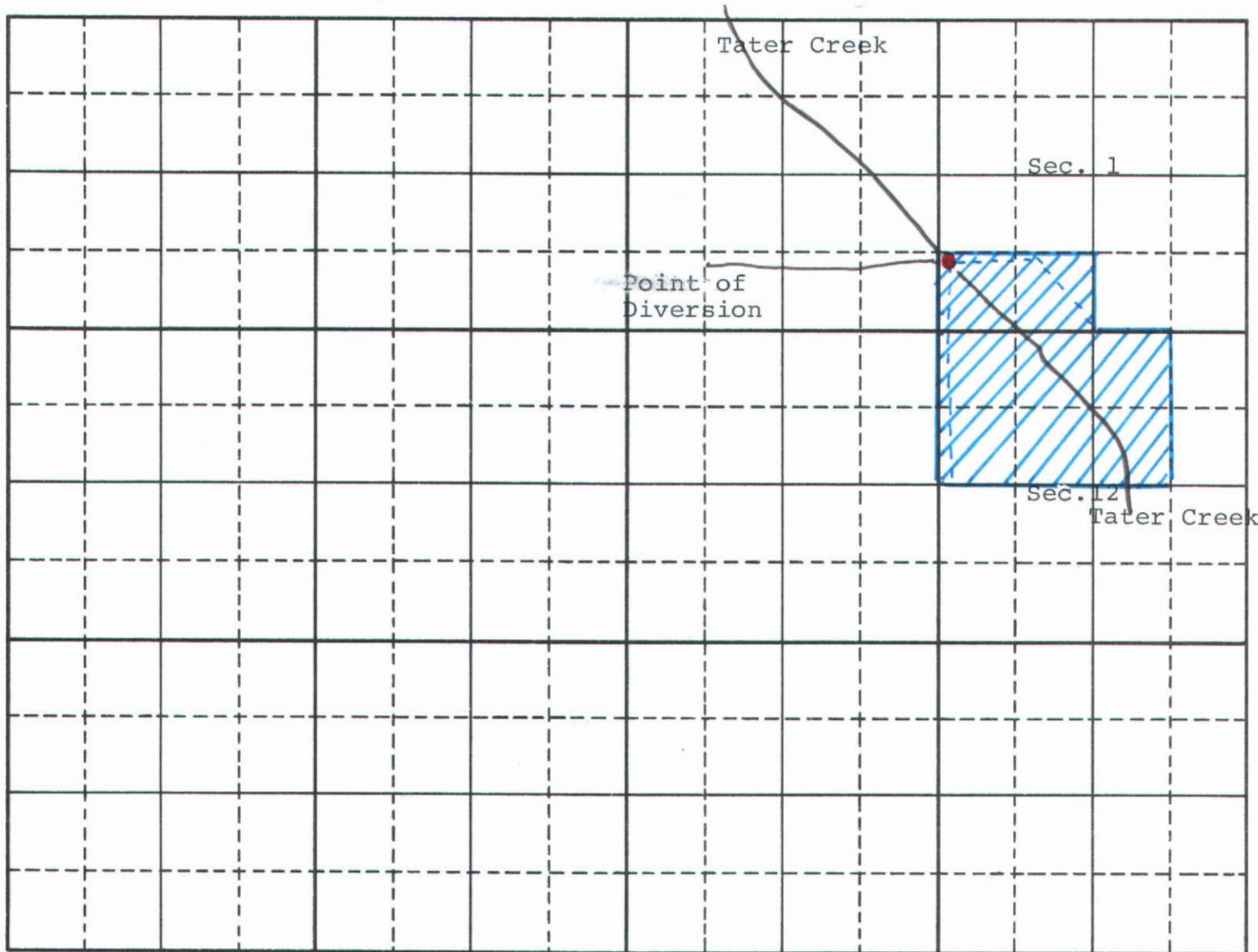


(8) Remarks The irrigated portions of Sections 1 and 12 of Township 15, Range 24 East, Boise Meridian, are cross-hatched. Points of diversion are shown in red ink. Ditches are shown by dotted line.
(Township is South, Range is East)



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Cassia) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 4th day of April, 1977.

James B. Black
(Claimant)
Donna S. Berline
Notary Public
Residing at Burley

My commission expires _____

For Department Use Only

Received by AB Date 4/7/77 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by AB Date 11-26-77 # 3453 claimant by: _____
\$10.00 fee received by AB Date 4/7/77
Approved for publication by ADM Jack Erickson
Published in South Id. Press
Dates 5/10 & 5/17/77

STATE OF IDAHO

Dep. _____ OS _____

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court

Notice is hereby given that J. SPENCER BLACK AND JAY L. BLACK

(name of claimant)

of Elba, Idaho, claims a right to the diversion and beneficial use of
(mailing address)

the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water (name of stream, lake, spring, etc., or ground water) Tater Creek, the entire
flow of which is used for irrigation purposes

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

Amount 6.4 c.f.s Use Irrigation Period of Use From Feb. 1st To Nov. 30th

Amount 5 c.f.s. Use stock water Period of Use: From Jan. 1 To Dec. 31

Amount Use Period of Use: From To
(cfs, gpm (dom., irri, (both dates inclusive)
or a/f) stock, etc.)

- (3) Total quantity of water claimed: 6.9 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed (the date water was first applied to beneficial use) March 20th, 1880

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 to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)

SW ¹/₄ SW ¹/₄, Sec. 1 Twp. 15 S. Rge 24 E. B. M. County of Cassia

Additional points of diversion None

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. Water is diverted by means of a concrete dam and 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

[illegible]

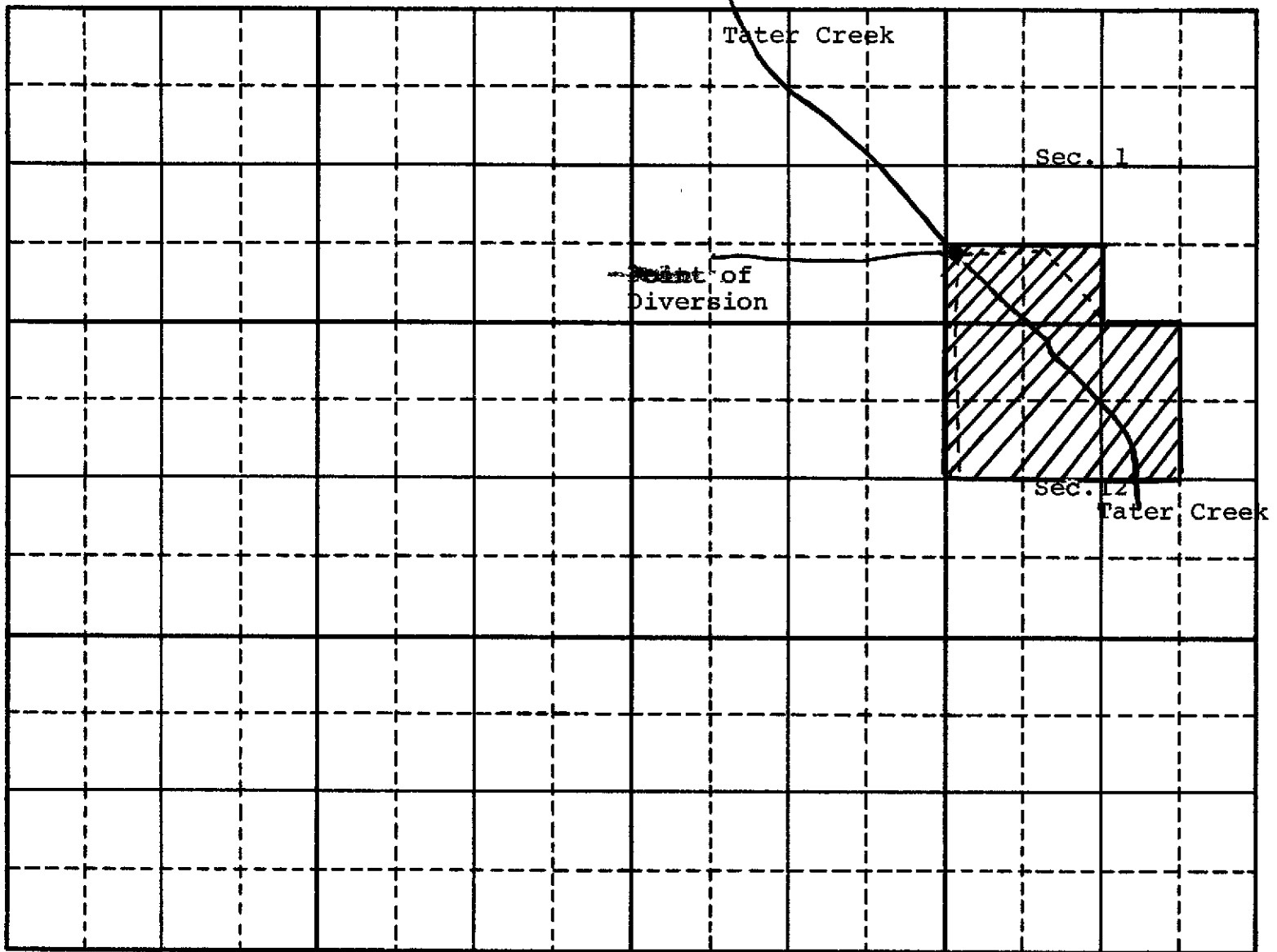
Total No. of acres 320

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

Irrigation water, is also used for ponding and for stock water. Number of livestock varies; average 800 head.

- (7) If you are claiming water as a member of an organization, list name of organization: Not applicable

(8) Remarks The irrigated portions of Sections 1 and 12 of Township
15, Range 24 East, Boise Meridian, are cross-hatched. Points
of diversion are shown in red ink. Ditches are shown by
dotted line.
(Township is South, Range is East)



Scale 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Cassia) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 4th day of April, 1977.

James Black
(Claimant)
James S. Burley
Notary Public
Residing at Burley

My commission expires _____

For Department Use Only

Received by AB Date 4/7/77 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by QA Date 4-26-77 # 3453 claimant by: _____
\$10.00 fee received by AB Date 4/7/77
Approved for publication by ADM Jack Erickson
Published in South O. Press
Dates 5/10 & 5/17/77

77-181

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
) ss.
STATE OF IDAHO)

Brenda Eagle, being first

duly sworn, deposes and says that ~~she~~ he is the

bookkeeper of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of

The South Idaho Press for two

consecutive weeks, commencing with the issue

dated May 10 19 77, and ending

with the issue dated May 17 19 77

Brenda Eagle

Subscribed and sworn to before me

this 17th day of May

19 77

Nancy Bomer Notary Public

Cost of Publication

Notary Fee

Total Cost \$10.50

Notary Public Residing at Burley Idaho
My Commission Expires Oct. 10, 1980

RECEIVED

3/27

DO NOT WRITE IN THESE SPACES

77-181

NOTICE OF CLAIM TO A WATER RIGHT NO. 43-4069

Notice is hereby given that J. Spencer Black and Jay L. Black, Elba, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 6.9 cubic feet per second of water from Tater Creek with point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 1, Twp. 15S, Rge 24E, B M, Cassia County

The water is claimed to be used from Jan 1 to Dec 31 for stock water and from Feb 1 to Nov 30 for irrigation purposes of 320 acres with a priority of March 20, 1880; the place of use is within the S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec 1, Twp 15S, Rge 24E, B M, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, Sec 12, Twp. 15S, Rge 24E, B M

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd, North, Twin Falls, Idaho, 83301

STEPHEN ALLRED
Director

Published in the South Idaho Press on 5/10 and 5/17/77

ok/
Ann 5/20/77

**THIS
RIGHT HAS BEEN
DECREED IN THE
SRBA**

July 28, 1977

Mr. J. Spender Black and Jay L. Black
Elba, ID 83326

Re: Claim to a Water Right No. 43-4069

Dear Sirs:

The Department of Water Resources has completed the processing of your Claim to a Water Right, and no further action is authorized under Sections 42-225a and 42-225b of the Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the Court.

As you are aware, the filing of your claim does not, in itself guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

We are enclosing a copy of the claim for your records. We are also enclosing a copy of an affidavit in opposition to your claim to a water right, submitted by Jack Erickson. The following is a quote from the provisions under which this claim has been filed (Section 42-225b of the Idaho Code):

42-225b. Recording of claims by department --- Corrections ---

At any time after filing a claim under the provisions of this Section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the Department the same as the original and for which no additional filing fee shall be required.

Mr. J. Spencer Black & Jay L. Black
July 28, 1977
Page 2

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearing or evaluate for confirmation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

Allen Merritt
Water Resource Analyst

AM:sm

Enclosures

July 21, 1977

Nielson & Bedke
P. O. Box 249
Burley, ID 83318

Re: Claim for Water Right Nos. 43-4069-J. Spencer Black & Jay L. Black
43-4067-Louis A. Eames
43-4070-Glen W. Jones
43-4071-R. O. Jones & Sons, Inc.

Dear Mr. Nielson:

We are in receipt of your exceptions to a claim to a water right filed by J. Spencer Black, & Jay L. Black, Louis A. Eames, R. O. Jones & Sons, Inc., and Glen W. Jones; in behalf of Jack Erickson. The following excerpt from Section 42-225b of the Idaho Code explains what has been done and what will be done in regards to the exception you have filed.

Section. 42-225b Recording of Claims by Department---Corrections---

At any time after the filing of a claim under the previous section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the Department the same as the original and for which no additional filing fee shall be required.

Only the authority to take the above action has been delegated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for confirmation or final censorship of the described rights.

Mr. Norman Nielson
July 21, 1977
Page 2

If you have any questions regarding this matter, please feel free to contact this office.

Very truly yours,

Michael L. Steele
Southern Region Supervisor

MLS:sm

AFFIDAVIT IN PROTEST

In the Matter of:

Claim of Water Right # 43-4069

Filed by : J. Spencer Black and Jay L. Black, Elba, Idaho

STATE OF IDAHO)
) ss
County of Cassia)

Jack Erickson, being first duly sworn, deposes and
says:

That he is the owner of the following described property to-wit:

SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 1,
NW $\frac{1}{4}$, S $\frac{1}{2}$ of the NE $\frac{1}{4}$, N $\frac{1}{2}$ of the S $\frac{1}{2}$ of Section 2,
NE $\frac{1}{4}$ of Section 3 all in Township 15 South, Range 24, E.B.M.

Does hereby protest claim to a water right # 43-4069 filed by
J. Spencer Black and Jay L. Black of Elba, Idaho.

This affiant objects to said claim of water right for the reasons :

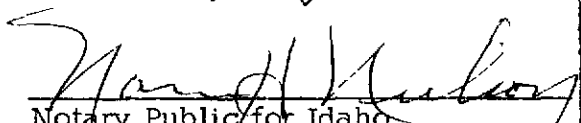
- a) That the source of Tater Creek commences just below the lands of this affiant and the water that runs into Tater Creek at this point comes from the lands of this affiant.
- b) The only water that runs into Tater Creek at this point comes from flood waters which have crossed the lands of this affiant.
- c) Waters which are the source of Tater Creek is water which has been used by this affiant under his water rights to irrigate his own land and then run off this affiant's land into Tater Creek.
- d) Source of Tater Creek is water which may arise through percolation on the lands of this affiant.

That this affiant's claim to water rights which are the source of Tater Creek are superior in time and place to the rights applied for under the aforementioned claim and are attaching affidavits to show this affiant's priorities to this affidavit of protest.


Jack Erickson

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Subscribed and sworn to before me this 5 day of July, 1977.


Notary Public for Idaho
Residing: Burley, Idaho

NIELSON & BEDKE
ATTORNEYS AT LAW
P. O. Box 249
BURLEY, IDAHO 83318
TELEPHONE: (208) 678-5574

AFFIDAVIT.

State of Idaho, }
County of Cassia, } ss.

Geo L Durfee being first duly sworn

deposes and says that he is a citizen of the United States of America, and of the State of Idaho, and over the age of 21 years;

That he is well and personally acquainted with the following described real estate, together with the water and water rights thereto belonging, situated in the County of Cassia, State of Idaho, to-wit;

NE¹/₄, S¹/₂NE¹/₄, E¹/₂SE¹/₄ of Section 2; NE¹/₄ of Section 3, and the ~~SW¹/₄ of Section 4~~, all in Township 15 South, Range 24 East of the Boise Meridian,

That the said above described lands, together with the water and water rights thereto belonging are now owned, occupied and farmed by Gus L. Erickson and his brothers Lawrence L. Erickson and J. Emory Erickson, and Frank Durfee, and the said water and water rights are being used upon the above described acre land.

That all of the land above described that is situated in section two (2), Township 15 South, Range 24 East of the Boise Meridian, was first settled by James W. Durfee and his son Byron in the fall of the year 1879, and established a home on said premises and farmed and raised crops on the said lands situated in Section 2 as above described, in the year 1880, and appropriated and began the use of the waters of Water Fall creek and Center Creek and their tributaries, which said creek is also known as Little Cove Creek, in the spring of the year of 1880. That the said land has been occupied and farmed, and the waters have been appropriated and used upon said land since the spring of the year of 1880, continuously and uninterruptedly.

Dated Apr 30 1935.

Geo L Durfee

Subscribed and sworn to this 30 day of April 1935.

Earl W. Whippley

Notary Public for Idaho,

Residing at Landing Idaho.

Abstract

He is and is

That he is well and personally acquainted with the following described real estate, together with the water and water rights thereto belonging, situated in the County of Cassia, State of Idaho, to-wit:

That the said above described lands, together with the water and water rights thereto belonging are now owned, occupied and farmed by Gus L. Erickson, and his brothers, Lawrence E. Erickson and J. Emory Erickson, and Frank Durfee, and the said water and water rights are being used upon the above described premises.

Dated this 1 day of 1, 1940.

Notary Public in and for the State
of Idaho, residing at Burley, Idaho.

AFFIDAVIT.

State of Idaho,)
County of Cassia,) ss.

John Durfee being first duly sworn

deposes and says that he is a citizen of the United States of America, and of the State of Idaho, and over the age of 21 years;

That he is well and personally acquainted with the following described real estate, together with the water and water rights thereto belonging, situated in the County of Cassia, State of Idaho, to-wit;

~~NW¹, S¹NE¹, N¹S¹ of Section 2; NE¹ of Section 3, and the SW¹, NW¹, NE¹ of Section 4, all in Township 15 South, Range 24 East of the Boise Meridian,~~

That the said above described lands, together with the water and water rights thereto belonging are now owned, occupied and farmed by Gus L. Erickson and his brothers Lawrence A. Erickson and J. Emery Erickson, and Frank Durfee, and the said water and water rights are being used upon the above described premises.

That all of the land above described that is situated in Section two (2), Township 15 South, Range 24 East of the Boise Meridian, was first settled by James M. Durfee and his son Myron in the fall of the year 1879, and established a home on said premises and farmed and raised crops on the said lands situated in Section 2 as above described, in the year 1880, and appropriated and began the use of the waters of Water Fall creek and Center Creek and their tributaries, which said creek is also known as Little Cove Creek, in the spring of the year of 1880. That the said land has been occupied and farmed, and the waters have been appropriated and used upon said land since the spring of the year of 1880, continuously and uninterruptedly.

Dated April - 22 1935.

John Durfee
Subscribed and sworn to this 22 day of April 1935.

Thomas P. ...
Notary Public for Idaho,
Residing at Idaho

My commission expires
Jan 11, 1935.

NOTICE OF CLAIM TO A WATER RIGHT

NO. 43-4069

Notice is hereby given that J. Spencer Black and Jay L. Black

Elba, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 6.9 cubic feet per second ~~acres feet per annum~~
of water from Tater Creek

with point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 1, Twp. 15S, Rge. 24E., B.M.,
Cassia County

The water is claimed to be used from Jan. 1 to Dec. 31 for stock water
and from Feb. 1 to Nov. 30 for irrigation purposes of 320 acres
with a priority of March 20, 1880;
the place of use is within the S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 1, Twp. 15S, Rge. 24E., B.M.;
W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 12, Twp. 15S, Rge. 24E., B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls,
Idaho, 83301 ~~XXXXXX~~.

STEPHEN ALLRED

~~XXXXXXXXXXXXXXXXXXXX~~
KEITH HIGGINSON

Director

Published in the South Idaho Press

on 5/10 and 5/17/77

PRODUCED

OK/SB 5/3/77
**NOTICE OF CLAIM TO A
 WATER RIGHT
 NO. 43-4069**

Notice is hereby given that J. Spencer Black and Jay L. Black, Elba, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 6.9 cubic feet per second of water from Tater Creek with point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 1, Twp 15S, Rge 24E, B.M., Cassia County.

The water is claimed to be used from Jan 1 to Dec 31 for stock water and from Feb 1 to Nov 30 for irrigation purposes of 320 acres with a priority of March 20, 1880, the place of use is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 1, Twp 15S, Rge 24E, B.M. W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, Sec 12, Twp 15S, Rge 24E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd, North, Twin Falls, Idaho 83301

STEPHEN ALLRED
 Director

Published in the South Idaho Press on
 5/10 and 5/17/77.

April 27, 1977

South Idaho Press
Box 190
Burley, Idaho 83318

RE: Claim to a Water Right #43-4069-J. Spencer Black and Jay L. Black

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Sincerely,

Michael L. Steele
Southern Region Supervisor

MLS:sb

Enclosure

Bill submitted: _____