Idaho Department of Water Resources

Claim Number: 57-00102A
Legal: T05S, R01E, S09, 10
Reviewed By:

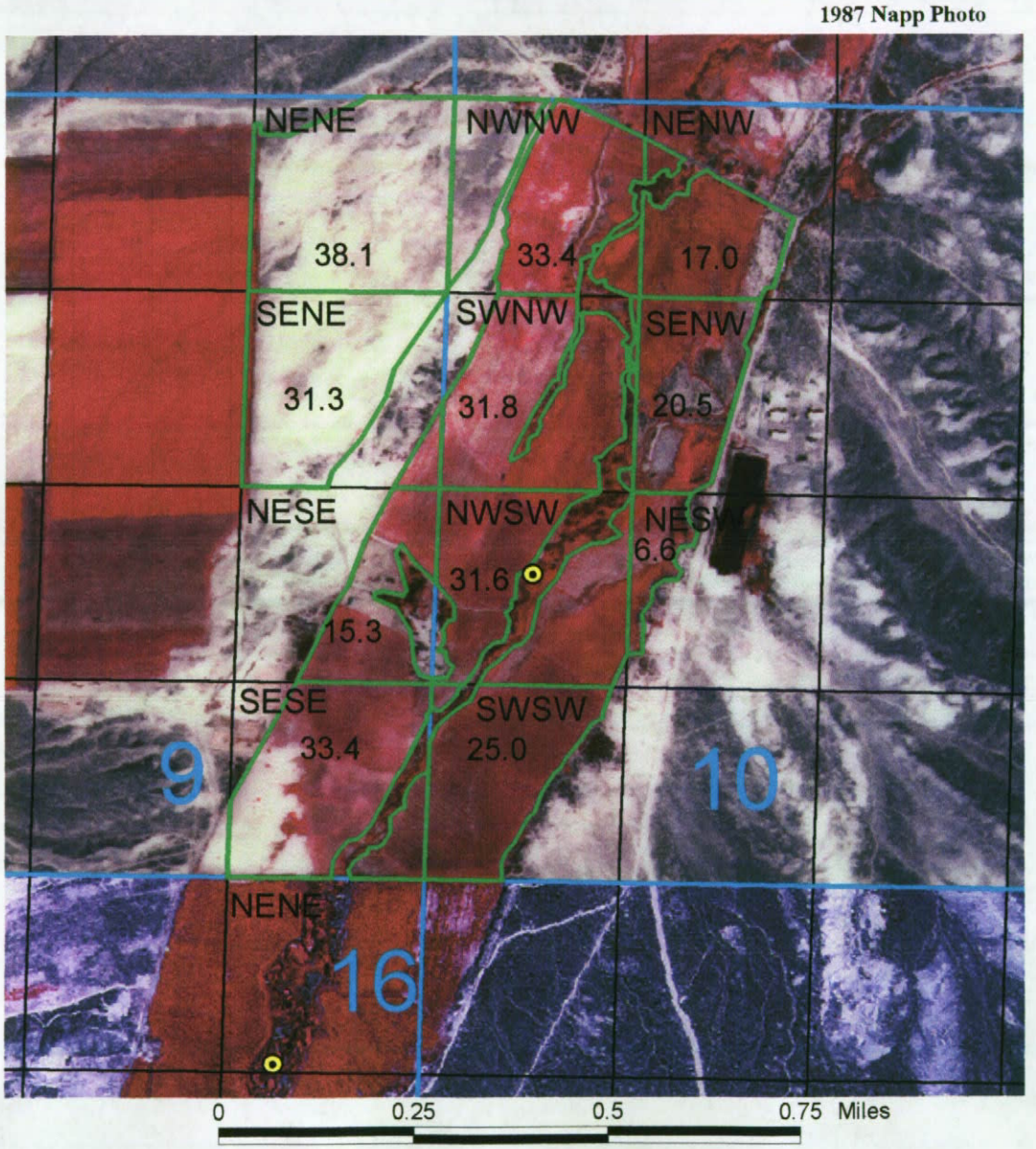
Point of Diversion

Place of Use

Section Lines

Quarter Quarter Lines

Township/Range Lines



RIGHTS FROM: SOURCE: CASTLE CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 57-00102A

NAME & ADDRESS:
JACK D WARD
ORPHA G WARD
DAVID J WARD
GREGORY S WARD
15 LOMAN RD
GARDEN VALLEY ID 83622

SOURCE: CASTLE CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.516 CFS

PRIORITY DATE: 04/01/1887

POINT OF DIVERSION: T05S R01E S10 NWNWSW Within OWYHEE County
S16 SWNENE

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	Irrigation Season	0.516 CFS

PLACE OF USE: IRRIGATION Within OWYHEE County

T05S R01E S09	NENE	37.0	SENE	29.0	NESE	20.0	SESE	37.0
S10	NENW	24.0	NWNW	32.0	SWNW	36.0	SENW	5.0
	NESW	2.0	NWSW	39.0	SWSW	23.0		

284.0 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NOS. 57-00085A, 57-00087A, 57-00100A, 57-00108A, 57-00112A, 57-00114A, 57-00115A, 57-00121A, 57-00135A, 57-00147A, 57-00162A AND 57-02249A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 306.0 ACRES IN A SINGLE IRRIGATION SEASON.

CONSUMPTIVE USE:

USE OF THIS RIGHT WITH RIGHT NOS. 57-00085A, 57-00087A, 57-00100A, 57-00108A, 57-00112A, 57-00114A, 57-00115A, 57-00121A, 57-00135A, 57-00147A, 57-00162A AND 57-02249A IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 1071.0 AF.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

MAR 2 - 1998

RIGHTS FROM: SOURCE: CASTLE CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 57-00102A (CONT)

EXPLANATORY MATERIAL: (CONT)
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 57-00085A, 57-00085B, 57-00087A, 57-00087B, 57-00100A, 57-00100B, 57-00102B, 57-00108A, 57-00108B, 57-00112A, 57-00112B, 57-00114A, 57-00114B, 57-00115A, 57-00115B, 57-00121A, 57-00121B, 57-00135A, 57-00135B, 57-00147A, 57-00147B, 57-00162A, 57-00162B.

MICROFILMED
MAR 2 - 1998

(A)

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: DEC-4-1996
PAGE: A-4

RIGHTS FROM: SOURCE: CASTLE CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 57-00102

NAME & ADDRESS: CAROL P GILBERT
OREANA RT
MURPHY ID 83650

SOURCE: CASTLE CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: ~~0.6~~ CFS 6,516

PRIORITY DATE: 04/01/1887

POINT OF DIVERSION: T05S R01E ~~S10~~ 16 SWNENE Within OWYHEE County
10 NWNWSW

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	Irrigation Season	0.6 CFS

PLACE OF USE: IRRIGATION Within OWYHEE County

T05S R01E S03	SESW	35.0	SWSE	7.0				
S09	NENE	37.0	SENE	29.0	NESE	20.0	SWSE	1.0
	SESE	37.0						
S10	NENW	24.0	NWNW	36.0	SWNW	36.0	SENW	5.0
	NESW	2.0	NWSW	39.0	SWSW	23.0		

~~331.0~~ 384.0 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.77 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 1235.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 353.0 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 57-00085, 57-00087, 57-00100, 57-00102, 57-00108, 57-00112, 57-00114, 57-00115, 57-00121, 57-00135, 57-00147, 57-00162 AND 57-02249.

as 57-00085A

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 57-00085, 57-00087, 57-00100, 57-00102, 57-00108, 57-00112, 57-00114, 57-00115, 57-00121, 57-00135, 57-00147 AND 57-00162.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

MAR 2 - 1998

MICROFILMED

Form 42-1409(7)

RECEIVED
MAY 17 1996
Department of Water Resources

NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type

DATE OF CLOSING: May 1,1996 (see instructions on back of page)

RECEIVED
MAY 10 1996
Department of Water Resources

RECEIVED
MAY 13 1996
WATER RESOURCES
WESTERN REGION

LEGAL DESCRIPTION OF PROPERTY: Township 5 S, Range 1 E,
Section 9,10, 1/4 of 1/4 of 1/4,Govt. Lot, BM.
Lot ,Block, ,Subdivision/Townsite .
If you have additional legal descriptions, please attach separate sheet.

[ ] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[ ] Water Right Number(s) Assigned by IDWR: 57-02249, 57-00085, 57-00087, 57-00100, 57-00102, 57-00108, 57-00112, 57-00115, 57-00121, 57-00135, 57-00147, 57-00162,

[ ] Name and Address of Former Owner/Claimant(s)(Seller): Donald R. Barnhill
HC 79 Box 2195, Oreana, ID 83650

[ ] New Owner/Claimant (Purchaser): Jack D. Ward, Orpha G. Ward, David J. Ward, ~~Gregory S. Ward~~

[ ] New Mailing Address: #15 Loman Road, Garden Valley, ID 83622

[ ] New Telephone Number: (208) 462- 3486

[ ] Does the change in ownership result in a splitting of the water right owned/claimed? X yes ___ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
90% flow to Wards: 10% flow to Moon Ranch Trust

[ ] Attach proof of ownership, describe proof attached: Warranty Deed: Quitclaim Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[ ] Signature of New Owner/Claimant(s) Agent Date 5/1/96
Date

[ ] Signature of Former Owner/Claimant(s): Donald R. Barnhill Date 5/1/96
Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

MAR 2 - 1998

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: **By:**
Further Action Needed:

Further Action Taken
Date: **By:**
Final Review and Data-Entry
Date: **By:**
Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

227

WARRANTY DEED

FOR VALUE RECEIVED,
DONALD BARNHILL, a single man, individually; and DONALD R. BARNHILL, as Trustee of The Wintercamp Ranch Trust, a trust for the benefit of Jeff Barnhill

the Grantors, do hereby grant, bargain, sell and convey unto **JACK D. WARD and ORPHA G. WARD, husband and wife; DAVID J. WARD and GREGORY S. WARD, both married men, as their sole and separate property,**

the Grantees, whose current address is

#15 Loman Road, Garden Valley, Idaho 83622

the following described real property, located in Owyhee County, Idaho, to-wit:

Exhibit "A" attached hereto and made a part hereof:

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, including all water and ditch rights and rights of way for water and ditches.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances except: None.

Subject to such rights, easements, covenants, restrictions and zoning regulations as appear of record or by use upon the premises.

Taxes and assessments of all taxing units not yet due and payable.

Reservations in patents or state grants or in acts authorizing the issuance thereof.

MICROFILMED

MAR 2 [illegible]

All repayment contracts between any irrigation district within which the premises are situated and any government or agency.

The bonded debt of all taxing units within which said premises are located.

Restrictions imposed by law, ordinance, or regulation imposed by any governmental entity, department or agency.

Restrictions contained in any covenants of record affecting the premises.

All rights of way or easements affecting the premises regardless of how evidenced or acquired and whether the same appear of record or not.

DATED: May 1, 1996

Donald Barnhill

Donald R. Barnhill, Trustee
The Wintercamp Ranch Trust

STATE OF IDAHO, COUNTY OF OWYHEE, ss.

On this 1st day of May, 1996, before me, a Notary Public in and for the State, personally appeared Donald Barnhill, individually, and Donald R. Barnhill, Trustee of The Wintercamp Ranch Trust, a trust for the benefit of Jeff Barnhill, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the date and year in this certificate first above written.

NICHOLAS K. SHLI NOTARY PUBLIC STATE OF IDAHO

Notary Public for Idaho
Residing at Murphy, Idaho
Commission Expires 1/3[illegible]/2000

REQUEST OF Jeff Till
FEE 9.00

BY [illegible] DEPUTY

RECORDED-RECORDED
MAR 1 AM 10 29
LYNN HUNTLEY JR.
OWYHEE COUNTY RECORDER

2 1 8 7 3 2

MICROFILMED
MAR 2 - 1998

Jeff Till

Order No. 2291
Land Description:
PARCEL NO. 1:

IN TOWNSHIP 5 SOUTH, RANGE 1 EAST, B. M., OWYHEE COUNTY, IDAHO
Section 9: E½SE¼, E½NE¼
Section 10: NE¼SW¼, W½SW¼, That part of the NW¼ described as follows:

A PORTION of the NW¼ of Section 10, Township 5 South, Range 1 East, B. M., Owyhee County, Idaho, and is more particularly described as follows:

COMMENCING at the Northwest corner of said Section 10; thence North 89°07'55" East along the North boundary of said Section 10, a distance of 723.74 feet to the TRUE POINT OF BEGINNING; thence continuing North 89°07'55" East along said North boundary, a distance of 227.20 feet; thence South 23°08'34" West, a distance of 64.62 feet to a point on the centerline of a county road; thence South 64°02'28" East along said centerline, a distance of 1395.31 feet; thence North 63°57'39" East, a distance of 518.39 feet; thence North 19°52'56" East, a distance of 45.30 feet to a point on the East boundary of said NW¼; thence South 00°32'37" East along said East boundary, a distance of 1461.67 feet; thence South 89°14'25" West, a distance of 538.55 feet; thence South 13°13'32" West, a distance of 779.70 feet to a point on the South boundary of said NW¼; thence South 88°50'08" West along said South boundary, a distance of 1944.43 feet to the W¼ Corner of said Section 10; thence North 00°18'16" West along the East boundary of said Section 10, a distance of 2314.93 feet; thence North 89°07'55" East parallel with the North boundary of said Section 10, a distance of 565.00 feet; thence North 24°44'58" East, a distance of 374.83 feet to the TRUE POINT OF BEGINNING.

PARCEL NO. 2:

A portion of the SE¼NW¼ of Section 10, Township 5 South, Range 1 East, B. M., Owyhee County, Idaho, more particularly described as follows:

Commencing at the southeast corner of said SE¼NW¼; thence South 88°50'08" West along the South boundary of said SE¼NW¼, a distance 724.16 feet to a point on the Easterly boundary of a county road known as Poison Creek Road; thence North 13°13'32" East along the Easterly boundary of said county road, a distance of 307.82 feet to the REAL POINT OF BEGINNING; thence South 76°46'29" East, a distance of 82.80 feet; thence North 13°13'32" East, parallel with the Easterly boundary of said county road, a distance of 10.00 feet; thence North 76°46'29" West, a distance of 82.80 feet to a point on the Easterly boundary of said county road; thence South 13°13'32" West a distance of 10.00 feet to the REAL POINT OF BEGINNING.

MICROFILMED
MAR 2 - 1998

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)
)

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b) FOR
Water Right 57-00102A

97 MAY 29 PM 4:16
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME & ADDRESS: JACK D WARD
ORPHA G WARD
DAVID J WARD
GREGORY S WARD
15 LOMAN RD
GARDEN VALLEY ID 83622

SOURCE: CASTLE CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.516 CFS

PRIORITY DATE: 04/01/1887

POINT OF DIVERSION: T05S R01E S10 NWNWSW Within OWYHEE County
S16 SWNENE

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	Irrigation Season	0.516 CFS

PLACE OF USE: IRRIGATION Within OWYHEE County

T05S R01E S09	NENE 37.0	SENE 29.0	NESE 20.0	SESE 37.0
S10	NENW 24.0	NWNW 32.0	SWNW 36.0	SENW 5.0
	NESW 2.0	NWSW 39.0	SWSW 23.0	

284.0 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NOS. 57-00085A, 57-00087A, 57-00100A, 57-00108A, 57-00112A, 57-00114A, 57-00115A, 57-00121A, 57-00135A, 57-00147A, 57-00162A AND 57-02249A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 306.0 ACRES IN A SINGLE IRRIGATION SEASON.

DATED: MAY 29 1997

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DATED: MAY 29 1997

State of Idaho
County of Twin Falls ss.
I hereby certify the foregoing to be a full, true and correct copy of the original on file in the above entitled action.
ROBERT S. FORT
CLERK OF THE DISTRICT COURT
By _____ DEPUTY CLERK

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls, ID 83303-2707

Important Information About Your Water Right

October 25, 2002

RECEIVED
OCT 28 2002
Department of Water Resources

Gregory S Ward
Jack D Ward
David J Ward
Orpha G Ward
15 Lowman Rd
Garden Valley, ID 83622

Dear Water Right Claimant(s):

Attached to this letter is a copy of an ***Order Amending Irrigation Period of Use Element in Partial Decree, Nunc Pro Tunc*** (hereinafter "***Order***") for water right number 57-102A. According to Idaho Department of Water Resources (IDWR) records, you are the current owner of this water right. If you are not the current owner, please contact IDWR immediately at:

Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706
800-451-4129

The purpose of the ***Order*** is to set forth beginning and ending dates for the irrigation period of use for this water right. As stated in the face of the ***Order***, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). This ***Order*** also incorporates into the ***Partial Decree*** an express statement that the ***Partial Decree*** is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This ***Order***, in combination with the ***Partial Decree*** that was issued for this water right on May 29, 1997, sets forth all of the elements of your water right. The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the ***Partial Decree*** to show evidence of this water right. The original of this ***Order*** and the original of the ***Partial Decree*** for this water right are on file with SRBA Court. If you do not have a copy of the original ***Partial Decree***, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the ***Order*** is entered ***Nunc Pro Tunc***, meaning that the ***Order*** will be treated as if it were issued on the same date that the ***Partial Decree*** was originally issued.

Sincerely,

Diana Delaney
Case Administrator

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
OCT 2 5 2002
By _____ Clerk
_____ 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 SRBA	)	**Water Right 57-102A**
	)	**ORDER AMENDING IRRIGATION PERIOD OF USE ELEMENT IN PARTIAL DECREE and INCORPORATING INTO PARTIAL DECREES AN EXPRESS STATEMENT REGARDING GENERAL PROVISIONS, *NUNC PRO TUNC***
Case No. 39576	)	

A ***Partial Decree*** was entered for the above-captioned irrigation water right on May 29, 1997. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, on July 26, 1999, IDWR filed a *Supplemental Director's Report, Reporting Area 2, IDWR Basin 57, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this *Supplemental Director's Report*

THEREFORE, IT IS ORDERED that the period of use element for the irrigation portion of the above-captioned water right is hereby amended and decreed as:

PERIOD OF USE: 04-01 to 10-15

> The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irritation use and a priority date earlier than the date a partial decree is entered for this right.

IT IS FURTHER ORDERED that the ***Partial Decree*** for the above-captioned water right is hereby amended and decreed to contain the following:

> 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 a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

This order is being entered *nunc pro tunc* as of the date the ***Partial Decree*** was issued and is not intended to modify subsequent administrative changes for the water right, if any, which occurred following entry of the ***Partial Decree***.

RULE 54(b) CERTIFICATE

> With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Dated October 25, 2002.

Roger Burdick

ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

RECEIVED
JUN - 2 1997
Department of Water Resources
Adjudication Bureau

1997 MAY 29 PM 4:15
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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	)	**ORDER OF PARTIAL DECREE**
	)	
Case No. 39576	)	**For Water Right 57-00102A**
	)	

On April 30, 1997, a ***Special Master's Report and Recommendation*** was filed for the above water right. No Challenges were filed to the ***Special Master's Report and Recommendation*** and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and ***SRBA Administrative Order 1***, Section 14a, 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, IT IS ORDERED that water right 57-00102A be decreed as set forth in the attached ***Partial Decree Pursuant to I.R.C.P. 54(b)***.

DATED May 29, 1997.

DANIEL C. HURLBUTT, JR.
Presiding Judge
Snake River Basin Adjudication

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 57-00102A Data: 4-18-03

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	5S	1E	9	37			29									20			37	123
GIS				38.1			31.3									15.3			33.4	118.1
Claim			10					24	32	36	5	2	39	23						161
GIS								17.	33.4	31.8	20.5	6.6	31.6	25						165.9
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 2

Total Claimed Acres: 284

Total GIS Acres: 284

Overlapping POU Claim #'s:

57-00085A, 57-00087A, 57-00100A, 57-00108A
57-00112A, 57-00114A, 57-00115A, 57-00121A,
57-00135A, 57-00147A, 57-00162A, 57-02249A

COMMENTS:

See comments in 57-00085A.

Idaho Department of Water Resources

Claim Number: 57-00102A
Legal: T05S, R01E, S09, 10
Reviewed By:

⊙ Point of Diversion

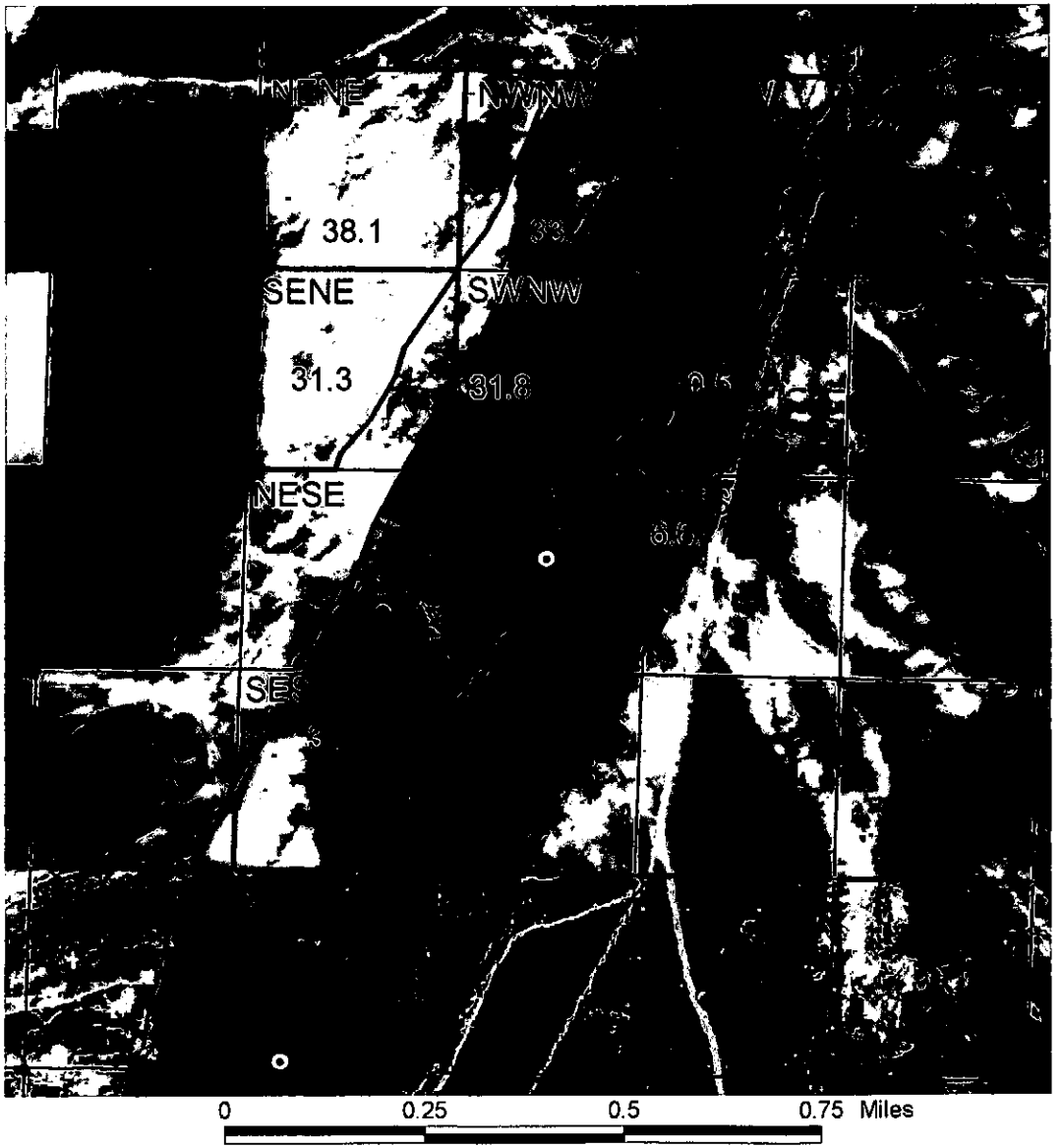
Place of Use

Section Lines

Quarter Quarter Lines

Township/Range Lines

1987 Napp Photo



Original Documents and Field Exam

in A57-00102

MICROFILMED
MAR 2 - 1998

MAR 2 - 1998