

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: A43-00274
Date Received: 4/12/1989
Receipt No: 5007380
Received By: GCC

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: WARM CREEK Trib. to: CASSIA CREEK
RICE SPRINGS WARM CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13S	26E	17	SW	SE	SW		CASSIA

5. Description of diverting works:
CHECKDAM TO DITCH & PIPELINES AT SPRINGS TO STOCK & HOUSE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.500		
STOCKWATER	01/01	12/31	0.040		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 876.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/ 1 HOUSE & 1 TRAILER HOOKUP, S/ 200 RANGE

A43-00274

Page 1

Date: 04/12/89

COPY

MICROFILMED

MAR 02 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres	
13S	26E	19	NE	NW		STOCK		
			NE	NW		IRR	20.0	
		20	NE	SW		IRR	32.0	
			SE	SW		IRR	34.0	
			NE	SE		IRR	37.0	
			NW	SE		IRR	30.0	
			NW	SE		DOMEST		
			NW	SE		STOCK		
			SW	SE		IRR	40.0	
			SE	SE		IRR	40.0	
		Section Acres						233.0
		21	NW	NW		STOCK		
			SW	NW		IRR	20.0	
			SW	NW		STOCK		
NW	SW			IRR	39.0			
Section Acres						59.0		
Total Acres						292.0		

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
A43-00272, 00273, 00274, 02558

14. Remarks:
RT. IS FOR ENTIRE FLOW OF SAID WARM CREEK; RICE SPRINGS IS AT THE HEAD OF THE CREEK.
TROUGHES LOCATED IN NWNW S. 21 & NENW S.19 IS BLM LAND WHICH CLAIMANT HAS RANGE RIGHTS & DEVELOPED THE WATER SYSTEM.

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 R. Ward 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

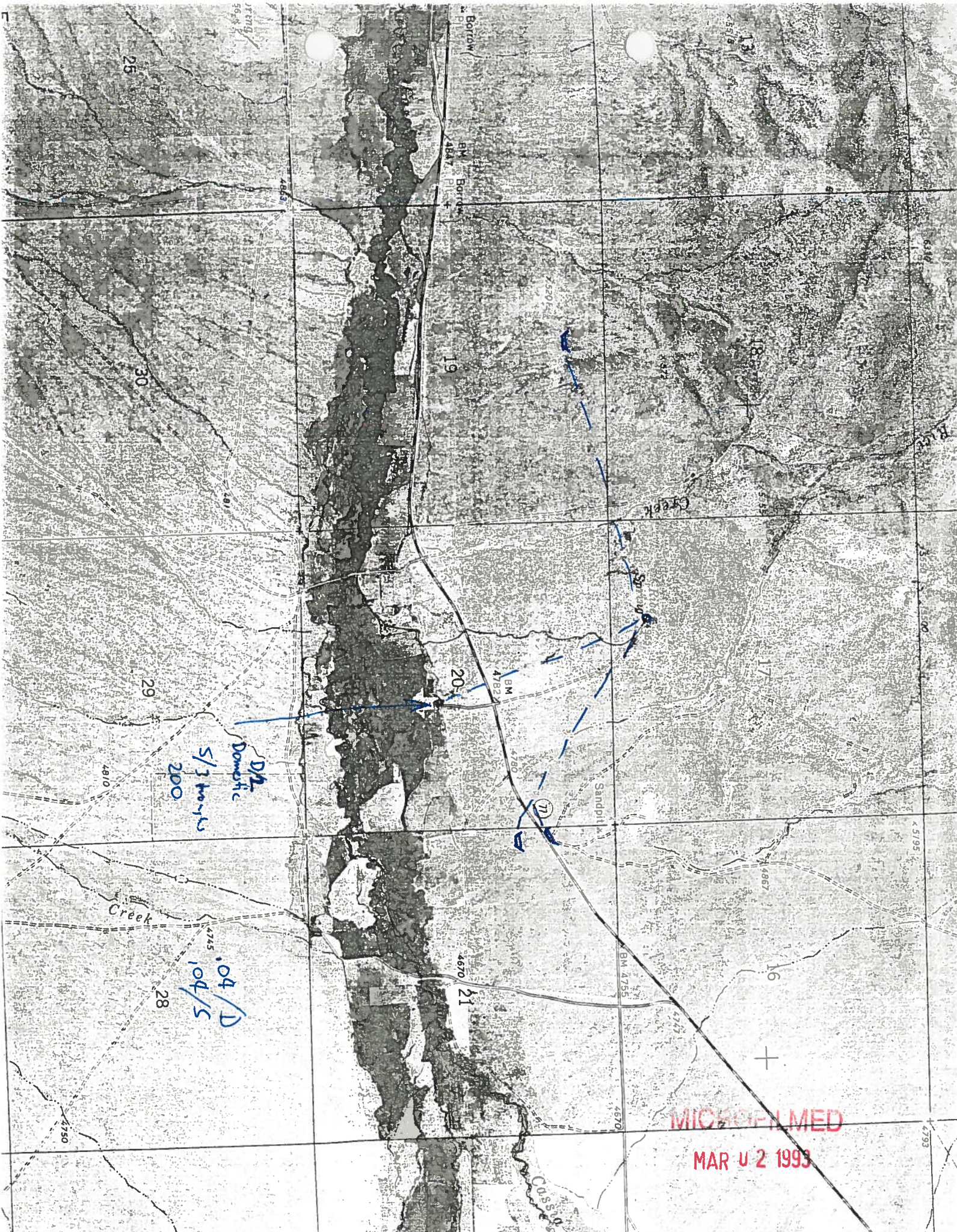
of May 19 89

[Signature]
Notary Public

Seal

Residing at Twin Falls

My Commission Expires Dec 7, 1994



MICROFILMED
MAR 12 1993

12/15/2000

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

RIGHT NUMBER: 43-274

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

VERIFIED BY KKC

SOURCE: RICE SPRINGS TRIBUTARY: CASSIA CREEK

QUANTITY: 0.5 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 S17 SESESW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04-01 10-31	0.50 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T13S R26E S20	NESW	18	T13S R26E S20	SESW	17
T13S R26E S20	NESE	33	T13S R26E S20	NWSE	28
T13S R26E S20	SWSE	17	T13S R26E S20	SESE	14
T13S R26E S21	NWSW	21			

148 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.

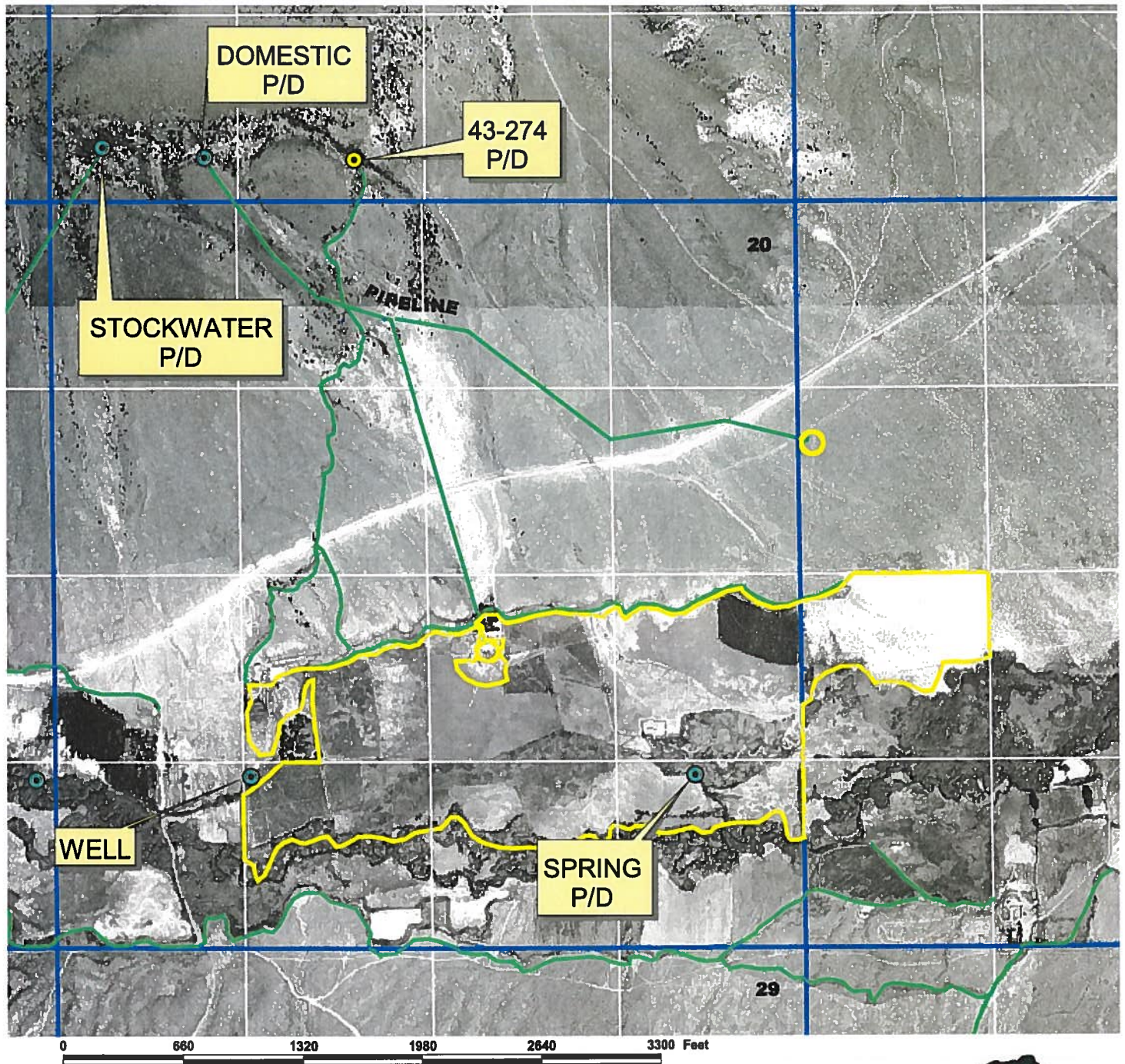
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 127 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

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

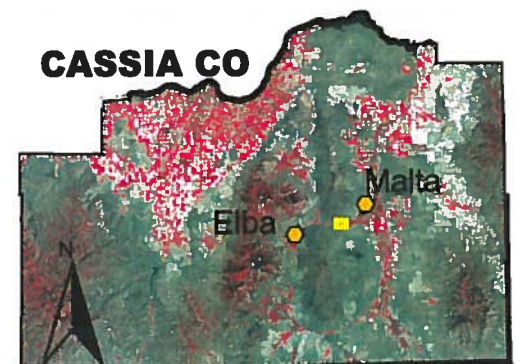
RECOMMENDED PLACE OF USE FOR 43-274



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

GIS PLACE OF USE PRESENTATION
1962 ASCS 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.

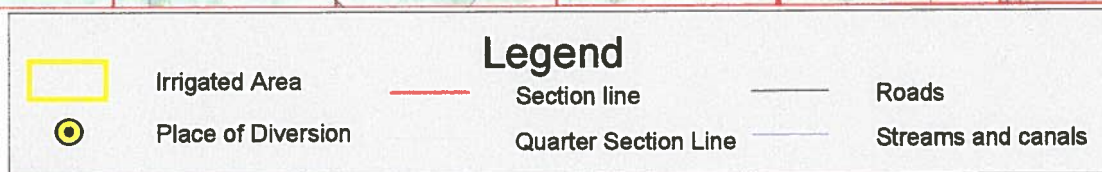
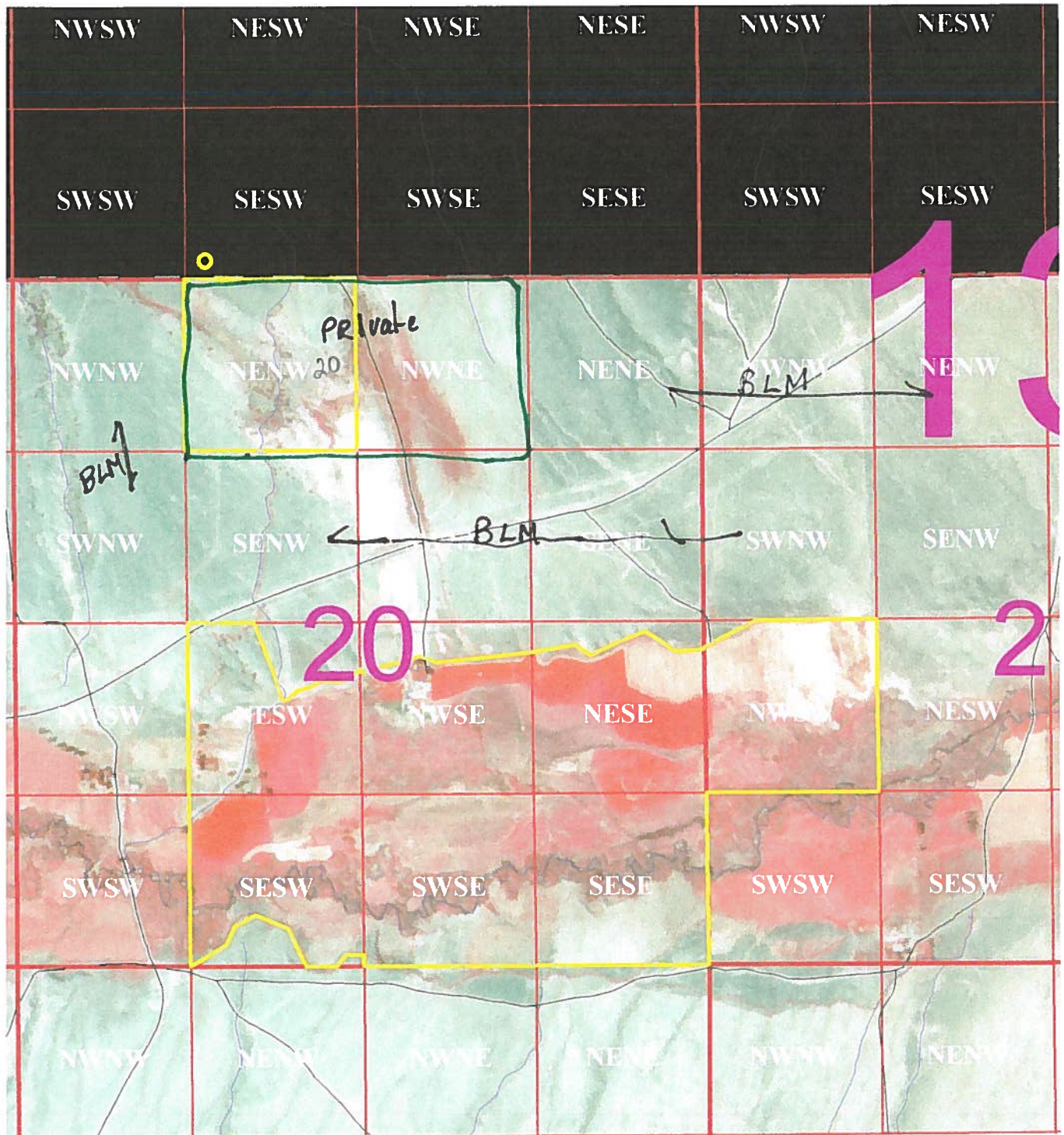
Basis of recommendation:

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.

Water Right Claim Number A43-00274

01/27/2000

Township , 13S26E



400 0 400 800 1200 1600 2000 Feet



0274

See Right No
43-0274

superseded by Albee
Idaho Land Co. vs
Adams decree dated
10-23-1928

S T A T E O F I D A H O .

-----OFFICE OF STATE ENGINEER-----

CERTIFICATE NO. 165, AUTHORIZING TRANSFER OF WATER RIGHT.

Permission is hereby granted William K. Rice, of Conant, County of Cassia, State of Idaho, to transfer the use of one hundred sixty (160) inches of the waters of Warm Springs and Warm Springs Creek, in the County of Cassia and State of Idaho, from the lands upon which it is now used, i.e., NE $\frac{1}{4}$ of SW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 20, T. 13 S., R. 26 E.B.M., to the following described lands, to-wit: W $\frac{1}{2}$ of NW $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$ and SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 20, T. 13 S., R. 26 E.B.M., said water to be diverted in the SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 17, T. 13 S., R. 26 E.B.M.

The water right appurtenant to the above described lands was adjudged by decree, dated September 30, 1893, of C.O. Stockslager, Judge of the District Court of the Fourth Judicial District of the State of Idaho, in the matter of J.M. Darby, et al, plaintiffs, vs. E.D. Jones, et al, defendants.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, this 22nd day of September, 1915.

J.H.SMITH,

State Engineer.

SEAL.

RECORDED

Log for claim A43-00274

Spatial Dynamics LRR

1/27/00

T	R	SEC	QQ	Acres Claimed	Acres Found	COMMENT
13	26	20	NENW	20	40	Indiscernible
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	No apparent use
13	26	21	SWNW	20	0	
13	26	21	NWSW	39	39	
Totals:				292	291	

William H. Rice, Parent

Passaic County, Idaho

