

09/21/2004

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

RIGHT NUMBER: 25-13094
NAME AND ADDRESS: RALPH J STEELE
531 S 52ND E
IDAHO FALLS ID 83401
SOURCE: WILLOW CREEK TRIBUTARY: SNAKE RIVER
QUANTITY: 3.08 CFS
PRIORITY DATE: 10/31/1962
POINT OF DIVERSION:
T03S R40E S15 NWSENE Within BINGHAM County
T03S R40E S15 NWNESE Within BINGHAM County
PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	3.080 CFS

PLACE OF USE: IRRIGATION Within BINGHAM County

T03S R40E S15	SWNE	35.0	T03S R40E S15	SENE	2.8
T03S R40E S15	NESE	19.0	T03S R40E S15	NWSE	38.0
T03S R40E S15	SWSE	38.0	T03S R40E S15	SESE	21.0

153.8 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: Beneficial Use

Water Right 25-13094

FILED

1

SCANNED

OCT 04 2004

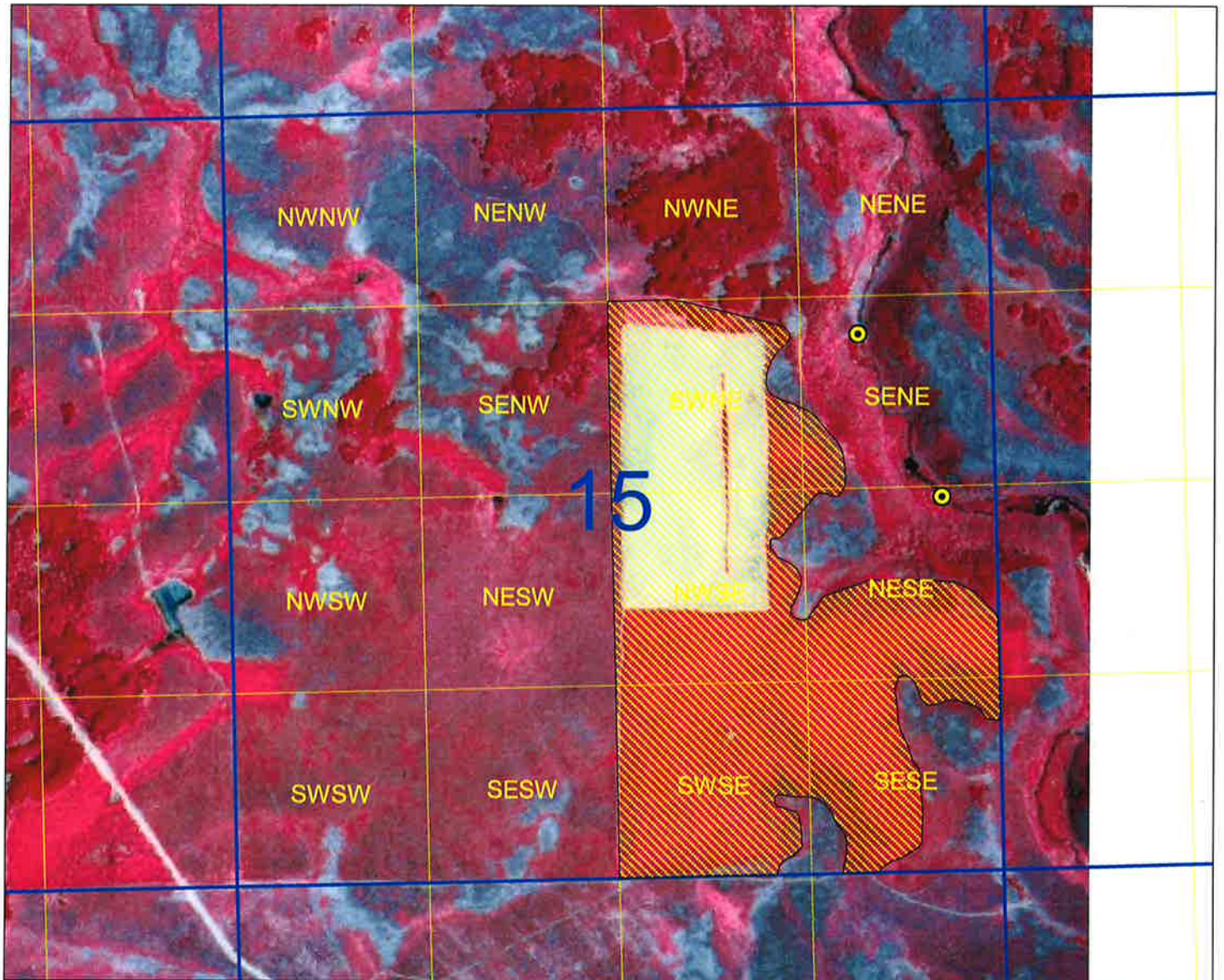


State of Idaho

Department of Water Resources

Eastern Region

Water Right(s): 25-13094



1320 0 1320 2640 3960 5280 Feet

PROFILED

SCANNED

OCT 04 2004



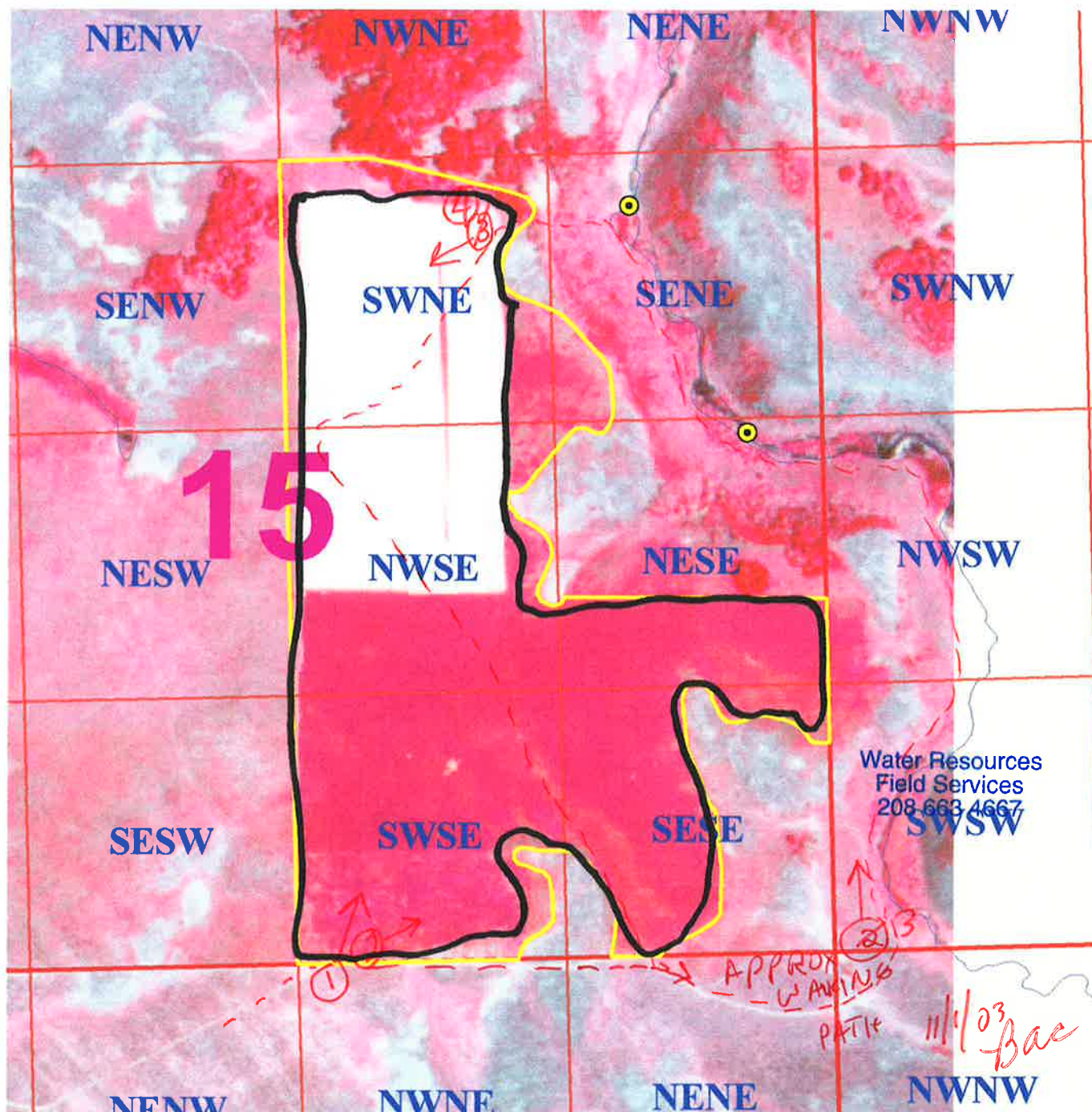
⊙ Point of Diversion
Place of Use

▨ Sections
□ QQ

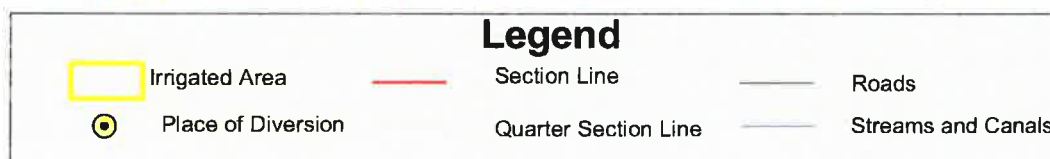
GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by R. Mikesell
Date: August 2004

Water Right Claim Number 25-13094
Township , 3S40E

11/20/2000



Water Resources
Field Services
208.663.4667

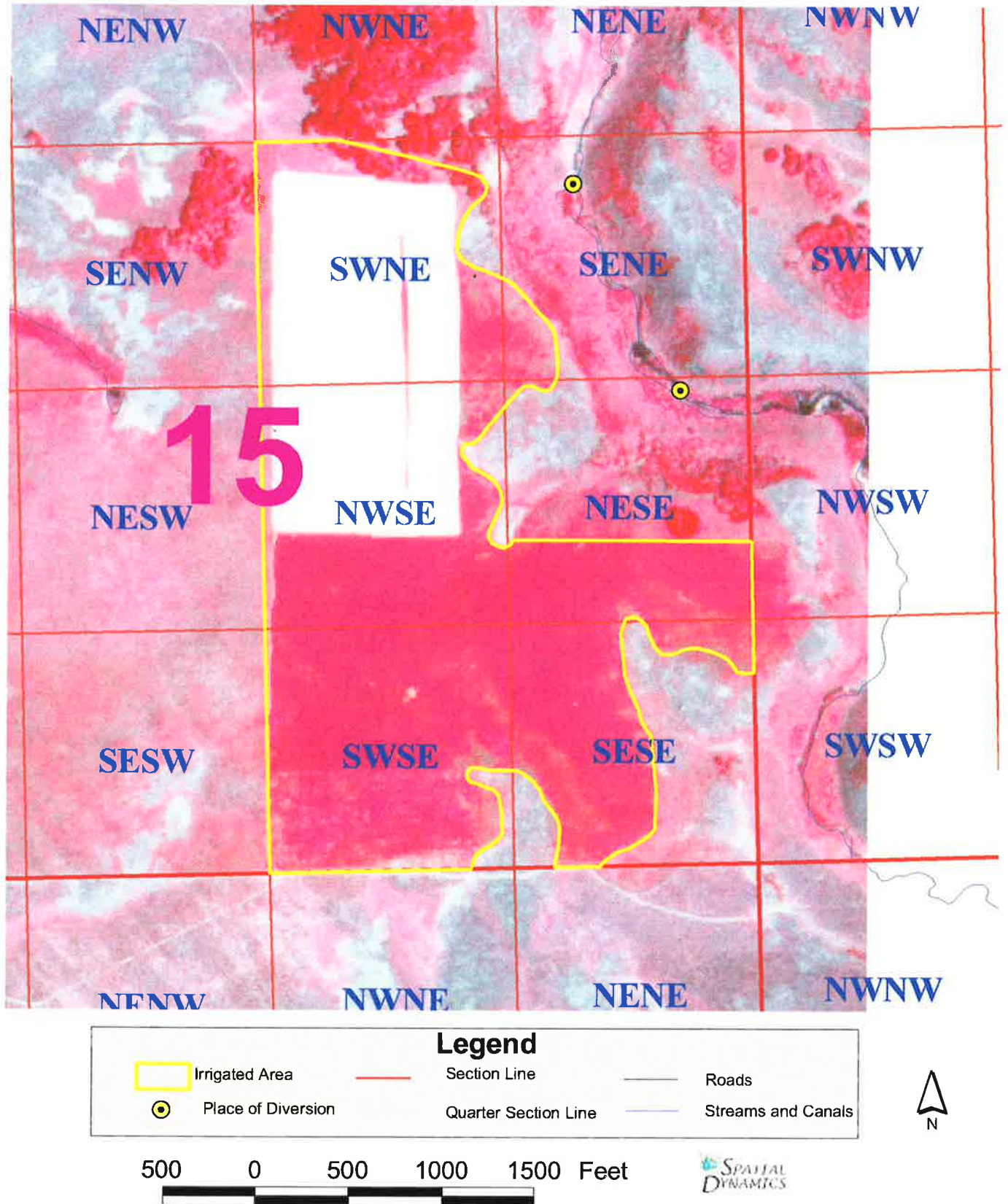


500 0 500 1000 1500 Feet

SPATIAL
DYNAMICS

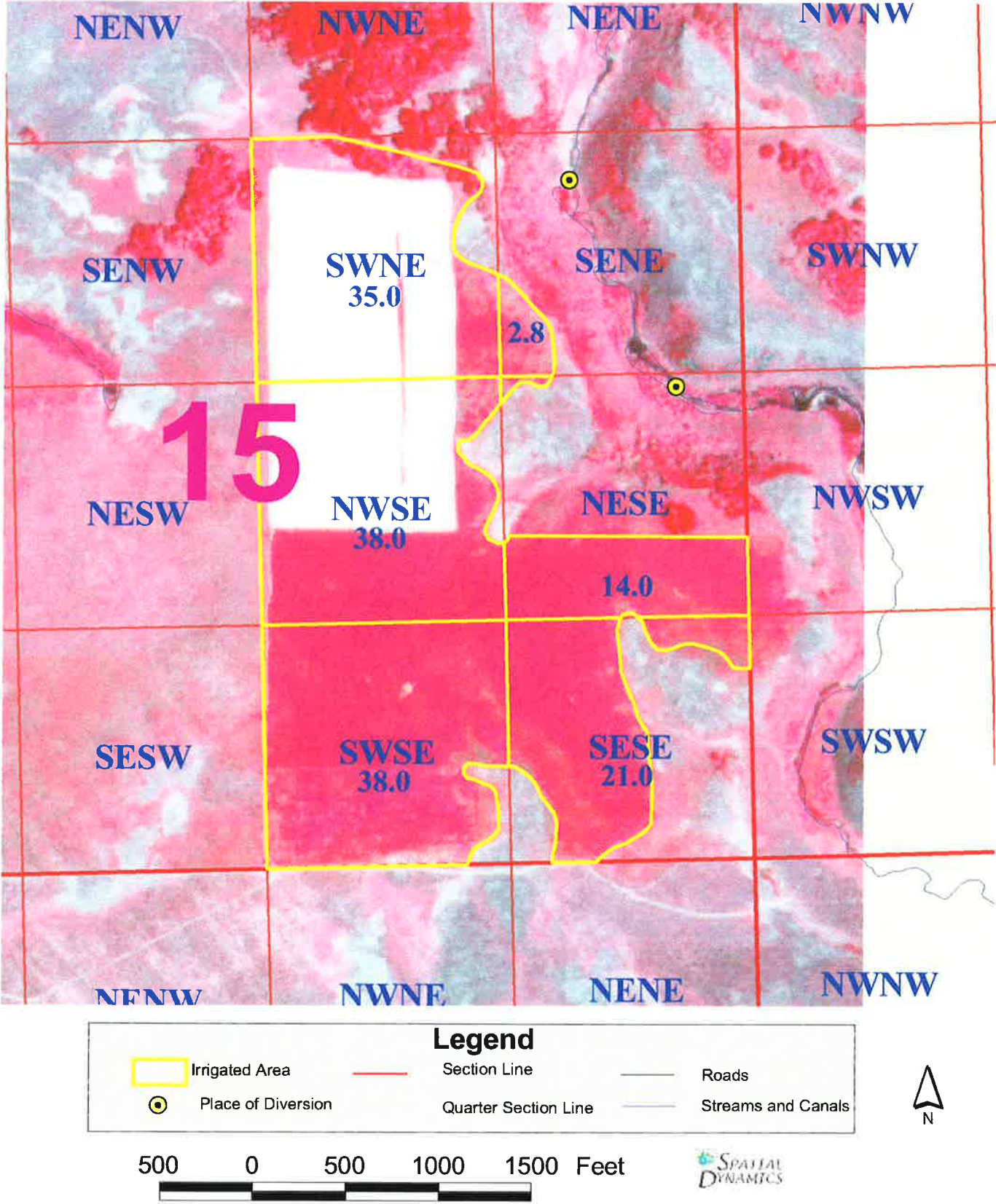
Water Right Claim Number 25-13094
Township , 3S40E

11/20/2000



Water Right Claim Number 25-13094
Township , 3S40E

11/20/2000



Rm

09/21/2004

**NOTICE OF ERROR
REPLY**

RECEIVED

OCT 13 2004

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: 25-13094

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

Please print your name:

Ralph J Steele

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

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OCT 15 2004

25-13094

according to Ralph Steele
the source is actually
4 Big Springs in Willow Creek.

Discussion was in office on

9/20/04 at 2:30pm
J. J. Hill

Per Ralph, statement
7 in affidavit
refers to POI for
this claim.

Other phone numbers:
his son, Scott 390-5717
his daughter Katherine 523-4445

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OCT 04 2004

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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 S. Moriarty

Notary Public for Idaho

Residing at: Idaho Falls

My commission expires: 1/22/2010

statement
#7

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 - A25-13094

This is a beneficial use claim for irrigation using water pumped out of a canyon. I expected to find some evidence of where pipelines had gone up the cliff, and evidence of where a tractor or truck had brought the pump(s) in. I found neither. I walked the length of the creek at the east edge of the POU looking for evidence of diversion works.

The place of use is in a good stand of grass but an old potato planter indicates historical attempts at farming. This is high and wet enough country that farming does not necessarily imply irrigation. The canyon is deep and steep enough that it probably does not supply stock water for this grazing land.

I propose recommending disallowal based on no evidence of beneficial use.

Ownership

Appears to be correct.

POD

None found.

POU

My sketch on the layout shows potentially irrigable lands.

Overlap

None.

Conflict

None noted.

Priority

No evidence.

Quantity

No evidence. The creek is large enough to support irrigation.

Water Use

None found.

PROFILED

List of Photos

- A25-13094_1.jpg Looking N at POU from SW corner.
- A25-13094_2.jpg Looking NE at POU from SW corner.
- A25-13094_3.jpg Looking N at creek. Claimed POU is on top of the hill at the left (west) side of the photo. A pipeline would have to go up this hill. I walked down the creek and around the corner visible at the back of the photo.
- A25-13094_4.jpg Looking SW at POU from NE corner.

Bryce A. Contor

Bryce A. Contor

15 Nov 2003

Date

PROFILED

Water Resources
Field Services
208 663 4667

PROFILED

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OCT 04 2004

A25-13094 #1 looking N at pole from SW corner



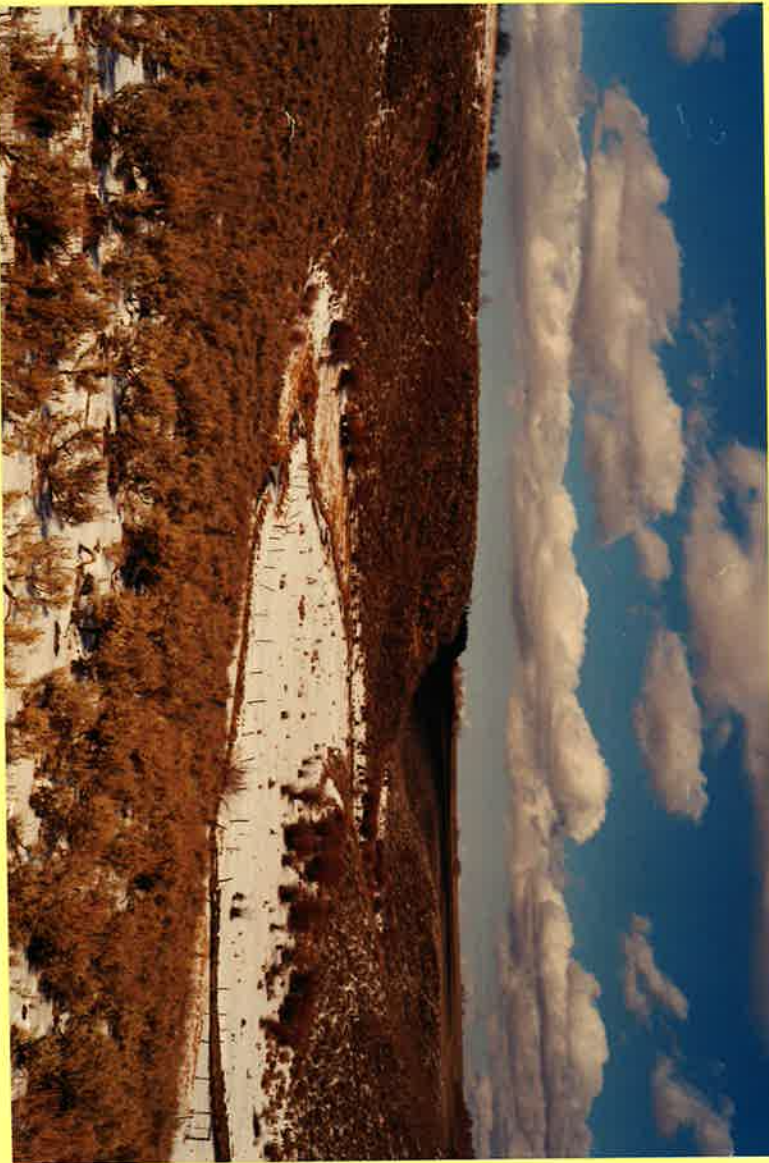
A25-13094 #2 looking NE from SW corner



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OCT 04 2004

PROFILED

A25-13094 #3 Looking N at creek. Claimed POU
is pump from this creek. POU is to the west (left)



A25-13094 #4 looking SW from waypoint 81. This
shows NW part of POU.



SCANNED

AL3 7007

Log for claim 25-13094

Spatial Dynamics CAT

11/10/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
03s40e	15	SWNE	39	35	
03s40e	15	SENE	4	2.8	
03s40e	15	NESE	11	14	
03s40e	15	NWSE	37	38	
03s40e	15	SWSE	38	38	
03s40e	15	SESE	30	21	
Totals:			159	148.8	

POD 15 NWNESE
should be
15 NESESE ?

AJ5809NP
No. A25-13094

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/18/00
PAGE: 73

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	04/01/1962	IRRIGATION	04-01 11-01	3.196 CFS	
TOTAL DIVERSION:					3.196 CFS	
CONSUMPTIVE USE:						399.50 AFA

Water Source: SPRINGS

Tributary to: WILLOW CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion:

T03S R40E S15

NWSENE

NWNESE

BINGHAM County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
03S	40E	15	:			39	04	:					:					:	11	37	38	30	:	159.8
TOTAL ACRES																							159.8	

POU County: BINGHAM

Other Rights: NONE

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Audit: 11/08/89 HARRINGT 02/12/91 THOMPSON 03/29/95 POST-STD

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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NOV 12 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 12 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

September 29, 1989

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

RE: Snake River Basin Adjudication
Claims #A25-13094/#A25-13095/#A25-13096/#A25-13097
Bingham County

Dear Mr. Steele:

I have finally found the time to straighten out your claims. I used your maps to identify number of total acres irrigated and have completed Item #10 on each of the expansion claims.

Having completed Item #10, I have modified other items accordingly:

Item #6/#7: Amounts

I have adjusted these numbers, calculating the standard .02 cfs per acre.

Item #8: Consumptive Use

Adjusted to correct amount based on number of acres.

Item #4, #A25-13096: Point of Diversion

We inadvertently did not complete this item; I completed it using the information from #A25-4277.

I have included copies of your maps and my map with transferred information for you to use in comparing the information in Item 10 with each claim. Unfortunately, now that I have had the time to review the maps you submitted, I find that we need an additional \$55 to cover the actual acres. It seem that two of the expansion

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NOV 12 1992

Mr. Ralph J. Steele
Page 2
September 29, 1989

claims were over payments; one expansion was an under payment. The claim which had previously not been filed for springs, tributary to Willow Creek, in Section #15, was also an over payment:

Claim No.	Acres Paid	Acres Due	Balance
A25-13094	163	160	< 3 >
A25-13095	101	143	42
A25-13096	30	18	< 12 >
A25-13097	70	98	28
	Balance Due		<u>\$ 55</u>

Because of the nature of the changes which have been made from the original handwritten claim which we completed together in Idaho Falls, I need to have you sign and have notarized the enclosed claims and return them to me along with the additional \$55.00.

Please return them to me by October 29, 1989. If you have any questions or disagree with any of the changes I made, please let me know. Please be sure to send them to me at: 1301 North Orchard, Boise, Idaho 83706. My phone number is 327-7900. We will get these claims completed! Thanks for your patience.

Sincerely,



Helen Harrington-Thornton
Water Rights Agent

HHT:mcc:state

Enclosures:

Claims #A25-13094/#A25-13095/
#A25-13096/#A25-13097

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NOV 12 1992

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

Identification No. A25-12884Date Received 9-5-89/JoReceipt Number E010119

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Arthur and Norene Mikola Phone (208) 522-9482Mailing Address 7528 N 5th E. Idaho Falls, Ida. Zip 834012. Date of Priority (Only one per claim) May 25 1983 Month/Day/Year3. Source of water supply (Check one) ☒ Groundwater or Other () (a) _____
Name or kind of source

which is tributary to (b) _____

4. Location of point of diversion is: Township 3N Range 38ESection 29, 1/4 of SW 1/4 of NW 1/4, Govt. Lot _____, BM.,County of Bonneville

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Well and pump to house

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

	Month/Day	to	Month/Day	amount	(cfs)
For <u>Domestic</u> purposes from	<u>01/01</u>	to	<u>01/01</u>	amount	<u>.04</u>
(Both dates are inclusive)					
For <u>Stockwater</u> purposes from	<u>11/01</u>	to	<u>05/01</u>	amount	<u>.02</u>

7. Total quantity claimed .06 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) D/one

Ralph Steele

Fees: ~~\$ 740.00~~ 953.00

breakdown

A25-04283 \$96
A25-04278 \$50
A25-04277 \$98
A25-04276 \$120
A25-13002 \$25

Expansion claims:

A25-13095 for 101 ac. \$151
A25-13096 for 30 ac. \$80
A25-13097 for 70 ac. \$120

Springs 161 ac 213
A25-13094 \$953

A25-4283 exp. 101 \$151
A25-4277 exp. 30 \$80
A25-4276 70 \$120

20

4

A25-04278 \$50
A25-04283 \$96
A25-04277 \$98 - 40.3.
A25-04276 \$120
A25-13002 \$25

740
213
\$953

AUG 03 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: A25-13094
Date Received: 9/15/1989 10/23/89
Receipt No: C012489
Received By: OK.
hrt E010488

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

208-523-5424 3 1989

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

Department of Water Resources

2. Date of Priority: APR 01, 1962

3. Source: SPRINGS Trib. to: WILLOW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03S	40E	15	NW	SE	NE		BINGHAM
			NW	NE	SE		BINGHAM

5. Description of diverting works:
2 SPRINGS AND BEAVER DAMS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.196		

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

8. Total consumptive use is 399.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03S	40E	15	SW	NW/NE		IRR	39.0
			SE	NW/NE		IRR	4.0
			NE	SW/SE		IRR	11.8



A25-13094

Page

1

Date: 09/25/89

NOV/90/2-12-91

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NOV 12 1992

10. Place of Use: Continued

DE/93/2-12-91

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03S	40E	15	NW	SW ~~SE~~		IRR	37.0
			SW	SW ~~SE~~		IRR	38.0
			SE	SW ~~SE~~		IRR	30.0
Section Acres							159.8
Total Acres							159.8

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: 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: 2

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): ☒ *Leslie J. Steele* Date: ☒ 10-13-89
Date: _____

State of Idaho)
County of Ada) SS.

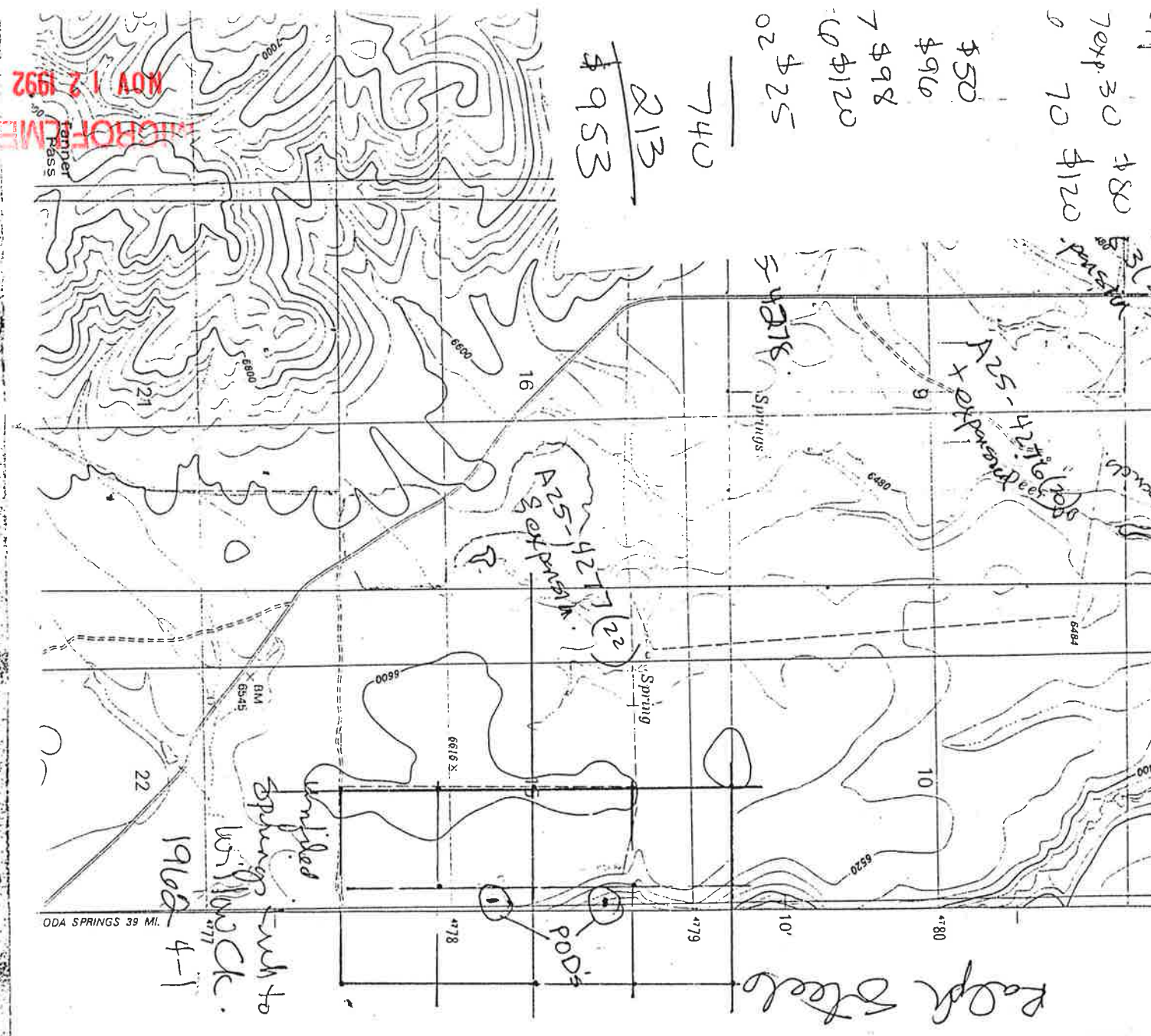
Subscribed and sworn (or affirmed) before me this 13th day
of October 19 89

Terrence Franko
Notary Public

Seal

Residing at Boise, Idaho
My Commission Expires 8/28/92

\$50
\$96
7 \$98
6 \$120
52 \$25

$$\begin{array}{r} 740 \\ 213 \\ \hline 953 \end{array}$$


NOV 12 1992
Tanner
Ross
LIBRARY

F-2

588

24

58.8
101.0
159.8 A.

425-13094

425-13094

APR 10

MICROFILMED

NOV 12 1992

NOV 12 1992

MICROFILMED

425-13074

1010

688

F-2

yes

