

2002 NOV 5 PM 12 56

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

) Subcases: 43-02474

)

) ORDER ADOPTING SPECIAL MASTER
) REPORT AND RECOMMENDATION;
) SETTING ASIDE PARTIAL DECREE;
) GRANTING MOTION TO FILE
) AMENDED NOTICE OF CLAIM

On September 4, 2002, Special Master Dolan issued a *Special Master Report and Recommendation*, recommending that the *Partial Decree* issued in the above-captioned subcase on June 28, 2002, be set aside for the purpose of allowing the claimants to file an amended notice of claim for the water right. No party has filed a motion to alter or amend the *Special Master Report and Recommendation*, and the time for filing same has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, the following is HEREBY ORDERED:

1. The *Partial Decree* issued in subcase 43-02474 on June 28, 2002, is **set aside**.
2. The claimant's motion to file an amended notice of claim is **granted** and IDWR may file an amended director's report for the amended claim by November 5, 2003.

Dated 11/5/02


ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER ADOPTING SPECIAL MASTER REPORT AND RECOMMENDATION; SETTING ASIDE PARTIAL DECREE; GRANTING AMENDED CLAIM was mailed on November 05, 2002, with sufficient first-class postage to the following:

NANCY WARD
BOX 1580
ELBA, ID 83326
Phone: 208-824-5589

ROBERT W WARD
PO BOX 1580
ELBA, ID 83326
Phone: 208-824-5589

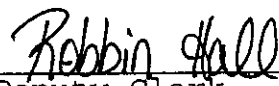
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

STEVE R. WARD
2850 S NARROWS RD
MALTA, ID 83342
Phone: 208-824-5575

ORDER

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FILE COPY FOR 00320


Deputy Clerk

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 43-2474
Date Received: 5/16/1989
Receipt No: S007143
Received By:

**AMENDED NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

ROBERT W WARD Phone: (208)824-5589
PO BOX 1580
ELBA ID USA 83326

NANCY WARD Phone: (208)824-5589
BOX 1580
ELBA ID USA 83326

2. Date of Priority: 06/03/1959

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
15S	25E	19	NW SW NW	CASSIA	
15S	24E	13	NW NE SE	CASSIA	

5. Description of diverting works:

WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	1.63	

7. Total Quantity Appropriated is:
1.63 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
15S	24E	13	NE	SE	IRRIGATION	29
			SE	SE	IRRIGATION	38
Section Acres						67
15S	24E	24	NE	NE	IRRIGATION	36
			SE	NE	IRRIGATION	7.2
Section Acres						43.2
Total Acres						110.2

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: License

16. Signature(s)

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):

Robert Ward
Nancy Ward

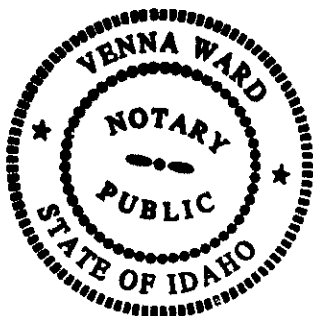
Date: 19 Aug 02

Date: Aug. 19, 2002

State of Idaho

County of Idaho - Cassia) SS.

Subscribed and sworn (or affirmed) before me this 19 day of Aug 2002



Venna Ward

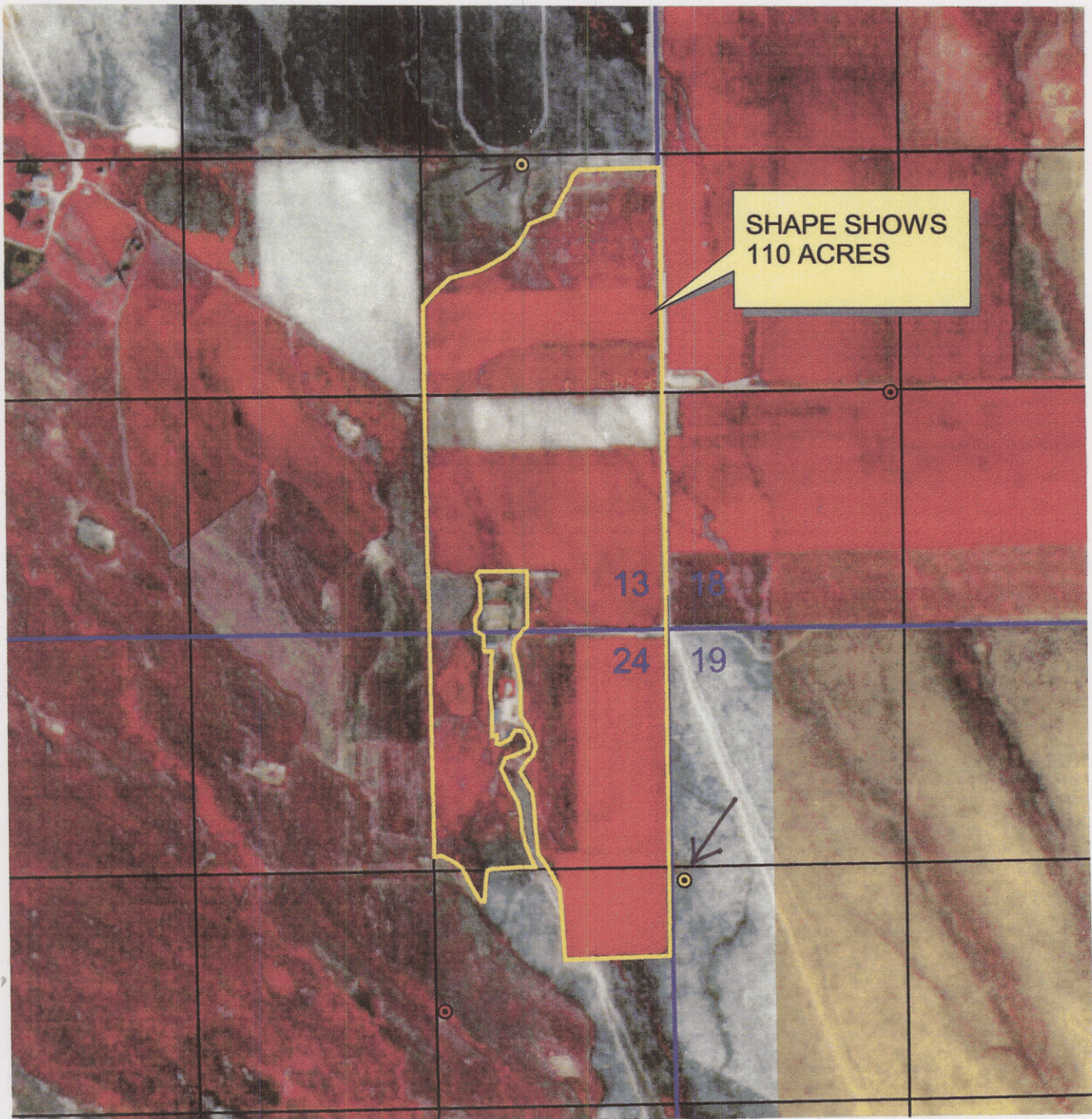
Notary Public

Residing at Alma, Id

My commission Expires 9/23/03

43-2474

TOWNSHIP 15S
RNG 24E II RNG 25E



● WELL

□ SECTION LINE

□ QUARTER SECTION LINE



PREPARED BY V HANOCK
IDWR
07/03/2002

State of Idaho License and Certificate of Water Right

Water License No. G-28028

Amount.....1.63 c.f.s.

Water District No.....

Priority.....June 3, 1959.

THIS IS TO CERTIFY that WESLEY B. WARD
of Elba, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated June 3, 1959; that Permit No. G-28028
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.63 second feet, was issued thereunder on November 9, 1964, showing that said works
were completed on the 1st day of May, 1964; and that on the 1st
day of May, 1964,

WESLEY B. WARD

of Elba, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
a tributary of subterranean flow, for the purpose of irrigation and
domestic use, under Use Permit No. G-28028 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
13 of Licenses at page 8047, on the 9 day of November, 1964;
The right hereby confirmed dates from June 3, 1959;

The Point of Diversion is located

In the NE 1/4 SE 1/4, Sec. 13, Tp. 15 S., R. 24 E., B. M. Cassia County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 1.63 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
15 S.	24 E.	13	NE 1/4 SE 1/4	40	21
			SE 1/4 SE 1/4	40	14
			NE 1/4 NE 1/4	40	22
			SE 1/4 NE 1/4	40	18
			NE 1/4 SE 1/4	40	23
			SE 1/4 SE 1/4	40	12
			Total number of acres to be irrigated:		110

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

9th day of November, 1964.

/s/ RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

43-02474

STEVE OR TONYA WARD
RANCH ACCOUNT

(208)824-5575

2850 SOUTH NARROWS RD

MALTA, IDAHO 83342

0/00

3031

Date 8-19-02

92-358/1241

Pay to the
Order of IDWR

\$ 27⁰⁰

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For Water right one

Steve Ward

MP

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