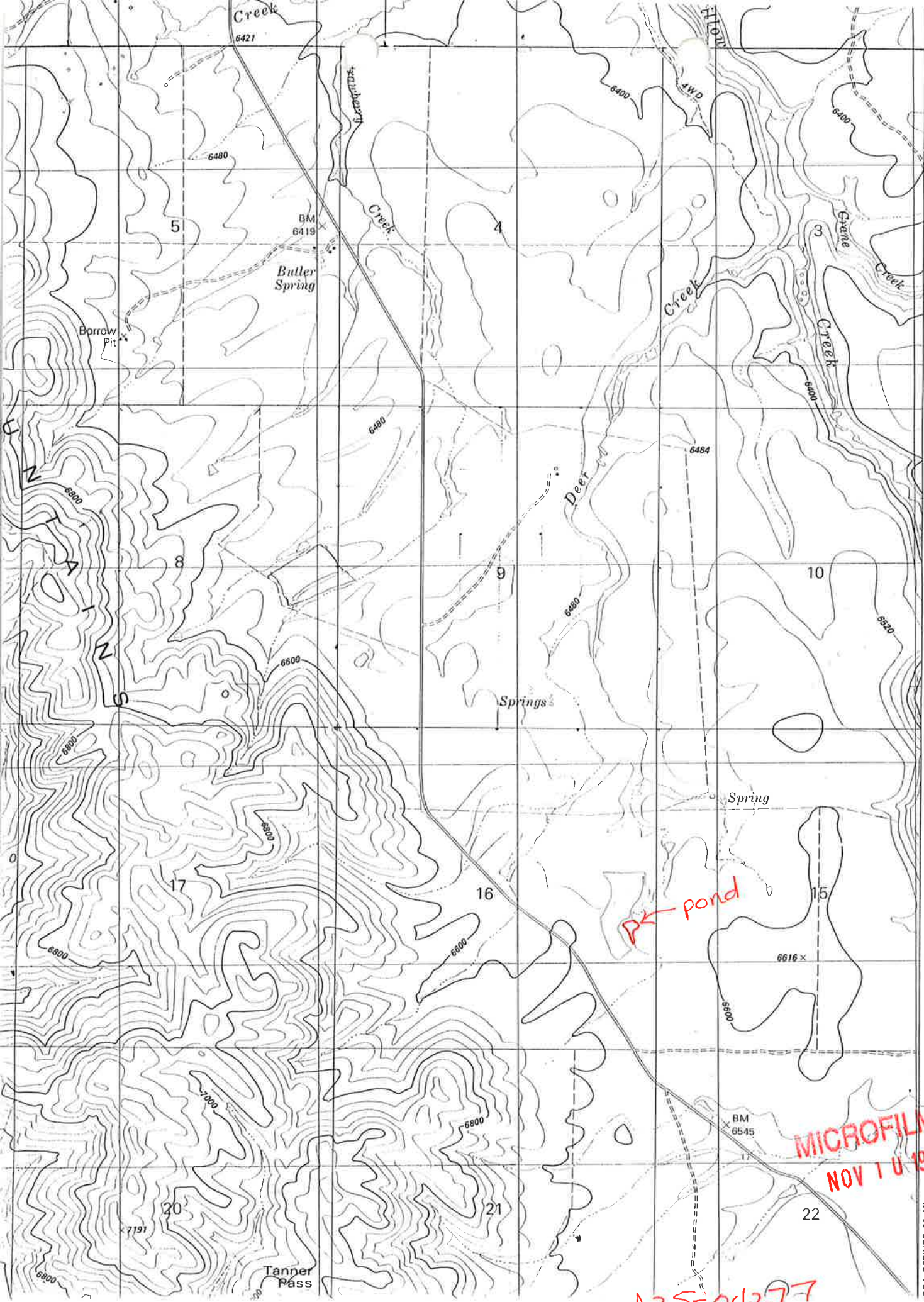
State of Idaho)
County of Bonnerille) SS.

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

[Signature]
Notary Public

Seal

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



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