

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: **A43-00413**  
Date Received: 6/ 5/1989  
Receipt No: S007492  
Received By: \_\_\_\_\_

**AMENDED**

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

**AMENDED**

1. Name: J RICHARD WARD FAMILY TRUST 208-346-6232  
Address: C/O RICHARD WARD  
PO BOX 127  
LEADORE ID 83464

2. Date of Priority: MAR 1, 1884

3. Source: PARKS CREEK Trib. to: CASSIA CREEK  
SPRINGS (PARK SPRINGS) PARKS CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 14S      | 26E   | 6       |        | NE     | SE     |     | CASSIA |

5. Description of diverting works:  
DAM

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.100 |      |        |
| STOCKWATER | 01/01 | 12/31 | 0.070 |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
S/300 BEEF STOCK

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 13S      | 26E   | 32      | SW     | NE     |     | IRR | 10.0  |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of | 1/4 | Lot           | Use | Acres |
|----------|-------|---------|--------|-----|---------------|-----|-------|
| 13S      | 26E   | 32      | SE     | SW  |               | IRR | 30.0  |
|          |       |         | NW     | SE  |               | IRR | 20.0  |
|          |       |         |        |     | Section Acres |     | 60.0  |
| 14S      | 26E   | 5       | NE     | NW  |               | IRR | 15.0  |
|          |       |         | NW     | NW  |               | IRR | 10.0  |
|          |       |         | SW     | NW  |               | IRR | 30.0  |
|          |       |         |        |     | Section Acres |     | 55.0  |
|          |       | 6       | NE     | SE  |               | IRR | 5.0   |
|          |       |         |        |     | Section Acres |     | 5.0   |
|          |       |         |        |     | Total Acres   |     | 120.0 |

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:  
A43-00209, 00208

14. Remarks:  
SEE TRANSFER #527.  
\*\*\*\*\*  
12/30/1998, DJ: CLAIM AMENDED TO CORRECT PLACE OF USE LEGAL DESCRIPTIONS.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

ALBION-IDAHO LAND CO.  
Decree Plaintiff

JOBE ADAMS ET AL AMENDED  
vs Decree Defendant

16. Signature(s)

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

Number of attachments: \_\_\_\_\_

**For Organizations:**

I do solemnly swear or affirm that I am Trustee Title \_\_\_\_\_ of

J. Richard Ward Family Trust Organization, that I have signed the foregoing

document in the space below as Trustee Title \_\_\_\_\_ of

J. Richard Ward Family Trust Organization and that the statements contained in the foregoing document are true and correct.

J. Richard Ward  
Signature of Authorized Agent

Trustee for J. Richard Ward Family Trust  
Title and Organization

12/30/98  
Date

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this 30<sup>th</sup> day

of December 19 98

Douglas Jones  
Notary Public

Seal

Residing at Buhl ID

My Commission Expires 8/8/2001

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: **A43-00413**  
Date Received: 6/ 5/1989  
Receipt No: S007492  
Received By: \_\_\_\_\_

**COPY FOR  
YOUR FILES**

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

**COPY FOR  
YOUR FILES**

1. Name: J RICHARD WARD FAMILY TRUST 208-346-6232  
Address: C/O RICHARD WARD  
PO BOX 127  
LEADORE ID 83464

2. Date of Priority: MAR 1, 1884

3. Source: PARKS CREEK Trib. to: CASSIA CREEK  
SPRINGS (PARK SPRINGS) PARKS CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 14S      | 26E   | 6       |        | NE     | SE  |     | CASSIA |

5. Description of diverting works:  
DAM

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.100 |      |        |
| STOCKWATER | 01/01 | 12/31 | 0.070 |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
S/300 BEEF STOCK

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 13S      | 26E   | 5       | NE     | NW  |     | IRR | 15.0  |

10. Place of Use: Continued

| Township | Range | Section | 1/4 | of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|-----|----|-----|-----|---------------|-------|
| 13S      | 26E   | 5       | NW  |    | NW  |     | IRR           | 10.0  |
|          |       |         | SW  |    | NW  |     | IRR           | 30.0  |
|          |       |         |     |    |     |     | Section Acres | 55.0  |
|          |       | 32      | SW  |    | NE  |     | IRR           | 10.0  |
|          |       |         | SE  |    | SW  |     | IRR           | 30.0  |
|          |       |         | NE  |    | SE  |     | IRR           | 20.0  |
|          |       |         |     |    |     |     | Section Acres | 60.0  |
| 14S      | 26E   | 6       | NE  |    | SE  |     | IRR           | 5.0   |
|          |       |         |     |    |     |     | Section Acres | 5.0   |
|          |       |         |     |    |     |     | Total Acres   | 120.0 |

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:  
A43-00209, 00208

14. Remarks:  
SEE TRANSFER #527.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

ALBION-IDAHO LAND CO.  
Decree Plaintiff

JOBE ADAMS ET AL AMENDED  
vs Decree Defendant

AJ5856NP

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

DATE: AUG-20-1997

PAGE: A-32

RIGHT NUMBER: 43-10331

NAME & ADDRESS: J RICHARD WARD FAMILY TRUST  
C/O RICHARD WARD~~721N 550E~~ ~~FIRTH ID 83236~~ *PO Box 127*  
*Leadone ID 83464*SOURCE: ~~SPRING~~ *UNNAMED STREAM* TRIBUTARY: SINKSQUANTITY: *013* ~~1.00~~ CFS  
*.02*

PRIORITY DATE: 01/01/1884

POINT OF DIVERSION: T14S R26E S21 *B. SWNW N 1/2 N 1/2, SWNW* RP 14S 26E 21 0000 A  
S22 *SWNW N 1/2 N 1/2, SWNW* Within CASSIA County  
*RP 14S 26E 22 2400 A*

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

STOCKWATER S/300 BEEF STOCK

PERIOD OF USE

01-01 12-31

QUANTITY

~~1.00~~ CFS  
*.02*

PLACE OF USE:

STOCKWATER

T14S R26E S21  
S22

Within CASSIA County

NENE

NWNE

SWNW

NNW

*OK FROM FAX 10-31-97*

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

*N11 COMMENTS*  
*DELETE*  
SPRING RUNS ON BLM PROPERTY IN SENW, SEC 21 THEN RE-ENTERS CLAIMANT'S PROPERTY IN NWNE, SEC 21 AND SINKS ON CLAIMANT'S PROPERTY. CLAIMANT FILED ON ENTIRE ESTIMATED FLOW RATE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

*8-26-97 from 8-22-97 assessor records +  
deputy assessor Judy Zollinger.*

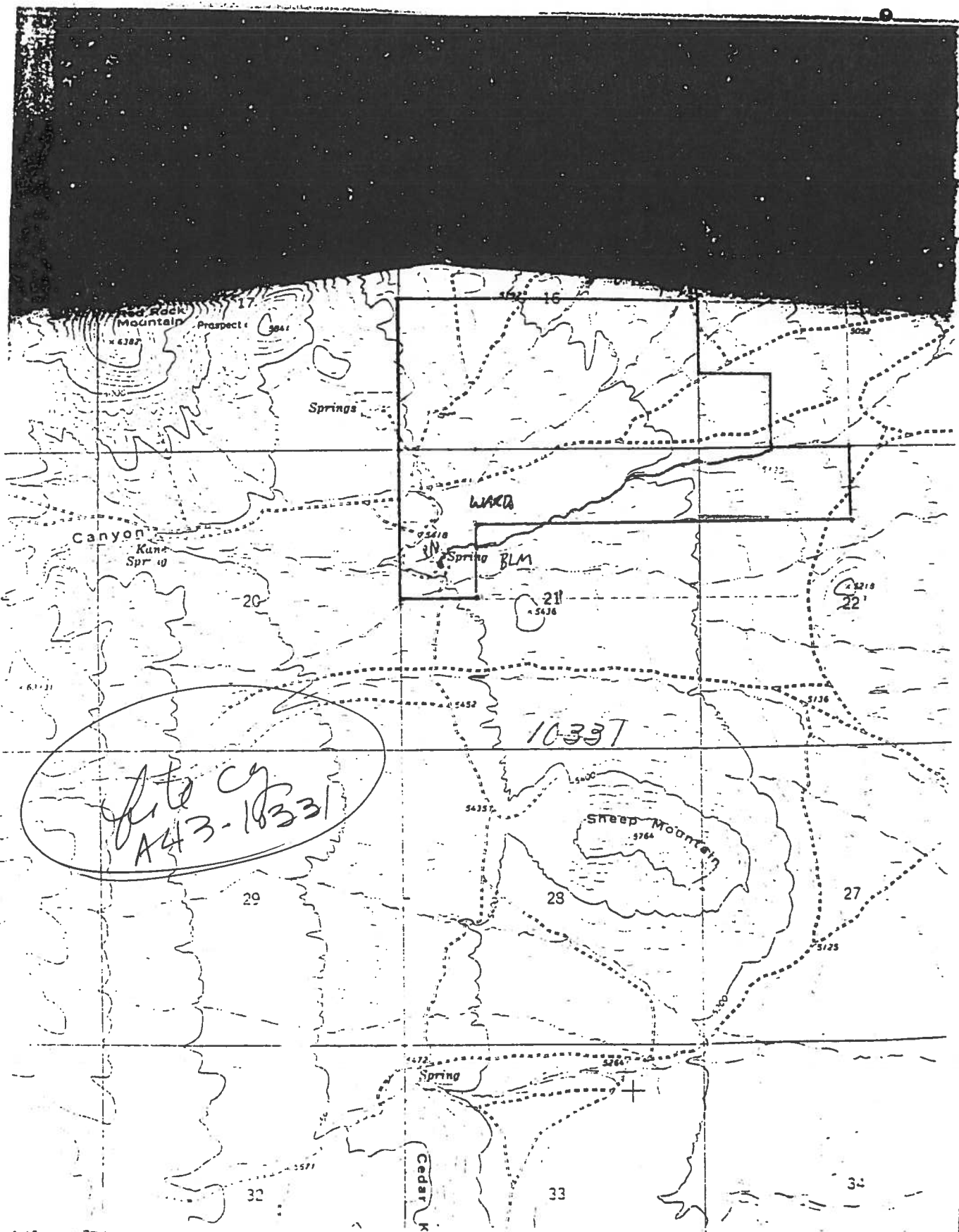
Receipt Number : S007492

Page 1 Of 3

Receipt Amt :

505.00

|          |       |                 |        |          |       |
|----------|-------|-----------------|--------|----------|-------|
| A4310328 | 25.00 | A4310329        | 25.00  | A4310330 | 25.00 |
| A4310331 | 25.00 | A4310332        | 25.00  | A4310333 | 25.00 |
| A4310335 | 25.00 | <b>A4300413</b> | 170.00 | A4300208 | 50.00 |
| A4300209 | 50.00 | A4302060        | 60.00  |          |       |



443-10331



## State of Idaho

## DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT  
GOVERNORKARL J. DREHER  
DIRECTOR

cc: W.M.

October 21, 1997

J RICHARD WARD FAMILY TRUST  
C/O RICHARD WARD  
PO BOX 127  
LEADORE ID 83464+ A43-10328, -10329, -10330, -10332,  
-10333, -10335, -00413, -00208,  
-00209 + -02060RE: Snake River Basin Adjudication (SRBA)  
Notice of Claim #43-10331✓all records modified  
11-4-97 -ps

Dear Claimant:

We need your assistance to verify your legal property descriptions on Notice of Claim #43-10331. I have enclosed a copy of the map from your Notice of Claim filed in June, 1989, for your convenience. There appears to be a discrepancy in Section 22. I've outlined the property boundary submitted by you in green, and outlined the property the Cassia County Assessor shows you as not owning in Section 22 in pink (NWNW, Sec. 22). You can see the discrepancy. The assessor's records confirm your ownership of the other tracts claimed for this water right.

Please explain, document, or submit information that either shows your ownership of the tract in question or your authority to have a water right on property you don't own under this name.

The Assessor also notified us the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right(s) can be sent only to the address on your water right(s) or as otherwise changed by you.

I have enclosed an Adjudication Name Index listing the Notices of Claim filed by you. The address on each of these claims will be updated to your current address. If there has been a change in ownership of the property connected with any of the water rights referenced on the enclosed Name Index, please call me toll-free at 1-800/451-4129 to obtain a form to make this required change to the claim record(s).

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter. Please return the letter by October 30, 1997. Thank you for your help.

J Richard Ward Family Trust  
October 21, 1997  
Page 2

If your mail delivery address changes in any form, please  
contact us in writing so we can update our records.

Sincerely,



Sally Sherman  
Technical Records Specialist  
Adjudication Bureau

#####

The address is correct as shown above or as otherwise changed.

Cindy E. Ward  
Claimant Signature

SS:state:tf

Enclosures:

Copy of #A43-10331

Adjudication Name Index

Office of

CASSIA COUNTY ASSESSOR

Martell C. Holland

1459 Overland Avenue  
Burley, Idaho 83318  
Phone (208) 678-3540

FACSIMILE TRANSMITTAL COVER SHEET

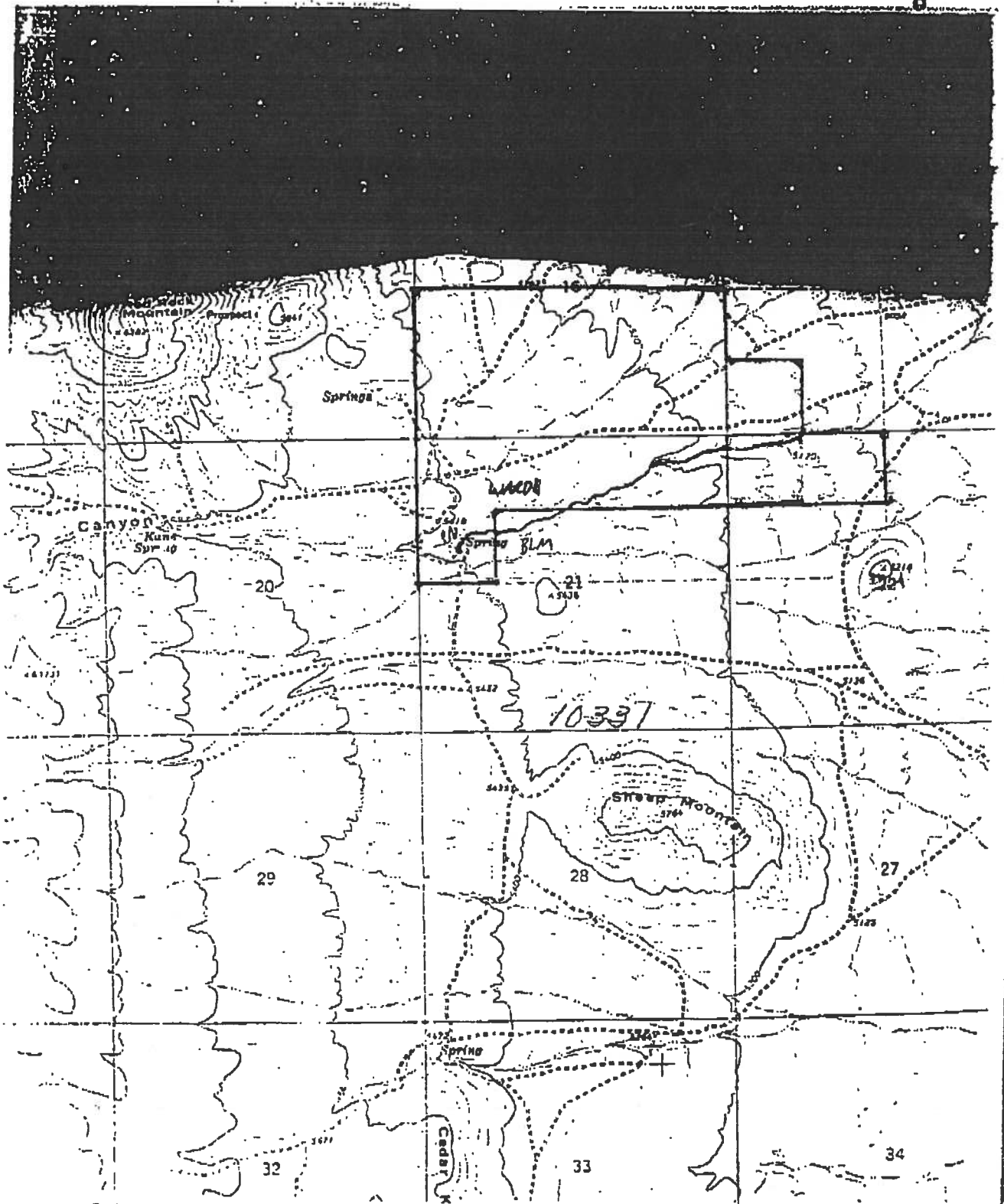
DATE: 10-31-97  
TO: Sally  
ATTN: Water Resources  
FAX NUMBER: 1-208-327-7866  
FROM: Cassia Co.  
FAX NUMBER: (208) 677-1003

TOTAL NUMBER OF PAGES SENT, INCLUDING THIS PAGE: 5

RE: J Richard Ward Family Trust.  
MEMO, MESSAGE OR SPECIAL INSTRUCTIONS:

If you do not receive all pages clearly, or if the transmission is not successfully received, please call the sender as soon as possible at our telephone number set forth above. THANK YOU.

FORMS\FAX.FRM



443-10331

## PARCEL NO.

RP 14S26E223000 A

TAX CODE 16-00

1997

CATEGORY DESCRIPTION  
5 DRY GRAZINGLOTS/ACRES  
40.000 ACMARKET VALUE  
1,280

40.000

1,280\*

OWNER WARD J RICHARD FAMILY TRUST  
% WARD J RICHARD, TRUSTEE  
& WARD CINDY E, TRUSTEE  
P O BOX 127  
LEADORE ID 83464

LEGAL NWNW  
S 22 T 14 R 26

## PROPERTY ADDRESS

PARCEL NO. RP 14S26E223000 A TAX CODE 16-00

## PARCEL NO.

RP 14S26E222400 A

TAX CODE 16-00

1997

CATEGORY DESCRIPTION  
5 DRY GRAZINGLOTS/ACRES  
40.000 ACMARKET VALUE  
1,280

40.000

1,280\*

OWNER WARD J RICHARD FAMILY TRUST  
% WARD J RICHARD, TRUSTEE  
& WARD CINDY E, TRUSTEE  
P O BOX 127  
LEADORE ID 83464

LEGAL NENW  
S 22 T 14 R 26

## PROPERTY ADDRESS

PARCEL NO. RP 14S26E222400 A TAX CODE 16-00

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: A43-00413  
Date Received: 6/05/1989  
Receipt No: S007492  
Received By: lu

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: J. RICHARD FAMILY TRUST 208-346-6232  
Address: C/O RICHARD WARD  
721N 550E  
FIRTH, ID 83236

2. Date of Priority: MAR 01, 1884

3. Source: PARKS CREEK Springs (PARK SPRINGS) Trib. to: CASSIA CREEK  
PARKS CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 14S      | 26E   | 6       | NE     | SE     |     |     | CASSIA |

5. Description of diverting works:  
DAM

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.100  |      |        |
| STOCKWATER | 01/01 | 12/31 | 0.070  |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
S/300 BEEF STOCK

A43-00413

Page 1

Date: 06/05/89

MICROFILMED

MAR 03 1993

10. Place of Use:

| Township | Range | Section | 1/4 | of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|-----|----|-----|-----|---------------|-------|
| 13S      | 26E   | 5       | NE  |    | NW  |     | IRR           | 15.0  |
|          |       |         | NW  |    | NW  |     | IRR           | 10.0  |
|          |       |         | SW  |    | NW  |     | IRR           | 30.0  |
|          |       |         |     |    |     |     | Section Acres | 55.0  |
|          |       | 32      | SW  |    | NE  |     | IRR           | 10.0  |
|          |       |         | SE  |    | SW  |     | IRR           | 30.0  |
|          |       |         | NE  |    | SE  |     | IRR           | 20.0  |
|          |       |         |     |    |     |     | Section Acres | 60.0  |
| 14S      | 26E   | 6       | NE  |    | SE  |     | IRR           | 5.0   |
|          |       |         |     |    |     |     |               |       |
|          |       |         |     |    |     |     | Section Acres | 5.0   |
|          |       |         |     |    |     |     | Total Acres   | 120.0 |

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:  
A43-00209, 00208

14. Remarks:  
SEE TRANSFER #527.

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

ALBION-IDAHO LAND CO.  
Decree Plaintiff

JOBE ADAMS ET AL AMENDED  
Decree Defendant

vs

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 Organizations:

I do solemnly swear or affirm that I am Trustee of \_\_\_\_\_ Title

J. Richard Ward Family Trust, that I have signed the foregoing Organization

document in the space below as Trustee of Title

J. Richard Ward Family Trust and that the statements contained in the Organization

foregoing document are true and correct.

J. Richard Ward  
Signature of Authorized Agent

Trustee of Richard Ward Family Trust  
Title and Organization

June 5, 1989  
Date

State of Idaho )  
County of OF ) SS.

Subscribed and sworn (or affirmed) before me this 5 day

of June 19 89

Lori Wente  
Notary Public

Seal

Residing at OF

My Commission Expires 5/94

07/06/2001

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

RIGHT NUMBER: 43-413

NAME AND ADDRESS: J RICHARD WARD FAMILY TRUST  
C/O RICHARD WARD  
PO BOX 127  
LEADORE, ID 83464

SOURCE: PARKS CREEK TRIBUTARY: CASSIA CREEK

QUANTITY: 0.1 CFS

PRIORITY DATE: 03/01/1884

POINT OF DIVERSION: T14S R26E S6 SENESE Within CASSIA County

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|----------------|---------------|----------|
| IRRIGATION     | 04-01 10-31   | 0.10 CFS |

PLACE OF USE:

| IRRIGATION Within CASSIA County |      |     |                            |
|---------------------------------|------|-----|----------------------------|
| T13S R26E S32                   | SWNE | 5.6 | T13S R26E S32 NESW 0.7     |
| T13S R26E S32                   | SESW | 20  | T13S R26E S32 NWSE 18      |
| T14S R26E S5 LOT 3              | NENW | 14  | T14S R26E S5 LOT 4 NWNW 11 |
| T14S R26E S5                    | SWNW | 18  | T14S R26E S5 NWSW 0.8      |
| T14S R26E S6                    | SENE | 0.4 | T14S R26E S6 NESE 3        |

91.5 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION  
OF A COMBINED TOTAL OF 91.5 ACRES IN A SINGLE IRRIGATION  
SEASON. COMBINED RIGHT NOS. 43-208, 43-209, AND 43-413.

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



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

E-mail address: kchrste@idwr.state.id.us

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

July 6, 2001

RICHARD WARD  
PO BOX 127  
LEADORE ID 83464

RE: RESPONSE TO NOTICE OF ERROR FILINGS MADE MAY 30, 2001

Dear Richard

I have made the following changes to my recommendations for the following systems. Please review the maps and accompanying preliminary recommendations. The preliminary recommendations will be the department's recommendations to the court unless you have additional input.

**System 1 43-208, 43-209, and 43-413**

I deleted the ground that you identified as BLM ground. We had discussed that the northern portion of the place of use isn't being irrigated at this time but I have left it in the recommended place of use as it was part of the place of use in 1987. You may wish to pursue a transfer to move the place of use to the south. The primary issue you have to consider is that Idaho code 42-222 states that if you go 5 years without using a water right or a portion of that right, it is subject to forfeiture.

**System 43-2060**

I enlarged the place of use based upon the sketch you completed at the meeting. There were no discernable features in the NAPP photography to exactly identify the place of use. The shape I created exceeds the licensed place of use by about 2 acres so my recommendation is for the 5 licensed acres within the found place of use. The additional acres can be recognized under the permit, 43-7183 that has yet to be licensed.

**System 43-146A and 43-147A**

I have received the evidence of priority from Elmo that supports a 1953 development of the Ottley ditch off of the Barker ditch. I have enclosed a claim form for your use to file for a beneficial use right for the irrigation of the ground in TWP 14S, RNG 25E, SEC 7, NENW. I identified 11 acres in that quarter/quarter as irrigated. (see enclosed file notes map of the entire place of use. The filing fee for the beneficial use right will be \$50.00. The late fee is waived and there are no variable fees due for this filing as they were covered through the filings for the decreed rights. If you have questions about the claim filing procedure call me at this office and I can discuss them with you. I am not changing my recommendation for the decreed rights until I receive the new claim.

Sincerely

Kelly K Christensen  
Sr Water Resource Agent

enclosures

03/16/2001

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

RIGHT NUMBER: 43-413

NAME AND ADDRESS: J RICHARD WARD FAMILY TRUST  
C/O RICHARD WARD  
PO BOX 127  
LEADORE, ID 83464

VERIFIED BY: KKC

SOURCE: PARKS CREEK

TRIBUTARY: CASSIA CREEK

QUANTITY: 0.1 CFS

PRIORITY DATE: 03/01/1884

POINT OF DIVERSION: T14S R26E S6

SENESE

Within CASSIA County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE  
IRRIGATION

PERIOD OF USE  
04-01 10-31

QUANTITY  
0.10 CFS

*Recommendation  
revised per NOE  
meeting May 30, 2001  
KKC.  
BLM acknowledged*

PLACE OF USE:

IRRIGATION Within CASSIA County

|               |       |     |               |      |     |
|---------------|-------|-----|---------------|------|-----|
| T13S R26E S32 | SWNE  | 5.6 | T13S R26E S32 | NESW | 0.7 |
| T13S R26E S32 | SESW  | 20  | T13S R26E S32 | NWSE | 18  |
| T13S R26E S32 | SWSE  | 3.5 | T14S R26E S5  | NENW | 14  |
| T14S R26E S5  | LOT 4 | 11  | T14S R26E S5  | SWNW | 18  |
| T14S R26E S5  | NWSW  | 0.8 | T14S R26E S6  | SENE | 0.4 |
| T14S R26E S6  | NESE  | 3   |               |      |     |

95 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION  
OF A COMBINED TOTAL OF 95 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS. 43-208, 43-209, AND 43-413.

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

00413 - No map

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

CERTIFICATE OF WATER RIGHT  
Transferred Right No. 527

THIS IS TO CERTIFY That BERTHA M. WICKEL, of Burley, Idaho,  
is the owner of, and using, a certain water right bearing the following  
dates of priority:

0.1 cubic foot per second as of March 1, 1884  
0.4 cubic foot per second as of March 1, 1900  
0.8 cubic foot per second as of March 1, 1909

of the waters of Parke Creek and Parke Springs, tributary to Cassia  
Creek, County of Cassia, State of Idaho, decreed to G. S. Marshall and  
Kate Marshall, et al, by decree of Judge C. C. Cavanah of the District  
Court of the United States for the District of Idaho, Southern Division,  
in and for the County of Cassia, in the case of

ALBION-IDAHO LAND COMPANY VS. JOSE ADAMS, et al,  
said decree bearing date of October 19, 1928, as amended on January 8,  
1929, for the purpose of irrigating the following described lands,  
situate, lying and being in Water District No. 8-G, in the County of  
Cassia, State of Idaho, to-wit:

Southeast Quarter of the Northeast Quarter ( $SE\frac{1}{4} NE\frac{1}{4}$ );  
North Half of the Southeast Quarter ( $N\frac{1}{2} SE\frac{1}{4}$ ); South  
Half of the Southwest Quarter ( $S\frac{1}{2} SW\frac{1}{4}$ ); South Half  
of the Southeast Quarter ( $S\frac{1}{2} SE\frac{1}{4}$ ); Northeast Quarter  
of the Southwest Quarter ( $NE\frac{1}{4} SW\frac{1}{4}$ ), of Section Twenty-  
one (21), Township Thirteen (13) South, Range Twenty-  
six (26) East, Boise Meridian.

That the said decree has been entered in the records of the Department  
of Reclamation of the State of Idaho, in Book 5 of Decrees at page 324.

That Bertha M. Wickel has become the owner of said water right  
by deed of record in the office of the County Recorder of Cassia County,  
Idaho.

That, now, upon the application of Bertha M. Wickel for a  
transfer of 1.3 cubic feet per second of said water, made before the

Commissioner of Reclamation of the State of Idaho, and the said application having been granted, the right to the use of said 1.3 cubic feet per second of the waters of Parke Creek and Parke Springs upon the following described lands, to-wit:

Southeast Quarter of the Northeast Quarter ( $SE\frac{1}{4} NE\frac{1}{4}$ ); North Half of the Southeast Quarter ( $N\frac{1}{2} SE\frac{1}{4}$ ); South Half of the Southwest Quarter ( $S\frac{1}{2} SW\frac{1}{4}$ ); South Half of the Southeast Quarter ( $S\frac{1}{2} SE\frac{1}{4}$ ); Northeast Quarter of the Southwest Quarter ( $NE\frac{1}{4} SW\frac{1}{4}$ ), of Section Twenty-one (21), Township Thirteen (13) South, Range Twenty-six (26) East, Boise Meridian,

is hereby ABANDONED and the lands to be irrigated under such right, and to which the water right hereby confirmed shall become appurtenant by this certificate for irrigation and domestic purposes, are described as follows, to-wit:

Lots Three (3) and Four (4), Southwest Quarter of the Northwest Quarter ( $SW\frac{1}{4} NW\frac{1}{4}$ ); Northwest Quarter of the Southwest Quarter ( $NW\frac{1}{4} SW\frac{1}{4}$ ), of Section Five (5); East Half of the Southeast Quarter ( $E\frac{1}{2} SE\frac{1}{4}$ ); Southwest Quarter of the Southeast Quarter ( $SW\frac{1}{4} SE\frac{1}{4}$ ), of Section Six (6); Northwest Quarter of the Northeast Quarter ( $NW\frac{1}{4} NE\frac{1}{4}$ ) of Section Seven (7), Township Fourteen (14) South, Range Twenty-six (26) East, Boise Meridian. Southeast Quarter of the Northwest Quarter ( $SE\frac{1}{4} NW\frac{1}{4}$ ); Southwest Quarter of the Northeast Quarter ( $SW\frac{1}{4} NE\frac{1}{4}$ ); Northeast Quarter of the Southwest Quarter ( $NE\frac{1}{4} SW\frac{1}{4}$ ); Northwest Quarter of the Southeast Quarter ( $NW\frac{1}{4} SE\frac{1}{4}$ ); Southeast Quarter of the Southwest Quarter ( $SE\frac{1}{4} SW\frac{1}{4}$ ); Southwest Quarter of the Southwest Quarter ( $SW\frac{1}{4} SW\frac{1}{4}$ ), of Section Thirty-two (32), Township Thirteen (13) South, Range Twenty-six (26) East, Boise Meridian,

situate, lying and being in the County of Cassia, State of Idaho, said water thereby limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amounts, to-wit:

---

0.1 cubic foot per second as of March 1, 1884  
0.4 cubic foot per second as of March 1, 1900  
0.8 cubic foot per second as of March 1, 1909

---

That the above right hereby transferred has heretofore been diverted from the said Parke Creek through a canal known as "Cottle Ditch," and will hereafter be diverted through various ditches from Parke Creek

and Parke Springs situated upon the lands to be irrigated.

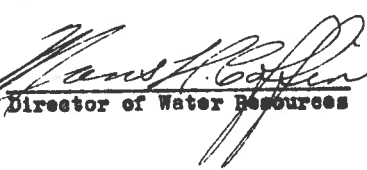
That the lands last above described have no other water right appurtenant thereto.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 1st day of March, 1934.

R. W. FARIS  
Commissioner of Reclamation

(SEAL)

By   
Director of Water Resources

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of )  
                  BERTHA M. WICKEL, )  
for a Transfer of Water, County of )  
                  Cassia. )

ORDER GRANTING TRANSFER

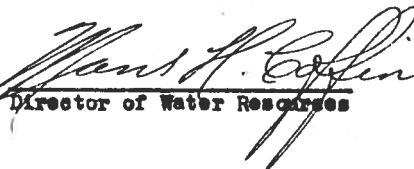
WHEREAS, on the 1st day of March, 1934, at the Department of Reclamation of the State of Idaho, the matter of the application of Bertha M. Wickel for a transfer of water right came on regularly for hearing, pursuant to the published notice; and

WHEREAS, no protest has been filed against the said application and the evidence filed by the applicant with her said application shows that a greater duty of water would result by reason of the transfer and that no one would be injured thereby:

NOW, THEREFORE, IT IS HEREBY ORDERED, That the said application be, and the same is, hereby GRANTED and that a Certificate of Transfer of Water Right be issued the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 1st day of March, 1934.

R. W. FARIS  
Commissioner of Reclamation

By   
Director of Water Resources

James S. McGill

1886-June 5 63 0206 2 s.f. c 1908

To be diverted from Clear Creek for the irrigation of

Lot 2, SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, W<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>, Sec. 5, NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, Sec. 8, Twp. 15 S. R. 2 E.B.M.

PROVIDED, that the amount of water which said James S. McGill shall be entitled to receive from the said Clear Creek shall not, at any time, when added to the amount he then is entitled to receive, or receiving of the waters of Raft River, exceed one inch per acre, or an aggregate of 4 s.f.

1909-Apr. 1 43 0207 1.3 s.f. c 1911

To be diverted from Raft River for the irrigation of SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, N<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>, Sec. 32, Twp. 15 S. R. 26 E.B.M.

G. S. Marshall

Kate Marshall

1900-Mar. 1 43 0208 4 s.f. c 1911

1909-Mar. 1 43 0209 8 s.f. c 1911

To be diverted from Parke Creek for the irrigation of

SE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, S<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>, S<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, Sec. 21, Twp. 13 S. R. 2 E.B.M.

1873-June 15 63 0210 2 s.f.

To be diverted from Cassia Creek for the irrigation of S<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> and NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, Sec. 2, Twp. 13 S. R. 25 E.B.M.

1909-Apr. 1 43 0211 4 s.f. c 1911 See recommending decree for Place of Use & Source of Water

R. M. Maxfield

Annie Maxfield

1887-Apr. 30 43 0212 8 s.f. c 1911

1894-Apr. 1 43 0212 2 s.f. c 1911

To be diverted from Green Canyon Creek for the irrigation of

NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, Sec. 17 and SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, Sec. 14 S. R. 25 E.B.M. Also a further tract of land described as follows: Beginning 14 rods 10 inches South of the NE corner of SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, Sec. 8, Twp. 14 S. R. 25 thence South 65 rods, 15<sup>1</sup>/<sub>2</sub> feet 2 inches; thence West 80 rods, the North 55 rods 15<sup>1</sup>/<sub>2</sub> feet 2 inches; thence East 80 rods to place of beginning.

North American Mortgage Co.

1898-July 1 43 0213 8 s.f. c 1911

To be diverted from Cassia Creek for the irrigation of

SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, Sec. 14, Twp. 17 S. R. 25 E.B.M.

1886-July 1 43 0214 4 s.f. c 1911

To be diverted from Cassia Creek for the irrigation of

NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, Sec. 23, Twp. 13 S. R. 26 E.B.M.

1894-Apr. 1 43 0215 2.4 s.f. c 1911

To be diverted from Cassia Creek for the irrigation of

NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, Sec. 23, Twp. 13 S. R. 26 and SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, Sec. 14, Twp. 13 S. R. 26 E.B.M.

RECEIVED



C. BEN ROSS, GOVERNOR

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION

R. W. FARIS, COMMISSIONER

BOISE

BUREAU OF WATER RESOURCES  
MANS H. COFFIN  
DIRECTOR  
ASSISTANT COMMISSIONER

Cavanah Decree. Oct 18, 1928

I. S. Marshall } March 1, 1900 - 0.4 c.f.s.  
Kate Marshall } March 1, 1909 - 0.2 c.f.s.

To be diverted from Park Springs for the irrig of  
NE $\frac{1}{4}$ , SE $\frac{1}{4}$  NE $\frac{1}{4}$ , S $\frac{1}{2}$  SW $\frac{1}{4}$ , S $\frac{1}{2}$  SE $\frac{1}{4}$ , NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 21 - 13S 26E.

Order of Court amending decree - Jan. 8<sup>th</sup> 1929.

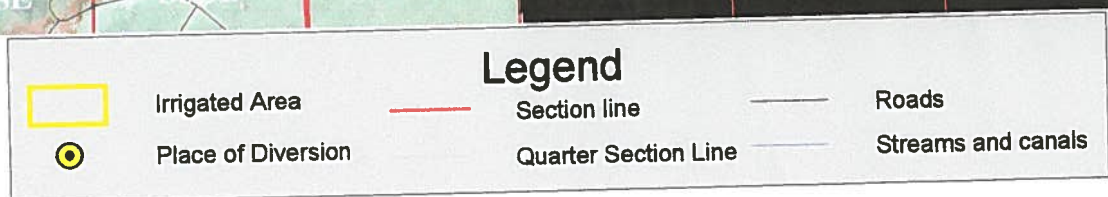
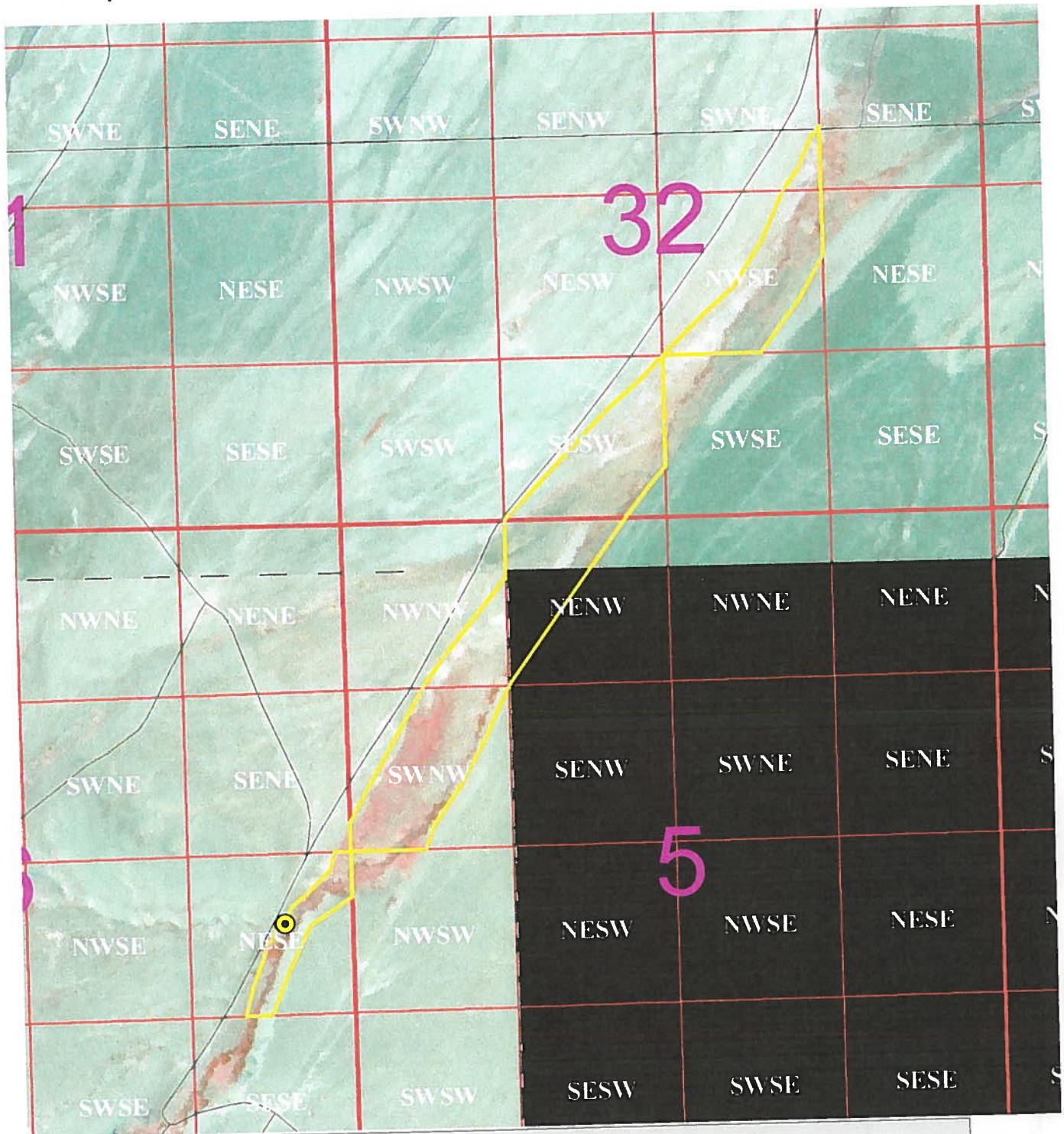
I. S. Marshall and  
Kate Marshall

1873 - June 15<sup>th</sup> - 2. c.f.s. To be diverted from Cassia Creek.  
1884 - March 1<sup>st</sup> .1 s.f. To be diverted from Park Creek and  
1900 - March 1<sup>st</sup> .4 s.f. Park Springs.  
1909 - March 1<sup>st</sup> .8 s.f. for the irrig. of NE $\frac{1}{4}$  NE $\frac{1}{4}$ , N $\frac{1}{2}$  SE $\frac{1}{4}$ ,  
S $\frac{1}{2}$  SW $\frac{1}{4}$ , S $\frac{1}{2}$  SE $\frac{1}{4}$ , NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 21, T13S 26E

RECORDED  
INDEXED  
FEB 11 1929  
FEB 11 1929  
FEB 11 1929

## Water Right Claim Number A43-00413

Townships , 13S26E, 14S26E



500 0 500 1000 1500 2000 2500 Feet



**Log for claim A43-00413**

Spatial Dynamics LRR

1/27/00

| <b>T</b>       | <b>R</b> | <b>SEC</b> | <b>QQ</b> | <b>Acres<br/>Claimed</b> | <b>Acres<br/>Found</b> | <b>COMMENT</b> |
|----------------|----------|------------|-----------|--------------------------|------------------------|----------------|
| 13             | 26       | 32         | SWNE      | 10                       | 1.8                    |                |
| 13             | 26       | 32         | SESW      | 30                       | 19                     |                |
| 13             | 26       | 32         | NWSE      | 20                       | 17                     |                |
| 14             | 26       | 5          | NENW      | 15                       | 15                     |                |
| 14             | 26       | 5          | NWNW      | 10                       | 7.3                    |                |
| 14             | 26       | 5          | SWNW      | 30                       | 22                     |                |
| 14             | 26       | 6          | NESE      | 5                        | 7.8                    |                |
| <b>Totals:</b> |          |            |           | 120                      | 89.9                   |                |

Wednesday, February 02, 2000