

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: A43-00419
Date Received: 5/30/1989
Receipt No: M003762
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: VAUDIS J. WARD 208-824-5560
Address: HC 61, BOX 1560
ELBA, ID 83326
OR
Name: CLARK W. WARD 208-824-5560
Address: HC 61, BOX 1560
ELBA, ID 83326
OR
Name: SARA JANE WARD
Address: HC 61 BOX 1560
ELBA, ID 83326

2. Date of Priority: APR 01, 1890

3. Source: RAFT RIVER Trib. to: SNAKE RIVER

4. Point of Diversion: *24E*

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
15S	<i>25E</i> 25E	25 <i>30</i>		SE <i>NE</i>	SW <i>NE</i>		CASSIA

5. Description of diverting works:
DAMS AND CHECKS TO LATERAL DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.200		
STOCKWATER	01/01	12/31	0.070		

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

8. Total consumptive use is 487.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 200 HEAD OF CATTLE

A43-00419

Page

1

Date: 08/11/89

MICROFILMED

MAR 03 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	25E	30	✓ SW	NE		IRR	15.0 ✓
			NW	NW		IRR	40.0
			SW	NW		IRR	30.0
			✓ SE	NW		IRR	30.0
			✓ NE	SW		IRR	30.0
			NW	SW		IRR	20.0
			✓ NW	SE		IRR	30.0
						Section Acres	195.0
						Total Acres	195.0

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:
NONE

14. Remarks:
DECREE STATES THAT THE WATER IS DIVERTED FROM THE RAFT RIVER.
ACTUALLY, THE WATER IS INTERCEPTED AS IS COMES FROM EDWARDS CREEK
ALMO CREEK AND COVE CREEK, AND FROM SURPLUS IRRIG. WATERS AND
SUB-WATERS, WHICH, IF NOT INTERCEPTED, WOULD FLOW INTO THE RAFT
RIVER. THIS WAS NOT CLARIFIED IN THE DECREE.

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

ALBION-IDAHO LAND CO.
Decree Plaintiff

JOBE ADAMS ET AL
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 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 _____



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 26, 1997

TRISH FAWCETT
IDAHO DEPT OF WATER RESOURCES
1341 FILLMORE ST SUITE 200
TWIN FALLS ID 83301-3380

RECEIVED
SEP 30 1997
Department of Water Resources
Southern Region

RE: ADDRESS & OWNERSHIP CHANGES FOR SOUTHERN REGION

Dear Ms. Fawcett:

Enclosed is a list of southern region records that our office changed. After the records were changed I realized I should have sent them to your office to do the changes.

I apologize for the inconvenience.

The first item (for Basin 43) is a change of address for attorney Ray Rigby that was sent to us from Boise.

The second item (for Basin 72) is a change of ownership from San Felipe Ranch to Mountain Springs Ranch LLC that was sent to us from San Felipe Ranch.

If you have questions, do not hesitate to contact me.

Sincerely,

Jennifer Hoagland
Technical Records Specialist

Enclosure

RECEIVED

SEP 30 1997

Department of Water Resources
Southern Region

SD-1151-2

Idaho Department of Water Resources
Selection File Maintenance, Screen II

Date 09/25/97
Time 09:46:28

Go to Page ____

Page: 1

34-00057	34-00058	34-00187A	34-12432	34-00195D
34-00196C	34-00796	34-00834	34-00836	34-02277
34-02480B	34-02491E	34-07075	34-10484	34-10490
34-12431	A01-00175	A21-00083	A21-00141	A21-02035
A21-02037	A21-04153	A21-10166	A21-11088	A21-11146
A21-11147	A22-00654	A22-00655	A22-07069	A22-07103
A22-07114	A22-07230	A22-11162	A34-00211	A34-00676A
A34-00801	A34-00802	A34-02075	A34-07146	A34-10688
A34-10694	A34-10701	A34-10706	A34-10709	A43-00407
A43-00419	A43-02044	A43-02215	A43-04110	A43-07112
A43-10290	A43-10291	-	-	-
-	-	-	-	-
-	-	-	-	-
-	-	-	-	-
-	-	-	-	-

A01-04153 } Ray. Righy ~~was~~ is owner, all other numbers he
A22-10166 } is the attorney.



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83726-2000
Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

SEP 30 1997

Department of Water Resources
Southern Region

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 19, 1997

RAY W RIGBY
~~25 N 200 E~~ P.O. Box 250
REXBURG ID 83440

9-15-97 records
NOT modified.
-ps

RECEIVED

AUG 28 1997

Re: Snake River Basin Adjudication (SRBA)
Change of Address

Dear Mr. Rigby:

Department of Water Resources

IDWR has been notified by the U.S. Post Office 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 rights and those of your clients can be sent only to the address on your water rights or as otherwise changed by you.

I have enclosed a Selection File Contents sheet which lists not only water rights under your name as Claimant, but also those of your clients.

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. Thank you for your help.

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

If there has been a change in ownership of the properties connected with the water rights referenced above, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the claim record.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

Enclosure

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

Claimant's Attorney for Claimant Signature

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

COPY TO FILE A43-00419

Receipt No: M003762

6/26/89 AB

Date: 05/30/89

Time: 19:18:15

NUMBERS ^{PUT} ~~ADDED~~ ON
RECEIPT: ORIGINAL only had total \$

Received

From: O.U. RANCH/WARD, VAUDIS

Type of Payment	Program Acct Class	Amount
SNAKE RIVER BASIN GENERAL ADJUD. FEES	0410162 9337 6490	\$995.00
Total		\$995.00

CHECK 526

WR/NO: A43-07112 A43-10290 A43-00419 A43-10291 A43-04110
A43-10292 A43-00407 A43-10293 A43-02044

Idaho Department of Water Resources

Region: MOBILE I

Signature: _____

MICROFILMED
MAR 03 1993

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

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ELBA, ID 83326

OR

Name: CLARK W. WARD 208-824-5560
Address: HC 61, BOX 1560
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3. Source: RAFT RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15S	25E	25	SE	SW			CASSIA

5. Description of diverting works:
DAMS AND CHECKS TO LATERAL DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.200		
STOCKWATER	01/01	12/31	0.070		

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

8. Total consumptive use is 487.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 200 HEAD OF CATTLE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15S	25E	30	SW		NE		IRR	15.0
			NW		NW		IRR	40.0
			SW		NW		IRR	30.0
			SE		NW		IRR	30.0
			NE		SW		IRR	30.0
			NW		SW		IRR	20.0
			NW		SE		IRR	30.0

Section Acres 195.0

Total Acres 195.0

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:
NONE

14. Remarks:

DECREE STATES THAT THE WATER IS DIVERTED FROM THE RAFT RIVER.
ACTUALLY, THE WATER IS INTERCEPTED AS IS COMES FROM EDWARDS CREEK
ALMO CREEK AND COVE CREEK, AND FROM SURPLUS IRRIG. WATERS AND
SUB-WATERS, WHICH, IF NOT INTERCEPTED, WOULD FLOW INTO THE RAFT
RIVER. THIS WAS NOT CLARIFIED IN THE DECREE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

ALBION-IDAHO LAND CO.

Decree Plaintiff

JOBE ADAMS ET AL

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 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

Ident. Number 443-00419Date Received 5-30-89Receipt Number M003762

RECEIVED
MAY 30 1989

Department of Water Resources

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

Please type or print clearly

Clark W. Ward or, 208 824-5560
Sara Jane Ward or, 208 824-5560
1. Name of Claimant (s) Vaudis J. Ward, a widow Phone (208) 824-5559

Mailing Address HC 61, Box 1560, Elba, Idaho Zip 83326

2. Date of Priority (Only one (1) per claim) April 1, 1890

3. Source of water supply (a) Raft River
which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 15S Range 25E Section 25,
1/4 of SE 1/4 of SW 1/4, Govt. Lot, B.M., County of Cassia

Additional points of diversion if any: NE1/4NE1/4 of Section 30

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. Dams and checks divert the water
into lateral ditches which lead to the irrigated lands.

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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 4-1 to 11-1 amount 3.2 or _____

For stockwatering purposes from 1-1 to 12-31 amount 0.07 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3.27 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 487.50 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 200 head of cattle

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	
15S	25E	30			S 15			S 40	S 30	S 30	S 30	S 20				S 30			195

Total number of acres irrigated 195

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:

The decree states that the water is divered from Raft River. Actually, the water is intercepted as it comes from Edwards Creek, Almo Creek and Cove Creek, and from surplus irrigation waters and sub-waters, which, if not intercepted, would flow into the Raft River. This was not clarified in the Decree.

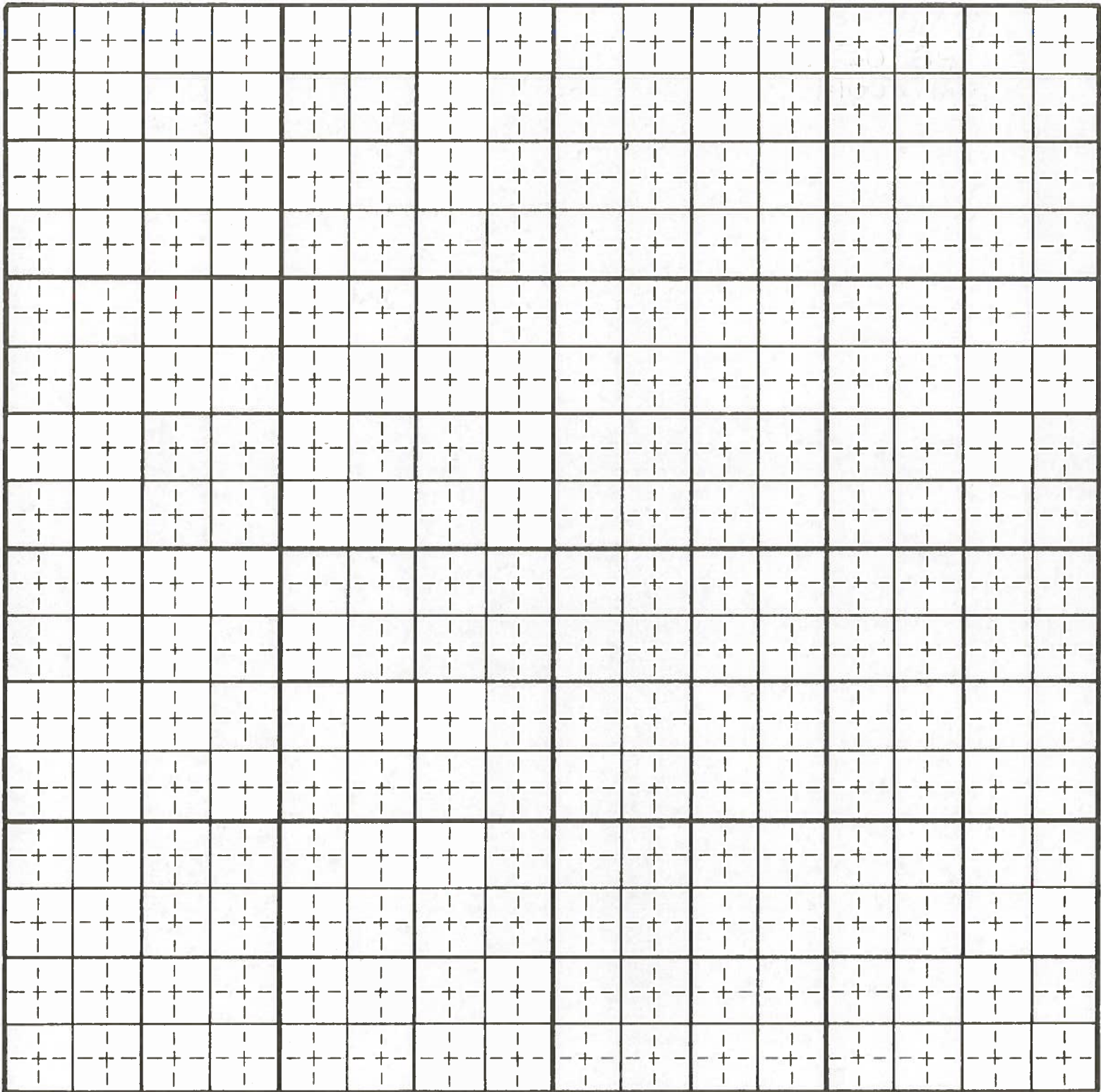
Last Name Ward Ident No. _____

MICROFILMED
MAR 03 1993
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 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 43-00419

Court 11th (now 5th) Case Number _____ Decree Date 10-22-28
U.S. Dist. Court/Idaho Amended 12-6-28
Plaintiff vs Defendant

Albion Idaho Land Co. v. Jobe Adams, et al., Case No. 992

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 3 (IDWR Water Right Report, Amended Decree and map)

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Sara Jane Ward Date 5/24/89

Vandis J. Ward Date 5/24/89

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 _____)

County of Madison) SS.

Subscribed and sworn (or affirmed) before me this 24th day of May 19 89

SEAL

Notary Public Debra A. Keller

Residing at Rexburg, Idaho

My Commission Expires 11-15-93

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Ray W. Rigby 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 Ray W. Rigby

Address 25 N. 2nd E., POB 250, Rexburg, ID 83440

Date 5/24/89

MICROFILMED

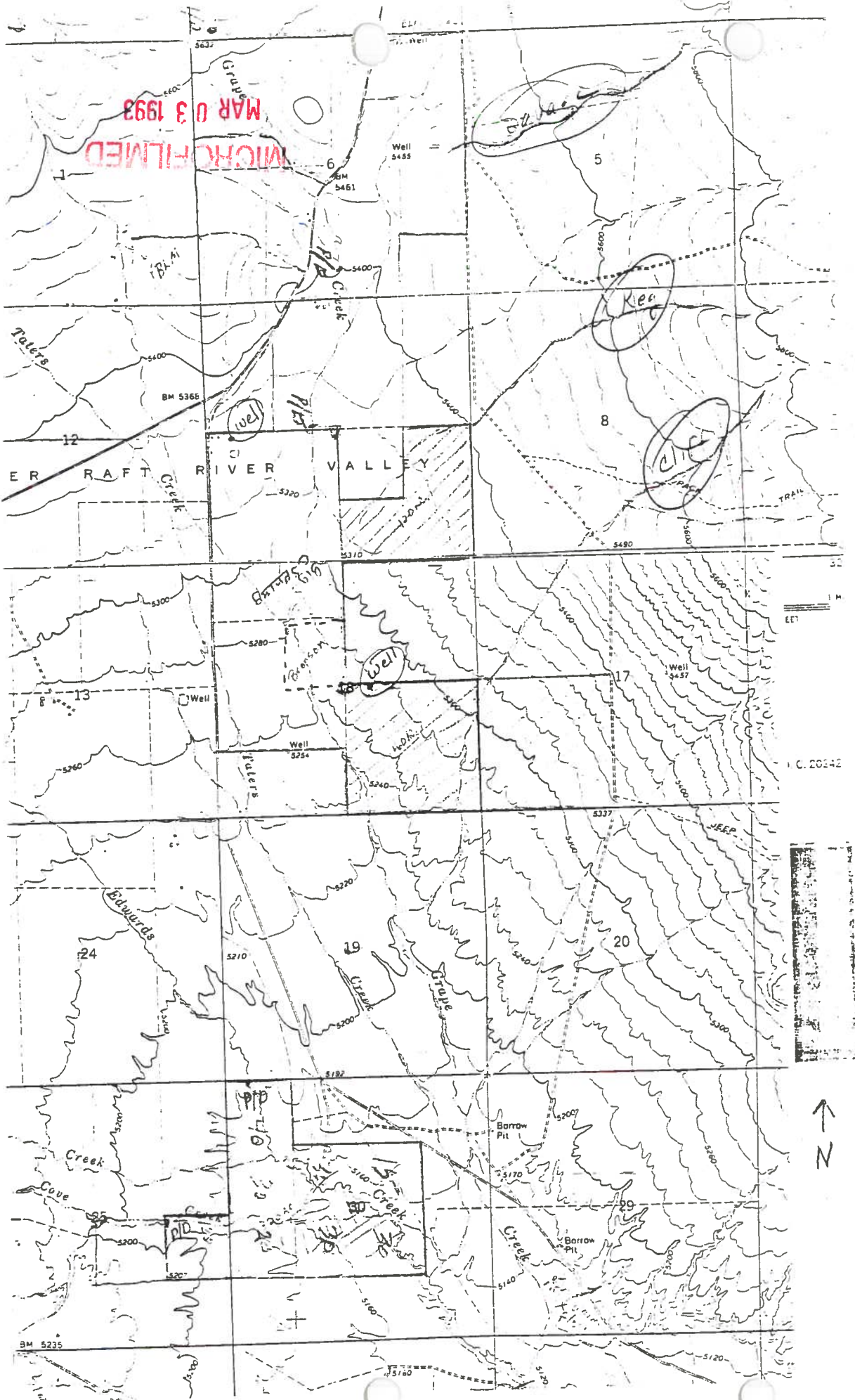
MAR 03 1993

Last Name Ward Ident. Number _____

Copies White-State, Yellow-Claimant

MAR 03 1993

MICROFILMED



MICROFILMED

MAR 03 1993

DATED at Boise, Idaho, this 8th day of January A. D. 1929.

Charles C. Cavanah
District Judge.

U.S. DISTRICT COURT
DISTRICT OF IDAHO
FILED APR 8 1929
W. D. McREYNOLDS, Clerk

By _____ Deputy

IN THE DISTRICT COURT OF THE UNITED STATES,
FOR THE DISTRICT OF IDAHO, SOUTHERN DIVISION.

Albion Idaho Land Company,
a corporation,

Plaintiff.

-vs-

Jobe Adams, et al,

Defendants.

IN EQUITY No. 992.

STIPULATION FOR AMENDMENT

OF DECREE.

IT IS HEREBY STIPULATED AND AGREED By and between the parties hereto, appearing by and thru their respective counsel, that the decree made in this cause on the 18th day of October, 1928, and filed October 22, 1928, may be, by order of the Court amended in the following particulars, viz.,

- | | | |
|--|-----------|--|
| 1884-Apr. 30 | .8 s.f. | for the irrigation of |
| 1885-Apr. 30 | 1 s.f. | SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 29, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 32, Tp. 15 S. R. 25 E.B.M. |
| 34. <u>Chris Hanson</u>
1882-May 30 | 1.2 s.f. | To be diverted from Raft River for the irrigation of NW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 32, Tp. 15 S. R. 25 E.B.M. |
| 35. <u>Orville Ward</u>
<u>1890-Apr. 1</u> | 3.2 s.f. | To be diverted from Raft River for the irrigation of SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 30, Tp. 15 S. R. 25 E.B.M. |
| 36. <u>Oregon Mortgage Co.</u>
1883-Apr. 30 | 1.3 s.f. | (First description and first award)
To be diverted from Raft River, for the irrigation of a part of the E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 36, Twp. 9 S. R. 27 E.B.M. |
| 37. <u>Benjamin Willmore</u>
1911-Jan. 17 | 8.15 s.f. | (Third award on page 39 of said decree)
To be diverted from Clear Creek for the irrigation of SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 26, Tp. 16 S. R. 27 E.B.M. |

MAR 4 3 1993

IT IS FURTHER STIPULATED AND AGREED that the proviso contained on page 25 of said decree, defining the water rights of the International Mortgage Bank, shall be amended to show that the said proviso therein contained shall apply only to the decree of:

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A43-00407 ET ALL

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Frank Hitchcock

July 17, 1995 9:57am

NAME: TF PORTIA JENKINS, RIGBY'S OFFICE 07-14 RE: A43-00407 ET AL/WARD, V.

I HAD CALLED THE DAY BEFORE (07-13-1995) TO TELL HER THAT CLAIM-TAKING HAD MISSED MR. RIGBY'S NOA SIGNATURE IN THE CODING OF OWNERSHIP. SINCE MS. JENKINS IS A FRIEND OF MINE AND MR. RIGBY'S LEGAL ASST. IS FELT THAT CONTACTING HER WAS APPROPRIATE TO EXPLAIN THE PROBLEM.

SHE WILL GET A COPY OF THIS MEMO AND A COPY OF THE COMPLETED OWNERSHIP CODE CHANGE(S) SINCE THERE ARE EIGHT CLAIM NUMBERS SUBJECT TO MR. RIGBY'S REPRESENTATION. I WILL LIST THEM BY CLAIM NUMBER IN THE CORRESPONDENCE TO HER.

SHE AGREED THAT IT SOUNDED APPROPRIATE TO COMMUNICATE WITH HER AT THE OUTSET AND THAT IF AND WHEN I NEED TO DO THE FIELD EXAM I WILL NOTIFY THE FIRM ATTN MR. RIGBY AS PER OUR EXAM MANUAL. ANY FURTHER CONTACTS WILL BE TO MR. RIGBY PER THE MANUAL. CC TO FILE(S).

6/9/94

COMMUNICATION DOCUMENTATION

Claim No.A43-00407 ET AL

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Frank Hitchcock

04-21-1995 9:00 AM

A REVIEW OF THIS FILE FOR PLOTTING PDS FOR MEASUREMENT THIS SEASON REVEALS THE FOLLOWING:

1. ORIGINAL CLAIMS SIGNED BY ATTORNEY RAY RIGBY BUT NO ATTORNEY CODE FOUND ON PROOF QUERY OR ON SEL FILES FOR 43.
2. NO EVIDENCE OF PRIORITY RETURN(S) FOR THE BENEFICIAL USE CLAIMS.
3. LETTER COPY TO CLAIMANT 02-06-1992 RE: SYSTEM ANALYSIS AND A LEGAL ANALYSIS FOR A43-02215, -02044 AND -10290. DUE TO THE ERROR NOTED IN ITEM 1 ATTORNEY DIDN'T SEE THIS CONTACT ABOUT THE ISSUES. A COPY OF THE LETTER AND A REQUEST FOR OUTCOME(S) TO KKC 04-20-95.
4. ATTORNEY ADDRESS INCOMPLETE AND NO PHONE NUMBER.

1. Attorney file updated w/ claimant name, claim #s.
04-24-95 by FH.

RAY RIGBY
356-3633
FAX 356-0768
04-20-95

CC:
-02044
-10290



DEPARTMENT
Southern Reg

Kelly: 04-20-95
status of the
legal analysis (cc)

SOURCES
301 (208) 736 300

CECIL D. ANDRUS
Governor

06-Feb-1992

L. KEITH HIGGINSON
Director

CLARK W WARD
HC 61 BOX 1560
ELBA ID 83326

RE: PROOF OF PRIORITY FIL:

per KKC: *7/*
X

2215.

Dear Mr Ward

It may be that a system analysis of your water use would be the best way to determine the status of your claims and we are not planning that phase of claims review at this time. It is anticipated that the latter part of the summer will be when we review systems in your area. At that time we will need a more accurate land list of the irrigated acres as it relates to each source. The acres covered by Grape Creek should be independently identified as should the acres covered by groundwater. This will be necessary to see how many acres are covered by decreed rights and how many acres should be covered by the licensed or beneficial use rights.

There is still some question as to the status of 43-02215. Further research is needed and the department's legal staff is tied up in a court action which will delay the analysis until at least next week. It appears the status of A43-02044 may face the same legal analysis as 43-02215. When they have been analyzed, I will let you know the status of those rights. As the status of A43-10290 is related to the outcome for the above rights, doing nothing at this time would probably be your best option.

A43-10291 still needs evidence of use and priority date to be submitted, as we discussed. Whenever you collect the information please send it in and we will place it with the original claim.

If you have any questions please call me and I'll try to explain what is going on.

Sincerely

Kelly K. Christensen
Sr. Water Resource Agent

COPY COPY

06/18/2001

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

RIGHT NUMBER: 43-419

NAME AND ADDRESS: CLARK WARD
SARA JANE WARD
VAUDIS J WARD
HC 61 BOX 1560
MALTA, ID 83342

SOURCE: ALMO CREEK TRIBUTARY: RAFT RIVER
EDWARDS CREEK ALMO CREEK
LITTLE COVE CREEK ALMO CREEK

QUANTITY: 2.9 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 10/19/1928

POINT OF DIVERSION:	T15S R24E S25	NWSENE	Within CASSIA County
	T15S R24E S25	NENESE	Within CASSIA County
	T15S R24E S25	NENWSE	Within CASSIA County
	T15S R25E S30 LOT 1	NWNWNW	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	2.90 CFS
STOCKWATER	01-01 12-31	0.05 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County							
T15S R25E S30		SWNE	7.4	T15S R25E S30	LOT 1	NWNW	17
T15S R25E S30	LOT 2	SWNW	32	T15S R25E S30		SENW	25
T15S R25E S30		NESW	18	T15S R25E S30	LOT 3	NWSW	12
T15S R25E S30		NESE	0.1	T15S R25E S30		NWSE	34
STOCKWATER Within CASSIA County							
T15S R25E S30		SWNE		T15S R25E S30	LOT 1	NWNW	
T15S R25E S30	LOT 2	SWNW		T15S R25E S30		SENW	
T15S R25E S30		NESW		T15S R25E S30	LOT 3	NWSW	
T15S R25E S30		NESE		T15S R25E S30		NWSE	

145.5 ACRES TOTAL

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

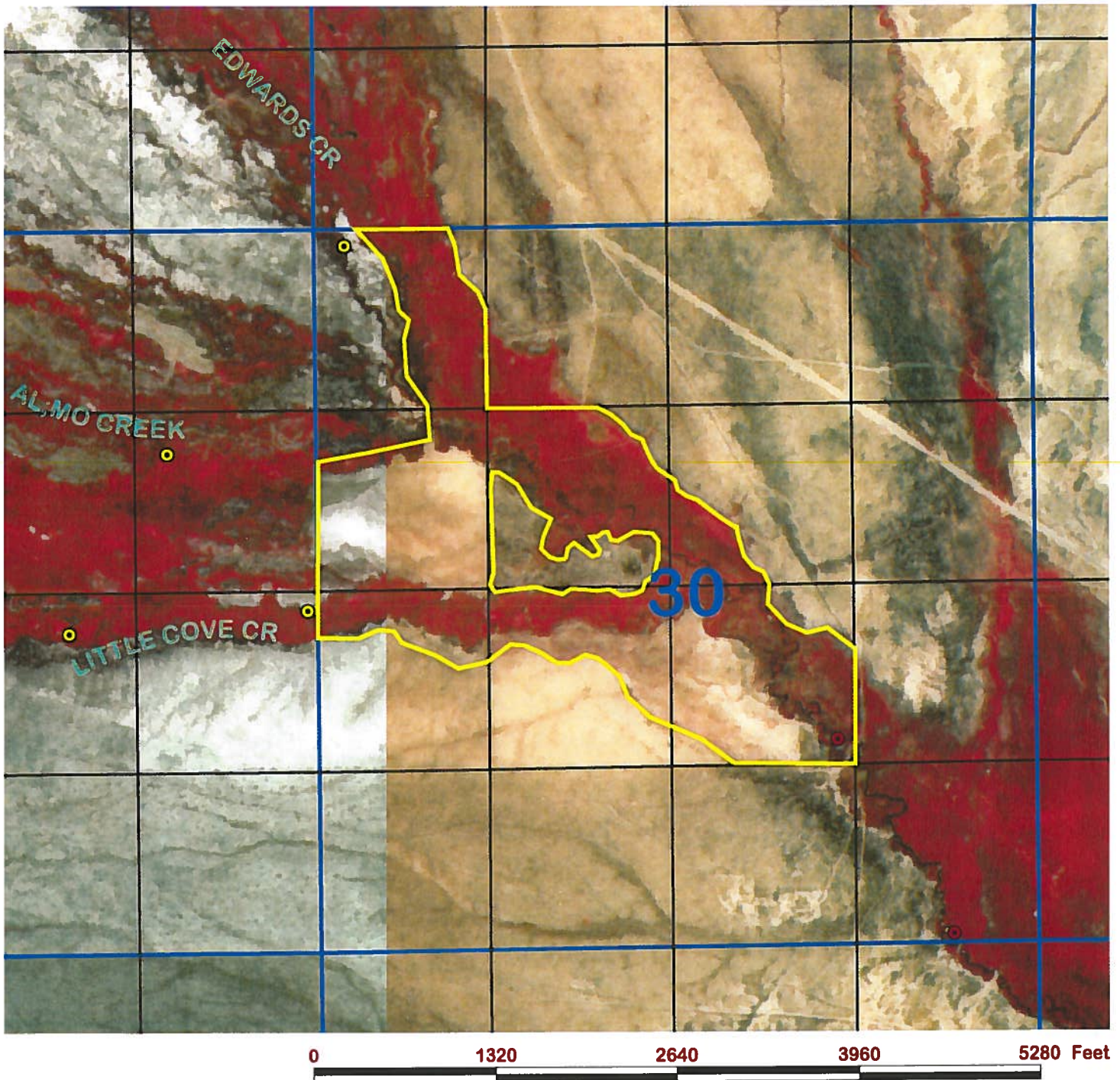
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

STOCKWATER 200 RANGE CATTLE

RIGHTS: 43-419

RECOMMENDED PLACE OF USE
TWP 15S, RNG 25E,
Data entry on June 14, 2001



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



GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
PREPARED BY VIKIE HANCOCK



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 18, 2001

Clark Ward
HC 61 Box 1560
Malta, Idaho 83342

RE: Snake River Basin Adjudication (SRBA)
43-419, 43-10291, 43-13029

Dear Clark,

Here are copies of the claims as revised per our meeting June 4th. Disregard the due date of June 15th on the Notice of Error form and be sure to let me know if you see something you don't agree with. Thank you to Sara Jane for getting back to me with information I could use for the basis of priority date on your enlargement claim. As we discussed, it is not too late for you to provide further information about 43-419 if you can find it.

If I can be of assistance to you as this Adjudication process progresses, please don't hesitate to call me.

Sincerely,

A handwritten signature in black ink, appearing to read 'V. Hancock', is written over a horizontal line.

Vikie Hancock
Sr. Water Resource Agent
Southern Regional Office, Twin Falls

COMMUNICATION DOCUMENTATION

From: Vikie Hancock

6/18/2001

Regarding:

43-419

Contact:

Thern Ward

I called Thern Ward this morning to clarify some information that was contained in his written statement in support of the above claim. The written statement was submitted to me by Clark Ward on June 4, 2001.

Thern Ward said that the creek his father and Chris Hanson dug two ditches out of, up in what is now Doug Ward's, was Almo Creek. I asked if he and his brother ever used the creek south of Almo Creek that is known as Little Cove Creek. He said that when the water came down there they used it when they farmed the place. Then I asked him if they ever used water from the creek that comes down from the north known as Edwards Creek, and he said that when there was water there they did. He said it came through Edwards place and when there was waste water in the creek they used that.

I asked him if he had any information about the Jobe Adams Decree and why Orville Ward's right said Raft River was the source. He said that he only remembered his Dad saying that when the thing came back, Lowe (the attorney) had it wrong and had put Raft River. He said that he asked his brother if they should try to have it changed and according to Thern his brother said: It don't matter what creek it says I ain't never gonna get more water.

Note that Chris Hanson was awarded decreed right 161 in the amendment to the Jobe Adams for lands now owned by Sylvia Knight and south of her property that lies just downstream of Clark Ward's. The source for right 161 is Raft River, and the right is also described with an 1882 priority date in the Lee Kirk decree of 1893.

Recommendation:

Based upon the age and recollections of Thern Ward and conversations with Deputy AG Candice McHugh, my recommendation for this claim is a priority date 1 day after the Jobe Adams decree date of 10-18-28 and a basis of beneficial use. I encouraged Clark Ward to research his right to see if he could find any additional evidence that his predecessor did have a valid 1890 right to Almo or other creeks for irrigation on this property.

To Whom This MAY CONCERN

I was born in 1925 and as far back as I remember we turned water on the 320 acres that now belongs to Clark Ward. We called the West one the Cole field, and East one the Wilcox.

Chris Hansen who I don't remember and dad bought a ditcher together and made two ditches that began in what we always referred to as the Spencer and now belongs to Doug and Jane Ward. One went on the South Side and one on the North Side of the Property now owned by Clark.

As far back as I can remember we used that ditcher to work on both ditches. Danny Buser who owned the Hansen field at that time still used the ditcher with dad.

RECEIVED

JUN 04 2001

Department of Water Resources
Southern Region

Therese Ward
824-5553

They would Each Take turns
with the water a week a Piece.

We also had a ditch that
turned water on the Property on
the Cole field between the
two main creeks.

The ditch that went to the
South into the Willows. We turned
the water on app. 30 acres that was
all into alfalfa when I first can
remember.

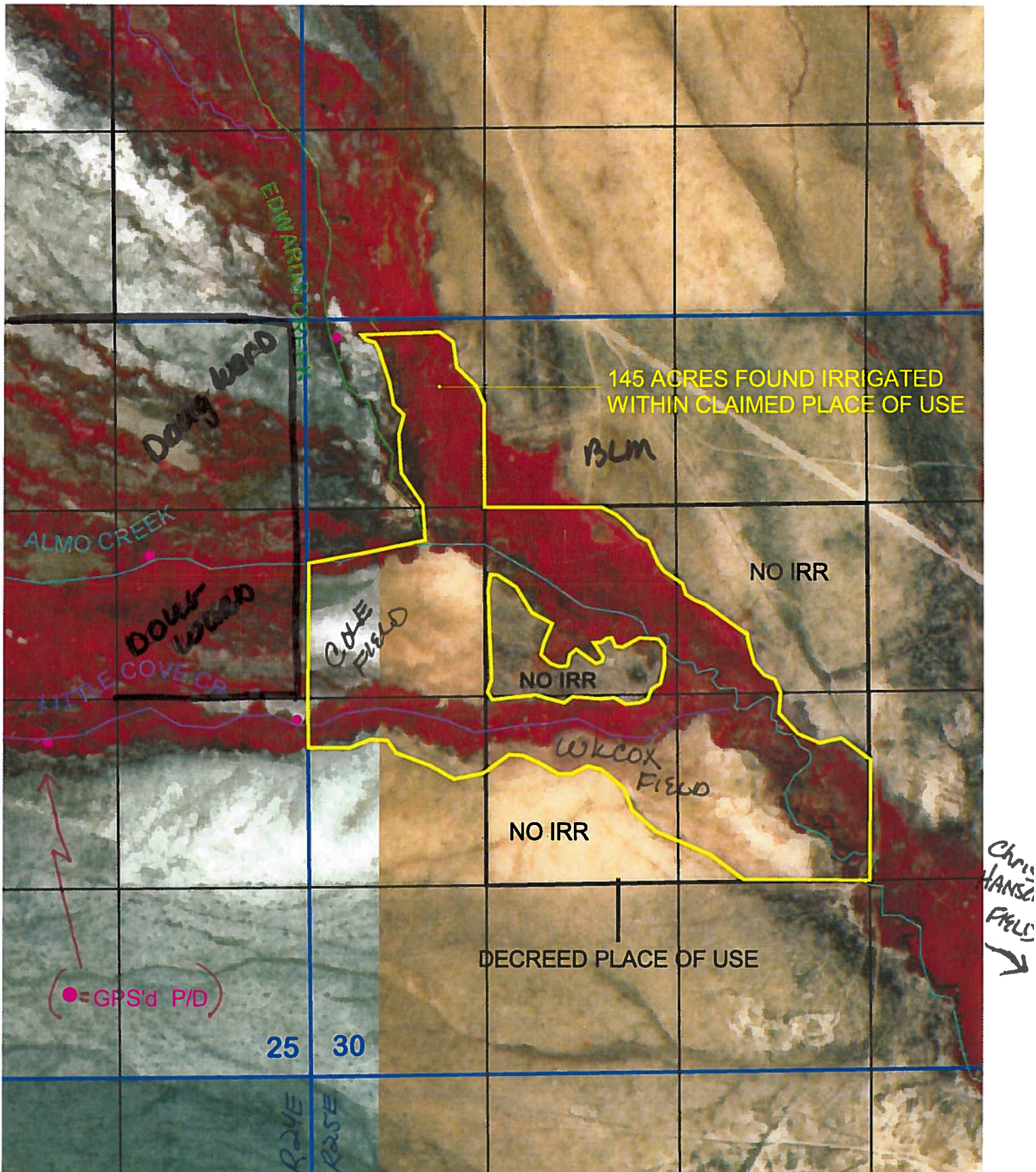
In 1946 My Brother Orville Jr.
and myself farmed and raised
Grain ^{and alfalfa} on these two Pieces of
Property for app. 6 yrs. at this
time I left and went on my
own.

Thom Ward
Almo, Idaho

FILE NOTES

CLAIM NO(S): A43-00419

TWP 15S, RNG 25E
SEC 30



V. HANCOCK

DATE: ~~REDACTED~~ 6-4-2001 1987/88 NAPP PHOTOGRAPHY

LOCATIONS OF FIELDS DSP CLARK WARD

01/25/2001

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

RIGHT NUMBER: 43-419 **DISALLOWED**

NAME AND ADDRESS: CLARK W WARD
SARA JANE WARD
VAUDIS J WARD
HC 61 BOX 1560
ELBA, ID 83326

SOURCE: EDWARDS CREEK TRIBUTARY: RAFT RIVER
LITTLE COVE CREEK ALMO CREEK

QUANTITY: 2.9 CFS *add Almo creek?*

PRIORITY DATE: 04/01/1890 *HA 19-1928 (DAY AFTER DECREE)*

POINT OF DIVERSION: T15S R24E S25 NESE Within CASSIA County
T15S R24E S25 NWSE Within CASSIA County
T15S R25E S30 NWNW Within CASSIA County

PURPOSE AND PERIOD OF USE: *ADD ALMO DIV? 25 SENE*

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04-01 10-31	2.90 CFS
STOCKWATER	01-01 12-31	0.05 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County					
T15S R25E S30	SWNE	7	T15S R25E S30	NWNW	17
T15S R25E S30	SWNW	32	T15S R25E S30	SENW	25
T15S R25E S30	NESW	18	T15S R25E S30	NWSW	12
T15S R25E S30	NWSE	34			

STOCKWATER Use same as IRRIGATION

145 ACRES TOTAL

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.

NO LAWFUL APPROPRIATION SHOWN: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is PROPOSED to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is PROPOSED to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.

NO LAWFUL APPROPRIATION SHOWN.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed *SC*

STOCKWATER 200 RANGE CATTLE

CLAIM NUMBER: A43-00419

$$145 \times .02 = 2.9$$

TOTAL DIVERSION: ~~3.27 CFS~~ 2.92
CONSUMPTIVE USE: ~~487.50 AFA~~ 0

Stage: ~~DECREED~~ **1**
CASSIA County

五

TOTAL ACRES

See

Exp Item

Other Rights: NONE

comment

Verified Date:

Presumption Flag

See
Dis Allow
no proof of priority/
beneficial use.
12/24/01

1-25-01 Right not in SDE REC LAYER



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

November 3, 2000

Clark Ward
PO Box 1560
Elba, Idaho 83326

RE: Snake River Basin Adjudication (SRBA)

Dear Clark,

I have come across several unresolved issues as I prepare to make my recommendations for your various claims at Almo. It has been just about a year since I visited your place, and I suspect that we have been equally busy in the interim. Here is a summary of what I need to complete your water right recommendations.

First, there is no proof of priority in the files showing when you first put the water of Big Springs (claim 43-10290) or Keg Creek (43-10291) to use for irrigation. Although I documented that there was evidence of use from these sources in 1999, there must be proof that the surface water was used prior to 1971 in order for me to recommend your water right. New appropriations of surface water after 1971 required a permit and license, therefore, if I don't have any evidence of use prior to that date, I have to disallow the two claims.

I have also done some research regarding your 1890 claim to water based upon decreed right 43-419 in the Jobe Adams Decree. This is the decree that identified the source as Raft River, but you are actually diverting Edwards and Little Cove Creeks, as well as runoff from Doug Ward's field. Because there is no historical delivery to your property from Edwards or Almo in accordance with the Jobe Adams Decree, it would seem that your water right is not based upon the decree, but upon the beneficial use of the water. Once again, this requires that you provide some documentation of when you began using the water from the creeks to irrigate your land. It would be after the date of the Jobe Adams Decree, which was signed in October 1928. I have looked at the aerial photos we have in the office which are dated 1976. They don't clearly indicate that irrigation was occurring then. If you can find some photos that show irrigation on the property prior to 1971 it would be helpful, also statements from neighbors or others who have personal knowledge of irrigation on the property but no financial interest in it. ASCS may be able to help you with photos, as they did fly that area and have archives in Salt Lake City.

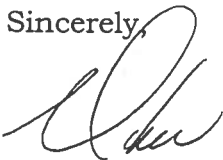
Our engineers in Boise did some investigating, and information found in our files supports your claim for a diversion of 1.2 cfs from the well located in at the north end of your place, in Section 7 (43-4110). There is a discrepancy in the number of acres irrigated from the well, however. In 1981, the claim filed

by Vaudis Ward only listed 80 acres in the NWSW and SWSW Section 7 that had been irrigated beginning in 1959. In 1989 you included another 40 acres in the NWNW Section 18 on the SRBA claim. Since you increased the number of acres irrigated from the well after the mandatory permit statute for groundwater came into effect in 1961, the additional 40 acres represents an enlargement of the original claim. The legislature passed a law that all enlargement claims receive a priority date of June 30, 1985, therefore, this 40 acres can't just be included in the claim you filed in 1989, but must be a separate claim.

I also did some more research into the old licenses on Grape Creek that you filed SRBA claims on. I now think that the license issued to Ivan Leo Durfee in 1920 for 30 acres and .6 cfs from Grape Creek (43-2215) is still valid. It was licensed shortly before the Jobe Adams lawsuit was filed and so it is possible that this use of Grape Creek was left out. But I believe the 1909 license (43-2044) in the name of Bronson, was given up. First of all, it appears from the Application for Permit by Leo Durfee in 1917 that he intended to develop lands that should have already been irrigated if the 1909 licensed right was in use. Second, and more importantly, the 1909 license would have been a long established right and thus included in the Jobe Adams Decree.

If you have questions about the different claims and what information I need, feel free to call me here at the office. If we need to have a meeting I can make an appointment that will be convenient for you, and this would probably be the best way for you to file the enlargement claim. Mr. Rigby is still listed in our files as your attorney. If he still represents you, I encourage you to seek his advice about the above issues. If you wish me to forward a copy of this letter to him, I certainly will. I look forward to hearing from you.

Sincerely,



Vikie Hancock
Sr. Water Resource Agent

Hancock, Vikie

From: Hancock, Vikie
Sent: Thursday, November 02, 2000 9:26 AM
To: McHugh, Candice
Subject: 43-419 Clark Ward

Candice,

We have talked about this claim before, but it was a while ago, and I wanted to verify our position.

This claim is based upon a decreed right in the amendment portion of the Jobe Adams, for 3.2 cfs from Raft River. The POU is 160 acres located so that there is no dispute that water was never conveyed from RR. Three creeks run through and converge on this POU, Almo, Edwards and Little Cove. The claimant, who is grandson of the original decree holder, showed me diversions from Edwards and Little Cove. Almo he basically gets as runoff from another farmer's field and mingles it with L. Cove water. He told me that his grandfather had always used the creeks and had no recollection of any attempt to get water from Raft River. All the creeks were dry at the time of my field exam. He had just disked one of the fields in preparation for replanting pasture. I could see that one field had been in grain but he told me he was going back to all pasture. In other words, there was evidence of beneficial use going on in 1999.

Edwards and Almo are regulated by the 43D watermaster. I talked to the recent watermaster and he was surprised to learn that Ward had any kind of decree for that property. He said that he had never delivered water to Ward from Edwards or Almo, but that he had delivered water based upon decree to the farm just *downstream* of Ward. Little Cove Creek is not specifically included in the Jobe and there are no other irrigation claims on it, probably because it floods thru once a year and is dry the rest of the time.

Your advice to me last April was that the decree was probably invalid because it had never been delivered from RR and that Ward probably had a post decree BU claim on the creeks he was using. I agree with that analysis because I actually get the feeling, from comments from neighbors, that Ward has been using the water that comes down the creeks *a lot more* since the neighboring decree holder downstream moved to Utah and then died. I have asked him twice for some kind of documentation that the creeks were always used instead of RR to fulfill the decree but haven't received anything that would even substantiate a priority date for a BU claim pre 1971. It is also clear that historical delivery on these creeks does not recognize a decreed right to water with an 1890 priority for this claimant.

I am prepared to write this guy a letter telling him that we have determined that the decree from RR is invalid and that without proof of priority of BU from the creeks, I will have to disallow the claim, but in light of some of the things that have surfaced regarding the Jobe, I wanted to re-check with you. I know that Kelly has found several decreed rights in his area that identify Cassia Creek when it was obvious that a trib to Cassia creek was really the source. We now are recommending decreed rights on RR that haven't been used for years because water wasn't available and the diversion works were let go. The historical lack of delivery mentioned above seems to preclude any arguments based upon these two examples, but I wanted to double check. Please advise.

Vikie

11-2-00 Reply from Candice via phone call: It still seems that the most correct description of this water use is a post decree Beneficial Use Claim, if there is evidence that use began prior to 1971.
VH.

To: Candice McHugh
Legal Dept
4-17-2000

Candice,

I'm finally getting back to this claim based upon decreed right #43-00419. This is the one where the decreed source is Raft River and there is no way that water from RR could ever have reached the decreed POU. I'm sending you another GIS layout and my Field Exam Notes in case you find them helpful. Here are some relevant points:

- This decreed right appears only in the amendment portion of the Jobe Adams. It lists the source as Raft River, a priority date of 1890, diversion amount of 3.2 cfs and the place of use is 160 acres. It would be nearly impossible to convey water from Raft River to the decreed place of use.
- There are other possibly unintentional mistakes in the Jobe Adams but also some controversy surrounding the politics of the day.
- Claimant Clark Ward is grandson of the decree holder Orville Ward and says that his grandfather always used water from Little Cove and Edwards Creek as well as water from Almo Creek that ran off of Doug Ward's. He has no knowledge of any attempt to convey water from Raft River to the property. Clark is probably about 35 years old.
- The Adjudication Claim, as originally filed, modified the place of use but otherwise replicated whatever elements were found on the original IDWR water right file, as was common with attorney-assisted claim filings. In other words: the AJ claim may not be an accurate source for determining the actual use on the day of filing
- During a phone conversation 4-6-2000, Buddy Ward, who was district 43D watermaster for several years prior to 1999 (and more familiar with recent historic water delivery than the current watermaster), stated that he never delivered water to Clark Ward's property from Almo or Edwards Creek, both of which are regulated by the 43D watermaster. He routinely delivered water to fulfill decreed rights appurtenant to the Knight property that is downstream of Clark Ward's. He was surprised to learn of an 1890 decreed right from Raft River that was appurtenant to Clark's ground, and was in agreement that delivery to that 160 acres would not be feasible from Raft River.
- Gary Jones, who has upstream decreed rights on Edward's Creek, says that by the time he uses his water, Edwards sinks somewhere in his pasture. He had never heard that Clark Ward had any decreed right to Edwards Creek or Raft River and always assumed he was using whatever water flowed back into the channels from fields, whenever it was available.
- The 1890 priority date of Ward's would be junior to both of Jones' rights upstream on Edwards Creek as well as to Knight's three decreed rights immediately downstream on Almo Creek. It would be senior to some decreed rights upstream on Almo Creek.
- The only other water right claims on Little Cove Creek are upstream stockwater claims, and the creek is not regulated by the watermaster.

- There have been no measurements of Clark Ward's diversions from the three individual creeks.

Some Possible Recommendations:

1. Recommend with the decreed priority date and an accomplished change in source to Almo, Edwards and Little Cove Creeks which are all tributary to Raft River; and with an accomplished partial change in place of use to the 145 acres found irrigated with a corresponding decrease in diversion rate. Let the chips fall.
2. Recommend as above but with an accomplished change in source to Edwards and Little Cove Creeks, as the Almo diversion appeared to me to be more of a wastewater diversion. It would not then be senior to the rights upstream on Almo.
3. Recommend with decreed priority date and change in source to Little Cove Creek, as there is no historical delivery of water in accordance with the decree from Edwards or Almo Creeks. A further reduction in acres and diversion amount may be necessary due to the topography of the property and the more limited extent of irrigation from Little Cove. A post 1928 beneficial use right could be claimed for Edwards and possibly Almo.
4. Recommend as a beneficial use right with priority after 10-18-1928.
5. Other.

Thanks for any creative advice you can give me on this. To preserve the status quo, option 2, 3 or 4 would probably most reflect recent historical reality, because he's basically been using whatever water has been left over. But if the family has been denied the use of a valid 1890 right because of a simple error, it would be good to correct that.

Awaiting your reply as I muse over memories of my vacation of last week,

Vikie

*PER CANDICE = post 1928 Decree B.U. claim
most appropriate.*

CLAIM NUMBER
43-419

DATE

TRANSFER NUMBER

AGENT
DA

CLAIMED ACRE TOTAL

GIS ACRE TOTAL
145

				NE				NW				SW				SE				
	TWP	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
CLAIM	15S	25E	30			15			40	30	30	30	20				30			
GIS			30			7			17	32	25	18	12				34			19
RECOM																				
CLAIM																				
GIS																				
RECOM																				
CLAIM																				
GIS																				
RECOM																				

B72-DBPOU.SHP

SHAPE NOS.

B72-DBPOD.SHP

NOS.
DESCRIPTION

DBF TABLES UPDATED

B72-DBPOU.DBF

B72-DBPOD.DBF

NO Shape files for POLLE or POB
10 SDE layer 1/25/01 DA

Field Exam Notes

Field Exam Date: 10-12-1999

Claim No: A43-00419

Agent: Vikie Hancock

Claimant, Clark Ward accompanied me during the field exam. This claim is based on a decreed right from the 1928 Jobe Adams Decree for 3.2 cfs of water from the Raft River. The AJ claim lists the Raft River as the source, but claimant says that Raft River water was never used on the property. Instead, the actual sources are Edwards Creek, Almo Creek and Little Cove Creek. Points of diversion on the original claim are not located anywhere near Raft River.

When I asked Mr. Ward why Raft River was listed as source on the claim he wasn't sure, but thought maybe that it was just easier at the time. I also note that it appears that the original claim was prepared by his attorney, Ray Rigby and signed by the claimants. Desktop review using topographical maps and Arc View GIS indicates that it is very unlikely that water could ever be conveyed from the Raft River to claimant's property, as specified in the Amendment to the Jobe Adams Decree.

All acres included in this place of use are irrigated by flooding. Claimant stated that the creeks are very unstable as they cross his property and that the diversions wash out frequently. He is working with the Soil Conservation Service to stabilize the banks and to construct diversion structures that will not be destroyed by the fluctuating flows. All irrigated acres are in pasture grass with the exception of a grain field in the NWSE section 30. At the time of the field exam, the field between the Cove Creek and Almo Creek channels had been recently disked up in preparation of new grass seeding. Claimant irrigates and uses approximately 15 acres of BLM land in the NENW section 30 that is not claimed. He says he has an unofficial agreement that he uses that BLM land in exchange for them using his in the SW NE section 30. His grandfather, Orville Ward, constructed the original fence line that did not coincide with the actual property boundary.

The point of diversion on Edwards Creek is in the NWNWNW Section 30. It consists of an earthen dam that completely blocks the entire flow of the creek and diverts it to the east. Claimant said that water re-enters the Edwards Creek channel from field runoff, so there is water in the creek beyond his diversion. His diversion ditch travels south east and claimant floods from it to the south west in a series of laterals located between the ditch and the Edwards Creek channel. Irrigation from Edwards Creek extends to parts of the NWNW, NENW, SENW, SWNE and NESE section 30.

There are two points of diversion on Little Cove Creek. The upstream diversion is in the NE NW SE Section 25, T15S, R24E. Water is conveyed in a ditch to the south side of the creek and flows easterly primarily to water the grain field in the NWSE Section 30. The diversion downstream in the NE NE SE Section 25 brings water out the north side of the creek to water fields in the SWNW and SENW section 30. This water from Little Cove Creek is mingled with water from Almo Creek.

Almo Creek is diverted in the NWSENE Section 25 by Douglas Ward to irrigate his field in that tract. This ditch also conveys water onto Clark Ward's property where it joins the ditch from Cove Creek. Runoff from Almo Creek is also collected in a ditch along the west side of claimant's property in the SWNW section 30 and directed into laterals there.

Water from Little Cove and Almo Creeks co-mingle, but water from Edwards creek is separated from them by the Edwards Creek channel.

Claim needs to be amended to change the range from 25E to 24E in the point of diversion legal. Also, points of diversion need to be added and corrected from the original claim. I discussed with Mr. Ward the benefits of having some documentation that shows that irrigation for the property has historically been from the three creeks named above, which are tributary to Raft River. Research shows that a claim based on a decreed right to Edwards (or Almo) creek downstream of Clark Ward's has a senior priority date.

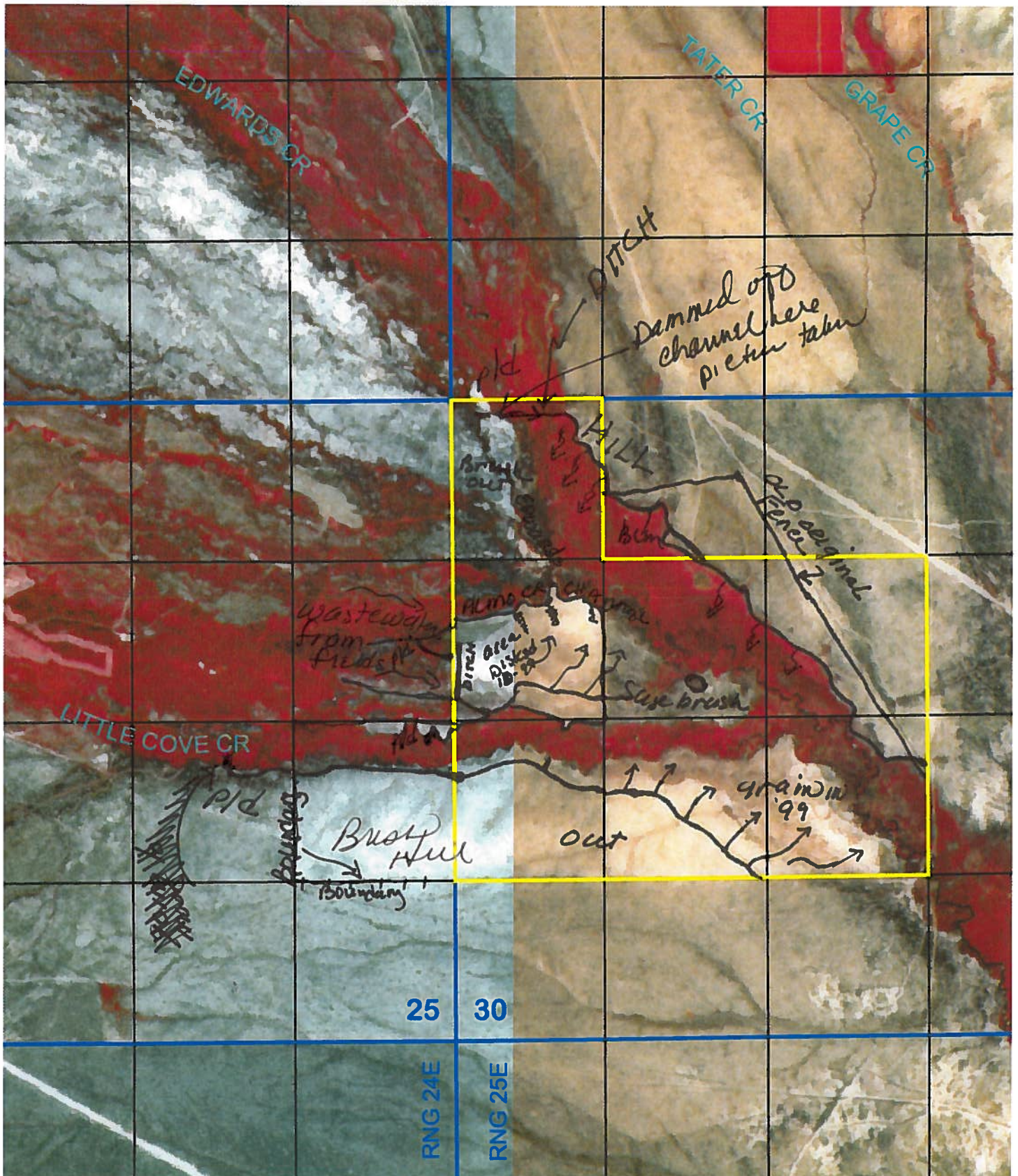
See field notes on GIS layout in file, GPS log page 3 and photos.

See Claim file A43-00407 for additional field notes pertaining to other claims owned by Mr. Ward.

FIELD NOTES

Claim No(s): 43-00419

TWP 15S, RNG 25E
Section 30



V HANCOCK

Date: 10-12-99

mostly
pasture.

1987/1988 NAPP PHOTOGRAPHY



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

October 29, 1999

Clark Ward
HC 61 Box 1560
Elba, Idaho 83326

RE: Snake River Basin Adjudication (SRBA)

Dear Clark,

I have been organizing the data I collected during my field exam of your systems on October 12, 1999, and wanted to review the things that I need more information on before I can complete the processing of your claims.

I did some research of Department records and found the 1990 drilling log for your well east of the house in the NESW Section 7. It stated that the pump test produced 801 gpm. I also found the 1997 drilling log for deepening what appears to be the same well, however, and it states the pump test produced 60 gpm. This would be substantially less than the diversion rate of 1.27 cfs that you claimed for A43-04110. It would be very beneficial to you to locate any information you may have that would provide me with an accurate diversion capacity for this well.

We talked about the need for some sort of proof of priority for the spring claimed as A43-10290, and for your use of Keg Creek claimed as A43-10291. As we discussed, I would be willing to meet with you in Almo and talk to your uncle if he would be available to provide some personal knowledge of the use of these sources on the farm. Another thing that I would like to verify for the file is the historical use of Edwards, Almo and Little Cove Creeks to fulfill the Raft River water allotted to your grandfather by water right 43-00419 in the amendment to the 1928 Jobe Adams decree.

I've enclosed readable copies of the two old licenses, 43-02215 & 43-02044, that we discussed during my field exam visit, so that you and your attorney may review them. I am still inclined to disallow the claims based upon these two licenses because the Jobe Adams Decree supercedes them, and because your historical use of the water from Grape Creek has been as it was awarded to the four parties in that decree.

I'll be attending meetings at the State Office in Boise all next week, but will be back at my desk on November 8th. Call if you have any questions, comments, or want to set up a time to meet to talk about the above. Hope you had a successful elk hunt.

Sincerely,

Vikie Hancock
Water Resource Agent

FIELD EXAM NOTES AND PHOTO LOG

Claim Nos: A43-00407 -04110-07112-10290 Date 10-12 1999

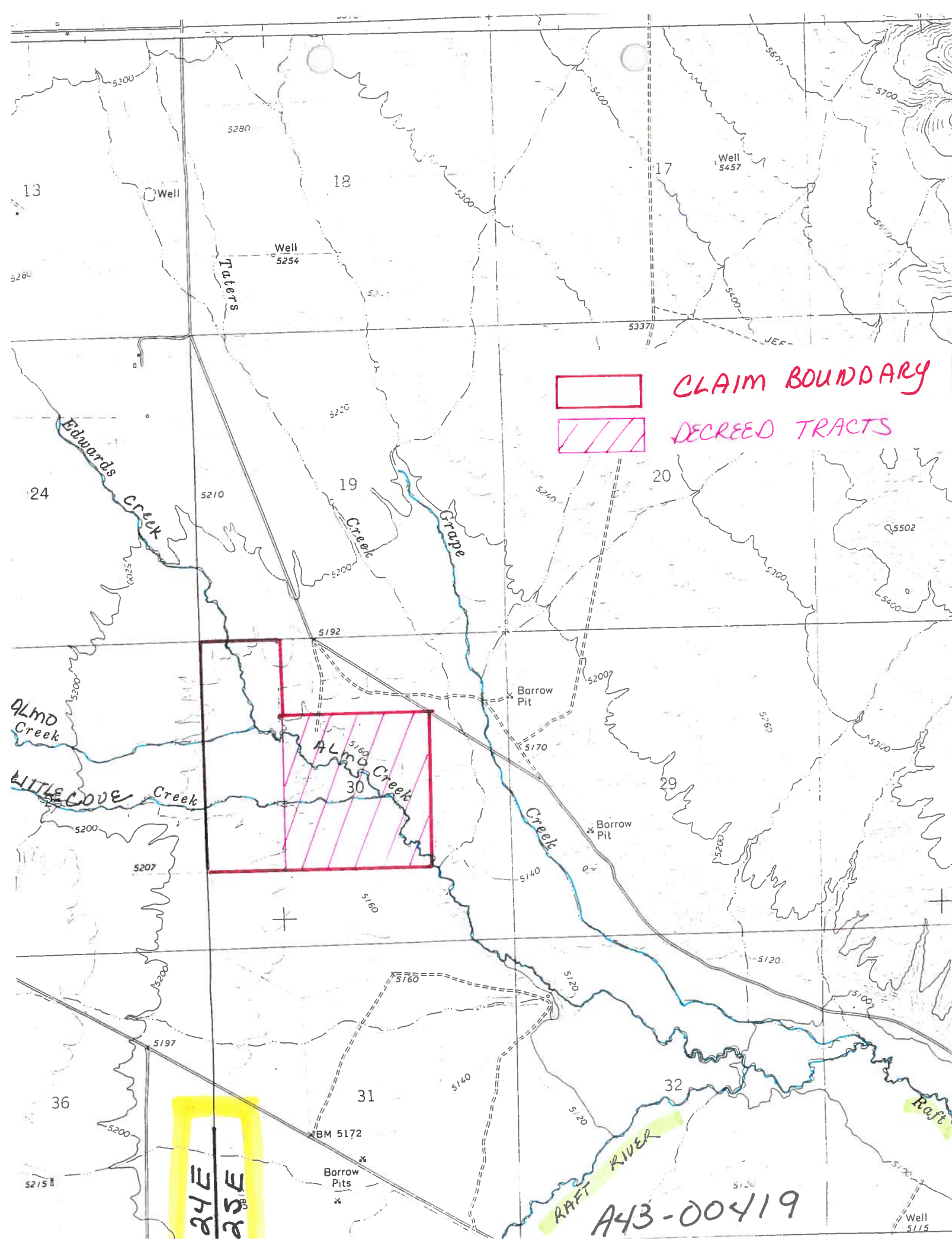
Claimant / Area of Concern: Clark Ward 43-10291 & 43-00419 Page 1 of 1

Roll	Pic #	Description
32	1	Diversion in Sec 6 R101217 A
	2	Pump claim 43-0110 R101217 B Stat well
	3-7	Pan looking south from well ↑
	8	Grape creek mixing with bW at ↑
	9	Grape cr. channel diversion Sec 7 R101218 A
	10	Spring R101218 B
	11	Spring outflow looking SW
	12	P.O.U. of Key Creek
	13	looking East from Spring
33	1	Diversion from Key Creek R101218 d
	2	
	3	Well claim 43-07112 R101219 A
	4	~~P.O.U.~~ N of well
	5-7	P.O.U. to west of well
	8	Edwards CePD - Dam to Right, diversion strait
	9	Upstream Edwards at diversion
	10	Natural Edwards cr channel directly below Dam R101219 B
	11	Little core diversion - Lower R101219 C
	12	" " " - upper R101220 A
	13	Diversion out of Almo creek looking out from Almo Cr Channel R101220 B
	14	Almo creek channel - Diversion to right

Agent: Vikie Hancock

Notes:

Spring excavated with horse & Fresno in wet spot by predecessors of claimant.



CLAIM BOUNDARY



DECEED TRACTS

24E
25E

A43-00419



Edward's Creek Diversion R10/219B



Edwards creek channel just below DAM
Located in non-IRRIGATED NE NE 1/4 Sec 30



↑ Cove Creek diversion - signs of extreme erosion. Soil Conservation designing new diversion
 R101219C NE NE SE SEC 25



Upper Cove Creek Diversion in Section 25
 GPS site R101220A NE NW SE



Diversion from Almo Creek in
field owned by Douglas Ward.

NW SE NE Sec 25 R1012203

A43-00419