

NOTE TO FILE

From: Vikie Hancock

3/8/00

Regarding: Claim number: Various - William Jones

William and Rodney Jones came into the office 3-8-2000 to discuss their adjudication claims for irrigation, to discuss a possible transfer of points of diversion and to file stockwater claims on Raft River.

An instream stockwater claim was filed for the Raft River as it flows through their property. They included a portion of river in the NESWSW Section 5, T16S, R25E. The USGS quadrangle maps does not show the river going through that corner of Section 5, but the claimants state that the river braids and does indeed flow through there. 1987 NAPP photos substantiate this claim.

The claimants stated that they had been having a hard time getting water out of Raft River at the point of diversion that they had historically used in the SWSW Section 32 and wished to move it to a point farther downstream where they could put in a pump. I told them that I didn't see that there would be a problem with that but, that it would require an administrative transfer through our Allocations Bureau. This would affect claims A43-00184 and -00185 which are based on old decreed water rights to Raft River. They also wished to move the point of diversion on Almo Creek downstream to a place just above the Raft River and pump from there. This would effect Beneficial Use claim A43-10356. I advised them that, at this point in the Adjudication process, it may be best to hold off on the p/d transfers until the partial decree had been issued, since a transfer at this late date would possibly hold up the decree. I said that my SRBA recommendation would reflect the rights as filed in 1987. They said that they had actually already moved the points of diversion but had only used portable pumps so far. I said that they would need to get the changes made to their system post 1987 approved by Allocations at some point.

A discussion of their Adjudication claims went as follows:

A43-10356 - BU claim on Almo Creek. Priority date 4-30-1879.

I told them that the priority date would need to be advanced at least until the day after the Jobe Adams Decree in October 1928. We went over the fact that, subsequent to the date of the deed they submitted showing conveyance of 160 inches of water from Almo Creek

and Raft River, two separate decrees had been issued without including the use of Almo Creek water on their place of use. I said that this was good evidence that their use of water from Almo Creek began sometime after 1928, especially since William's grandparents were included in the Jobe Adams and decreed water from Raft River. I told them that to validate their claim they needed some proof of water use beginning before 1971 and after 1928. They were very aware of the priority dates upstream on Almo Creek and where they could find the Decree filed in the Cassia County Courthouse. I explained that an affidavit from a party that had no interest in their property would be acceptable. Rodney asked about his grandmother, who is in her 90's. I said that, since this was a possible court proceeding, I would want to have some corroborating evidence in the file. Since they only used Almo Creek water on the north side of the river, I suggested ASCS photos. In discussing this claim we also found that the place of use was incorrect as originally filed. The place of use for the Almo Creek water should have been filed in the SENE Section 32 and SWNW, NWSW, NESW Section 33, T15S, R25E. No one knew why there had been that much of an error, but it does make more sense. They discussed that the two points of diversion actually were on Almo Creek. I said that a point of diversion on a lateral said "wastewater" to me. I further said that the advancement of the priority date would probably not, in reality, affect their use of Almo Creek since they weren't now a permittee recognized by the District 43D watermaster and were already being affected by all the prior rights on the creek.

ack for copy what the SPSB recommendation like for
A43-04043 Statutory claim on George Creek - claimed priority 1920.

I told the Jones's that this claim had the same problem as their claim to Almo Creek, in that George Creek was specifically included in the Jobe Adams but that their use was not found. I said that once again they needed to provide proof of priority after 1928 and before 1971. I reminded them that, at the time they filed the Stat Claim, there were people upstream on George Creek and downstream on Raft River that protested their right to use any water from George Creek. Rodney showed me the ditch and place of use for George Creek and they both said that they hardly ever got any water down that far. I told them that they could understand why people downstream on Raft River might not like them interfering with the contributing flow of one of the tribs, even during high water.

this sounds like for is time protecting over yet.

A43-02538 and A43-02479 - two licenses for Ground water

We looked at these claims and verified the points of diversion. I told them that it looked like they had moved the place of use some, but that they were OK as it was prior to 1987, and that they would be limited to the number of acres and amount of water licensed. They showed me a place that they now had a pivot. They said that the stackyard I had not

COPIES SENT TO THE FOLLOWING:

**WILLIAM D. JONES and SON
REID STEWART
RODNEY HALL
NOLAN BRANCH
OLENE WARR
DOUG FREESTONE
ROSCOE WARD**

RECEIVED

JUL 15 2002

**Department of Water Resources
Southern Region**