

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: **A43-00205**
Date Received: 5/25/1989
Receipt No: M003703
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: PAUL A WARD 208-638-5526
Address: BOX 444
ELBA ID 83326
AND/OR
Name: BEVERLY WARD 208-638-5526
Address: BOX 444
ELBA ID 83326
2. Date of Priority: APR 30, 1882
3. Source: COTTONWOOD CREEK Trib. to: NORTH FK. OF CASSIA CR.
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13S	24E	24	NW	NW	NW		CASSIA
5. Description of diverting works:
HEADGATE, MEASURING FLUME, & DITCH TO PLACE OF USE.
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.400		
7. Total Quantity Appropriated is:
0.400 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 480.0 Acre Feet Per Annum.
9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	25E	29	NW	SW		IRR	40.0
			SW	SW		IRR	40.0
					Section Acres		80.0
		30	NE	SE		IRR	40.0
			SE	SE		IRR	40.0
					Section Acres		80.0
					Total Acres		160.0

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:
43-0474, 0199-0200

14. Remarks:

SEE DECREE FOR FURTHER DESCRIPTION OF P. U.

OWNERSHIP CHANGE 01-04-1996 BY FH.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

ALBION-IDAHO LAND CO.
Decree Plaintiff

JOBE ADAMS ET AL AMENDED
vs Decree Defendant



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type

(see instructions on back of page)

DATE OF CLOSING: 11-28-95

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
 Section _____, _____ 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) TRR RTS A43-00200, -00205, -00241, -00328,
 Assigned by IDWR: -00329, -00330, -00331, -00474

☐ Name and Address of Former Owner/Claimant(s)(Seller): ART M. WARD OR BEYLA P. WARD
Box 443

☐ New Owner/Claimant (Purchaser): ELBA, ID. 83326 208-638-5536
PAUL A. WARD AND/OR BEVERLY WARD

☐ New Mailing Address: PO Box 444
ELBA, ID 83326

☐ New Telephone Number: (208) 638-5526

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

DOMESTIC/STK RTS: A43-10619 DOMESTIC
-10620 STOCK

☐ Attach proof of ownership, describe proof attached: WARRANTY 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) X Paul A. Ward Date 1/2/96
X Beverly Ward Date 1/2/96

☐ Signature of Former Owner/Claimant(s): _____ Date _____
 _____ Date _____

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 01-02-96 By: 71

Further Action Needed:

ON-LINE UPDATE

Further Action Taken

Date: 01-04-96 By: 71

Final Review and Data-Entry

Date: 01-05-96 By: 71

Claim Numbers of Split, if any:

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

COPY

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: A43-00205
Date Received: 5/25/1989
Receipt No: M003703
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ART WARD 208-638-5536
Address: BOX 443
ELBA, ID 83326
OR
Name: BETH P. WARD 208-638-5536
Address: BOX 443
ELBA, ID 83326
2. Date of Priority: APR 30, 1882
3. Source: COTTONWOOD CREEK Trib. to: NORTH FK. OF CASSIA CR.
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 13S | 24E | 24 | NW | NW | NW | | CASSIA |
5. Description of diverting works:
HEADGATE, MEASURING FLUME, & DITCH TO PLACE OF USE.
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.400 | | |
7. Total Quantity Appropriated is:
0.400 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 480.0 Acre Feet Per Annum.
9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	25E	29	NW	SW		IRR	40.0
			SW	SW		IRR	40.0
					Section Acres		80.0
		30	NE	SE		IRR	40.0
			SE	SE		IRR	40.0
					Section Acres		80.0
					Total Acres		160.0

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:
43-0474, 0199-0200

14. Remarks:
SEE DECREE FOR FURTHER DESCRIPTION OF P. U.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

ALBION-IDAHO LAND CO.
Decree Plaintiff

vs

JOBE ADAMS ET AL AMENDED
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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____
My Commission Expires _____

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

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Date Received: 5/25/1989
Receipt No: M003703
Received By: [Signature]

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ACQUIRED UNDER STATE LAW

1. Name: ART WARD 208-638-5536
Address: BOX 443
ELBA, ID 83326
OR
Name: BETH P. WARD 208-638-5536
Address: BOX 443
ELBA, ID 83326
2. Date of Priority: APR 30, 1882
3. Source: COTTONWOOD CREEK Trib. to: NORTH FK. OF CASSIA CR.
4. Point of Diversion:
- | | | | | | | | | | |
|----------|-------|---------|-----|----|-----|----|-----|-----|--------|
| Township | Range | Section | 1/4 | of | 1/4 | of | 1/4 | Lot | County |
| 13S | 24E | 24 | NW | | NW | | NW | | CASSIA |
5. Description of diverting works:
HEADGATE, MEASURING FLUME, & DITCH TO PLACE OF USE.
6. Water is used for the following purposes:
- | | | | | | |
|------------|-------|-------|--------|------|--------|
| Purpose | From | To | C.F.S. | (or) | A.F.A. |
| IRRIGATION | 03/15 | 11/15 | 0.400 | | |
7. Total Quantity Appropriated is:
0.400 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
NONE

MICROFILMED
MAR 02 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	25E	29	NW	SW		IRR	40.0
			SW	SW		IRR	40.0
						Section Acres	80.0
		30	NE	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	80.0
						Total Acres	160.0

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:
43-0474, 0199-0200

14. Remarks:

SEE DECREE FOR FURTHER DESCRIPTION OF P. U.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

ALBION-IDAHO LAND CO.
Decree Plaintiff

vs

JOBE ADAMS ET AL AMENDED
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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

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): Art M. Ward Date: 5/25/89

Date: _____

State of Idaho)
County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 25th day
of May 19 89

Robert V. Horstell
Notary Public

Seal

Residing at Twin Falls, Idaho
My Commission Expires 1/16/1995

In Re SRBA	)	Subcase No.: 43-00205
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

Approved as to form _____ Date _____
Attorney for IDWR _____

STANDARD FORM 5

0/15/2001

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

RIGHT NUMBER: 43-205

NAME AND ADDRESS: BEVERLY WARD
1960 S ELBA/ALMO RD
ELBA ID 83342

PAUL A WARD
1960 S ELBA/ALMO RD
ELBA ID 83342

SOURCE: COTTONWOOD CREEK

TRIBUTARY: CLYDE CREEK

QUANTITY: 0.400 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION
RATE OF 2.64 CFS COMBINED RIGHT NOS: 43-200, 43-205 AND 43-474.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION
RATE OF 2.40 CFS. COMBINED RIGHT NOS: 43-200 AND 43-205.

PRIORITY DATE: 04/30/1882

POINT OF
DIVERSION:

T13S R24E S25 NESWNW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 10/31	0.400 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T13S R25E S29	SWSW	29.0	T13S R25E S30	SESE	23.0
---------------	------	------	---------------	------	------

52 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED
TOTAL OF 52 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHTS
43-200 AND 43-205. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 65 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHTS 43-200, 43-205, AND 43-474.

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

THE COMBINED FLOW RATE FOR THE RIGHTS LISTED BELOW INCLUDES 1.36 CFS
FOR CONVEYANCE LOSS BETWEEN THE POINT OF DIVERSION AND THE FIELD
HEADGATE. COMBINED RIGHTS: 43-200, 43-205, 43-328 43-329,
43-330, AND 43-331.

DRAFT

CERTIFICATE OF SERVICE

I certify that on _____, 2001, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Beverly & Paul A. Ward
1960 S. Elba/Almo Rd
Elba, ID 83326

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Signature of person or attorney mailing the form

DRAFT



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

DEPT INTERNET WEB SITE: www/idwr.state.id.us

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 17, 2001

PAUL AND BEVERLY WARD
1960 S ELBA/ALMO RD
ELBA ID 83342

COPY

RE: Objection and Settlement for 43-205 and 43-474

Dear Paul:

As discussed in our telephone conversation, I have enclosed for your use two different forms for each right that are used in the SRBA.

The Standard Form 1 Objection Form (objection form) will alert the court that there is a problem -- however small-- in the way IDWR recommended your water right.

For 43-205 please fill out the objection form, noting item D 2 on page 2. In item E on page 2, the reason should probably be identified as a clerical error.

For 43-474 please fill out the objection form, noting item D 9 on page 2. In item E on page 2, the reason should probably also be identified as a clerical error.

The objection forms need to be notarized and the originals sent to the SRBA Court before the close of the objection period on February 8, 2002. Please follow the instructions for mailing copies of the form found on page 4, the Certificate of Mailing.

The Standard Form 5 (sf5) is the standard settlement agreement form used to resolve objections. Please review the enclosed sf5s carefully, especially the description (recommendation) of your water right (page 2 of the sf5). If the information contained in the sf5 form meets with your approval, please sign the first page and initial the recommendation page. Beverly will also need to sign and initial these forms. Please return the sf5 forms to IDWR in the envelope provided. After the objection period closes in February, IDWR will file the sf5s with the SRBA Court and send you a signed copy. If no other objections to your water right are received, your right will proceed to partial decree based on this corrected recommendation.

Should you have further questions on the recommendation of your right, please call me at 208-736-3033 or contact me through the e-mail address below. For questions regarding the objection or settlement process, please contact Vicki Kelly, Paralegal, at 208-327-5458. Thank you for your assistance in this matter.

Sincerely,

Kelly K Christensen
Sr Water Resource Agent
E-mail address: kchrste@idwr.state.id.us

enclosures

**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

Subcase No.: 43-00205

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

COPY

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

Beverly Ward
Claimant

Date

Paul A. Ward
Claimant

Date

IDWR Concurrence

Date

Approved as to form
Attorney for IDWR

Date

0/15/2001

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

RIGHT NUMBER: 43-205
NAME AND ADDRESS: BEVERLY WARD
1960 S ELBA/ALMO RD
ELBA ID 83342

PAUL A WARD
1960 S ELBA/ALMO RD
ELBA ID 83342

COPY

SOURCE: COTTONWOOD CREEK TRIBUTARY: CLYDE CREEK

QUANTITY: 0.400 CFS
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION
RATE OF 2.64 CFS COMBINED RIGHT NOS: 43-200, 43-205 AND 43-474.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION
RATE OF 2.40 CFS. COMBINED RIGHT NOS: 43-200 AND 43-205.

PRIORITY DATE: 04/30/1882

POINT OF
DIVERSION: T13S R24E S25 NESWNW Within CASSIA County

PURPOSE AND PERIOD OF USE:	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	4/01 10/31	0.400 CFS

PLACE OF USE: IRRIGATION Within CASSIA County
T13S R25E S29 SWSW 29.0 T13S R25E S30 SESE 23.0

52 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED
TOTAL OF 52 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHTS
43-200 AND 43-205. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 65 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHTS 43-200, 43-205, AND 43-474.

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

THE COMBINED FLOW RATE FOR THE RIGHTS LISTED BELOW INCLUDES 1.36 CFS
FOR CONVEYANCE LOSS BETWEEN THE POINT OF DIVERSION AND THE FIELD
HEADGATE. COMBINED RIGHTS: 43-200, 43-205, 43-328 43-329,
43-330, AND 43-331.

COPY

CERTIFICATE OF SERVICE

I certify that on _____, 2001, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Beverly & Paul A. Ward
1960 S. Elba/Almo Rd
Elba, ID 83326

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Signature of person or attorney mailing the form

**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: 43-205

BEVERLY WARD

PO BOX 444

ELBA ID 83326

Telephone Number: (208)638-5526

PAUL A WARD

PO BOX 444

ELBA ID 83326

Telephone Number: (208)638-5526

RECEIVED

JUN 04 2001

**Department of Water Resources
Southern Region**

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:

5/31/01

SIGNATURE:

Paul A. Ward
Paul A. Ward

Please print your name:

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 6, 2001

PAUL A WARD
BEVERLY W WARD
1960 S ELBA/ALMO RD
ELBA ID 3342

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim No. 43-200, 43-205, 43-241,
43-328, 43-329, 43-330, 43-331, 43-474, 43-2337,
43-10176, 43-10177, 43-10619, 43-10620, 43-11147
Change of Address Notification

Dear Claimant(s):

Thank you for notifying us of your change in
Address on the water right claim(s) referenced above.
Our records have been updated accordingly.

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

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301-3380
(208) 736-3033

DIRK KEMPTHORNE
GOVERNOR

KARL J DREHER
DIRECTOR

RECEIVED

MAY 31 2001

Department of Water Resource
Southern Region

CHANGE IN ADDRESS

☐ Water Right Number(s): 43-331, 43-330, 43-329, 43-328.
43-205, 43-200, 43-10176, 43-2337
43-10179, 10177, 10620, 11147, 241, 474

☐ Old Mailing Address:

PO Box 444
Elba

☐ New Mailing Address:

Paul A Ward
Beverly W Ward.
1960 S Elba/Almo Rd Elba 83340

☐ New Telephone Number: (208) 638 - 5526

☐ Signature of Claimant(s):

Paul A. Ward

Date:

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: 5/31/01 By: gawcutt

02/07/2001

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

RIGHT NUMBER: 43-205

NAME AND ADDRESS: BEVERLY WARD
PAUL A WARD
BOX 444
ELBA, ID 83326

VERIFIED BY KKC

SOURCE: COTTONWOOD CREEK

TRIBUTARY: CASSIA CREEK

QUANTITY: 0.4 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION
RATE OF 2.64 CFS COMBINED RIGHT NOS: 43-00200, 43-00205 AND 43-00474

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 2.40 CFS COMBINED RIGHT NOS: 43-00200 AND 43-00205

PRIORITY DATE: 04/30/1882

POINT OF DIVERSION: T13S R24E S25

NESWNW

Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
4-01 10-31

QUANTITY
0.40 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County
T13S R25E S29 SWSW

29

T13S R25E S30

SESE

23

52 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 52 ACRES IN A SINGLE IRRIGATION SEASON
COMBINED RIGHTS 43-00200 AND 43-00205

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 65 ACRES IN A SINGLE IRRIGATION SEASON COMBINED RIGHTS
43-00200, 43-00205, AND 43-00474

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

THE COMBINED FLOW RATE FOR THE RIGHTS LISTED BELOW INCLUDES 1.36 CFS FOR
CONVEYANCE LOSS BETWEEN THE POINT OF DIVERSION AND THE FIELD HEADGATE. COMBINED
RIGHTS: 43-00200, 43-00205, 43-00328 43-00329, 43-00330, AND 43-00331

Water Right Number - R43-00205

Prefix Translation:

RESEARCH

Old (D) Number -

*** C - CURRENT OWNER ***
WARD

PAUL A

1 - BOX 444
2 -
3 -

State- ID Zip- 83326

WARD

BEVERLY

City- ELBA
Phone - 208-638-5526
1 - BOX 444
2 -
3 -

State- ID Zip- 83326

*** O - ORIGINAL OWNER ***
WARD

ART M

1 - BOX 443
2 -
3 -

State- ID Zip- 83326

WARD

BETH P

City- ELBA
Phone - 208-638-5536
1 - BOX 443
2 -
3 -
City- ELBA
Phone - 208-638-5536

State- ID Zip- 83326

Priority Date - - - +
04/30/1882

Region - - - +
17 SOUTHERN

Stage - - - +
D - DECREED

Status - - - +

Source - - - - - +
COTTONWOOD CREEK

Tributary - - - - - +
CASSIA CREEK

Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

13S 24E 25 NE SW NW (31) CASSIA

Code Description Period From Period To Water Use Diversion Rate Diversion Volume

01 - IRRIGATION 04/01 10/31 0.400

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.400 0.0

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
13S	25E	29	SW SW		29.0	01	IRRIGATION	(31) CASSIA
13S	25E	30	SE SE		23.0	01	IRRIGATION	(31) CASSIA

Total Acres: 52.0

VERIFIED BY: KKC

Prefix Translation: RESEARCH

+ - - Diversion Means - HEADGATE, MEASURING FLUME, & DITCH TO PLACE OF USE

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 43-0474, 0199-0200

.....

QNT

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 2.64 CFS COMBINED RIGHT NOS: 43-00200, 43-00205
AND 43-00474.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.40 CFS.

COMBINED RIGHT NOS: 43-00200 AND 43-00205.

POU1

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 52 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHTS 43-00200 AND 43-00205.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 65 ACRES IN A SINGLE IRRIGATION SEASON. A COMBINED RIGHTS 43-00200, 43-00205, AND 43-00474.

EXP

THE COMBINED FLOW RATE FOR THE RIGHTS LISTED BELOW INCLUDES 1.36 CFS FOR CONVEYANCE LOSS BETWEEN THE POINT OF DIVERSION AND THE FIELD HEADGATE. COMBINED RIGHTS: 43-00200, 43-00205, 43-00322, 43-00329, 43-00330, AND 43-00331.

----- Old Water Right Numbers -----

A4300205
4300205

Conditions of Approval

--- Conditions of Approval ---
No Conditions of Approval found

Decree Plaintiff	Decree Defendant	Decree Date
ALBION-IDAHO LAND CO.	JOBE ADAMS ET AL AMENDED	00/00/0000

Date:	01/04/1996	User Id:	FHITCHCO	Subject:	COPIED FROM REMARKS
SEE DECREE FOR FURTHER DESCRIPTION OF P. U.					
OWNERSHIP CHANGE 01-04-1996 BY FH					

```

+ - - Audit Fields - - +

```

+-----Adjudication Rights Dates and Flags Area-----+

Court Report Filing	- 00/00/0000	Field Inspection Made	- 09/07/1994	Civil Case Number	- 39578
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 04/12/2000	Old Judicial District	-

AJ0743NP
(OD-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

04/13/00 13:39:22
Page 3

Water right number - R43-00205

Prefix Translation: RESEARCH

+ Adjudication Rights Dates and Flags Area +
Claim Received Date - 05/25/1989 Last Amended Date - 00/00/0000 Temporary Right - P
Receipt Number - M003703 Water District - 43C
POU Ownership Flag - Y Federal/State Indicator - S
Name Connector - AND/OR Presumption Flag -
Notice of Error Flag -

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

15:22:30
04/12/00

PAGE: 2
QUICKLOOK INFORMATION

2
CLAIM NUMBER: A43-00205

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE								
POINT OF DIV								
SOURCE								
PLACE OF USE								
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE								
PURPOSES OF USE								
PERIOD OF USE								
BASIS OF CLAIM								
REMARKS								

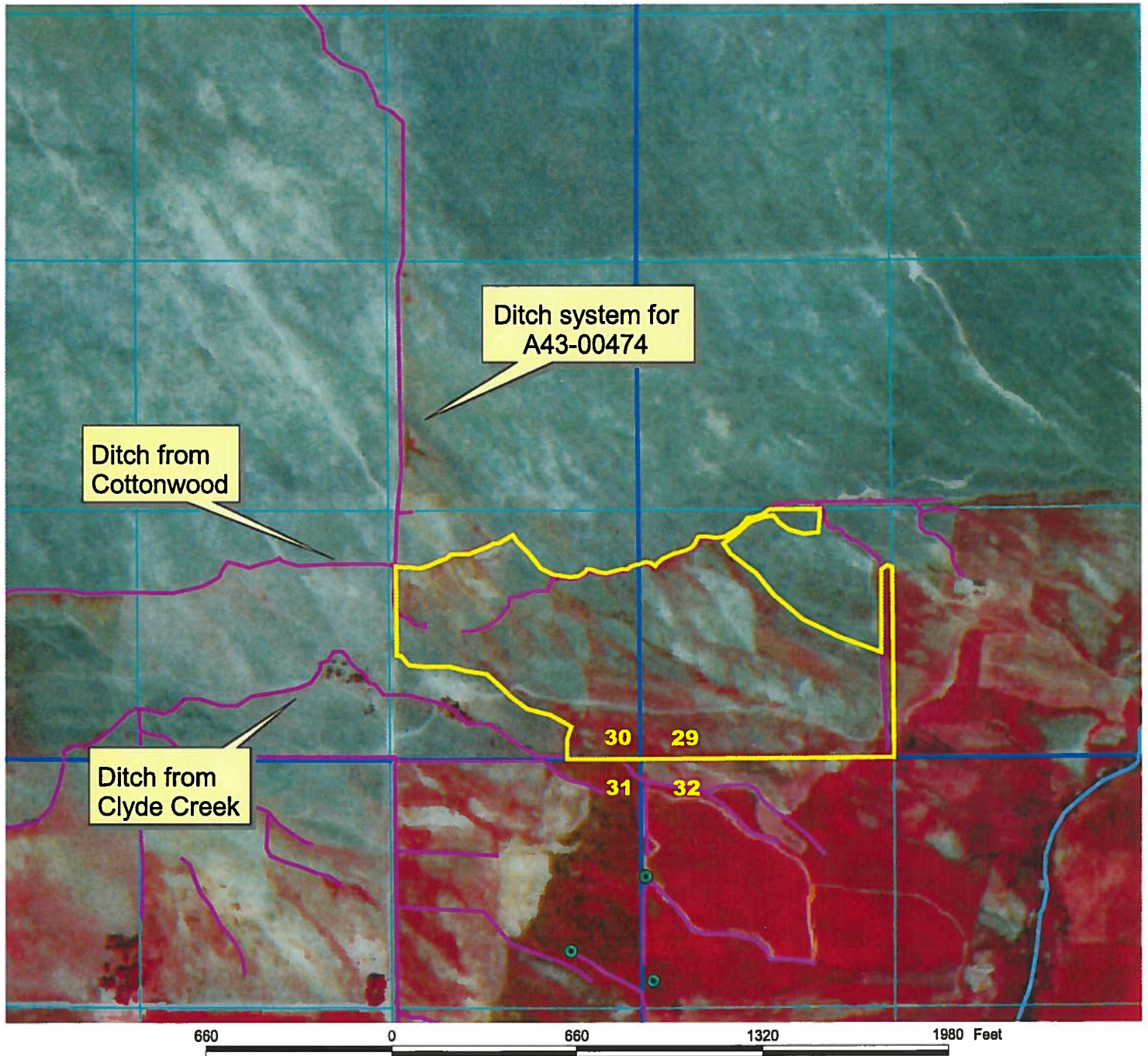
This right is part of a common system with 43-00200. Field exam information, attachments and pictures are in that file.

KKC472-00

no other pages of CVR retained.

BARCODE UPDATED
WHOM/DATE

PLACE OF USE FOR 43-00200 & 43-00205

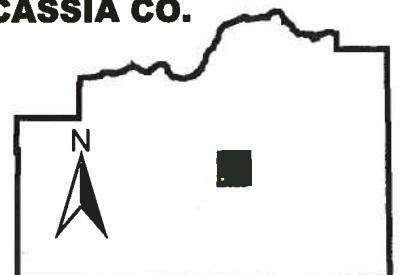


PLACE OF USE
TWP 13S RNG 25E, SEC 29 & 30
data entry on: February 24, 2000

GIS PLACE OF USE PRESENTATION
1987 AND/OR 1988 NAPP PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

- POINT OF DIVERSION
- PLACE OF USE
- SECTION LINES
- QUARTER/QUARTER LINES

CASSIA CO.



Ward

CLAIM NUMBERS

Spring Source = 43-00474

Cottonwood Source = 43-00200 43-00205

DATE 2-17-00

AGENT KKC

TRANSFER NUMBER

HOMESTEAD ENTRY NO.

CLAIMED ACRE TOTAL

16.0

GEOGRAPHIC INFO ACRES

6.5

	TNS	RNG	SEC	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM	13S	25E	29									40	40						80
GIS			29									-0-	28.5						
RECOM			29										29						29
43-00474																			
CLAIM	13S	25E	30													40		40	80
GIS			30													10.3		26.1	
RECOM			30													10		26	36
CLAIM	13S	25E	29									40	40						
GIS												-0-	28.5						
43-00200												-0-	29						29
43-00205																			
CLAIM	13S	25E	30													40		40	
GIS																10.3		22.8	
RECOM																-0-		23	23
																	total		52

B43-POU.SHP

SHAPE NOS.
43-00474
164- only

165- All 3 claims

43-POD.SHP

NOS. DESCRIPTION

96 Sec 19 SW SE SW } SPRINGS
97 Sec 19 SW SE SW }
98 Sec 19 SW SE SW }
99 Sec 19 SE SE SW }

P/U analysis: Spring water under 43-00474 can irrigate all of the bound place of use, whereas Cottonwood water under 43-00200 and 43-00205 enters the property South (down hill) from the entry point for the spring system and can only irrigate a portion of the bound P/U. Therefore two polygons were created.

P/D analysis for 43-00474: The delivery ditch cuts across 4 spring channels at or near the spring sources. Therefore I am recommending 4 P/Ds and springs as the source. All 4 springs are within 850± ft of each other.

P/D analysis for 43-00200 & 43-00205: The Source is Cottonwood and the main ditch is approximately 3100^{meters} from the P/D to the P/U. Other rights near the P/D share this ditch (also owned by Ward)

33 { Cottonwood
Sec 25 NE SW NW }

DBF TABLES UPDATED

B43-DBPOU.DBF ✓

B43-DBPOD.DBF ✓

JPEG LAYOUT 2-18-00 43-00474 WARD

ORIGINAL
IN 43-00474

Claims diverting from Cottonwood Creek and sharing a common ditch

Claimant	Rights	decreed Rate	Found Irrigated Acres	Rate at 0.02 cfs/acre
Paul Ward HES-104				
	43-00241	0.60	89.5	1.79
Golden Gardner				
	43-00325	0.50	74.0	1.48
	43-00326	2.70		
Paul Ward P/U 2				
	43-00200	2.40	52.0	1.04
	43-00205	0.40		
Paul Ward, Home				
	43-00328	0.60	34.0	0.68
	43-00329	1.00		
	43-00330	0.40		
	43-00331	0.48		

The delivery system is an earth ditch approximately 12,898 feet long. For this analysis the delivery system is divided into 3 reaches based upon each irrigation system's diversion from the main ditch.

Paul Ward system HES-104 irrigates ground at the point of diversion and no conveyance losses are attributed to this system or right (43-00241).

Reach 1 goes from the P.D to Gardner's diversion system. Paul Ward's other two systems and Gardner's system share the conveyance losses for this reach.

Reach 2 goes from the Gardner diversion to Ward's P/U 2 diversion point. This reach is shared by the two remaining Ward systems.

Reach 3 goes from Ward's P/U 2 diversion to Ward's home diversion. All of this reach is for the home system.

Reach 0

HES-104 = No conveyance losses assigned.

	Reach 1 = 5248 Loss = 1.59 Percent share	Reach 2 = 5136 Loss = 0.78 Percent share	Reach 3 = 2550 Loss = 0.13 Percent share	Individual System Total
Gardner	1.48 0.74			0.74
P/U 2	1.04 0.52	1.04 0.47		0.99
Home	0.68 0.34	0.68 0.31	0.68 0.13	0.78
total delivery =	3.20	1.72	0.68	2.50
share total =	1.59	0.78	0.13	2.50

Total Diversion Rate Recommendation by System

	Recomm endation @1"/acre	variance from decree	Rec. rate including conveyance losses		Recomm endation @1"/acre	variance from decree	Rec. rate including conveyance losses		Recomm endation @1"/acre	variance from decree
Ward HES-104				Ward P/U 2				Ward Home		
43-00241	0.60	0.00	0.6	43-00200	1.04	* 0.40	2.40	43-00328	0.60	0.00
Gardner				43-00205	0.40	0.00	0.40	43-00329	1.00	0.00
43-00325	0.50	0.00	0.5					43-00330	0.40	0.00
43-00326	1.48	(0.48)	2.22					43-00331	0.48	0.00

The recommended rate represents either the decreed rate or the found acres @ 1 inch /acre plus the proportional conveyance losses. This calculation has been made on a claim by claim basis.

4-10-2000 By Kelly K Christensen
P/D: TWP 13S, RNG 24E, SEC 25 NESWNW
Excel spreadsheet
File: Cottonwood Conveyance Calc.

The Ward home system from Cottonwood also overlaps with delivery system from Cassia Creek through the Rice-Lessey Ditch. This same system is operated in conjunction with the Ward P/U 2 system.

* Therefore the conveyance losses are treated as a combined system and are identified under 43-00200 for that portion that does not exceed the decreed rate for that right.

CONVEYANCE LOSS - WORSTELL

NAME OF DITCH: Cottonwood ditch BY: kkc DATE: 3-17-00
 Shared by Ward (3 systems); Gardiner (1 system)

REACH	LENGTH (FT)	AVE WIDTH (FT)	SEEPAGE (FT/DAY)	WORSTELL LOSS (CFS)	DELIVERY (CFS)	DELIVERY LEFT (CFS)	LOSS FACTOR	DELIVERY LOSS (CFS)	FLOW (CFS)
1	5248	4.0	6.00	1.59	0.60	4.18	0.3806	0.23	6.68
2	2100	3.0	6.00	0.48	1.76	3.58	0.1334	0.90	4.49
3	3000	2.0	4.00	0.30	1.04	1.82	0.1666	0.71	2.25
4	2550	1.0	4.00	0.13	0.78	0.78	0.1652	0.66	0.91
5				0.00		0.00	0.0000	0.00	0.00
6				0.00		0.00	0.0000	0.00	0.00
7				0.00		0.00	0.0000	0.00	0.00
8				0.00		0.00	0.0000	0.00	0.00
9				0.00		0.00	0.0000	0.00	0.00
10				0.00		0.00	0.0000	0.00	0.00
11				0.00		0.00	0.0000	0.00	0.00
12				0.00		0.00	0.0000	0.00	0.00
13				0.00		0.00	0.0000	0.00	0.00
14				0.00		0.00	0.0000	0.00	0.00
15				0.00		0.00	0.0000	0.00	0.00
16				0.00		0.00	0.0000	0.00	0.00
17				0.00		0.00	0.0000	0.00	0.00
18				0.00		0.00	0.0000	0.00	0.00
19				0.00		0.00	0.0000	0.00	0.00
20				0.00		0.00	0.0000	0.00	0.00
TOTALS	12898			2.50	4.18			2.50	

REACH = SECTION OF CHANNEL

LENGTH = LENGTH OF REACH, THE CHANNEL CAN BE DIVIDED INTO EQUAL LENGTH REACHES
 OR ACTUAL LENGTHS BETWEEN DELIVERY POINTS

AVE WIDTH = AVERAGE TOP WIDTH OF WATER SURFACE IN REACH

SEEPAGE = SOIL SEEPAGE RATE OF REACH

WORSTELL LOSS = CONVEYANCE LOSS IN REACH BASED ON WORSTELL METHOI

DELIVERY = TOTAL DELIVERIES IN REACH

DELIVERY LEFT = SUM(DELIVERIES OF CURRENT AND REMAINING REACHES)

LOSS FACTOR = WORSTELL LOSS/DELIVERY LEFT

DELIVERY LOSS = SUM(LOSS FACTORS OF CURRENT AND PREVIOUS REACHES) X DELIVERY;
 REPRESENTS THE LOSSES ASSIGNED TO THE DELIVERIES IN THE REACH;
 IF MULTIPLE RIGHTS WITHIN REACH, DELIVERY LOSSES SHOULD BE
 PRORATED BASED ON SIZE OF DELIVERY FOR EACH RIGHT WITHIN REACH

FLOW = TOTAL FLOW AT BEGINNING OF EACH REACH

Canal runs through two soil types that have basically the same soil types with regards to the ditch size.

Soil types found in the "Soil Survey of Cassia County, Idaho, Eastern Part

~~Soil type 49 Declo 0-8 slit loam Pg 335~~

~~8-16 loam, silt loam~~

~~16-60 silt loam, very fine sandy silt loam~~

Soil type 85 Jett ~~0-27 silt loam Pg 364~~

~~27-50 silt loam~~

From Guidelines for the evaluation of irrigation diversion rates (HUBBLE ANALYSIS)

Page 35 seepage rates "I" values

Sandy Loam 0.75 - 1.00

Claims diverting from Cottonwood Creek and sharing a common ditch

Paul Ward HES-104	Golden Gardner	Paul Ward P/U 2	Paul Ward, Home
43-00241	43-00325	43-00200	43-00328
	43-00326	43-00205	43-00329
			43-00330
			43-00331

Four systems share the ditch diverting water from Cottonwood Creek at TWP 13S, RNG 24E, SEC 25 NESWNW.

Paul Ward owns three parcels with independently decreed rights and Golden Gardner owns one system. Conveyance losses were calculated for the ditch, based upon estimated ditch width and soil properties obtained from the "Soil Survey of Cassia County, Idaho, Eastern Part" issued August 1994. See the Excel Spreadsheet dated 3-17-2000 (heading = **CONVEYANCE LOSS – WORSTELL**). Total conveyance losses were calculated to be 2.50 cfs

A second Excel Spreadsheet, **Claims diverting from Cottonwood Creek and sharing a common ditch** dated 4-10-2000 is an interactive spreadsheet that calculates the proportional share for each system based upon the reach and irrigation requirements at 1 inch per acre for the found irrigated acres.

Starting at the point of diversion and going downstream, the four systems are identified as follows Paul Ward HES-104, Golden Gardner, Paul Ward P/U 2, and Paul Ward home.

Paul Ward HES-104

As the place of use for Paul Ward HES-104 begins near the point of diversion, no conveyance losses are assigned for this system (claim).

Gardner system

The Gardner system has a 0.74 cfs proportionate share of the conveyance losses calculated for reach 1. I found 74 irrigated acres, which equates to 1.48 cfs at 1 inch per acre. 43-00325 was decreed for 0.50 cfs, which is less than the irrigation requirement for the found acres. This right is recommended in its entirety. 43-00326 has a later priority date and was decreed for 2.70 cfs. I am recognizing 1.48 cfs (irrigation requirement) and 0.74 cfs (conveyance loss) for a total of 2.22 cfs. The balance of the decreed rate is determined to be forfeited.

The decreed place of use not being recommended is;

1. the ground north and up hill of the ditch,
2. the ground southeast of a ditch coming from Clyde Creek and going to the Nelson and Nye properties in section 31,

3. a small area northwest of that same ditch and
4. a 3.7 acre knob in the SWSW of sec 30.

The 1976 orthophotograph and the 1987-88 NAPP photography both show the same non-irrigated place of use.

Paul Ward P/U 2 and Home

The two systems listed above are joined together along the eastern border of the SWSW of sec 29 and they have historically been operated as a combined system. The ditch carrying water across the decreed place of use for P/U 2 to the Home place of use is also the supply ditch for irrigation of the P/U 2 place of use. A portion of 43-00200 has historically been used as conveyance loss for the use of water rights decreed to the 34 acres of the Home place of use west of Cassia Creek. 1.04 cfs is the irrigation requirement for P/U 2 and an additional 0.99 cfs is recognized for conveyance loss which totals to 2.03 cfs. The balance of the decreed rate ($2.40 - 2.03 = 0.37$ cfs) is available for conveyance loss under the combined usage with the Home place of use rights. The conveyance loss calculations found 0.78 cfs appurtenant to those rights. As the decree for 43-00200 was for 2.40 cfs, that is the maximum that can be recognized under that right.

April 12, 2000

By Kelly K Christensen

File: Cottonwood Creek conveyance loss