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: A43-00339
Date Received: 8/18/1989
Receipt No: S008891
Received By: Scc

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: DOUGLAS WARD 208-824-5738
   Address:
   ALMO, ID 83312

2. Date of Priority: APR 30, 1885

3. Source: SPRINGS Trib. to: CASSIA CREEK

4. Point of Diversion:

Township	Range	Section	1/4	of 1/4	of 1/4	Lot	County
13S	24E	33	NE	SE	NE		CASSIA
		34	SE	NW	SW		CASSIA
			NE	SE	SW		CASSIA
			NW	SE	SW		CASSIA

5. Description of diverting works:
   HEADGATES AND DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	4.460		

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

8. Total consumptive use is 670.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
13S	24E	33	NE	NE		IRR	35.0

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MAR 03 1993

COPY

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
13S	24E	33	NW	NE		IRR	4.0
			SW	NE		IRR	1.0
			SE	NE		IRR	25.0
					Section Acres		65.0
		34	NE	NW		IRR	3.0
			NW	NW		IRR	20.0
			SW	NW		IRR	40.0
			SE	NW		IRR	30.0
			NE	SW		IRR	40.0
			NW	SW		IRR	5.0
			SE	SW		IRR	20.0
					Section Acres		158.0
					Total Acres		223.0

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:
A43-00338, A43-00340, A43-00341

14. Remarks:
P. U. IS H. E. S. #204.
TOTAL QUANTITY CLAIMED IS NOT TO BE LIMITING OR RESTRICTING SINCE RIGHT IS FOR ENTIRE FLOW OF SAID SPRINGS. AMOUNT LISTED IS EQUAL TO 1"/ACRE.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 10/19/1928

ALBION-IDAHO LAND CO.
Decree Plaintiff

vs

JOBE ADAMS ET AL
Decree Defendant

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MAR 0 3 1993

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): Margaret Ward Date: 8 18 89

_____ Date: _____

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

Subscribed and sworn (or affirmed) before me this 21st day of August 19 89

Steve Cella
Notary Public

Seal

Residing at Twin Falls, Idaho

My Commission Expires December 7, 1994

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MAR 03 1993

Form No. 42-1409 (2) a 1/88

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

CIVIL CASE NUMBER: 39576

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER FROM THE SNAKE RIVER BASIN WATER SYSTEM

Ident. Number _____

Date Received _____

Receipt Number _____

RECEIVED
JUN 28 1989
Department of Water Resources
Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

RECEIVED
JUL 28 1989
Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) Douglas Ward Phone (208) 824-5738

   Mailing Address Almo, Idaho Zip 83312

2. Date of Priority (Only one (1) per claim) 4/30/1885

3. Source of water supply (a) Springs on land

   which is tributary to (b) Cassia Creek

4. a. Location of existing point of diversion is: Township 13 S Range 24E Section [redacted] 34

   NW 1/4 NE 1/4 1/4 of [redacted] SW 1/4 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Cassia

   Additional points of diversion if any: [redacted] Section 33, SE 1/4 NE 1/4

   b. If instream flow, beginning point of claimed instream flow is:

   Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

   Govt. Lot _____ B.M., County of _____

   ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

   _____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Ditches, pipelines and Headgates

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MAR 03 1993

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For irrigation purposes from 3-15 to 11-15 amount see remarks or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) See remarks (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:
   a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
   b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
13S	24E	33				[redacted]			[redacted]										
		34	→ See Attached legal descriptions																
						And	map												

Total number of acres irrigated [redacted] 223.46

11. In which county (ies) are lands listed above as place of use located? Cassia

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None ( )

14. Remarks: Amount equal an inch per Acre, right not meant to be limited or restricting, right is for All of said spring

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MAR 03 1993

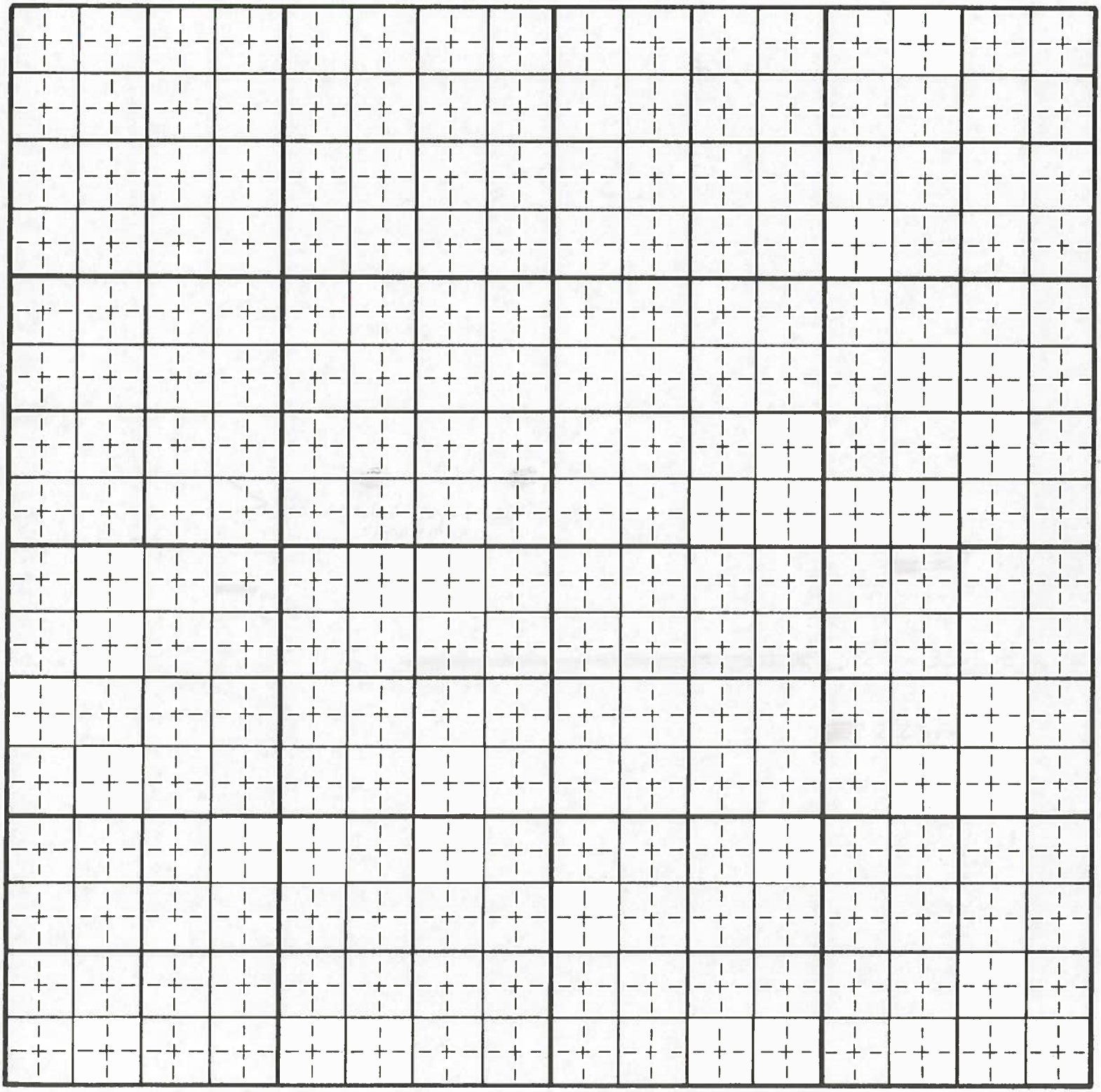
Last Name Ward Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

See Attached legal descriptions And map



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MAR 03 1993

Last Name Ward Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number 43-00339
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____
Title
of _____ , that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
) SS.
County of CASSIA)

Subscribed and sworn (or affirmed) before me this 26 day of July 19 89

SEAL

Notary Public Douglas R Whipple

Residing at Burley Id.

My Commission Expires Aug. 1992

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, Douglas R Whipple will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Douglas R Whipple

Address P.O. Box 249, Burley, Id. 83318

Date June 27, 1989

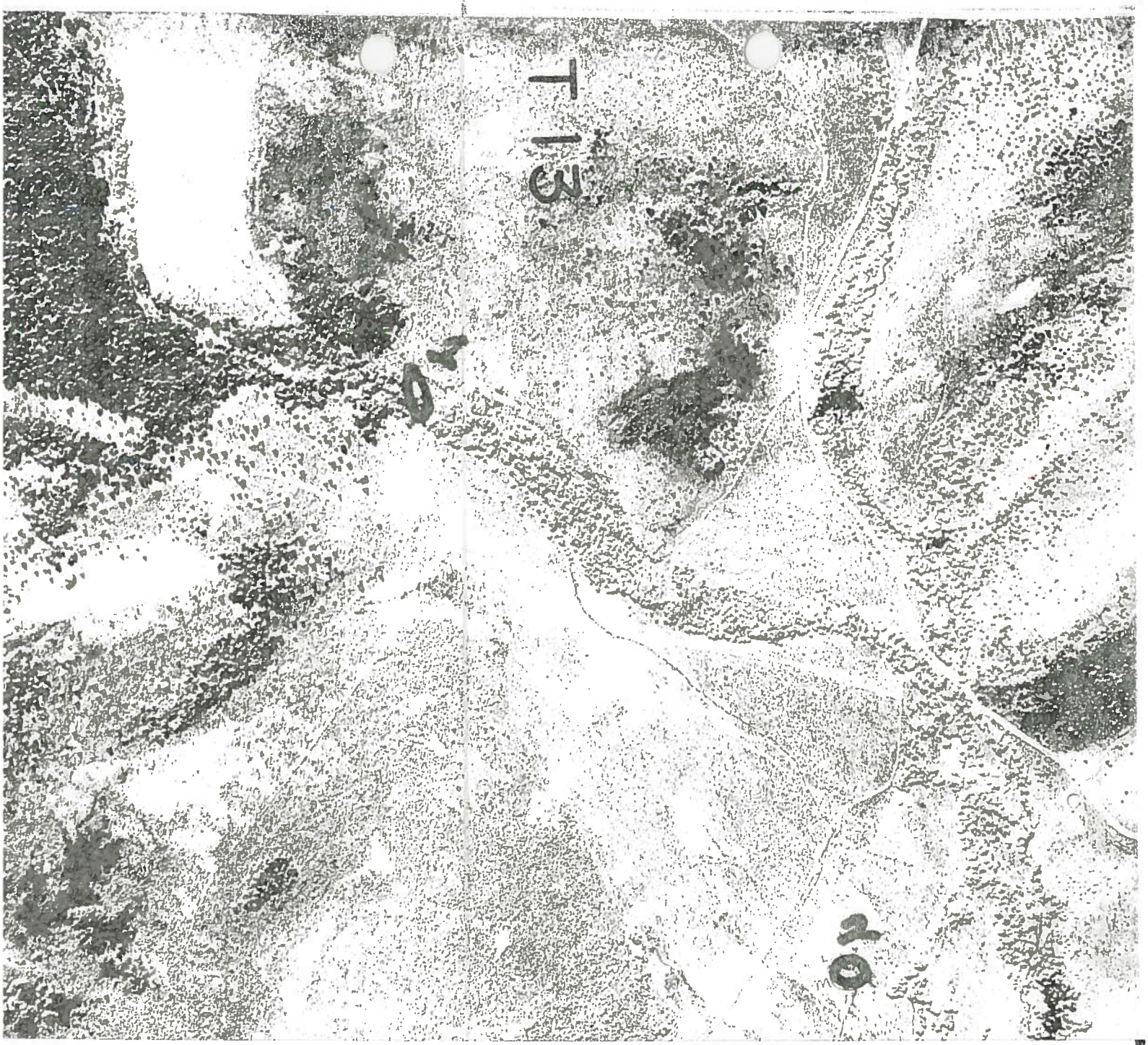
MICROFILMED
MAR 03 1993

Last Name Ward Ident. Number _____

Copies White-State, Yellow-Claimant

MICROFILMED
MAR 0 3 1993

844.	Unsurveyed- Approximately Sections 33 and 34. Beginning at corner No. 1 from which the corner common to Section 33 and 34, Township 13, Range 24 East and Section 3 and 4, Township 14, Range 24, bears South 24 Deg. 24' West 41.73 chains distant; extending thence North 75 Deg. 09' West 21.58 chains to corner No. 21; thence North 52 Deg. 47' West 28.70 chains to corner No. 3; thence North 14 Deg. 45' East 11.12 chains to corner No. 4; thence North 60 Deg. 49' East 13.22 chains to corner No. 5; thence South 69 Deg. 19' East 41.76 chains to corner No. 6; thence South 20 Deg. 47' West 27.29 chains to place of beginning. (128.14)	128.14	No.1	33-13-24.
845.	A tract of 95.32 Acres formerly within the Minidoka National Forest, in what will probably be surveyed Section 34, Township 13, Range 24, embraced in H. E. Survey No. 205 list No. 4, 166 described by metes and bounds as follows: commencing at corner No. 1 from which the South Quarter corner of Section 34, Township 13, Range 24, bears South 37 Deg. 48' West 3.92 chains distant; thence North 72 Deg. 49' West 7.32 chains to corner No. 2; thence North 41 Deg. 44' West 31.97 chains to corner No. 3: thence North 20 Deg. 47' East 36.48 chains to corner No. 4: thence South 32 Deg. 30' East 25.10 chains to corner No. 5; thence South 2 Deg. 42' East 38.65 chains to corner No. 1, the place of beginning.	95.32	No.1	34-13-24.



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MAR 0 3 1993

24E.
Clyde
BOUNDARY
FOREST
Flat
Creek
Gravel Pit
Spring
Gaging Station
Cassia
Creek
BM 6067
28
33
32
35
26
P.D.
Spring
13S.
24S
P.D.
SPRINGS
FOREST
BOUNDARY
7243
AA3-00339
MICROFILMED
MAR 03 19

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

KKC

July 31, 1989

A43-00338 8/18/89 S0088 71
00339
00340
00341
02532A
02542
10589
10601
10602

Douglas Ward
Almo
IDAHO 83312

RE: SRBA Claim

Dear Claimant:

Please find enclosed your claim and your check # 1642 for $ 201.80 which you submitted to our office. I am returning these pursuant to rule 10,4 of the Department's Adjudication Rules and Regulations. In checking your claim it appears that the following items need clarification:

( ) Item #2 Priority date (day/month/year)
(✓) Item #4 Point of Diversion Legal Description- you have indicated instream flow on 2 of the claims.
( ) Item #6 Uses descriptions
( ) Item #9 Description of Non-irrigation uses
(✓) Item #10 Place of Use Legal Description- NEED 1/4-1/4 Descriptions w/ Acres irrigated
( ) Item #16 Signature & Notarization
(✓) Improper fee (THE CORRECT FEE IS $??)
( ) Other or Remarks

00338 Irr. [illegible]
00339 [illegible]
00340 [illegible]
00341 [illegible]

If you will make the necessary corrections and return your claim with the correct fee and a copy of this letter within 30 DAYS of the date of this letter, your filing will be considered timely and will not be assessed and additional late fee of $ 50.00.

Sincerely,

Steve Clelland
Water Right's Agent

enc:

Whipple's Law Offices, Chartered

111 WEST 15TH STREET
POST OFFICE BOX 249
BURLEY, IDAHO 83318
(208) 678-5574

ATTORNEYS AT LAW
DOUGLAS R. WHIPPLE
VAL SIEGEL

July 27, 1989

Idaho Department of Water Resources
2148 4th Avenue East
Twin Falls, Idaho 83301

RE: Revised Water Rights Claims of Douglas Ward

To Whom It May Concern:

Enclosed, please find the revised water right claims of Douglas Ward, along with a check in the amount of $201.80. This check represents twenty percent (20%) of the total amount owing of $1,009.00.

If you have any questions or there is a problem with these claims, please let me know.

Sincerely,

Douglas R. Whipple

DRW: mmw
pc: file

RECEIVED
JUL 28 1989
Department of Water Resources
Southern Region Office
MICROFILMED
MAR 03 1993

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Douglas Whipple
P.O. Box 249
Burley, ID 83318

RECEIVED
JUL 28 1989
Department of Water Resources
Southern Region Office

RE: SRBA Claim

Dear Claimant:

Please find enclosed your claim and your check # 1623 for $ 557.00 which you submitted to our office. I am returning these pursuant to rule 10,4 of the Department's Adjudication Rules and Regulations. In checking your claim it appears that the following items need clarification:

( ) Item #2 Priority date (day/month/year)
(✓) Item #4 Point of Diversion Legal Description
(✓) Item #6 Uses descriptions
( ) Item #9 Description of Non-irrigation uses
( ) Item #10 Place of Use Legal Description
(✓) Item #16 Signature & Notarization
( ) Improper fee (THE CORRECT FEE IS $_____)
( ) Other or Remarks

* Keep the postmarked manila envelope with this file to show the June 27, 1989 Deadline being met

If you will make the necessary corrections and return your claim with the correct fee and a copy of this letter within 30 DAYS of the date of this letter, your filing will be considered timely and will not be assessed and additional late fee of $ 50.00.

Sincerely,

Steve Clelland
Water Right's Agent

enc:

MICROFILMED
MAR 03 1993

Form 42-1409(10)-1
5/88

RECEIVED
JUL 28 1989
Department of Water Resources
Southern Region Office

Date Received

JUN 01 1989
Department of Water Resources

State of Idaho
Department of Water Resources

REQUEST FOR EXTENSION OF TIME TO FILE ADJUDICATION CLAIM(S)

The Idaho Department of Water Resources will consider this form as a request that the claimant be granted an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Cassia County Joint School District No. 151, Almo Water Company & Douglas Ward
Name of Claimant

RECEIVED
JUN 28 1989
Department of Water Resources
Southern Region Office

Post Office Box 249
Post Office Address

Burley, Idaho 83318
City, State, Zip Code

Cassia
County(s) where Place of Use is located

June 8, 1989
Date Claim Originally Due

All Water Rights for the above claimants.
Identify water right(s) for which extension is requested

State reason(s) why an extension of time is requested:

This attorney waited to examine the claims until the Dept. set up its office in Cassia County. I have attempted to stop in to work on claims, but have been unable to find a free assistant. I have also attempted to schedule an appointment for help but now discover that there is no free time available. I have set up an all day meeting at the Department's Twin Falls office on June 20, 1989 to review the above claims.

Claimant requests an extension to June 27, 1989.

Douglas B. Whipple
Signature

Attorney for the above claimants.
Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby
X granted ____ denied,
and the filing deadline extended to 6/27, 1989.

MICROFILMED
MAR 03 1993

Signed this 7 day of June, 1989.

Director or his designated agent

RECEIVED
MAR 14 2002
Department of Water Resources
RECEIVED
MAR 21 2002
Department of Water Resources
Southern Region

Name: Douglas Ward

Attorney Name & Address: ROGER D. LING
LING & ROBINSON
615 H Street, P. O. Box 396
Rupert, Idaho 83350-0396

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	A. Subcase No. 43-00339
Case No. 39576	**STANDARD FORM 2** **RESPONSE TO OBJECTION**

Please **print or type** the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Douglas Ward

Address: P. O. Box 102
Almo, Idaho 83312

Daytime Phone: (208) 824-5738

Name & Address of Attorney, if any:

Attorney Name: Roger D. Ling
Ling & Robinson
Address: P. O. Box 396
Rupert, Idaho 83350
Phone Number: (208) 436-4717

C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO WHICH YOU ARE RESPONDING

Name: United States of America (BLM)

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

INSTRUCTION FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all parties listed below in the Certificate of Mailing.

F. CERTIFICATE OF MAILING

I hereby certify that on March 13, 2002, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:
   Clerk of the District Court
   Snake River Basin Adjudication
   253 Third Avenue North
   P. O. Box 2707
   Twin Falls, Idaho 83303-2707

2. One copy to the claimant of the water right at the following address:
   Name: Douglas Ward
   Address: P. O. Box 102
   Almo, Idaho 83312

3. One copy to the party who filed the objection at the following address:
   Name: Larry A. Brown
   United States Department of Justice
   Address: Environment and Natural Resource Division
   General Litigation Section
   550 West Fort Street, MSC 033
   Boise, Idaho 83724

4. Copies to:

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 033
Boise, Idaho 83724

Your signature or signature of attorney mailing on your behalf

07/08/2002

IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-339

NAME AND ADDRESS: DOUGLAS WARD
PO BOX 102
ALMO ID 83312

SOURCE: SPRINGS TRIBUTARY: CASSIA CREEK

QUANTITY: 1.94 CFS

PRIORITY DATE: 04/30/1885

POINT OF DIVERSION:

T13S R24E S33 NESENE Within CASSIA County

T13S R24E S34 SENWSW Within CASSIA County

T13S R24E S34 NESESW Within CASSIA County

T13S R24E S34 NWSESW Within CASSIA County

SFS KKC COPY

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	1.940 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T13S R24E S33	NENE	13.0	T13S R24E S33	SENE	21.0
T13S R24E S34	NENW	1.5	T13S R24E S34	NWNW	14.0
T13S R24E S34	SWNW	38.0	T13S R24E S34	SENW	23.0
T13S R24E S34	NESW	33.0	T13S R24E S34	NWSW	4.5
T13S R24E S34	SESW	10.0			

223 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 158 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-238, 43-239, 43-240, AND 43-241.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 97 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

PLACE OF USE DOES NOT INCLUDE FEDERAL PUBLIC LANDS

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. PROPERTY IS ALSO KNOWN AS HOMESTEAD ENTRY SURVEY NO. 204.

EXPLANATORY MATERIAL: Decreed

kc

RECEIVED
FEB 19 2002
Department of Water Resources
Southern Region

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)
)
)
)
_____)

A. Subcase 43-00339
(Insert water right number)

STANDARD FORM 1 OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau of Land Management, Idaho State Office
Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657
Daytime Phone: see below
Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax
United States Department of Justice; Environment and Natural Resource Division; General Litigation Section
550 West Fort Street, MSC 033; Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Douglas Ward
Address: P.O. Box 102; Almo, ID. 83312
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
   Should be: _____

2. ☐ **Source**
   Should be: _____

3. ☐ **Quantity**
   Should be: _____

4. ☐ **Priority Date**
   Should be: _____

5. ☐ **Point(s) of Diversion**
   Should be: _____

6. ☐ **Instream Flow Description**
   Should be: _____

7. ☐ **Purpose(s) of Use**
   Should be: _____

8. ☐ **Period of Year**
   Should be: _____

9. ☒ **Place of Use**
   Should be: See attached

11. **I object because:**
   - ☐ This water right should not exist.
   - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The legal description for element nine (POU) above may include Federal land. The description should be specific enough to exclude Federal land.

F. **VERIFICATION** (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Gary A. Madenford, Water Rights Team Leader, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Gary A Madenford
(Signature of person filing objection)

Larry C. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: February 7, 2002

LINDA C. BUCK NOTARY PUBLIC STATE OF IDAHO

Linda C. Buck
Notary Public for Idaho
Residing at: Mountain Home
My Commission Expires: 12-21-2005

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on Feb. 8, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons:

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

2. One copy to the claimant of the water right at the following address:

Name: Douglas Ward
Address: P.O. Box 102; Almo, ID. 83312
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

3. Copies to:

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

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Gary A Macleyford
Signature of Objector or attorney mailing on Objector's behalf

09/19/2001

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

RIGHT NUMBER: 43-339

NAME AND ADDRESS: DOUGLAS WARD
PO BOX 102
ALMO ID 83312

SOURCE: SPRINGS TRIBUTARY: CASSIA CREEK

QUANTITY: 1.940 CFS

MIXED OWNERSHIP
-THE PLACE OF USE IDENTIFIED BELOW CONTAINS BOTH PRIVATE AND PUBLIC LANDS.
-CLARIFY THE POU SUCH THAT IT IS CLEAR THAT ONLY PRIVATE LAND IS INTENDED.

PRIORITY DATE: 04/30/1885

POINT OF DIVERSION:

T13S R24E S33 NESENE Within CASSIA County
T13S R24E S34 SENWSW Within CASSIA County BLM/Pvt.
T13S R24E S34 NESESW Within CASSIA County
T13S R24E S34 NWSESW Within CASSIA County BLM/Pvt.

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	1.940 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T13S R24E S33	NENE	13.0	T13S R24E S33	SENE	21.0
T13S R24E S34	NENW	1.5	T13S R24E S34	NWNW	14.0
T13S R24E S34	SWNW	38.0	T13S R24E S34	SENW	23.0
T13S R24E S34	NESW	33.0	T13S R24E S34	NWSW	4.5
T13S R24E S34	SESW	10.0			

ALL POU's are BLM/Pvt.

158 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 158 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-238, 43-239, 43-240, AND 43-241.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 97 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

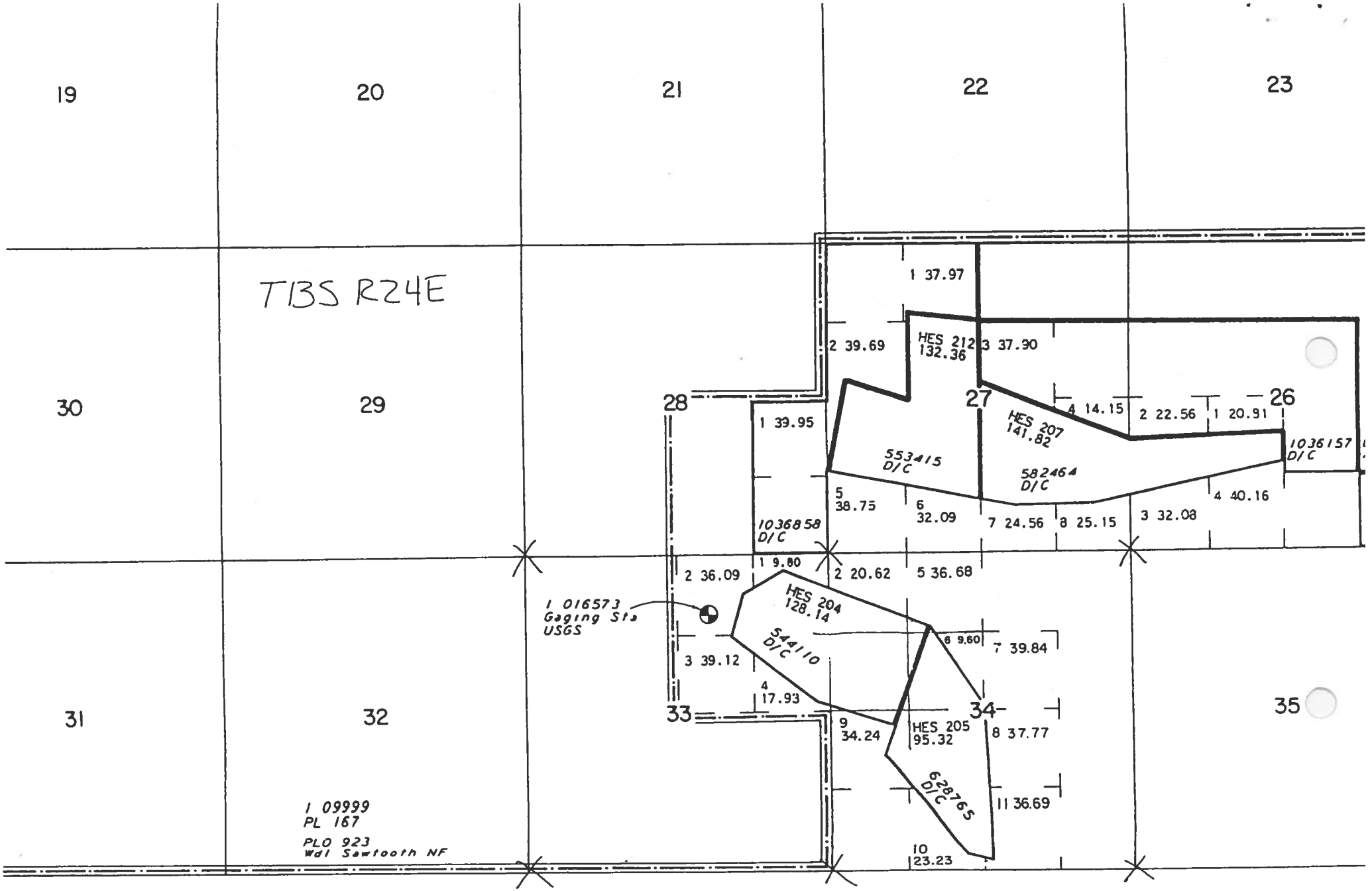
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.
PROPERTY IS ALSO KNOWN AS HOMESTEAD ENTRY SURVEY NO. 204.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THE FOLLOWING REMARK INSERTED UNDER PLACE OF USE WOULD RESOLVE BLM'S OBJECTION;

"THE USE OF WATER UNDER THIS RIGHT IS LIMITED TO HES 204 AND HES 205."



SCALE in Chains

10 5 0 10 20 30 60

WA

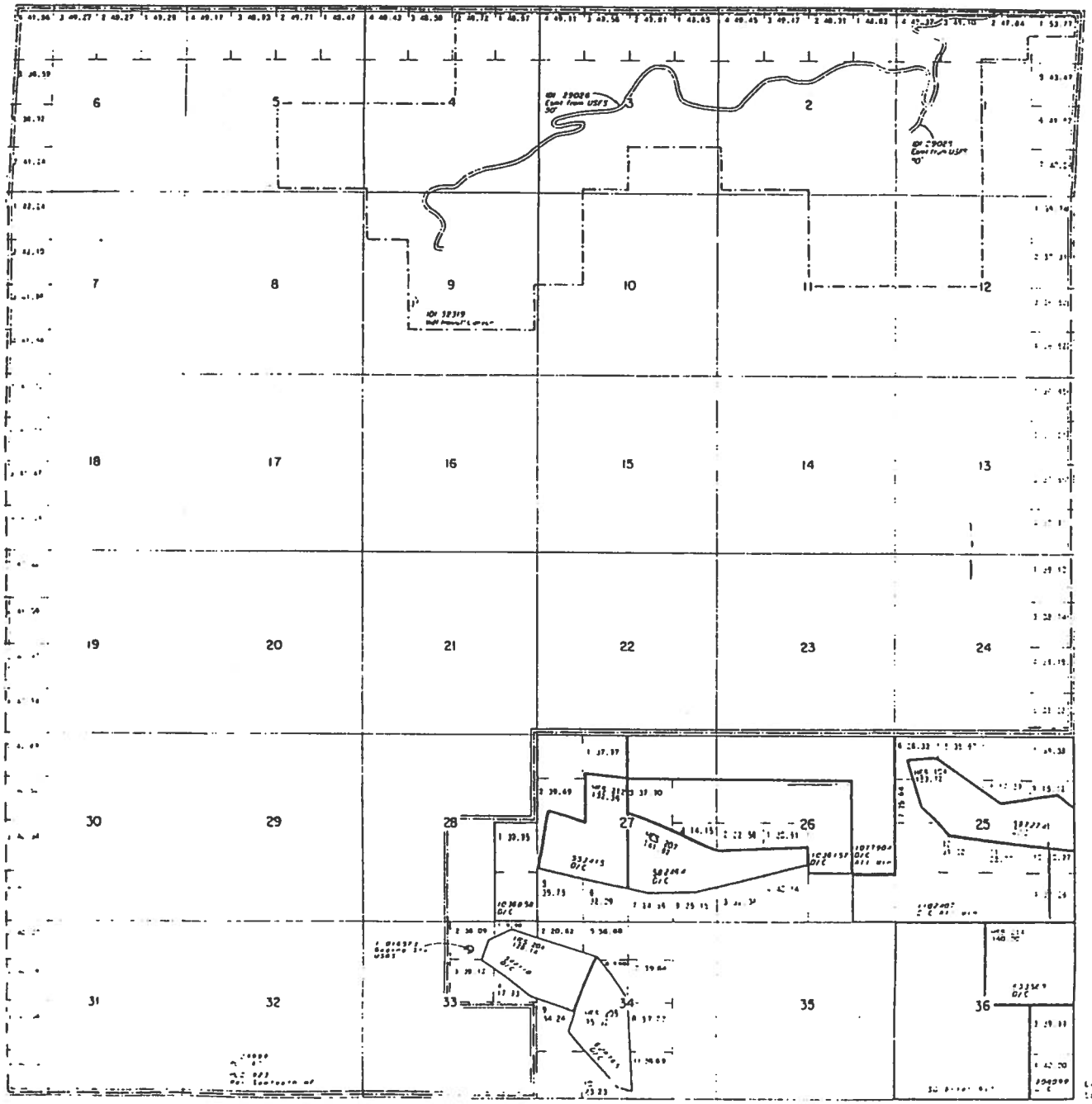
This plat is the Bureau
only as a graphic displ
ords hereon do not refle
effected by lateral move

TOWNSHIP 13 SOUTH RANGE 24 EAST OF THE BOISE MERIDIAN, IDAHO

CASSIA COUNTY

BURLEY DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES



MT PLAT

INDEX TO SEGREGATED TRACTS

RESURVEY TRACT NO	ORIGINAL SURVEY T	R	SEC	SUBDIVISION

FOR ORDERS EFFECTING DISPOSAL OR USE OF UNIDENTIFIED LANDS REFER TO INDEX OF MISCELLANEOUS DOCUMENTS

SCALE in Chains

0 5 0 10 20 30 60

WARNING STATEMENT

THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITH-

12/01/2000

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

RIGHT NUMBER: 43-339

NAME AND ADDRESS: DOUGLAS WARD

ALMO, ID 83312

SOURCE: SPRINGS TRIBUTARY: CASSIA CREEK

QUANTITY: 1.94 CFS VERIFIED BY KKC

PRIORITY DATE: 04/30/1885

POINT OF DIVERSION:

T13S R24E S33	NESENE	Within CASSIA County
T13S R24E S34	SENWSW	Within CASSIA County
T13S R24E S34	NESESW	Within CASSIA County
T13S R24E S34	NWSESW	Within CASSIA County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04-01 10-31	1.94 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

T13S R24E S33	NENE	13	T13S R24E S33	SENE	21
T13S R24E S34	NENW	1.5	T13S R24E S34	NWNW	14
T13S R24E S34	SWNW	38	T13S R24E S34	SENW	23
T13S R24E S34	NESW	33	T13S R24E S34	NWSW	4.5
T13S R24E S34	SESW	10			

158 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 158 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-238, 43-239, 43-240, AND 43-241.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 97 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.

PROPERTY IS ALSO KNOWN AS HOMESTEAD ENTRY SURVEY NO. 204.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Idaho Dept of Water Resources
Claims review notes and narrative

Date: 12-1-2000 File: 43-338 ward sys analysis Prepared by Kelly K Christensen

ANALYSIS OF 43-338, 43-339, 43-340, AND 43-341

There are two homestead entries with their respective decreed rights involved in a claimed permissible place of use. 43-338 and 43-339 were decreed to hes-204 and 43-340 and 43-341 were decreed to hes-205.

The irrigation practice is flood irrigation of pastureland. The flow across hes-204 is generally southwest to the northeast and west-southwest to east-northeast on hes-205. The recommended place of use basically covers all of both homestead entries. There is a ditch that parallels the hes-204s southwest boarder that runs southeast. There appear to be some high spots within the recommended place of use that do not actually get covered by water but are still included in the recommendation. They are considered small enough to be difficult to quantify. The north and northeast boundary of the recommended place of use is the Cassia Creek channel.

Stinson Creek is used primarily on hes-204 but it appears that some water can also reach hes-205. Four springs are claimed with three located on hes-205 and one on hes-204. I am recognizing them as claimed but at 1 inch per acre total for the place of use within each respective homestead entry. All of the springs cannot reach the entire place of use and are therefore recognized as a system.

RIGHT	P/U	REC ACRES	REC DIV RATE	RATE COMP
43-338	HES-204	97	1.60 cfs	97 ac * 0,02 cfs/ac = 1.94 cfs
43-339			1.94 cfs	
43-340	HES-205	61	0.90 cfs	61 ac 8 0.02 cfs/ac = 1.22 cfs
43-341			1.22 cfs	