

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: A43-00178E  
Date Received: 6/07/1989  
Receipt No: 50071632  
Received By: RRT

JUN 7 1989

Department of Water Resources  
Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: WARR BROTHERS 208-645-2408  
Address: HC 72, BOX 2208  
MALTA, ID 83342

2. Date of Priority: DEC 12, 1911

3. Source: RAFT RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 14S      | 27E   | 7       | SW     | NE     |        |     | CASSIA |
|          |       | 20      | NW     | SW     |        |     | CASSIA |

5. Description of diverting works:  
HEADGATE AND LATERALS

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 7.871 |      |        |

7. Total Quantity Appropriated is:  
7.871 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 1200.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 14S      | 27E   | 17      | NE     | NE     |     | IRR | 40.0  |
|          |       |         | NW     | NE     |     | IRR | 40.0  |

A43-00178E

Page 1

Date: 06/07/89

MICROFILMED  
MAR 02 1993

10. Place of Use: Continued

| Township | Range | Section | 1/4 | of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|-----|----|-----|-----|---------------|-------|
| 14S      | 27E   | 17      | SW  |    | NE  |     | IRR           | 40.0  |
|          |       |         | SE  |    | NE  |     | IRR           | 40.0  |
|          |       |         | NE  |    | NW  |     | IRR           | 40.0  |
|          |       |         | NW  |    | NW  |     | IRR           | 40.0  |
|          |       |         | SW  |    | NW  |     | IRR           | 40.0  |
|          |       |         | SE  |    | NW  |     | IRR           | 40.0  |
|          |       |         | NE  |    | SW  |     | IRR           | 40.0  |
|          |       |         | NW  |    | SW  |     | IRR           | 40.0  |
|          |       |         |     |    |     |     |               |       |
|          |       |         |     |    |     |     | Section Acres | 400.0 |
|          |       |         |     |    |     |     | Total Acres   | 400.0 |

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:

A43-10381,00168,0169A&B,0170,0173,0175,02389,02419,02420

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

Decree Plaintiff

vs

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am Partner of Wan Bros. Organization, that I have signed the foregoing document in the space below as Partner of Wan Bros. Organization and that the statements contained in the foregoing document are true and correct.

Alene Wan  
Signature of Authorized Agent  
Partner Wan Bros.  
Title and Organization  
6-7-89  
Date

State of Idaho )  
County of Twin Falls. ) SS.

Subscribed and sworn (or affirmed) before me this 4th day of June 19 89

Helen Harrington  
Notary Public

Seal

Residing at Helen Harrington, Notary Public  
My Commission Expires December 1, 1990

MICROFILMED  
MAR 02 1993

43-00178 B

DEGREE

1911

RAFT RIVER

48.8 CFS

POD NOT  
GIVEN

(IF CLAIMED-  
SPLIT RIGHT)

27



Water Right Number - 43-00178B Adj. Flag Translation: Standard Water Right Number Old (D) Number -

\*\*\* C - CURRENT OWNER \*\*\*  
MALTA LAND & IRRIGATION CO.

\*\*\* O - ORIGINAL OWNER \*\*\*  
INTERNATIONAL MORTGAGE BANK

1 -  
2 -  
3 -  
City- MALTA  
Phone -  
State- ID Zip- 83342

1 -  
2 -  
3 -  
City-  
Phone -  
State- Zip-

+ - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +  
12/12/1911 17 D - DECREED

+ - - - - Source - - - - - + - - - - Tributary - - - - - +  
RAFT RIVER SNAKE RIVER

+ - - - - Twn Rng Sec Tract Lot Rfid County Point of Diversion - - - - - Stream Index (Blank if no Index Code)

+ - - - - Code Description Period From Period To Water Use - - - - - Diversion Rate Diversion Volume  
01 - IRRIGATION 48.800 10 owned.  
62 mds.

+ - Total Div. Rate - + - Total Div. Volume - + - Total Div. Capacity - + - Total Consumptive Use - + - KW Usage - +  
48.800

| Twn | Rng | Sec | Tract | Lot | Acres | Place of Use | Code | Description | County      |
|-----|-----|-----|-------|-----|-------|--------------|------|-------------|-------------|
| 13S | 26E | 25  | SE SE |     |       |              | 01   | IRRIGATION  | (31) CASSIA |
| 13S | 27E | 30  | SW SW | 4   |       |              | 01   | IRRIGATION  | (31) CASSIA |
| 13S | 27E | 30  | SE SW |     |       |              | 01   | IRRIGATION  | (31) CASSIA |
| 13S | 27E | 31  | NE NE |     |       |              | 01   | IRRIGATION  | (31) CASSIA |
| 13S | 27E | 31  | NW NE |     |       |              | 01   | IRRIGATION  | (31) CASSIA |
| 13S | 27E | 31  | NE NW |     |       |              | 01   | IRRIGATION  | (31) CASSIA |
| 13S | 27E | 31  | SE NW |     |       |              | 01   | IRRIGATION  | (31) CASSIA |
| 13S | 27E | 31  | NE SW |     |       |              | 01   | IRRIGATION  | (31) CASSIA |
| 13S | 27E | 31  | SE SW |     |       |              | 01   | IRRIGATION  | (31) CASSIA |
| 13S | 27E | 31  | NW SE |     |       |              | 01   | IRRIGATION  | (31) CASSIA |
| 13S | 27E | 31  | SW SE |     |       |              | 01   | IRRIGATION  | (31) CASSIA |
| 13S | 27E | 31  | SE SE |     |       |              | 01   | IRRIGATION  | (31) CASSIA |
| 14S | 27E | 5   | SW NW |     |       |              | 01   | IRRIGATION  | (31) CASSIA |
| 14S | 27E | 5   | SE NW |     |       |              | 01   | IRRIGATION  | (31) CASSIA |
| 14S | 27E | 5   | NE SW |     |       |              | 01   | IRRIGATION  | (31) CASSIA |
| 14S | 27E | 5   | NW SW |     |       |              | 01   | IRRIGATION  | (31) CASSIA |

MICROFILMED  
MAR 02 1993

Adj. flag translation: Standard Water Right Number

County

01 IRRIGATION

IF CLAIMED - SPLIT RIGHT

MICROFILMED  
MAR 02 1993

Adj. flag translation: Standard Water Right Number

+ - - Other Rights for Same Use -

Remarks

[illegible]

Decree Defendant - - - +  
JOBE ADAMS ET AL

05/28/88 CONVERT

+ - - - - Water Rights Dates and Flags Area

|                  |   |            |                 |   |            |                  |       |
|------------------|---|------------|-----------------|---|------------|------------------|-------|
| Proof Due Date   | - | 00/00/0000 | Field Exam Made | - | 00/00/0000 | Field Exam Fee   | -     |
| Approved/Denied  | - | 00/00/0000 | Protected Date  | - | 00/00/0000 | Swan Falls       | -     |
| Proof Made Date  | - | 00/00/0000 | Hearing Date    | - | 00/00/0000 | Temporary Right  | - P   |
| Start Work Date  | - | 00/00/0000 | Verified Date   | - | 04/23/1985 | DLE/Carey Act    | -     |
| Order Show Cause | - | 00/00/0000 | Receipt Number  | - |            | Water District   | - 43B |
| Licensee Date    | - | 00/00/0000 | Appl Received   | - | 00/00/0000 | Transfer/Amended | -     |
| Decree Date      | - | 10/18/1928 |                 |   |            |                  |       |

MICROFILMED  
MAR 02 1993

05/11/2001

**NOTICE OF ERROR  
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

**YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 15, 2001**

Water right number: 43-178E

WARR BROTHERS

2231 S 2350 E

MALTA ID 83342

Telephone Number: (208)645-2485

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 6-12-01 SIGNATURE: Olene Warr  
Please print your name: Olene Warr

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, (208)736-3033

**RECEIVED**

**JUN 18 2001**

Department of Water Resources  
Southern Region

03/13/2001

IDAHO DEPARTMENT OF WATER RESOURCES  
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-178E

NAME AND ADDRESS: WARR BROTHERS  
HC 72 BOX 2208  
MALTA, ID 83342

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 7.871 CFS

PRIORITY DATE: 12/12/1911

POINT OF DIVERSION: T14S R27E S20 NWSW Within CASSIA County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 03-15 11-15          | 7.87 CFS        |

PLACE OF USE:

| <u>IRRIGATION Within CASSIA County</u> |      |     |               |      |     |
|----------------------------------------|------|-----|---------------|------|-----|
| T14S R27E S17                          | NENE | 40  | T14S R27E S17 | NWNE | 40  |
| T14S R27E S17                          | SWNE | 40  | T14S R27E S17 | SENE | 40  |
| T14S R27E S17                          | NENW | 40  | T14S R27E S17 | NWNW | 32  |
| T14S R27E S17                          | SWNW | 39  | T14S R27E S17 | SENE | 40  |
| T14S R27E S17                          | NESW | 40  | T14S R27E S17 | NWSW | 35  |
| T14S R27E S17                          | SWSW | 4.5 | T14S R27E S17 | SESW | 3.6 |

394.1 ACRES TOTAL

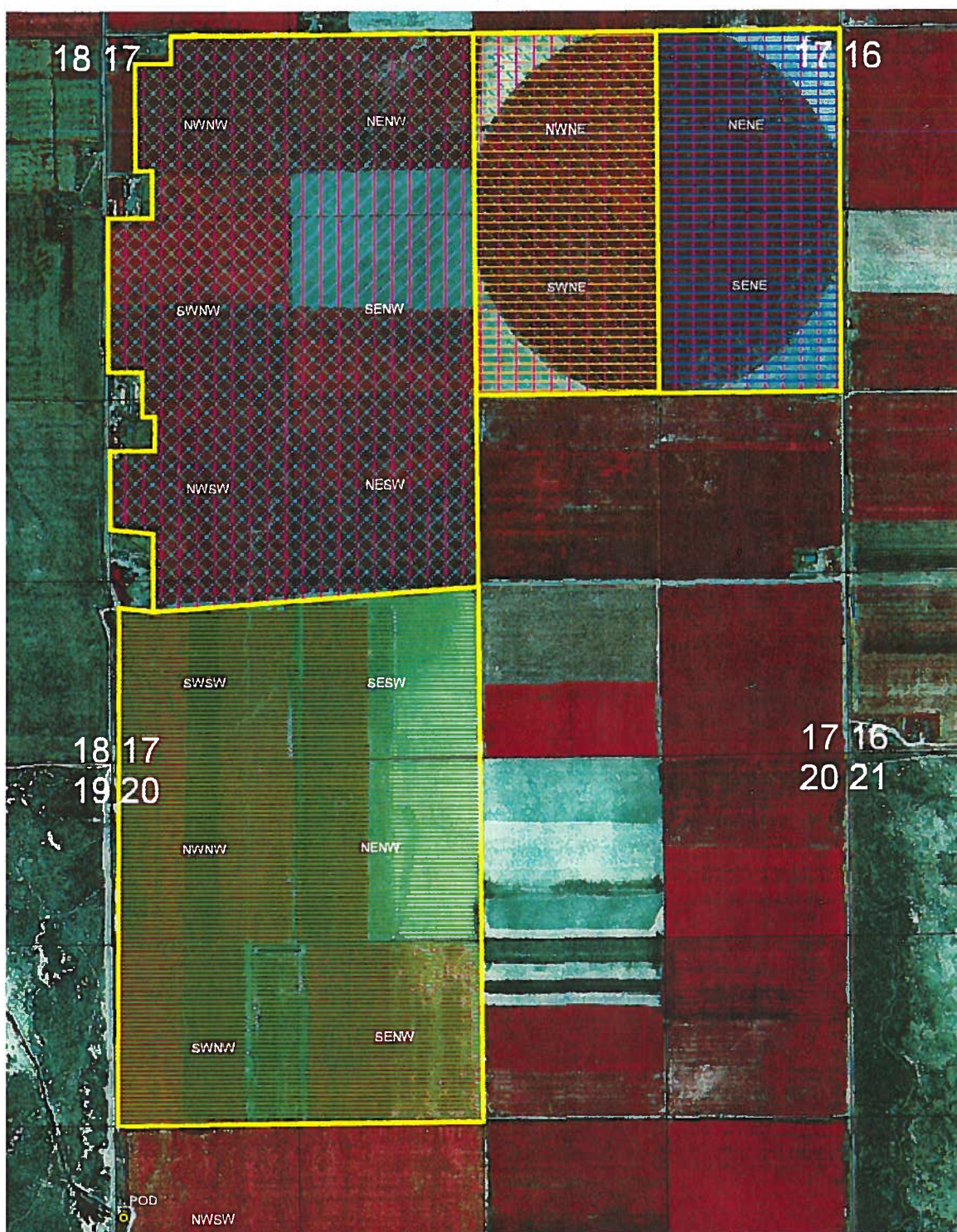
RIGHT NOS. 43-00170C, 43-00173C, 43-00177D, 43-00178E, 43-02294E, 43-02389, 43-02405, 43-02419, 43-02420B, 43-04034, 43-10388, 43-12961, 43-12962, 43-12963, 43-12964 AND 43-12965 ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 620 ACRES IN A SINGLE IRRIGATION SEASON.

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

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

# Warr Brothers Surface Water POU



1000 0 1000 2000 3000 4000 Feet



- 43-00170C
- 43-00173C
- 43-00177D
- 43-00178E
- 43-10388
- 43-12961, 43-12962, 43-12963, 43-12964 & 43-12965

**T14S R27E S17 & S20**

Map Prepared by: Carter Fritschle  
 Date prepared: 03/13/01  
 1987-1988 NAPP photography  
 Idaho Department of Water Resources



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098  
Phone: (208) 327-7900 FAX: (208) 327-7866 [www.idwr.state.id.us](http://www.idwr.state.id.us)

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**DIRK KEMPTHORNE**  
Governor

**KARL J. DREHER**  
Director

March 6, 2001

Warr Brothers  
2231 S 2350 E  
Malta, ID 83342

RE: Snake River Basin Adjudication (SRBA)

Dear Claimants:

I am reviewing the claims you filed in the SRBA, and I have found that your claims to water from the Raft River appear to be for lesser amounts than are appurtenant to your land. I have enclosed amended claims that reflect the amount of water that my calculations show you are entitled. I have also split two of your claims, 43-10381 and 43-10387, into five claims because of the differences in the seasons of use of the water rights that were combined to make these claims. The new claim numbers are 43-12961, 43-12962, 43-12963, 43-12964 and 43-12965.

I have also added a remark that would allow you to use these rights within a permissible place of use. This can be useful in that it generally more accurately reflects the way water is applied when a number of water rights are used in combination with each other. If you do not wish to have these rights recommended as a permissible place of use, please line through the remark that describes the number of acres the right is for within the North 1/2 and SW 1/4 of Section 17 and the NW 1/4 of Section, Township 14 South, Range 27 East.

Additionally, I have enclosed amended claims for your ground water rights that will allow them to be recommended as a permissible place of use. If you do not want these rights recommended with a permissible place of use, do not sign and return these claims.

Any claims you do wish to amend, should be signed, notarized and returned to me or our Southern Region Office in Twin Falls as soon as possible. We are hoping to start printing preliminary recommendations for Basin 43 (the Raft River Drainage) on March 12, 2001.

If you have any questions, please contact me at (208) 327-7939.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Carter Fritschle', is written over a horizontal line.

Carter Fritschle  
Water Rights Supervisor  
Adjudication Bureau

Enclosures: Amended Claims

Warr Brothers

2-2-01

|      |            | flow in cfs                         | irrigated acres           |
|------|------------|-------------------------------------|---------------------------|
| 1945 | 43-02388 E | 3.436                               | 400                       |
| 1953 | 43-02389   | 1.06                                | 115                       |
| 1954 | 43-02405   | 2.88                                | 160 (155 acres)           |
| 1955 | 43-02419   | 1.42                                | 100                       |
| 1955 | 43-02420B  | 1.62 (0.10 cfs)<br>(less A portion) | 90 (5.6 ac)<br>less A por |
|      |            | 10.416                              |                           |

1948 43-04034 2.00 100

Area of use "covered" by licensed rights shown above. Statutory claim indicates claim is based on permit 20586 (No new number assigned)  
 Coping with present system calculated at 7.5 cfs.

Total irrigated acres = 392 + 155 + 79 = 626  
 626 acres x 0.02 cfs/ac 12.52 cfs

10.416 (new licenses) + 1.45 = 11.866 cfs

43-02420 1.62 cfs for 90 ac.

43-02420A owns 5.6 ac. of original p.d.u.

$$\frac{1.62 \text{ cfs}}{90 \text{ ac}} \times 5.6 \text{ ac} = 0.10 \text{ cfs}$$

43-02420B = 1.52 cfs on 85 ac.

|                        |   |          |          |               |       |
|------------------------|---|----------|----------|---------------|-------|
| 43-10381               | 1 | 43-12961 | 4-1-1871 | 4-30 to 7-1   | 0.705 |
| 1.945 cfs<br>240 acres | 2 | 43-12962 | 4-1-1871 | 3-15 to 11-15 | 0.10  |
|                        | 3 | 43-12963 | 4-1-1871 | 4-1 to 7-1    | 2.02  |
| 43-10387               | 1 | 43-12964 | 4-1-1879 | 7-1 to 10-1   | 1.83  |
| 2.225 cfs              | 2 | 43-12965 | 4-1-1879 | 4-1 to 10-1   | 0.61  |

3-6-01

## Darr Brothers Salt River rights

|            |           | Apportioned cfs | Claimed cfs | A amended cfs |
|------------|-----------|-----------------|-------------|---------------|
| 4-1-1881   | 43-00170C | 0.46            | 0.30        | 0.46          |
| 4-1-1882   | 43-00173C | 1.22            | 0.914       | 1.22          |
| 4-1-1871   | 43-10381  | 2.825           | 1.945       |               |
| ✓ Child 1  | 43-12961  | 0.705           | 0.705       | 0.705         |
| ✓ Child 2  | 43-12962  | 0.10            | 0.10        | 0.10          |
| ✓ Child 3  | 43-12963  | 2.02            | 1.14        | 2.02          |
| 4-1-1879   | 43-10387  | 2.44            | 2.225       |               |
| ✓ Child 1  | 43-12964  | 1.83            | 1.83        | 1.83          |
| ✓ Child 2  | 43-12965  | 0.61            | 0.395       | 0.61          |
| ✓ 6-1-1879 | 43-10388  | 2.44            | 1.971       | 2.44          |
| 5-24-1909  | 43-00177D | <u>4.628</u>    | 4.628       |               |
|            |           | 14.013          |             |               |
| 12-12-1911 | 43-00178E | 8.00            | 7.871       | 8.00          |

## Darr Brothers Ground water rights

|      |           | Rec. cfs    | Vol. * | Acve Limit * | Total Ac |
|------|-----------|-------------|--------|--------------|----------|
| 1945 | 43-02294E | 3.436       | 1600   | 400 K06      | 400      |
| 1948 | 43-04034  | 1.45        | 400    | 100 K06      | 500      |
| 1953 | 43-02389  | 1.06        | 460    | 115 K06      | 615      |
| 1954 | 43-02405  | 2.88        | -      | 155          | -        |
| 1955 | 43-02419  | 1.42        | -      | 100          | -        |
| 1955 | 43-02420B | <u>1.52</u> | -      | 84           | -        |
|      |           | 11.766      |        |              |          |

\* If amended to permissible P.O.U

**R PROOF**

**CVR**

**MAPS**

**PHOTOS**

**MISC**

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