

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: A43-00272
Date Received: 4/12/1989
Receipt No: 5007380
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CHARLES R. WARD 208-645-2576
Address: H.C. 61 BOX 1206
MALTA, ID 83342

AND/OR

Name: JANET O. WARD 208-645-2576
Address: H.C. 61 BOX 1206
MALTA, ID 83342

2. Date of Priority: APR 30, 1872

3. Source: CASSIA CREEK Trib. to: RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13S	26E	20	NW	SW	SW		CASSIA
			SE	SW	SW		CASSIA

5. Description of diverting works:
TWO HEADGATES & DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.000		

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

8. Total consumptive use is 816.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A43-00272

Page 1

Date: 04/12/89

MICROFILMED

MAR 02 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	26E	20	NE	SW		IRR	32.0
			SE	SW		IRR	34.0
			NE	SE		IRR	37.0
			NW	SE		IRR	30.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	213.0
		21	SW	NW		IRR	20.0
			NW	SW		IRR	39.0
						Section Acres	59.0
						Total Acres	272.0

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:
A43-00272, 00273, 00274 & 02558

14. Remarks:

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

ALBION-IDAHO LAND CO.
Decree Plaintiff

vs

JOBE ADAMS ET AL
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): Charles Briggs Date: 5/30/89
[Signature] Date: 5/30/89

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 30th day

of May 19 89

Seal

Steve Call
Notary Public

Residing at Twin Falls
My Commission Expires Dec 7, 1994

12/14/2000

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

RIGHT NUMBER: 43-272

NAME AND ADDRESS: CHARLES R WARD
JANET O WARD
2075 E 1700 S
MALTA, ID 83342

VERIFIED BY *KKC*

SOURCE: CASSIA CREEK TRIBUTARY: RAFT RIVER

QUANTITY: 1 CFS

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE
THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 43-272, 43-273,
43-274, 43-2558, AND 43-10268.

PRIORITY DATE: 04/30/1872

POINT OF DIVERSION: T13S R26E S19 LOT 3 SENWSW Within CASSIA County
T13S R26E S19 NESESE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-31	1.00 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T13S R26E S20	NESW	18	T13S R26E S20	SESW	26
T13S R26E S20	NESE	33	T13S R26E S20	NWSE	28
T13S R26E S20	SWSE	30	T13S R26E S20	SESE	31
T13S R26E S21	NWSW	21			

187 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 187 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS. 43-272, 43-273, 43-274, 43-2558,
AND 43-10268.

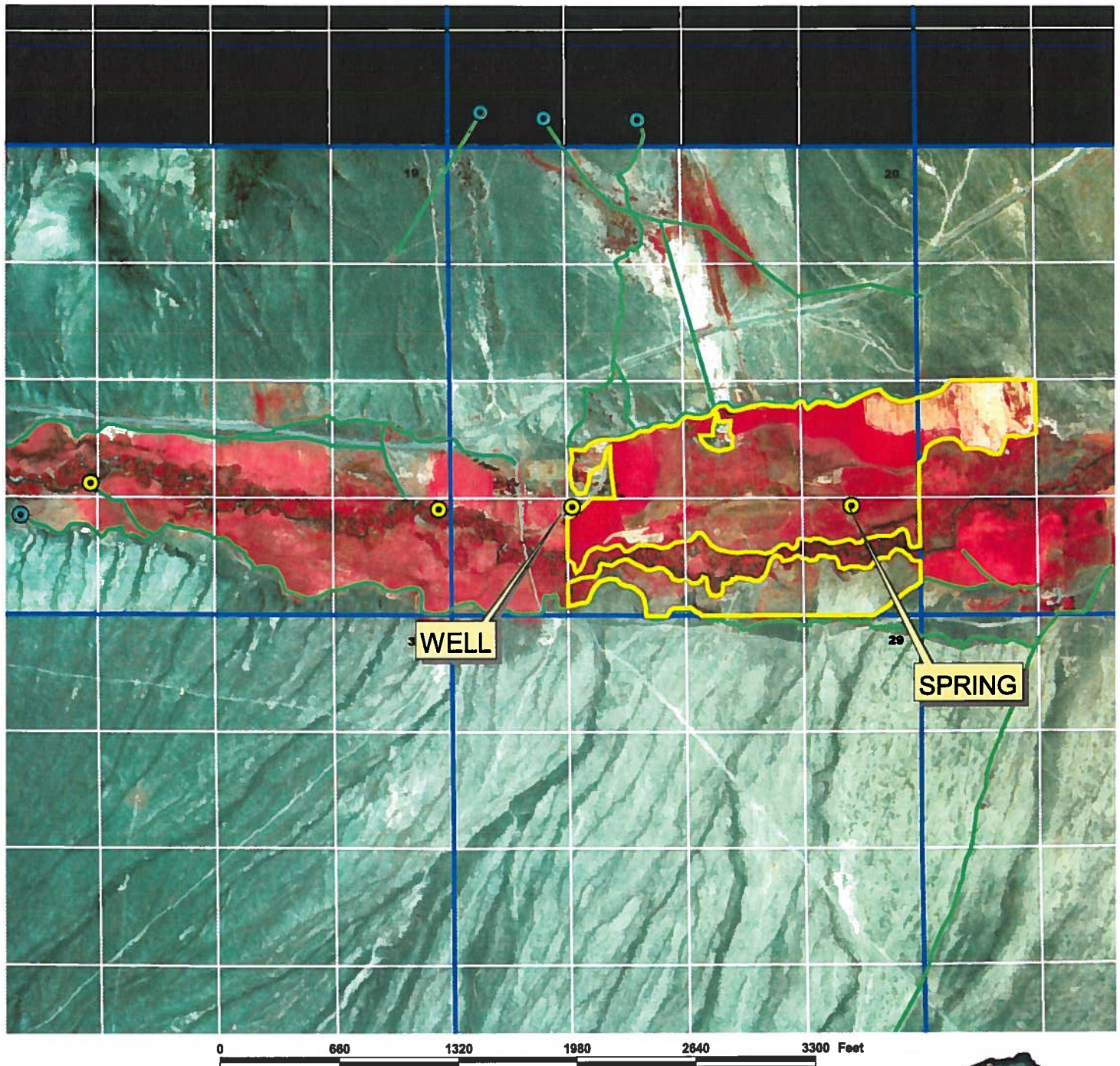
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 166 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS. 43-272 AND 43-273.

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

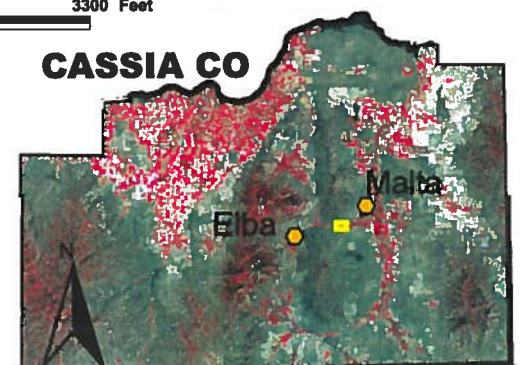
RECOMMENDED PLACE OF USE FOR 43-272, 43-273, 43-2558 AND 43-10268



PLACE OF USE
TWP 13S, RNG 26E, SEC 20 & 21
Data entry on December 15, 2000

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

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



**Idaho Dept of Water Resources
Claims review notes and narrative**

**Date: 11-27-2000
12-15-2000**

File: 43-272 ward sys analysis and prelim review

Prepared by Kelly K Christensen

PRE EXAM REVIEW

POST EXAM ANALYSIS

43-272, 43-273 claimed from Cassia Creek on the decreed place of use and an additional forty acre tract (NWSW Sec 21). A portion of that quarter has been licensed for irrigation under 43-2558 (groundwater source).

Basis of recommendation:

I am recommending the Cassia Creek rights from two points of diversion that allows irrigation on both sides of Cassia Creek. The riparian area surrounding Cassia Creek is not irrigated or recommended. Rice Springs water is delivered into the north side delivery system and can irrigate all of the same acres north of Cassia Creek. The ground south of Cassia Creek is currently marginally irrigated. Charles indicated that there have been problems with the shared ditch and that he often does not get any water to irrigate with. The recommended PP/U is for all irrigated acres with the Cassia Creek decreed rights and limited to the irrigated acres within the decreed place of use.

43-274 was claimed for irrigation, stockwater, and domestic uses. The domestic and stockwater uses are not part of the decreed uses and therefore are not recognized under this right.

For irrigation uses, it was claimed from Warm Creek / Rice Springs on the decreed place of use plus two additional quarters. The decree lists Warm Creek as the source. Added ground is the NENW Sec 20 and the NWSW Sec 21.

In reviewing the 1962, 1968, and 1987 aerial photography there is no clear indication of an irrigation system in the NENW Sec 20.

The NWSW Sec 21, again, was apparently developed under 43-2558 and this use expanded onto that ground.

The stockwater use is claimed in the NENW of Sec 19 and W $\frac{1}{2}$ NW $\frac{1}{4}$ of Sec 21 all that is Blm ground. Remarks in the claim seem to indicate that a pipeline watering system was developed. If so this would indicate a separate system and use (in essence a new claim).

The domestic/stockwater use also appears to be in a pipeline that may or may not be independent of the other stockwater uses. Additional information needed as of 11-27-2000.

Basis of recommendation:

After visiting with Charles Ward, I am recommending this right for the ground North of Cassia Creek and south of the Cassia Creek ditch recommended under the other 2 decreed rights. I am not recommending any irrigation at the spring source. Charles Ward stated that he is the only person that diverts water from this source.

The domestic and stockwater uses were developed through two different systems and at different times. Therefore I have split those uses off this claim and am recommending them as follows.

43-11293 for domestic and stockwater with a 1938 priority date.

43-11297 for stockwater with a 1956 priority date.

The recommendations are based upon information supplied by Charles Ward.

43-2558 is a licensed groundwater right. The field examination was conducted in 1968. The licensed place of use overlaps with the decreed place of use and adds ground in Sec 21. The ground in the SWNW of Sec 21 does not appear to be irrigated. (Possible unrecorded transfer to other ground under the surface water claims?)

The licensing field exam identifies ground on both sides of Cassia Creek as the irrigated place of use but smaller than the ground identified under the claimed place of use for the decreed rights.

Basis of recommendation:

I am recognizing an unrecorded transfer for licensed acres in the SWNW of Sec 21. The recommended PP/U exceeds the licensed acre total, therefore I am recommending this right with a place of use limit of the licensed acreage.

43-10268 is a beneficial use claim for wastewater and "spring" water for use on ground already covered by the licensed and decreed rights. Evidence of priority pending investigation. Delivery system not clear. For additional information see the narrative from Steve Clelland dated 1-10-1992 describing some of the system and its operation.

Basis of recommendation:

I am recommending the spring water source only. As the waste water is from the other rights recommended on this PP/U and is being reapplied onto ground within the same PP/U. After visiting with Charles Ward and reviewing the place of use in ArcView with him, I am recommending 4 acres as being irrigated with the spring water at 1½ inch per acre (recommendation is less than 5 acres). The recommended place of use is for 4 acres within the PP/U north of Cassia Creek.

Questions

43-274 source = Warm Cr Rice Sp.
claimed use = irr, stock, Dom

found

- 1 stock system sec 19 developed 1956
- 1 Dom/stock (sec 21 NW NW) developed 1938
- 1 irr system

dr Questions.

1. limit to acres N of Cassia Cr only?
2. do there an irr system at the spring location in NENW & MWNE? it appears that the "irrigated" ground is just natural runoff.
3. do any of the SWNW irrigated?
all photos indicate no irrigation (assume accomplished transfer for GW right?)

Surface Water Rts
 272-273-274-10268
 2558-G.W.

274 Rice SP
 1.50 CFS

272 Cassia Cr 1.00 CFS
 273 " " 1.50 CFS
2.50 CFS

272 ac

187 ac

.02 CFS/AC

+ 274 .50 CFS

3.74 CFS

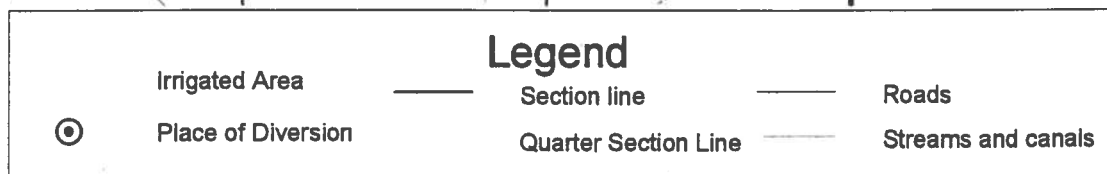
Wadsworth Sp/ 3.00 CFS
 10268 .08 CFS 4 ac

Surface water rights combined
 do not exceed 1" per ac

2558 1.54 CFS

4.62 CFS Total (exceeds 1" AC for the 187 for the ac)

Stockwater P/D
Township, 13S26E
QDom P/D & new Point of Div.





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

December 11, 2000

CHARLES WARD
2075 E 1700 S
MALTA ID 83342

RE: ADJUDICATION REVIEW OF 43-272, 43-273, 43-274, 43-2558, AND 43-10268

Dear Charles

You left your copies of the amended claim 43-110 and the new claim 43-214 in my office. I am returning them to you.

I also have additional questions concerning the west farm. I have enclosed a map with 4 questions listed on it. I believe that we can resolve the questions over the phone with this map. I will give you a call on Wednesday or Thursday so that we can discuss the issues.

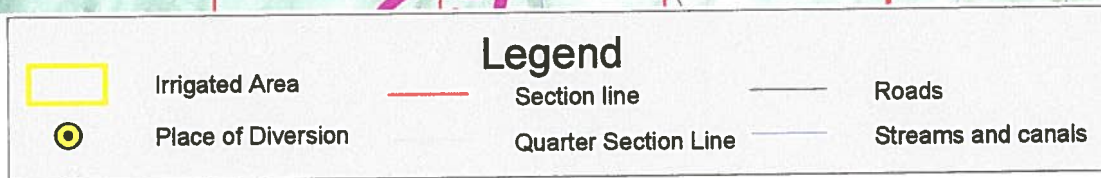
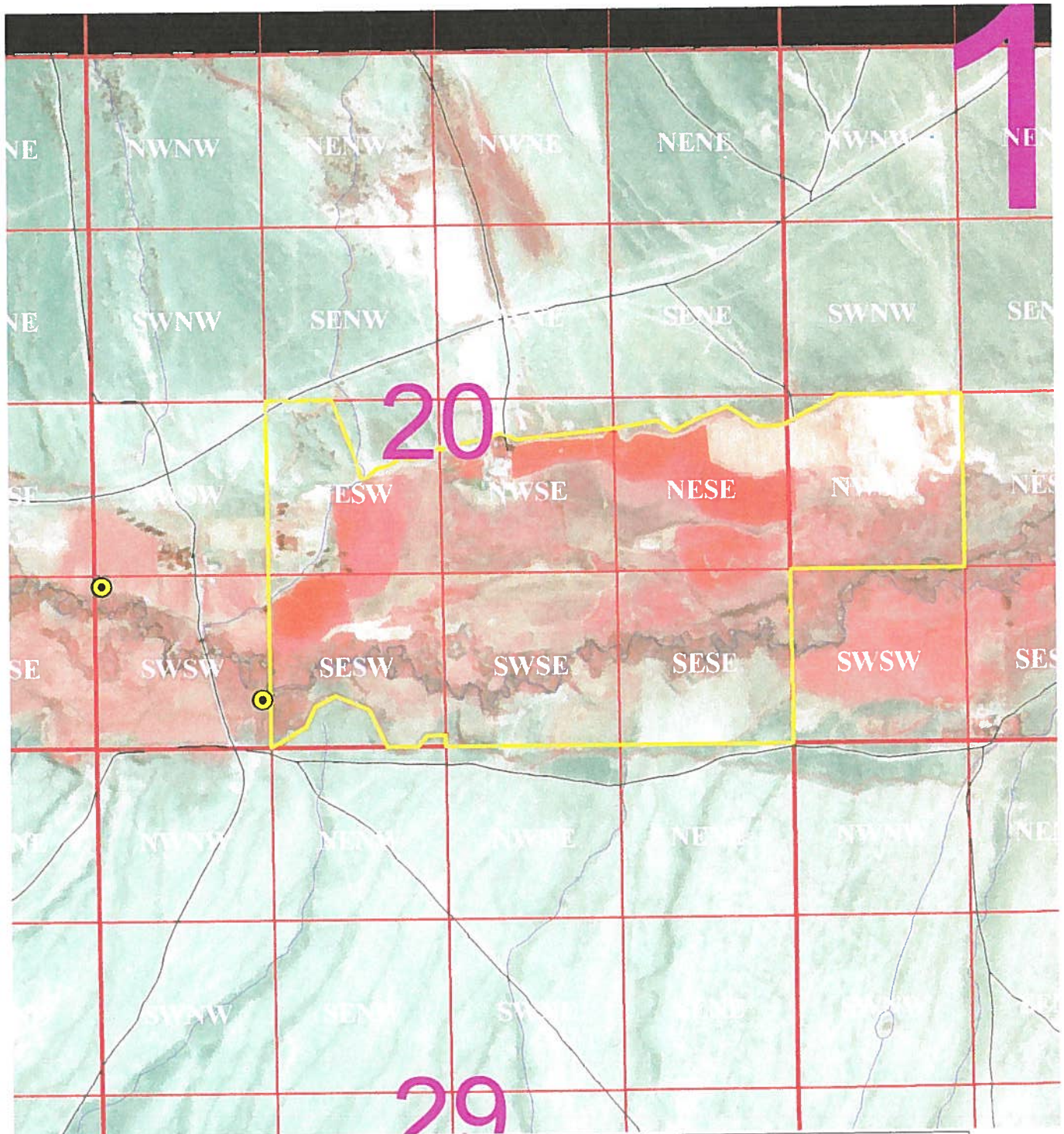
I have roughed out the ground that I believe to be irrigated on either side of Cassia Creek. At this point I have excluded the riparian area surrounding Cassia Creek. Again, this is just a preliminary (and rough) sketch of my analysis of your system pending my visit with you.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

Enclosures

Township , 13S26E



Log for claim A43-00272

Spatial Dynamics LRR

1/27/00

T	R	SEC	QQ	Acres Claimed	Acres Found	COMMENT
13	26	20	NESW	32	32	
13	26	20	SESW	34	35	
13	26	20	NESE	37	34	
13	26	20	NWSE	30	31	
13	26	20	SWSE	40	40	
13	26	20	SESE	40	40	
13	26	21	SWNW	20	0	No apparent use
13	26	21	NWSW	39	39	
Totals:				272	251	