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Information Search (WR/AJ)

Item	Seq#	Staff	Verbs	Source Table	Item	Status	Priority Date	DT	Source List	Water Use List	Owner
43	10396			wpAdmiration	Beneficial	Active	1879-04-30	2.00	ALMO CREEK	IRRIGATION	JONES
43	10396			wpAdmiration	Beneficial	Active	1935-04-01	0.98	ALMO CREEK	IRRIGATION	WILLIAM
43	10396			wpFromAdmiration	Draft	Draft	1935-04-01	0.98	ALMO CREEK	IRRIGATION	
43	10396			wpToAdmiration	Draft	Draft	1935-04-01	0.98	ALMO CREEK	IRRIGATION	

The number of records is 4.

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References

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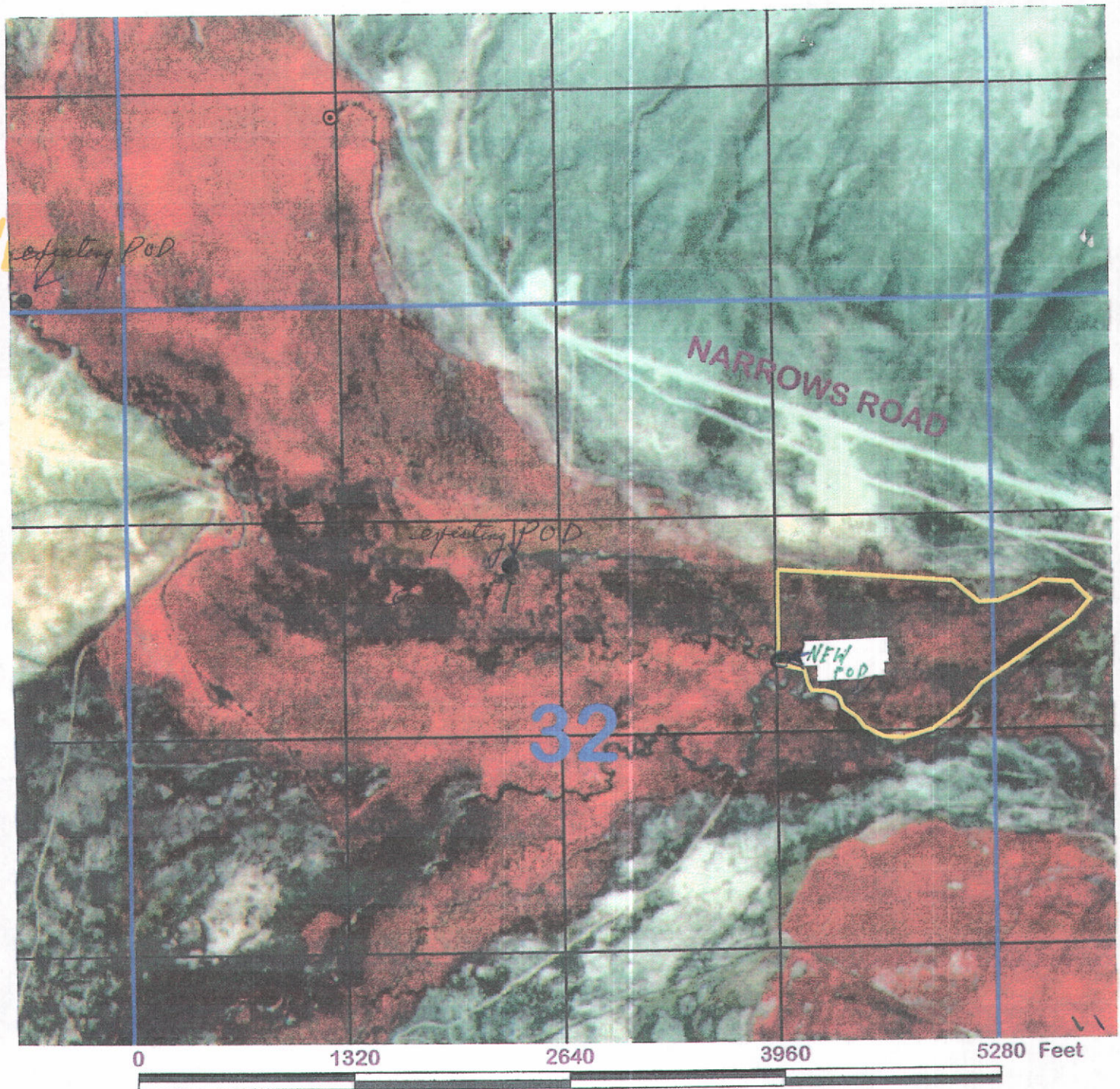
Information Search

Step

Information Search

RIGHTS: 43-10356

RECOMMENDED PLACE OF USE
TWP 15S, RNG 25E
Data entry on June 25, 2001



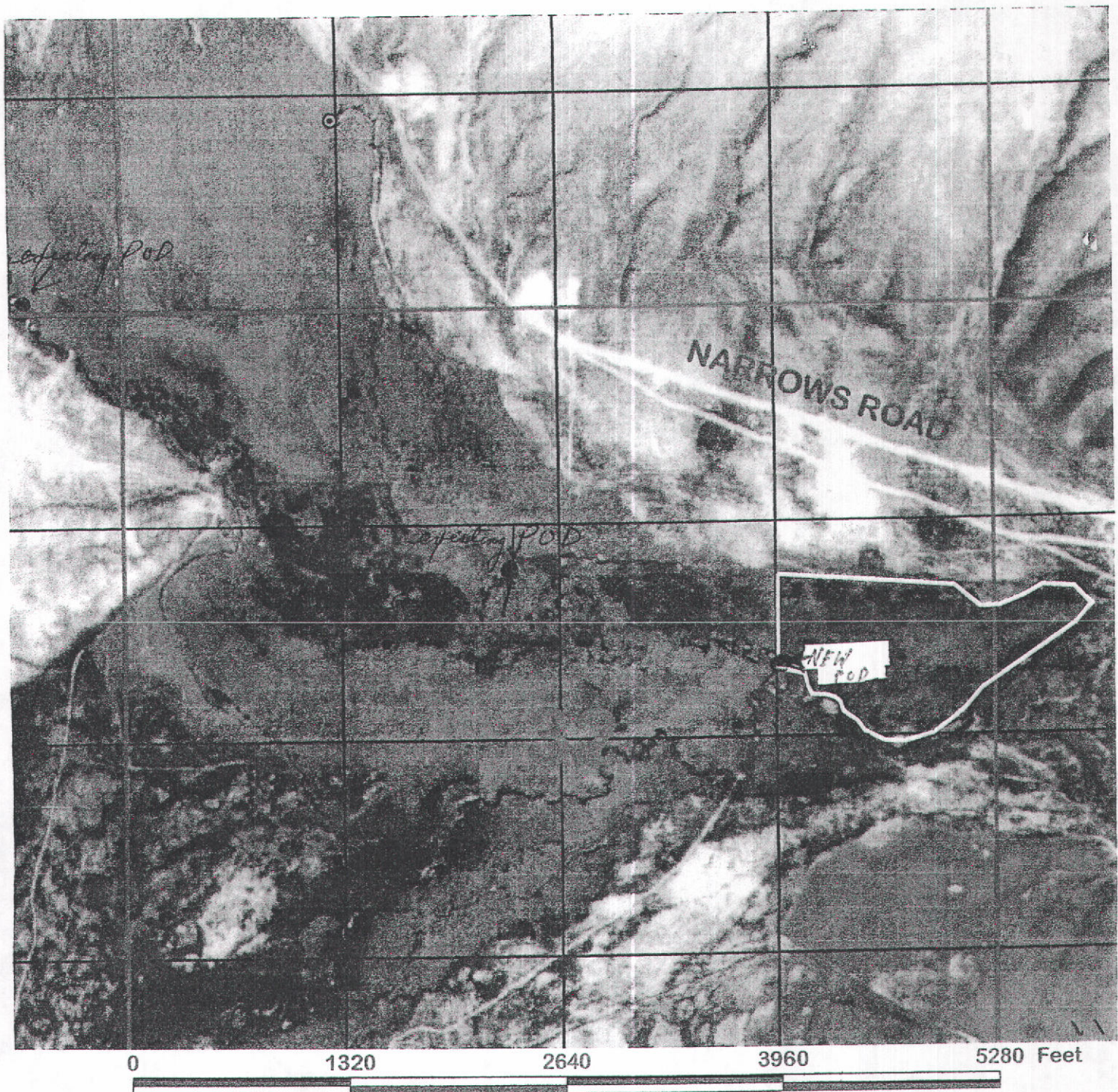
- RECOMMENDED POINT OF DIVERSION
- RECOMMENDED PLACE OF USE
- SECTION LINES



GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
PREPARED BY VIKIE HANCOCK

RIGHTS: 43-10356

RECOMMENDED PLACE OF USE
TWP 15S, RNG 25E
Data entry on June 25, 2001



● RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE



SECTION LINES



QUARTER/QUARTER LINES



GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
PREPARED BY VIKIE HANCOCK

SRBA

SUBCASE SUMMARY REPORT 43-10356

[Return to SRBA Home Page](#)SRBA
12-05-2002

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 43-10356 FILE#: 00144
CLAIMANT: WILLIAM D JONES AND SON
C/O WILLIAM D JONES
PO BOX 152ALMO ID 83312
STATUS: TRIAL SET SPECIAL MASTER: DOLAN, TERRENCE A.
WATER SOURCE: ALMO CREEK, RAFT RIVER
ISSUES: WATER RIGHT RECOMMENDATION****** PARTIES INVOLVED ******

WILLIAM D JONES AND SON	C ATTY: ROGER D LING
ROSCOE WARD	O PRO SE
WILLIAM D JONES AND SON	R ATTY: ROGER D LING
NOLAN K BRANCH	O PRO SE
CLARK W WARD	O PRO SE
WARR BROTHERS	O PRO SE
RODNEY HALL	O PRO SE

****** ROA ENTRIES ******

01-31-2002	OBJ 01 F/B WARD, ROSCOE	RB	04-12-2002	0001
02-04-2002	OBJ 02 F/B BRANCH, NOLAN K			0002
02-04-2002	OBJ 03 F/B WARD, CLARK W			0003
02-04-2002	OBJ 04 F/B WARR BROTHERS			0004
02-04-2002	OBJ 05 F/B STEWART, REID S.	RB	04-12-2002	0005
02-07-2002	OBJ 06 F/B HALL, RODNEY			0006
03-14-2002	RESPONSE TO OBJ 0002 F/B JONES, WILLIAM D AND			0001
03-14-2002	RESPONSE TO OBJ 0005 F/B JONES, WILLIAM D AND			0001
03-14-2002	RESPONSE TO OBJ 0003 F/B JONES, WILLIAM D AND			0001
03-14-2002	RESPONSE TO OBJ 0001 F/B JONES, WILLIAM D AND			0001
03-14-2002	RESPONSE TO OBJ 0006 F/B JONES, WILLIAM D AND			0001
03-14-2002	RESPONSE TO OBJ 0004 F/B JONES, WILLIAM D AND			0001
03-20-2002	ORIGINAL CLAIM FILED			
05-09-2002	NOTE OF ISSUE			
	F/B ROGER LING COUNSEL FOR ...JONES & SON			
05-20-2002	ROSCOE WARD'S FIRST REQUESTS FOR ADMISSIONS AND PRODUCTION OF DOCUMENTS			
06-07-2002	NOTICE SETTING INITIAL HEARING	1S	08-14-2002	1000
06-10-2002	NOTICE OF SERVICE OF DISCOVERY			
06-19-2002	NOTICE OF SERVICE OF DISCOVERY F/B ROGER LING			
06-20-2002	CORRESPONDENCE F/B REID STEWART TREATED AS A MOTION TO WITHDRAW OBJECTION	MG	07-15-2002	
06-21-2002	NOTICE SETTING HEARING	HS	07-15-2002	1030
	motion to withdraw objection filed as			
07-15-2002	HEARING HELD: MOTION TO W/DRAW OBJ (STEWART)	HH	07-15-2002	1030
07-15-2002	MINUTES FILED			
07-15-2002	ORDER DISMISSING OBJECTION		07-15-2002	0005
08-14-2002	INITIAL HEARING HELD	1H	08-14-2002	1000
08-14-2002	MINUTES FILED			

SRBA - SUBCASE SUMMARY REPORT

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08-19-2002	NOTICE SETTING SCHEDULING CONFERENCE	SS	11-21-2002 0930
11-21-2002	SCHEDULING CONFERENCE HELD	SH	11-21-2002 0930
11-21-2002	MINUTES FILED		
12-02-2002	TRIAL SCHEDULE ORDER	TS	05-29-2003 1000
	DISCOVERY CUT OFF	DC	02-14-2003
	MANDATORY SETTLEMENT CONFERENCE	LS	02-28-2003 1000
	DISPOSITIVE MOTIONS DUE	MB	03-28-2003
12-02-2002	ORDER SETTING MANDATORY SETTLEMENT CONFERENCE	LS	02-28-2003 1000
12-05-2002	CERTIFICATE OF DISCOVERY REQUESTS F/B WARD		
12-05-2002	JOINT MOTION FOR INTERIM ADMINISTRATIVE ORDER	MF	12-05-2002
12-05-2002	F/B BRANCH, WARD, HALL, WARR	MF	12-05-2002
12-05-2002	LDGD: MEMO FOR JOINT MOTION FOR INTERIM		
	ADMINISTRATIVE ORDER W/EXHIBITS & VCR TAPE		
	F/B BRANCH, WARD, HALL, WARR		
12-05-2002	AFFIDAVIT OF DAVE SUNDBERT		

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Information Search (WR/AJ)

Basin	Region	State	Vectors	Source Table	Name	Status	Permit Date	DT	Source List	Water Use List	Owner List
43	10356			waterusestore	Heretofore	Active	18730430	200	ALMO CREEK	IRRIGATION	JONES
43	10356		1	waterusestore	Heretofore	Active	18730430	156	ALMO CREEK	IRRIGATION	WILLIAM
43	10356			waterusestore	Drill	Drill	18730430	056	ALMO CREEK	IRRIGATION	
43	10356			waterusestore	Drill	Drill	18730430	056	ALMO CREEK	IRRIGATION	

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Transfer No. 69665
 Receipt No. SC24600

**STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES
 APPLICATION FOR TRANSFER OF WATER RIGHT
 PART 1**

RECEIVED

MAR 14 2002

Department of Water Resources

1. Applicant Information WILLIAM D JONES AND SON
 C/O WILLIAM D JONES
 PO BOX 152
 ALMO ID 83312
 (208)824-5527

Will this transfer result in an ownership change? _____ Yes ☒ No

2. Current Water Right**Part 2 Attached for Each Right**

	Origin/Basis	Rate	Volume	Acres	Total	Source
43-10356	AJC/Beneficial Use	0.56 cfs		31.0	28.0	ALMO CREEK

3. Purpose of Transfer (Change Proposed)**Part 3A Attached for Each Proposed Right****Part 3B Attached for Each Split Right**

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
43-10356	NO	NO	NO	YES	NO	NO

Describe the reason for the proposed changes

To add a point of diversion to allow the use of a sprinkler irrigation system.

4. FOR CHANGES IN NATURE OF USE ONLY

A. Describe the expected quantity of the return flows and location of discharge after the proposed change

NA

B. Describe the effects on other water uses resulting from the proposed change

NA

5. Total Amounts Transferred

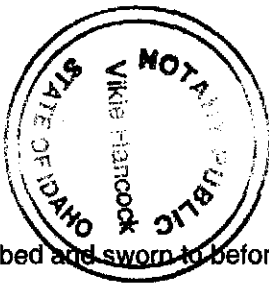
	Rate	Acres	Total	Volume
43-10356	0.56 cfs	28.0	28.0	
TOTAL	0.56 cfs	28.0	28.0	

Transfer No. 69665

Receipt No. 5024600

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.



William A. Jones
(Signature of Applicant)

owner
(Title or Office)

Subscribed and sworn to before me this 31st day of January, 2002

[Signature]
(Notary Public)

My commission expires 5-7-2003

Transfer No. 69665
 Receipt No. 50 24600

**IDAHO DEPARTMENT OF WATER RESOURCES
 APPLICATION FOR TRANSFER OF WATER RIGHT
 PART 2**

Current Water Right No. 43-10356

Priority Date: 04/01/1935
 Origin: Adjudication Claim
 Basis: Beneficial Use
 Status: Active

Source: ALMO CREEK **Tributary:** RAFT RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	0.56 CFS		
	Total Diversion	0.56 CFS		

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
ALMO CREEK	15S	25E	30	SESESE		CASSIA
ALMO CREEK	15S	25E	32	NESENW		CASSIA

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	25E	32				23.0												23.0	
15S	25E	33							5.0									5.0	

Total Acres: 28

Conditions/Remarks:

- SOURCE IS ALSO KNOWN AS SOUTH ALMO CREEK.
- 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.

Page 4

Documentation of Ownership of the Current Place of Use

Tax Notice

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

NA

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

Transfer No. 69665
 Receipt No. 5024600

**IDAHO DEPARTMENT OF WATER RESOURCES
 APPLICATION FOR TRANSFER OF WATER RIGHT
 PART 3A**

Proposed Water Right No. 43-10356

Priority Date: 04/01/1935
 Origin: Adjudication Claim
 Basis: Beneficial Use
 Status: Active

Source: ALMO CREEK

Tributary: RAFT RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	0.56 CFS		
	Total Diversion	0.56 CFS		

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
ALMO CREEK	15S	25E	30	SESESE		CASSIA
ALMO CREEK	15S	25E	32	SENE		CASSIA
ALMO CREEK	15S	25E	32	NESENW		CASSIA

Describe the proposed diversion system

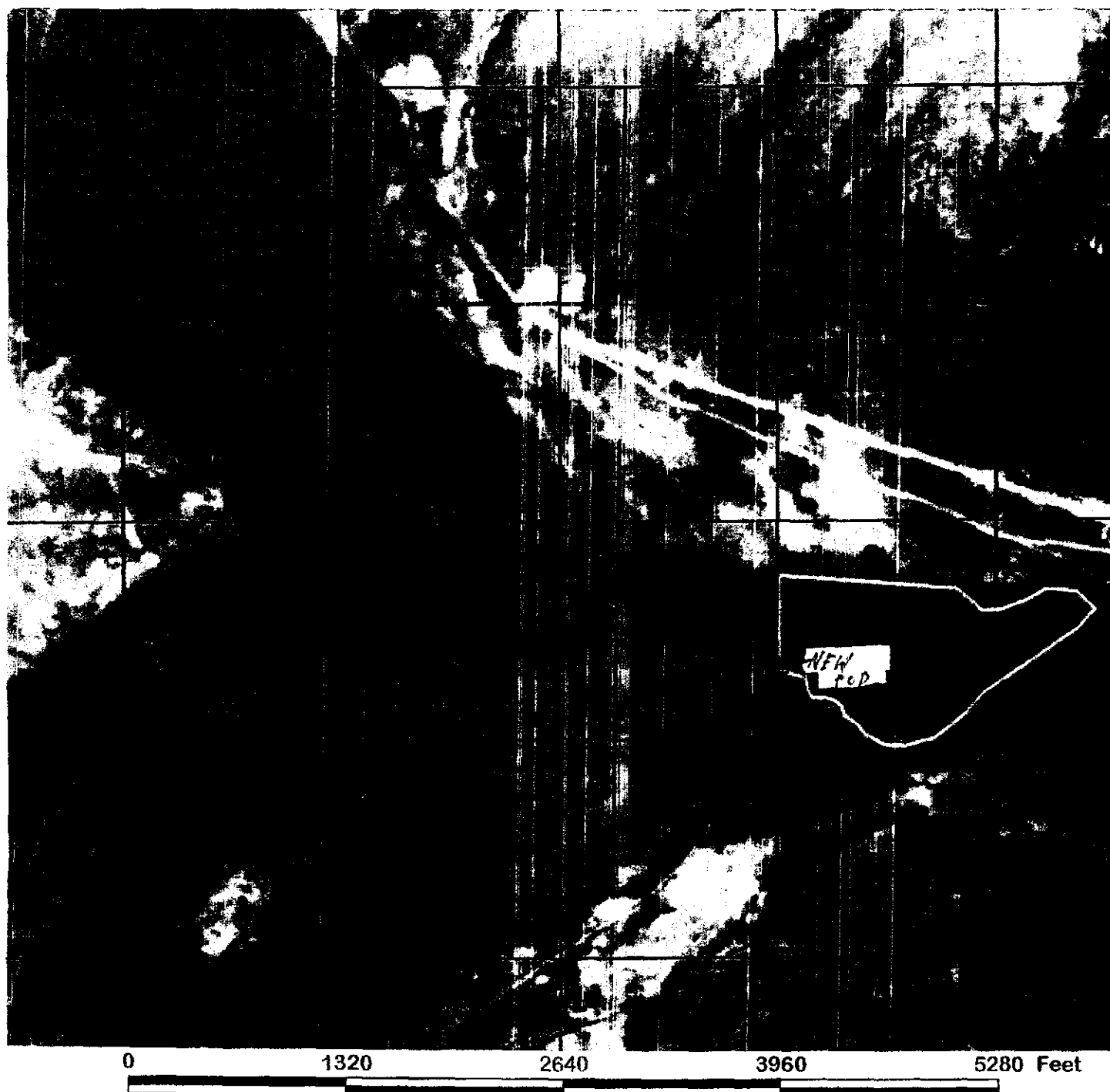
PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	25E	32				23.0												23.0	
15S	25E	33						5.0										5.0	

Total Acres: 28

RIGHTS: 43-10356

RECOMMENDED PLACE OF USE
TWP 15S, RNG 25E
Data entry on June 25, 2001



● RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE



SECTION LINES



GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
PREPARED BY VIKIE HANCOCK

Comment Report

Application ID 69665

Legal Notice Remarks

Comment: Application is proposing to add a new point of diversion.

Place of use and new point of diversion are located 4 miles east and 2 miles south of Almo, Idaho.

Memorandum

To: Transfer 69665

From: John Freitag,

Re: Transfer notes

Date: 3-10-02

Application is proposing to add a new point of diversion. Pump in creek will allow the use of a center pivot. Wants to retain old POD's for flexibility to change back to gravity irrigation.

RECEIVED

APR 18 2002

BEFORE THE DEPARTMENT OF WATER OF THE
STATE OF IDAHO

Department of Water Resources

IN THE MATTER OF APPLICATION
FOR TRANSFER NO. 69665

WILLIAM D. JONES AND SON,
Applicants

Reid A. Stewart, Roscoe Ward
Protestants

NOTICE
PRE-HEARING CONFERENCE

SOURCE: Almo Creek
Tributary to Raft River
COUNTY: Power

On February 12, 2002 William D. Jones and Son, applicants, filed with the Department of Water Resources an Application to Transfer the public waters of the State of Idaho. The Department has received protests against the approval of said application from the above captioned protestants.

The Department has set the matter of protest for conference on Tuesday – April 30, 2002 at 1:00 p.m. in the Commissioners Room #3, Cassia County Courthouse, 1459 Overland Ave; Burley, ID.

The purpose of the conference is to formulate and simplify the issues, obtain admissions of fact and of documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses, consolidate the examination of witnesses, and advise the parties of the procedure which will be followed at any subsequent hearing.

The conference will be held in accordance with Chapter 2, Title 42, of the Idaho Code and the adopted Rules of Practice and Procedure of the Department of Water Resources.

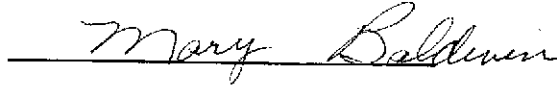
The conference will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the department within (10) days prior to the conference.

Dated this 16th day of April, 2002.


Allen D. Merritt, P.E.
Regional Manager

CERTIFICATE OF MAILING

I hereby certify that on the 16th day of April, 2002 a true and correct copy of the above and foregoing Notice of Pre-Hearing Conference was forwarded with all required charges prepared, by Regular U.S. Mail to the parties listed:



Secretary

WILLIAM D. JONES AND SON
C/O WILLIAM D. JONES
PO BOX 152
ALMO ID 83312

ROSCOE WARD
PO BOX 108
ALMO ID 83312

REID A. STEWART
STEWART RANCH
MALTA ID 83342



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

April 16, 2002

ATTN: Randi
CASSIA COUNTY COURTHOUSE
1459 OVERLAND AVE
BURLEY ID 83318

Dear Randi:

This is a follow-up to our telephone conversation to confirm the reservation of the Commissioners Room for a meeting to be held by this office on **Tuesday – April 30, 2002** from 1:00 - 5:00 p.m.

If you have any questions please feel free to contact me or Allen Merritt, Southern Regional Office Manager.

Thank you very much for your assistance in this matter.

Very truly yours,

Mary Baldwin
Administrative Assistant

MEMO

TO: FILE
FROM: JIM STANTON

DATE: 4-15-02

RECEIVED

APR 16 2002

RE: App for Transfer 69665, Wm Jones

Department of Water Resources

Today I spoke with the new watermaster for Almo Creek, David Ogren. He said that he had received the comment requests for the app that were sent to the former watermaster, and that he had no comment. He had looked at the property. He said that he did not know how the right could have been historically diverted given the eroded depth of the creek channel in that area, but that he thought the claimants were honest and so did not want to dispute them. He said that this diversion is just above where Almo Creek enters the Raft River, and that he thinks that some springs entered the creek on the property just upstream from the Jones place. So Jones would get whatever was in the Almo Creek channel at that point (assuming that he could divert it out), after all the earlier priorities had been satisfied. So this transfer would actually have more effect on Raft River users below Almo Creek, if there are any (there may not be). I told Mr. Ogren that we would like to have his written response for our files.



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

May 15, 2002

RECEIVED

MAY 16 2002

REID A. STEWART
STEWART RANCH
MALTA ID 83342

Re: Application for Transfer No. 69665 – William D. Jones and Son

Dear Mr. Stewart:

This office acknowledges receipt of the withdrawal of your protest against the above referenced application.

Since there were multiple protestants, the concerns of the other protestants will need to be addressed by the Department before final processing of the application can be completed.

The Department will continue review of the application without further contact with you unless information is requested.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

Allen D. Merritt, P.E.

Southern Region Manager

AM:mb

cc:
ROGER LING
LING NIELSEN & ROBINSON
PO BOX 396
RUPERT ID 83350

WILLIAM D. JONES AND SON
C/O WILLIAM D. JONES
PO BOX 152
ALMO ID 83312

RECEIVED

MAY 16 2002

DEPARTMENT OF WATER RESOURCES

May 10, 2002

Allen D. Merritt, P.E.
Regional Manager
D. D. W. R.
Twin Falls, Idaho

RECEIVED

MAY 10 2002

Department of Water Resources
Southern Region

RE: Application for Transfer
No. 69665 (Water Right No. 43-10356)-
William D. Jones and Son.

Dear Mr. Merritt,
After evaluating the information that you
presented at the meeting in Burley 4-30-02,
I have decided to withdraw my protest.
Thank you for your efforts in resolving
this matter.

Sincerely,
Paul S. Stewart
Malta, Idaho



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

April 8, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

WILLIAM D. JONES AND SON
C/O WILLIAM D. JONES
PO BOX 152
ALMO ID 83312

RECEIVED

APR 10 2002

RE: APPLICATION FOR TRANSFER NO. 69665 (43-10356)

Department of Water Resources

Dear Applicants:

Enclosed are copies of protests filed against the above referenced application. The Department suggests you contact the protestants directly to determine the exact nature of the protests and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

Please note that your application is considered a contested case and subject to the Rules of Procedure adopted by the Department.

If you need a copy of these rules, please contact this office. The Rules of Procedure are also available on the Internet by using the IDWR Homepage at the following electronic address:

<http://www.idwr.state.id.us/apa/idapa37/0101.htm>

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-222, Idaho Code).

1. Will other water rights be injured by the proposed transfer?
2. Will the proposed change constitute an enlargement in the use of the original Right(s)?
3. Will the proposed change conflict with the local public interest?
4. Will the proposed change be contrary to the conservation of water resources within the State of Idaho?

If you wish to proceed with a Pre-hearing Conference &/or formal Hearing, please notify this office or if you have any questions please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

Enclosures



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

April 8, 2002

ROSCOE WARD
PO BOX 108
ALMO ID 83312

RE: Application for Transfer No. 69665 (Water Right No. 43-10356) – William D. Jones & Son

Dear Mr. Ward:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that they contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

Please note that the application is considered a contested case and subject to the Rules of Procedure adopted by the Department.

If you need a copy of these rules, please contact this office. The Rules of Procedure are also available on the Internet by using the IDWR Homepage at the following electronic address:

<http://www.idwr.state.id.us/apalidapa37/0101.htm>

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Sincerely,

Allen D. Merritt, P.E.
Regional Manager

Enclosure(s)



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

April 8, 2002

REID S. STEWART
STEWART RANCH
MALTA, ID 83342

RE: Application for Transfer No. 69665 (Water Right No. 43-10356) – William D. Jones & Son

Dear Mr. Stewart:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that they contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

Please note that the application is considered a contested case and subject to the Rules of Procedure adopted by the Department.

If you need a copy of these rules, please contact this office. The Rules of Procedure are also available on the Internet by using the IDWR Homepage at the following electronic address:

<http://www.idwr.state.id.us/apa/idapa37/0101.htm>

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If you have any questions or if this office can be of further assistance, please feel free to contact us.

Sincerely,

Allen D. Merritt, P.E.
Regional Manager

Enclosure(s)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 02 2002

Department of Water Resources
Southern Region

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Transfer of Point of Diversion Number: 69665

2. Name of protestant Roscoe ward

3. Protestant's Representative for service (If Different than protestant)

4. Service mailing address P.O. Box 108 Almo, Idaho 83312

5. Service telephone number 208-824-5591 (Please contact me by phone as I have no US Postal Service)

6. Basis of protest (including statement of facts and law upon which the protest is based)

*to Ranch per T/C on
4/8/02. Does P.O. Box
at Almo, Id.*

WILLIAM D. JONES AND SON (Address: C/O William D. Jones, P.O. Box 152, Almo, Idaho 83312

Concerning Water Right number: 43-10356 I believe there is no such water right because it has not been used for

over 40 Years. I have been a Raft River Water User for 50 years this Spring and I don't ever remember this water right

being used. When William D Jones and Son pumped water last year it did effect the amount of water I was receiving.

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? No such Water Right

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 30 th day of MARCH, 2002

Roscoe Ward

Protestant

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ In the name of _____" or "Application for Transfer No. _____ In the name of _____."
2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
6. Specifically describe the nature of the protest.
7. Describe the relief being sought by the protest.

(Make \$25.00 check out to: Idaho Department of Water Resources or IDWR) Mail to:
State of Idaho
(Send a copy to the Individual who's Application you are Protesting.)

FOR DEPARTMENT USE ONLY

Received by John Freely Date 4/2/02 Time 3:30

\$25.00 fee Receipted by J.F. # 5024695 Date 4/2/02

Send to: STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET, SUITE 200
TWIN FALLS, IDAHO 83301-3380

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 01 2002

Department of Water Resources
Southern Region

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Transfer of Point of Diversion 69665
2. Name of protestant Reid A Stewart
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address Stewart Ranch Malta, Idaho 83349
5. Service telephone no. 435 253 2027
6. Basis of protest (including statement of facts and law upon which the protest is based)
William D. Jones & Son % William D. Jones P.O. Box 152
Glenn, Idaho 83312
Concerning water right No. 43-10356
In my opinion no such water right exists.
(additional pages may be attached to describe nature of the protest)
7. What would resolve your protest? I DWR to determine that no
such water right exists.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 30th day of March, 2002

Reid A Stewart

Protestant

Protestant's Representative



Receipt # 5624691
J.F. 3/1/02

Transfer No. 69665

Receipt No. 5024600

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

1. Applicant Information WILLIAM D JONES AND SON
C/O WILLIAM D JONES
PO BOX 152
ALMO ID 83312
(208)824-5527

Will this transfer result in an ownership change? _____ Yes ☒ No

2. Current Water Right**Part 2 Attached for Each Right**

	Origin/Basis	Rate	Volume	Acres	Total	Source
43-10356	AJC/Beneficial Use	0.56 cfs		31.0	28.0	ALMO CREEK

3. Purpose of Transfer (Change Proposed)**Part 3A Attached for Each Proposed Right****Part 3B Attached for Each Split Right**

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
43-10356	NO	NO	NO	YES	NO	NO

Describe the reason for the proposed changes

To add a point of diversion to allow the use of a sprinkler irrigation system.

4. FOR CHANGES IN NATURE OF USE ONLY

A. Describe the expected quantity of the return flows and location of discharge after the proposed change

NA

B. Describe the effects on other water uses resulting from the proposed change

NA

5. Total Amounts Transferred

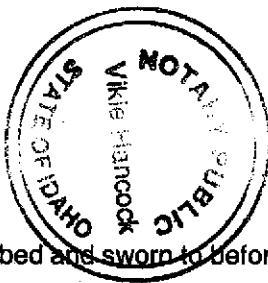
	Rate	Acres	Total	Volume
43-10356	0.56 cfs	28.0	28.0	
TOTAL	0.56 cfs	28.0	28.0	

Transfer No. 69665

Receipt No. 5024600

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.



William A. Jones

(Signature of Applicant)

owner

(Title or Office)

Subscribed and sworn to before me this 31st day of January, 2002.

[Signature]

(Notary Public)

My commission expires 5-7-2003

Transfer No. 69665
 Receipt No. 5024600

**IDAHO DEPARTMENT OF WATER RESOURCES
 APPLICATION FOR TRANSFER OF WATER RIGHT
 PART 2**

Current Water Right No. 43-10356

Priority Date: 04/01/1935
 Origin: Adjudication Claim
 Basis: Beneficial Use
 Status: Active

Source: ALMO CREEK **Tributary:** RAFT RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	0.56 CFS		
	Total Diversion	0.56 CFS		

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
ALMO CREEK	15S	25E	30	SESESE		CASSIA
ALMO CREEK	15S	25E	32	NESENW		CASSIA

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	25E	32				23.0												23.0	
15S	25E	33							5.0									5.0	

Total Acres: 28

Conditions/Remarks:

- SOURCE IS ALSO KNOWN AS SOUTH ALMO CREEK.
- 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.

Page 4

Documentation of Ownership of the Current Place of Use

Tax Notice

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

NA

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 43-10356

Priority Date: 04/01/1935

Origin: Adjudication Claim

Basis: Beneficial Use

Status: Active

Source: ALMO CREEK

Tributary: RAFT RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	0.56 CFS		
	Total Diversion	0.56 CFS		

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
ALMO CREEK	15S	25E	30	SESESE		CASSIA
ALMO CREEK	15S	25E	32	SENE		CASSIA
ALMO CREEK	15S	25E	32	NESENW		CASSIA

Describe the proposed diversion system

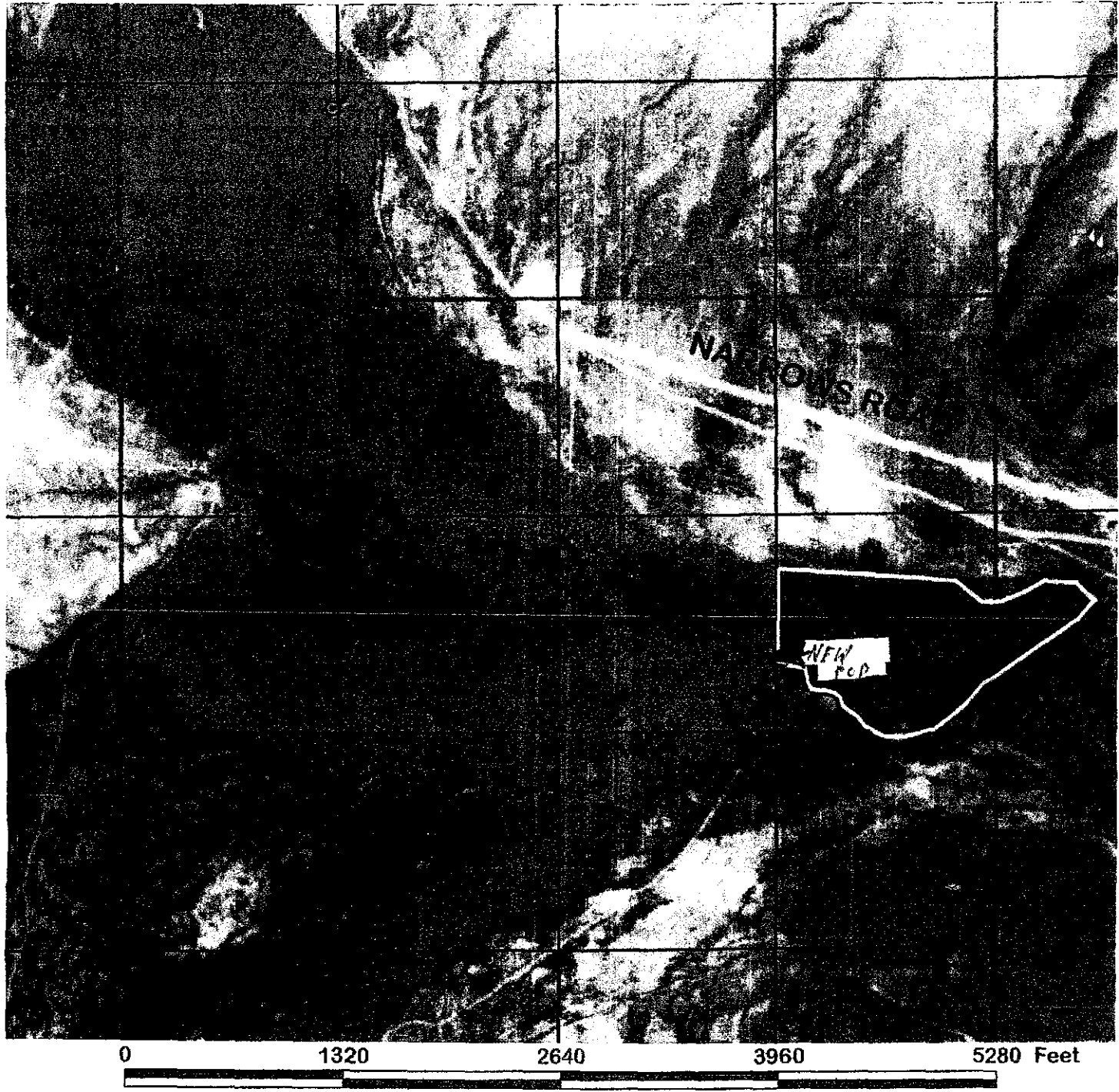
PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	25E	32				23.0												23.0	
15S	25E	33							5.0									5.0	

Total Acres: 28

RIGHTS: 43-10356

RECOMMENDED PLACE OF USE
TWP 15S, RNG 25E
Data entry on June 25, 2001



- RECOMMENDED POINT OF DIVERSION
- RECOMMENDED PLACE OF USE
- SECTION LINES
- QUARTER/QUARTER LINES



GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
PREPARED BY VIKIE HANCOCK

Comment Report

Application ID 69665

Legal Notice Remarks

Comment: Application is proposing to add a new point of diversion.

Place of use and new point of diversion are located 4 miles east and 2 miles south of Almo, Idaho.

Memorandum

To: Transfer 69665

From: John Freitag,

Re: Transfer notes

Date: 3-10-02

Application is proposing to add a new point of diversion. Pump in creek will allow the use of a center pivot. Wants to retain old POD's for flexibility to change back to gravity irrigation.