

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: **A43-02284A**
Date Received: 6/20/1989
Receipt No: X777777
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: C BAR CATTLE COMPANY 801-328-1600
Address: 139 EAST SOUTH TEMPLE #310
SALT LAKE CITY UT 84111
2. Date of Priority: MAR 27, 1941
3. Source: GROUNDWATER Trib. to: RAFT RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13S	27E	19	SE	SE	SE		CASSIA
		30	SW	NE			CASSIA
			SW	NW			CASSIA
			SE	NW			CASSIA
			SW	SE			CASSIA
			SE	SE			CASSIA

5. Description of diverting works:
6 WELLS, TURBINE PUMPS, DITCHES AND MAINLINES INTERCONNECT SYSTEM
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 2.482 | | |
7. Total Quantity Appropriated is:
2.482 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	26E	25	NE	NE		IRR	7.0
			SE	NE		IRR	10.5
			Section Acres				17.5
	27E	19	NE	SW		IRR	25.0
			NW	SW	4	IRR	49.4
			SW	SW	5	IRR	49.5
			SE	SW		IRR	40.0
			Section Acres				163.9
		30	NE	NW		IRR	28.0
			NW	NW	1	IRR	49.5
			SW	NW	2	IRR	48.8
			SE	NW		IRR	17.4
			Section Acres				143.7
			Total Acres				325.1

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:

43-0442, 0443, 0032, 0253, 0030, 2455, 2394, 0253, 0255,

14. Remarks:

Copied by mistake
~~THIS CLAIM INCLUDES WATER RIGHT NUMBERS: 43-00030, 43-00032, 43-00443, 43-00253, 43-00442, 43-00255 WHICH ARE FROM A COMMON PRIORITY DATE. ACREAGE CALCULATED BY ASCS USING AERIAL PHOTOS.~~

10-20-99: OWNERSHIP CHANGE JACK PIERCE TO JOHN AND MABEL PIERCE PER NOTICE AND WD REC'D 7-16-1990 RESULTED IN A SPLIT OF SENW SEC 30. 18 AC AND .137 CFS CONVEYED TO JOHN AND MABEL. BALANCE REMAINED IN NAME OF JACK PIERCE.

10-20-99: OWNERSHIP CHANGE JACK PIERCE TO PIERCE, INC PER NOTICE REC'D 7-16-1990.

10-20-99: OWNERSHIP CHANGE PIERCE, INC TO C BAR CATTLE CO PER NOTICE REC'D 7-16-1990. SEE SUPPORTING DOCS IN FILE A43-00254 -VH

10-25-99: DOMESTIC USE DELETED PER ORIGINAL SIGNED NOTICE OF CLAIM DATED JUNE 1 1989, ITEM #9. - VH

15. Basis of Claim: LICENSE

Water Right Number: 19116

AJ0743NP
(00-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

10/20/99 15:08:40
Page 1

Water Right Number - A43-02284

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number - 19116

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +
*** C - CURRENT OWNER ***
SPLIT RIGHT

*** O - ORIGINAL OWNER ***
CHAPMAN

SHERL L

1 -
2 -
3 -
City- X
Phone - 208-000-0000
State- ID Zip- X
1 - 410 S ORCHARD SUITE 144
2 -
3 -
City- BOISE
Phone - 208-344-6690
State- ID Zip- 83705

PIERCE

A D

1 -
2 -
3 -
City- MALTA
Phone - 208-000-0000
State- ID Zip- 83342
1 -
2 -
3 -
City- MALTA
Phone - 208-645-2580
State- ID Zip- 83342

PIERCE

JACK A

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
03/27/1941 17 SOUTHERN Z - SEE REMARKS

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
SPLIT RIGHT SPLIT RIGHT

Twn	Rng	Sec	Tract	Lot	RFlg	County	Point of Diversion
13S	27E	19	SE SE			(31) CASSIA	
		30	SW NE			(31) CASSIA	
			SW NW			(31) CASSIA	
			SE NW			(31) CASSIA	
			SW SE			(31) CASSIA	
			SE SE			(31) CASSIA	

Code	Description	Period From	Water Use	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		03/15	11/15		2.620	
+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +						
2.620 1201.0						

Water right number - A43-02284

Prefix Translation: ADJUDICATION CLAIM

Trn	Ring	Sec	Tract	Lot	Acres	Code	Description	County
13S	26E	25	NE NE		7.0	01	IRRIGATION	(31) CASSIA
13S	26E	25	SE NE		10.5	01	IRRIGATION	(31) CASSIA
13S	27E	19	NE SW		25.0	01	IRRIGATION	(31) CASSIA
13S	27E	19	NW SW	4	49.4	01	IRRIGATION	(31) CASSIA
13S	27E	19	SW SW	5	49.5	01	IRRIGATION	(31) CASSIA
13S	27E	19	SE SW		40.0	01	IRRIGATION	(31) CASSIA
13S	27E	30	NE NW		28.0	01	IRRIGATION	(31) CASSIA
13S	27E	30	NW NW	1	49.5	01	IRRIGATION	(31) CASSIA
13S	27E	30	SW NW	2	48.8	01	IRRIGATION	(31) CASSIA
13S	27E	30	SE NW		35.4	01	IRRIGATION	(31) CASSIA
13S	27E	30	SW NE			43	DOMESTIC	(31) CASSIA

Total Acres: 343.1

*deleted
10-25-99
JAN*

- - - Diversion Means - 6 WELLS, TURBINE PUMPS, DITCHES AND MAINLINES INTERCONNECT SYSTEM

- - - Non-Irrigation Use -

- - - Other Rights for Same Use - 43-0442, 0443, 0032, 0253, 0030, 2455, 2394, 0253, 0255,

- - - Remarks - - - - -

GEN OTHER WATER RIGHTS USED (CONT.):

43-02304

ACREAGE CALCULATED BY ASCS FROM AERIAL PHOTOS.

7-16-99: OWNERSHIP CHANGE SUBMITTED 7-16-90 RESULTED IN A SPLIT OF SEMU SEC 30. 43-02284B CONVEYS 18 AC AND 0.137 CFS TO JOHN A AND MABEL PIERCE. 43-02284A RETAINS BALANCE OF ACRES AND 2.482 CFS IN THE NAME OF JACK PIERCE. 43-02284A SUBSEQUENTLY CONVEYED TO PIERCE, INC AND THEN C BAR CATTLE CO. SEE DEED SUBMITTED ON 7-16-90 AND ALSO SUPPORTING DOCS IN 43-00254. - VH

- - - No Old Water Right Numbers Found - - - Old Water Right Numbers - - -

- - - Conditions of Approval - - -

No Conditions of Approval found.

- - - Decree Plaintiff - - - + - - - Decree Defendant - - - +

- - - Decree Date - - +
00/00/0000

- - - Comments - - - - - No Comments Found - - - - -

- - - Audit Fields - - +
10/20/99 VHANCOCK

AJ0743NP
(00-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

10/20/99 15:08:42
Page 3

Water right number - A43-02284

Prefix Translation: ADJUDICATION CLAIM

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	- 00/00/0000	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 04/03/1990	Old Judicial District	-
Claim Received Date	- 06/20/1989	Last Amended Date	- C007642	Temporary Right	- P
		Receipt Number	- Y	Water District	-
		POU Ownership Flag	- OR	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	- C
				Notice of Error Flag	-

DATE: 10/20/99
PAGE: 2

DIVERSION
VOLUME

A=2.48

2.620 CFS ≤ 1.137
1201.00 AFA

Stage: LICENSE

CASSIA County
CASSIA County
CASSIA County

SE

$$\begin{array}{r} 343.1 \\ 18.0 \\ \hline 325.1 \end{array}$$
$$\begin{array}{r} 343.1 \\ 18.0 \\ \hline 325.1 \end{array}$$

Misc:	Water District Number:	Field Inspection Flag:
		Presumption Flag:

$$\frac{2.62}{3 \sqrt{3.1}} = .667$$

CHANGE IN OWNERSHIP OF NOTICE OF CLAIM

[X] Water Right Number(s): A43-02284; A43-02304; A43-04238; A43-02394;
A43-02455; A43-00254; A43-10571; A43-00030

[X] Name and Address of
Former Claimant: Jack A. Pierce, Malta, Idaho 83342

[X] New Claimant(s): John A. and Mabel Pierce

[X] New Mailing Address: Malta, Idaho 83342

RECEIVED
JUL 16 1990

Department of Water Resources

New Telephone Number: (208) 645 - 2580

[X] Does the change in ownership result in a splitting of the
water right claimed? X yes no

If yes, then describe the portion of the water right that is
now claimed by the new owner:

SENW, Sec. 30, T13S, R27E - 18 acres; SWNE, Sec. 30, T13S, R27E - 13 acres;

PD: SENW, Sec. 30, T13S, R27E; SWNE, Sec. 30, T13S, R27E

[X] Attach proof of ownership

Describe proof attached: Warranty Deed

[X] Signature of New Claimant(s): John A. Pierce

Date: 7/6/90

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date:

By:

Further Action Needed:

Further Action Taken

Date:

By:

Final Review and Data-Entry

Date:

By:

Claim Numbers of Split, if any:

A43-00089
A43-00090
A43-00201
A43-00202
A43-00203
A43-00204
A43-00206
A43-00207
A43-00415A
A43-00415B
A43-02358
A43-02390
A43-02397
A43-02400
A43-02554A
A43-04003A
A43-04003B
A43-04126
A43-04127
A43-04128
A43-04130
A43-04131

?

208272

WARRANTY DEED

THIS INDENTURE, made this 27th day of JUNE, 1990,
 between JOHN A. PIERCE and MABELLE PIERCE, husband and wife, of
 Malta, Idaho, 83342, ("Grantor"), and PIERCE, INC., a
 corporation, whose address is Malta, Idaho 83342, ("Grantee").

W I T N E S S E T H:

That the Grantor for and in consideration of the sum of
 Ten Dollars (\$10.00), lawful money of the United States of
 America, and other good and valuable consideration, to the
 Grantor in hand paid by the Grantee, the receipt whereof is
 hereby acknowledged, has granted, bargained, and sold and by
 these presents does grant, bargain and sell, convey and confirm
 unto the Grantee, and to the successors and assigns of Grantee
 forever, all of the following described real estate situated in
 the County of Cassia, State of Idaho, to-wit:

TOWNSHIP 13 SOUTH, RANGE 27 EAST OF THE BOISE
 MERIDIAN, CASSIA COUNTY, IDAHO

Section 30: SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, EXCEPT the
 following described tract:

Beginning at the center quarter section corner
 of said Section 30, which shall be the Point
 of Beginning;

Thence North 89°43'57" West along the quarter
 section line for 1204.63 feet to a $\frac{1}{2}$ inch
 rebar;

Thence North 2°16'27" East for 63.65 feet to a
 $\frac{1}{2}$ inch rebar;

Thence North 37°49'43" East for 762.42 feet to
 a $\frac{1}{2}$ inch rebar;

Thence North 0°01'08" East for 235.38 feet to
 a $\frac{1}{2}$ inch rebar;

Thence North 89°17'35" East for 687.43 feet to
 a $\frac{1}{2}$ inch rebar;

Thence North 89°16'53" East for 353.19 feet to

1 a ½ inch rebar;
2 Thence South 0°40'42" West for 354.97 feet to
3 a ½ inch rebar;
4 Thence North 85°04'42" East for 226.25 feet to
5 a ½ inch rebar;
6 Thence North 89°03'02" East for 215.14 feet to
7 a ½ inch rebar;
8 Thence South 0°26'17" East for 591.25 feet to
9 a ½ inch rebar on the quarter section line;
10 Thence North 89°43'57" West along the quarter
11 section line for 746.97 feet to the Point of
12 Beginning.

13 AND FURTHER EXCEPTING and reserving unto the
14 Grantor the water rights described on Exhibit
15 A attached hereto for the excepted parcel.

16 SUBJECT TO: Accruing taxes, levies and
17 assessments and easements and agreements of
18 record.

19 TOGETHER with all and singular the tenements,
20 hereditaments, appurtenances, and water rights thereunto
21 belonging or in anywise appertaining, the reversion and
22 reversions, remainder and remainders, rents, issues and profits
23 thereof, and all estate, right, title and interest in and to
24 said property as well in law as in equity of the Grantor.

25 TO HAVE AND TO HOLD, all and singular the above-
26 mentioned and described premises, together with appurtenances
unto the Grantee and to the successors and assigns of Grantee
forever.

The Grantor shall and will warrant and by these
presents will forever defend the said premises in the quiet and
peaceable possession of the Grantee, and the successors and
assigns of Grantee against all and every person and persons
whomsoever lawfully claiming the same, except as aforesaid.

IN WITNESS WHEREOF, the Grantor has executed this Deed

the day and year first above written.

John A. Pierce
John A. Pierce

Mabelle Pierce
Mabelle Pierce

STATE OF IDAHO

County of Cassia

)
) ss
)

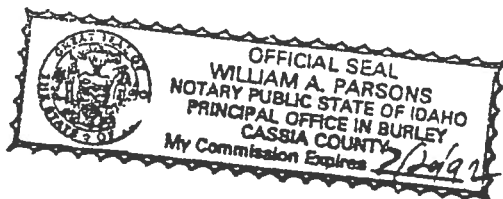
On this 27 day of JUNE, in the year 1990,
before me, the undersigned, a Notary Public in and for said
State, personally appeared JOHN A. PIERCE and MABELLE PIERCE,
husband and wife, known or identified to me to be the persons
whose names are subscribed to the within instrument, and
acknowledged to me that they executed the same.

William A. Parsons

Notary Public for Idaho

Residing at _____

My commission expires on _____



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EXHIBIT A TO WARRANTY DEED

RESERVED WATER RIGHTS:

All of the following described water licenses are expressly reserved to the Grantor for the portions of the appurtenant water therefrom for the excepted parcel. The following numbers are Department of Water Resources identification regarding the water rights:

Portions of the excepted lands within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 30, Township 13 South, Range 27 East, Boise Meridian, Cassia County, Idaho:

A43- 02455✓
A43- 02304✓
A43- 02394✓
A43- 02284✓
A43- 04238✓
A43- 00030

Portions of the excepted lands within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 30, Township 13 South, Range 27 East, Boise Meridian, Cassia County, Idaho:

A43- 02455✓
A43- 02304
A43- 04238✓
A43- 00254✓

COPY

CHANGE IN OWNERSHIP OF NOTICE OF CLAIM

[] Water Right Number(s): Listed on Exhibit A attached hereto.

[] Name and Address of Former Claimant: Jack A. Pierce, a/k/a J. A. Pierce, a/k/a
John A. Pierce
Malta, Idaho

RECEIVED
JUL 16 1990

[] New Claimant(s): Pierce, Inc.

Department of Water Resources

[] New Mailing Address: 139 East South Temple - Suite 310
Salt Lake City, Utah 84111

New Telephone Number: (801) 328 - 1600

[] Does the change in ownership result in a splitting of the water right claimed? yes ☒ no

If yes, then describe the portion of the water right that is now claimed by the new owner:

[] Attach proof of ownership
Describe proof attached:

[] Signature of New Claimant(s):

PIERCE, INC.
John A. Pierce

Date: June 18, 1990

Conveys water
rights to
Pierce, Inc.
from John A.
Pierce

Y

by:

Step 1

enine
A43-00089
A43-00090
A43-00201
A43-00202
A43-00203
A43-00204
A43-00206
A43-00207
A43-00415A
A43-00415B
A43-02358
A43-02390
A43-02397
A43-02400
A43-02554A
A43-04003A
A43-04003B
A43-04126
A43-04127
A43-04128
A43-04130
A43-04131

The validity of
this list was, &
still is questioned.

- 1) NOT EXHIBIT "A"
- 2) List of claims not
owned by Pierce
in 1990 when
submitted.

VH 10-20-99

CHANGE IN OWNERSHIP OF NOTICE OF CLAIM

☐ Water Right Number(s): Listed on Exhibit A attached hereto.

☐ Name and Address of Former Claimant: Pierce, Inc. and J. A. Pierce

Malta, Idaho

☐ New Claimant(s): Pierce, Inc.

Malta, Idaho

RECEIVED
JUL 16 1990

☐ New Mailing Address: _____

Department of Water Resources

New Telephone Number: (801) 328_ 1600

☐ Does the change in ownership result in a splitting of the water right claimed? yes X no

If yes, then describe the portion of the water right that is now claimed by the new owner:

☐ Attach proof of ownership
Describe proof attached: _____

☐ Signature of New Claimant(s): *Pierce Inc*
John A. Pierce

Date: June 18, 1990

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____

By: _____

Further Action Needed:

Further Action Taken

Date: _____

By: _____

Final Review and Data-Entry

Date: _____

By: _____

Claim Numbers of Split, if any:

A43-00089
A43-00090
A43-00201
A43-00202
A43-00203
A43-00204
A43-00206
A43-00207
A43-00415A
A43-00415B
A43-02358
A43-02390
A43-02397
A43-02400
A43-02554A
A43-04003A
A43-04003B
A43-04126
A43-04127
A43-04128
A43-04130
A43-04131

*The validity of
this list was, and
still is, in question.*

- 1) NOT EXHIBIT "A"*
- 2) claims on list ~~are~~
not owned by
Pierce in 1990
when submitted*

V.H. 10-20-99

RECEIVED
JUL 16 1990

CHANGE IN OWNERSHIP OF NOTICE OF CLAIM Department of Water Resources

[] Water Right Number(s): Listed on Exhibit A attached hereto.

[] Name and Address of Former Claimant: Pierce, Inc.

Malta, Idaho 83342

[] New Claimant(s): C Bar Cattle Company

Successor in interest to Pierce, Inc.

[] New Mailing Address: 139 East South Temple - Suite 310

Salt Lake City, Utah 84111

New Telephone Number: (801) 328-1600

[] Does the change in ownership result in a splitting of the water right claimed? yes X no

If yes, then describe the portion of the water right that is now claimed by the new owner:

[] Attach proof of ownership
Describe proof attached:

[] Signature of New Claimant(s): C-BAR CATTLE CO
Christopher F. Robinson

*Conveys water
rights to
C-Bar Cattle
co. from
Pierce, Inc.*

Date: June 18, 1990

try
:

any:

Step 2

A43-00089
A43-00090
A43-00201
A43-00202
A43-00203
A43-00204
A43-00206
A43-00207
A43-00415A
A43-00415B
A43-02358
A43-02390
A43-02397
A43-02400
A43-02554A
A43-04003A
A43-04003B
A43-04126
A43-04127
A43-04128
A43-04130
A43-04131

*the validity of
this list was, and
still is, in question.*

- 1) NOT EXHIBIT "A"*
- 2) claims not owned
by Pierce in 1990
when submitted*

UA 10-20-99

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: A43-02284
Date Received: 6/20/1989
Receipt No: C007642
Received By: _____

APR 19 1990

Department of Water Resources
Southern Region Office

Department of Water Resources
Western Regional Office

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

AMENDED

1. Name: JACK A. PIERCE
Address: MALTA, ID 83342 208-645-2580
2. Date of Priority: MAR 27, 1941
3. Source: GROUNDWATER Trib. to: RAFT RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13S	27E	19	SE	SE	SE		CASSIA
		30	SW	NE	NE		CASSIA
			SW	NW	NW		CASSIA
			SE	NW	NW		CASSIA
			SW	SE	SE		CASSIA
			SE	SE	SE		CASSIA

5. Description of diverting works:
6 WELLS, TURBINE PUMPS, DITCHES AND MAINLINES INTERCONNECT SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.620		

7. Total Quantity Appropriated is:
2.620 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 1201.0 Acre Feet Per Annum.
9. Non-irrigation uses:

A43-02284

Page 1

Date: 04/03/90

MICROFILMED

MAR 03 1993

APR 12 1990

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13S	26E	25	NE		NE		IRR	7.0
			SE		NE		IRR	10.5
			Section Acres					17.5
	27E	19	NE		SW		IRR	25.0
			NW		SW	4	IRR	49.4
			SW		SW	5	IRR	49.5
			SE		SW		IRR	40.0
			Section Acres					163.9
		30	SW		NE		DOMEST	<i>private?</i>
			NE		NW		IRR	28.0 <i>e</i>
			NW		NW	1	IRR	49.5 <i>e</i>
			SW		NW	2	IRR	48.8 <i>e</i>
			SE		NW		IRR	35.4 <i>private/inc split</i>
			Section Acres					161.7
			Total Acres					343.1

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:

43-0442, 0443, 0032, 0253, 0030, 2455, 2394, 0253, 0255,

14. Remarks:

OTHER WATER RIGHTS USED (CONT.):

43-02304

ACREAGE CALCULATED BY ASCS FROM AERIAL PHOTOS.

15. Basis of Claim: LICENSE

Water Right Number: 19116

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: _____

X 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):

John A. Josh Pierce
Josh A. Pierce

Date: April 11, 1990

Date: April 11, 1990

State of Idaho)

County of Cassia)

SS.

Subscribed and sworn (or affirmed) before me this 11 day

of April 19 90

E. Keith Shull
Notary Public

Seal

Residing at Reupert

My Commission Expires 5-10-93

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: A43-02284
Date Received: 6/20/1989
Receipt No: C007642
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JACK A. PIERCE 208-645-2580
Address: MALTA, ID 83342

2. Date of Priority: MAR 27, 1941

3. Source: GROUNDWATER Trib. to: RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13S	27E	19		SE	SE		CASSIA
		30		SW	NW		CASSIA
				SE	NW		CASSIA
				SW	SE		CASSIA
				SE	SE		CASSIA

5. Description of diverting works:

6 WELLS, TURBINE PUMPS, DITCHES AND MAINLINES INTERCONNECT SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.620		

7. Total Quantity Appropriated is:

2.620 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 1201.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13S	26E	25	NE		NE		IRR	7.0
			SE		NE		IRR	10.5
							Section Acres	17.5
	27E	19	NE		SW		IRR	25.0
			NW		SW	4	IRR	49.4
			SW		SW	5	IRR	49.5
			SE		SW		IRR	40.0
							Section Acres	163.9
		30	NE		NW		IRR	28.0
			NW		NW	1	IRR	49.5
			SW		NW	2	IRR	48.8
			SE		NW		IRR	35.4
							Section Acres	161.7
							Total Acres	343.1

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:

43-0442, 0443, 0032, 0253, 0030, 2455, 2394, 0253, 0255,

14. Remarks:

OTHER WATER RIGHTS USED (CONT.):

43-02304

ACREAGE CALCULATED BY ASCS FROM AERIAL PHOTOS.

15. Basis of Claim: LICENSE

Water Right Number: 19116

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:

Ident. Number

Date Received

Receipt Number

39576

A43-02284

6-20-89

C007642

Should questions arise during
the processing of this applica-
tion please contact:

SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705
344-6690

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
JUN 20 1989

Department of Water Resources

Please type or print clearly

- Name of Claimant (s) Jack A. Pierce Phone (208) 645-2580
Mailing Address Malta, Idaho Zip 83342
- Date of Priority (Only one (1) per claim) March 27, 1941
- Source of water supply (a) Groundwater
which is tributary to (b) Raft River
- a. Location of existing point of diversion is: Township 13S Range 27E Section 30,
1/4 of SW 1/4 of NW 1/4, Govt. Lot, B.M., County of Cassia
Additional points of diversion if any: SE SE, Sec. 19; SE SE, Sec. 30; SW SE, Sec. 30; SE NW, Sec. 30
T13S, R27E
b. If instream flow, beginning point of claimed instream flow is: N/A
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 _____
- 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. Six drilled wells equipped with vertical
turbine pumps. Ditches and mainlines connect the entire system together for efficiency.

MICROFILMED

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 2.62 or 1268

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.62 (cfs) and/or (b) 1268 (acre feet)

8. Total consumptive use claimed is 1201 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) None

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	27E	19									25	49.4	49.5	40					163.9
13S	27E	30					28	49.5	48.8	35.4									161.7
13S	26E	25	7			10.45													17.45

Total number of acres irrigated 343.05

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.

43-0442; 0443; 0032; 0253; 0030; 2455; 2394; 0253; 0255; 2304 or None ()

14. Remarks:

Acreeage calculated by ASCS from aerial photos.

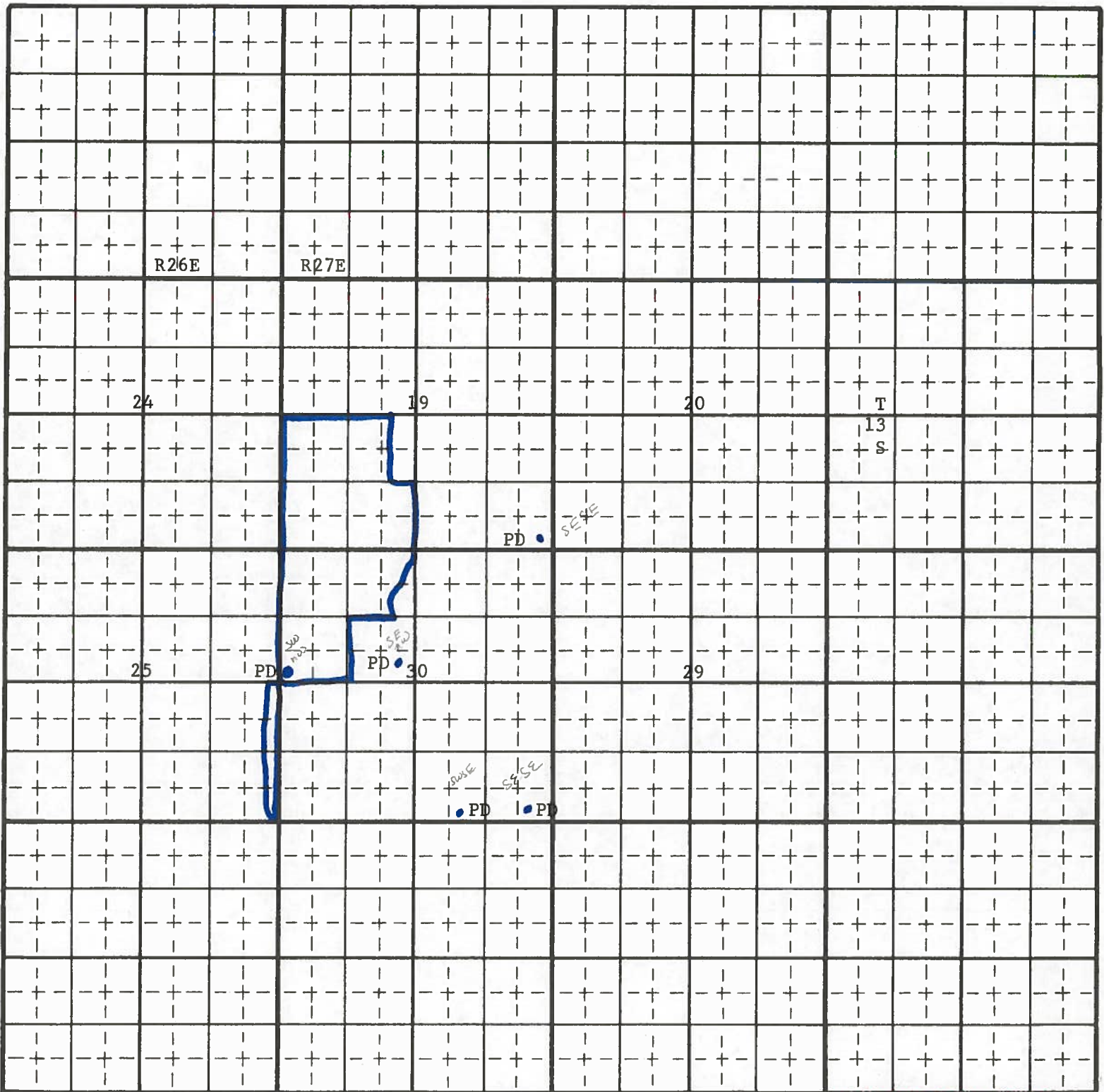
MICROFILMED

MAR 03 1993

Last Name Pierce Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile



MAR 03 1993

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) ☐ Official Use ☐ Posted Notice ☒ License ☐ Permit ☐

Decree ☐

If applicable provide IDWR Water Right Number 43-2284

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 0

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

Signature of Claimant (s) John B. Pierce Date June 1, 1989

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 _____)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 1 day of June 19 89

Notary Public Sherl L. Chapman

Residing at 3205 E. Hubbard Rd. Meridian, ID

My Commission Expires 6/14/94

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ 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 _____

Address _____

Date _____

MICROFILMED

MAR 03 1993

Last Name Pierce Ident. Number _____

Copies White-State, Yellow-Claimant

SRBA CLAIMS RECEIVING CHECKLIST #2

DATE RECEIVED 6-20-89 CK # _____ AMOUNT \$ _____ Required

2. Is a priority date entered? *

3. (a) Is a source entered? *

4. Is the legal description of the p.d. sufficient? *

5. Is there a description of the diverting works?

6. Are the water users concerned in the following? Yes Yes

0. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.

Is the period of use included? ☒ ☐

Is the period of use included? ✓

Is a quantity claimed for each use? *

7. Is a total quantity claimed entered?

8. If required is a consumptive use entered? N/A

Is the consumptive use correct? N/A

is the consumptive use correct? N/A — — $\angle$ High

9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see

Adjudication Memo # 4. N/A *

10. Is (are) the place(s) of use and purpose(s) indicated? ✓ — —

11. Is (are) the country(ies) entered?

11. IS (are) the country(ies) entered? ~~/~~ —

12. Is the ownership of p.u. checked?

13. Are other water rights listed or "none" indicated? /

14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be

explained in the remarks.) N/A

15. Is the basis of the claim indicated? /

16. If the claimant requested a monthly docket sheet, is payment enclosed?
(If yes, describe payment status in "Comments" column.)

(If yes, describe payment status in "Comments" below.) . N/A ✓ — —

17. Is the claim signed by the claimant, and is the signature appropriate?
Organizations must complete the organization block. . . . *

18. Has the claim been signed, sealed, and dated by a notary? . . . / *

19. Was this claim filed on time, or was an extension granted? ✓

20. Is the fee enclosed correct? ☐ Yes ☐ No

20. Is the fee enclosed correct? Exempt / *

21. If this claim is based on an existing water right, has the identification number been entered? N/A /

22. Should this claim be data entered?

Claim checked by: CA Date: 7-12-89

Claim must be returned to claimant: (Yes) (No)

Claimant must be notified of modifications: (Yes) (No)

Receipt Prepared by: Date: 1-30-85

Claim data entered by: CV Date: 6-20-87 Checked by: UNPROCESSED Date: 6-20-87

sent to claimant by: _____ Date: _____

Comments: _____

MICROFILMED Date: **MAR 03 1993**

07/12/2001

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

RIGHT NUMBER: 43-2284A

NAME AND ADDRESS: C BAR CATTLE COMPANY
139 EAST SOUTH TEMPLE #310
SALT LAKE CITY, UT 84111

SOURCE: GROUND WATER

QUANTITY: 2.48 CFS
1300 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 14.96 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 2992 AF. COMBINED RIGHT NOS.: 43-
2284A, 43-2304A, 43-2305, 43-2394A, 43-2455A, 43-4237, 43-
13074.

PRIORITY DATE: 03/27/1941

POINT OF DIVERSION:	T13S R27E S19		SWSESE	Within CASSIA County
	T13S R27E S30	LOT 2	SWSWNW	Within CASSIA County
	T13S R27E S30		SWSWSE	Within CASSIA County
	T13S R27E S30		SWSESE	Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03-15 11-15	2.48 CFS 1,300.00 AFY

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T13S R26E S24		NESE	22	T13S R26E S24	SESE 23
T13S R26E S25		NENE	23	T13S R26E S25	SENE 20
T13S R26E S25		SESE	18	T13S R27E S19	NESW 40
T13S R27E S19	LOT 3	NWSW	49	T13S R27E S19	SWSW 49
T13S R27E S19		SESW	39	T13S R27E S19	SESE 40
T13S R27E S20		NESW	39	T13S R27E S20	SWSW 40
T13S R27E S20		SESW	40	T13S R27E S30	NWNE 34
T13S R27E S30		SWNE	17	T13S R27E S30	NENW 29
T13S R27E S30	LOT 1	NWNW	49	T13S R27E S30	LOT 2 SWNW 49
T13S R27E S30		SENW	18	T13S R27E S30	NESW 40
T13S R27E S30	LOT 4	SWSW	43	T13S R27E S30	SESW 40
T13S R27E S30		NESE	20	T13S R27E S30	NWSE 36
T13S R27E S30		SWSE	40	T13S R27E S30	SESE 40

897 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 325 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 897 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 43-171C, 43-178G, 43-254A, 43-
287, 43-2284A, 43-2304A, 43-2305, 43-2393A, 43-2455A, 43-4237,
43-12926, 43-12927, 43-12828, 43-13074, 43-13075.

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 - License

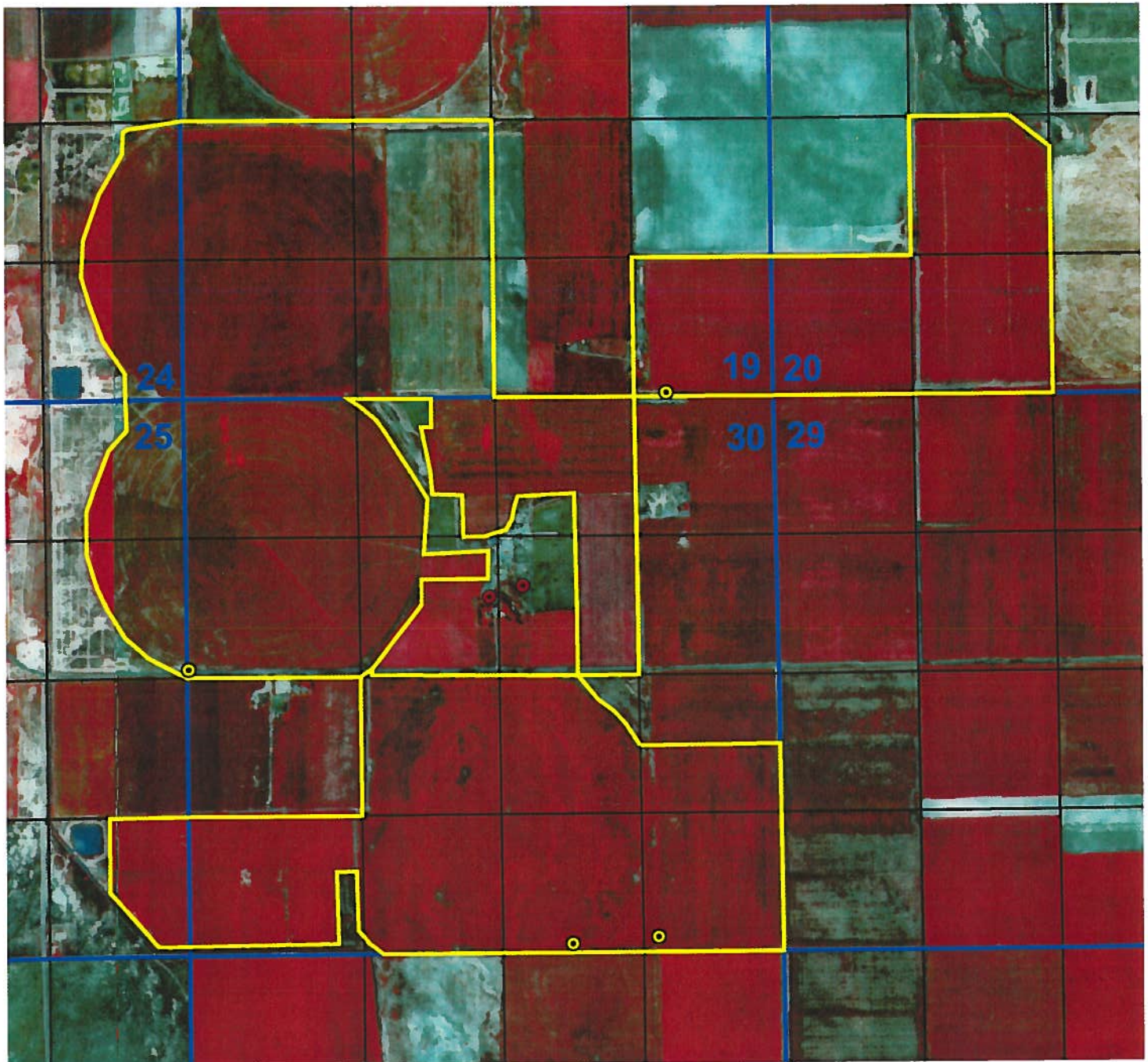
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

Idaho Department of Water Resources

**RIGHTS: 43-2284A, 43-2304A, 43-2305,
43-2394A, 43-2455A, 43-4237, 43-13074**

**RECOMMENDED PLACE OF USE
TWP 13S, RNG 26E
TWP 13S, RNG 27E
Data entry on July 12, 2001**



0 1320 2640 3960 5280 Feet

● 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**

COMMUNICATION DOCUMENTATION

From: Vikie Hancock

5/31/2001

Regarding: Groundwater and Raft River rights of C Bar Cattle Co.

Contact: Nolan Branch Cell phone 420-0326
His attorney is Rob Williams in Jerome

>

Mr. Branch has a lease purchase agreement with C Bar Cattle Company to purchase the irrigated property along Raft River in T13S R 26E & 27E. He did not purchase any of the stockwater rights on grazing leases from C. Bar Cattle Company. He also did not purchase the property to which 43-2097C is associated.

Mr. Branch was concerned with the area of pivot irrigation in the east half of sections 24 and 25, T13S, R26E that are not covered by groundwater rights. I explained the overlapping licensed rights and that they could not be unstacked, as Mr. Pierce had attempted, to cover the acres expanded into prior to 1987 but after 1968. He would like to have an expansion claim filed on 88 acres in the E½ SE Section 24 and the E½ NE Section 25. Because the claims are still owned by C. Bar Cattle Company and Christopher Robinson, Mr. Robinson will have to file the expansion claim on Branch's behalf.

HE also wishes to file an expansion claim to cover 61 acres in the SWSW Section 30 T13S R27E and SESE Section 25 T13S, R26E. This acreage has decreed Raft River rights but was not included in any GW license or statutory claim. He said that he uses GW on this land when the river water is gone. Because of the decreed surface water, it is not completely apparent that GW was being used on this 61 acres prior to 1987. I asked Mr. Branch to get an affidavit from an informed party that could verify use of ground water on this parcel before he filed an expansion claim on it. He was going to talk to Jack Pierce and Christopher Robinson and get back to me on the new claim.

There was also a strip in the W½ W½ SE¼ Sec 19 that he said was now irrigated and thought must have been prior to 1987. We looked at the 87 photo and 68 photo and he agreed with me that the risers along the east edge of the strip were probably more recent than 1987 and so the land was not eligible for an expansion claim.

I explained the conditions of an expansion claim to Mr. Branch and also the effects of the Critical GW Area on enlargements of use on the C Bar property since 1963. He also asked about the limits I put on the combined licenses that

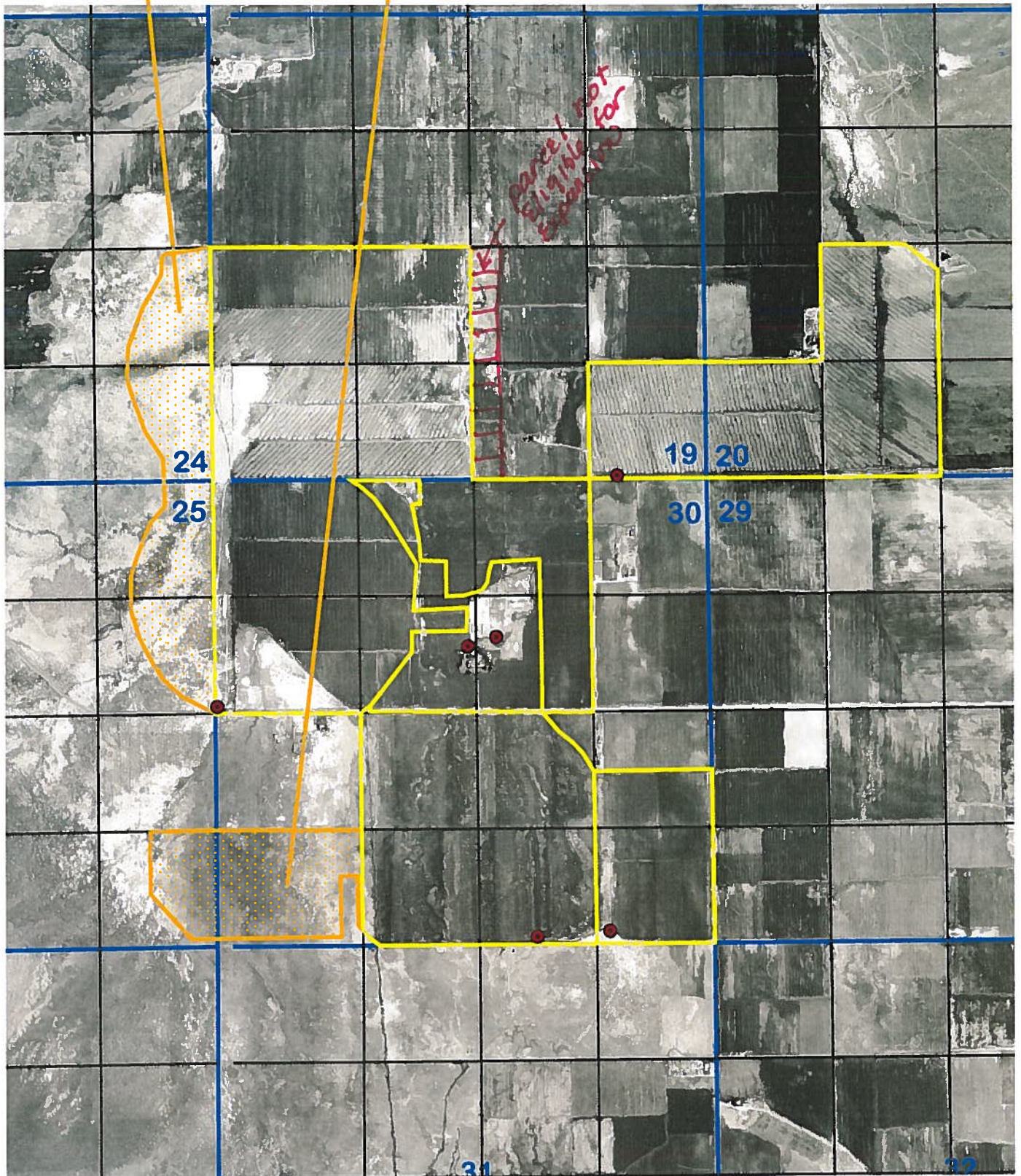
the C Bar claims are based upon. I told him that the original developer of the land had stacked licenses on top of one another and ended up with more than 1 inch per acre, but that combined, they were all limited to the duty of water which was 1 inch per acre in Idaho. We discussed that the GW was supplemental to the surface water that was used for the original development of the land, and that the surface and ground water combined could not be over 1 inch per acre.

He will probably want to transfer some water around after his purchase is final and he makes changes to the system.

Wolaw
Branch
cell 420-0324

PROPOSED EXPANSION CLAIM ACRES
C BAR CATTLE CO / NOLAN BRANCH

TWP 13S, RNG 27E



1968 AERIAL PHOTOGRAPHY

01/23/2001

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

RIGHT NUMBER: 43-2284A

NAME AND ADDRESS: C BAR CATTLE COMPANY
139 EAST SOUTH TEMPLE #310
SALT LAKE CITY, UT 84111

SOURCE: GROUND WATER

TRIBUTARY: ~~RAFT RIVER~~

QUANTITY: 2.48 CFS
1300 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 14.96 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 2992 AF. COMBINED RIGHT NOS.: 43-
2284A, 43-2304A, 43-2305, 43-2394A, 43-2455A, 43-4237. *43-13074*

WHEN COMBINED, THE RIGHTS LISTED BELOW SHALL PROVIDE NO
MORE THAN .02 CFS PER ACRE. RIGHT NOS: 43-171C, 43-254A,
43-287, 43-2284A, 43-2304A, 43-2305, 43-2393A, 43-2455A, 43-
4237, 43-12926, 43-12927, 43-12828.

PRIORITY DATE: 03/27/1941

POINT OF DIVERSION:	T13S R27E S19		SWSESE	Within CASSIA County
	T13S R27E S30	LOT 2	SWSWNW	Within CASSIA County
	T13S R27E S30		SWSWSE	Within CASSIA County
	T13S R27E S30		SWSESE	Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03-15 11-15	2.48 CFS 1,300.00 AFY

PLACE OF USE:

IRRIGATION Within CASSIA County

T13S R27E S19		NESW	40	T13S R27E S19	LOT 3	NWSW	49
T13S R27E S19	LOT 4	SWSW	49	T13S R27E S19		SESW	39
T13S R27E S19		SESE	40	T13S R27E S20		NESW	39
T13S R27E S20		SWSW	40	T13S R27E S20		SESW	40
T13S R27E S30		NWNE	34	T13S R27E S30		SWNE	17
T13S R27E S30		NENW	29	T13S R27E S30	LOT 1	NWNW	49
T13S R27E S30	LOT 2	SWNW	49	T13S R27E S30		SENW	18
T13S R27E S30		NESW	40	T13S R27E S30		SESW	40
T13S R27E S30		NESE	20	T13S R27E S30		NWSE	36
T13S R27E S30		SWSE	40	T13S R27E S30		SESE	40

748 ACRES TOTAL
chx

*EXP claim
43-13074 added
7-6-01 DAK*

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 808 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-171C, 43-178G, 43-254A, 43-287, 43-2284A, 43-2304A, 43-2305, 43-2393A, 43-2455A, 43-4237, 43-12926, 43-12927, 43-12828. 847

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 748 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-2284A, 43-2304A, 43-2305, 43-2393A, 43-2455A, 43-4237.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 325 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.

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 43B.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

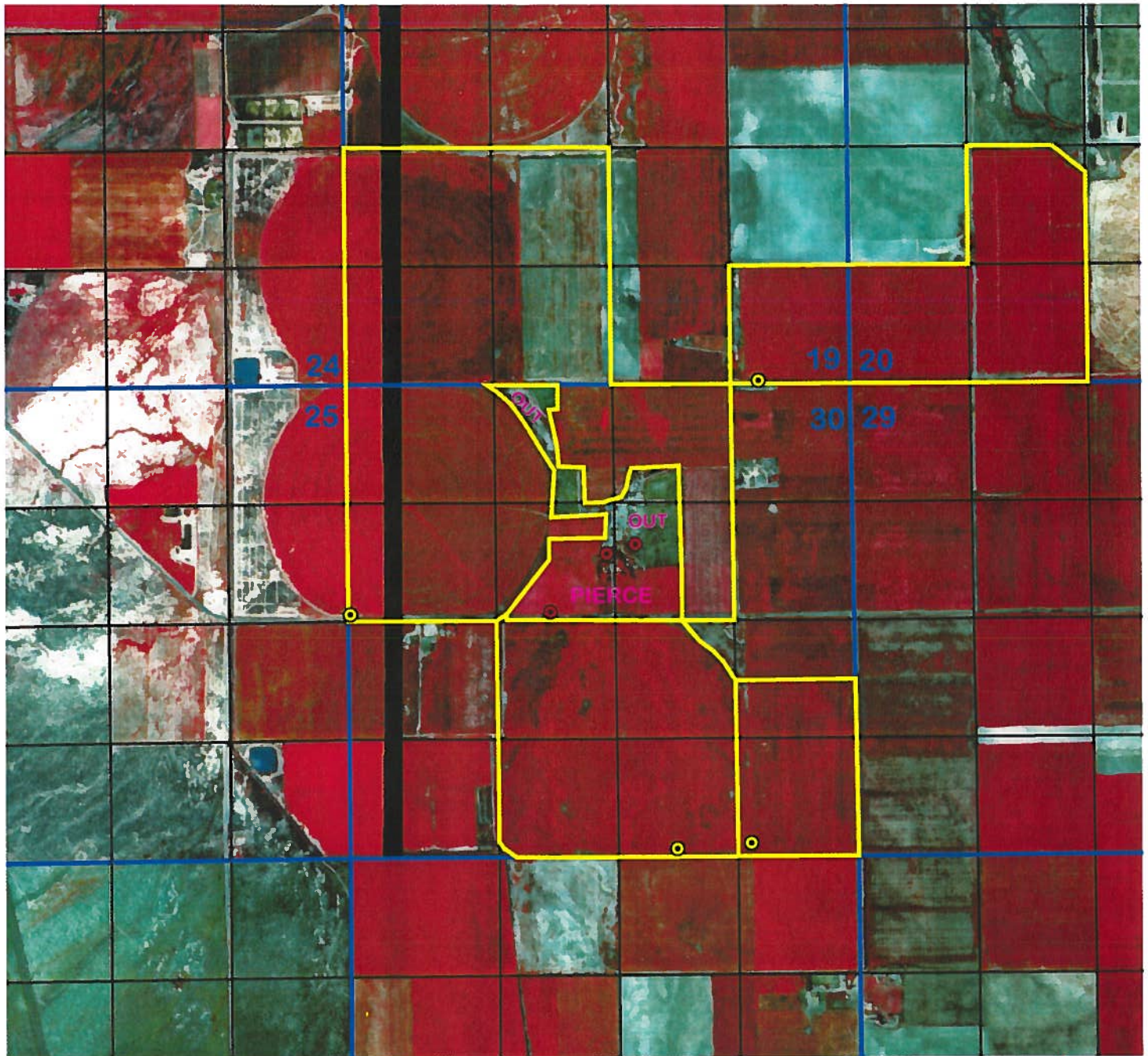
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Idaho Department of Water Resources

**RIGHTS: 43-2284A, 43-2304A, 43-2305
43-2393A, 43-2455A, 43-4237
SOURCE: GROUND WATER**

**RECOMMENDED PLACE OF USE
TWP 13S, RNG 27E,
Data entry on January 22, 2001**



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



**GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY VIKIE HANCOCK**

*Superseded
7-6-01 per NOE
WAK*

325 ac

Lem, teal to
~~last~~ 211 gpc
 211 gpc
 + 100 slow
 12.37
 13.16
 10mb d/c = 28.34
 13.16

RECOMMENDATION NOTES

From: Vikie Hancock

1/23/01

Regarding:

**43-2284A, 43-2304A, 43-2305, 43-2394A, 43-2455A,
and 43-4237, 43-4238A**

GROUNDWATER CLAIMS FOR C BAR CATTLE COMPANY

The above claims encompass 896 acres as found irrigated in 1987 NAPP aerial photography. All the licenses but 43-2505 were split in the sale from Pierce to C Bar Cattle Company. All the licenses but 43-2305 and 43-2304 were also appurtenant to the same general place of use - the series of licenses adding additional points of diversion and diversion amounts to acres already developed. Therefore, by 1963, Pierce had a total of 689 acres licensed for irrigation from groundwater with a combined diversion rate of 15.94 cfs. A 10 acre portion of 43-2503 was conveyed along with .20 cfs, when Dale Pierce purchased 30 acres in the NWSE Sec 19 (see SRBA claim 43-10036). The acres conveyed to C Bar Cattle company in 1990 included licensed rights that totaled 648 acres and 14.84 cfs groundwater diversion.

43-4237 claims a 1950 priority date for a well known as the Sears well and on property that it appears was originally owned by Willis Sears. Documentation in the file evidences that this well was indeed drilled in 1950 and equipped with an electric motor in 1951. 1962 aerial photography shows irrigation of perhaps half the acres claimed, however by 1968 approximately 100 acres is irrigated. Indications are that the development of irrigation from groundwater on this 100 acres began before mandatory requirements and the initiation of the critical groundwater area, but was not completed by the priority date claimed. An advancement of priority date to 3-15-1963 is being recommended. Decreed rights 43-171C and 43-178G from Raft River are also appurtenant to this acreage.

Statutory claim 43-4238A, with a priority date of 1960, is appurtenant to land previously licensed and located directly surrounding Mr. Jack Pierce's home. It seems that this claim would not represent any additional acres or diversion rate for irrigation. It does claim domestic and stockwater uses that were not previously part of any water right. The stockwater use is for a feedlot containing 1200 to 1500 cattle, which was conveyed to C Bar Cattle Company. Mr Pierce retained some stockwater use as well as two of the three homes listed as the domestic use under the original claim. Mr. Pierce's portion of this claim is 43-4238B.

In addition to the licensed acres and diversion amounts, the entire statutory claim 43-4237 was also conveyed. C Bar Cattle, therefore, has valid water rights for 748 acres of irrigation and 16.84 cfs. The diversion rate will be limited

to one inch per acre, or 14.84 cfs from groundwater, in the recommendation. The number of acres found irrigated within claimed tracts represents an expansion of 149 acres, which at this time have no water right for irrigation from groundwater. The need for an expansion claim is indicated.

A total of six different inter-connected wells were listed on the original claims. Two of the claimed points of diversion now appear to be on land retained by Jack Pierce. These wells were not documented by the field exam done June 7, 2000 by Scott King and Cindy Bird. Rodney Hall, leasee of the C Bar property, showed them only the four wells located on C Bar property, and it is the impression of Cindy Bird that all the wells used to divert water for the C Bar portion of the claims were those wells documented and GPS'd. The four wells are located in the SESESE of Section 19, and the SWSWNW, SWSWSE and SESESW of Section 30.

The warranty deed in which Mr. Pierce retained the 31 acres which now contains the two additional wells - identified in the SENW and SWNE Section 30 - made no reference to a transfer of point of diversion for any of the water rights. These two wells were not licensed points of diversion, however. Based upon the information available to me I am recommending only the groundwater points of diversion documented in the field exam for these claims. Since it was not indicated that any water from the C Bar wells went to provide water for irrigation or other uses on the Pierce property, the wells on Pierce property will be recommended points of diversion for his portion of the licensed rights under the accomplished transfer statutes.

24554

Concerning ~~43-2284~~ and 43-2305: These two licenses were originally appurtenant to 30 acres in the NWSE Section 19 that were subsequently purchased by Dale Pierce. From affidavit in SRBA claim file 43-10036, it appears that ten inches of water based upon license 43-2305 was conveyed to Dale Pierce when he purchased the property from Jack Pierce in approximately 1988. As a consequence, 10 acres and 0.2 cfs have been deleted from the C Bar Cattle Company claim 43-2305.

24554

Dale Pierce does not claim any portion of license ~~43-2284~~, therefor the entire diversion rate and acreage originally licensed on the NWSE Sec 19 is assumed to have been involved in an accomplished transfer and retain by Pierce and subsequently C Bar Cattle Company as claimed.

Groundwater rights = 755 acres

Additional acres with surface water rights only = 61

Acres found irrigated in Sec 24 and 25 without water rights = 88

State of Idaho License and Certificate of Water Right

Water License No. 19116

Amount 2.42 c.f.s.

Water District No.

Priority March 27, 1941

THIS IS TO CERTIFY that A. D. FIERCE

of Malta, Idaho

, made application for a permit to appropriate the public waters of the State of Idaho, dated March 27, 1941; that Permit No. 19116 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 3.0 second feet, was issued thereunder on March 29, 1950, showing that said works were completed on the 29th day of March, 1950; and that on the 2nd day of April, 1951, A. D. FIERCE

of Malta

State of Idaho

State Reclamation Engineer

, made proof to the satisfaction of the of Idaho, of the right to use the waters of a well

subterranean, artificial flow

, for the purpose of irrigation and

domestic

, under Use Permit No. 19116 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 10 of Licenses at page 5910, on the 11th day of February, 1957;

The right hereby confirmed dates from March 27

, 1941;

The Point of Diversion is located

in the 37 1/4

N 1/4

Sec. 30

Tp. 13 S.

R. 27 E.

B. M.

County Cassia

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.42 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated	
13 S.	27 E.	19	NE 1/4 SW 1/4		28.00	
			SE 1/4 SW 1/4		49.44	
			SW 1/4 SW 1/4		49.54	
			NE 1/4 SE 1/4		40.00	
		20	NE 1/4 NE 1/4		40.00	
			SE 1/4 NE 1/4		49.54	
			SW 1/4 NE 1/4		49.53	
			NE 1/4 SW 1/4		40.00	
			Total number of acres irrigated - - -			343.05

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 11th day of February, 1957.

/s/ Mark E. Daly

State Reclamation Engineer

(SEAL)

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 19116

This proof is for Beneficial use

In Water District No. _____

1. Name of applicant A. D. Pierce, Malte, Idaho2. Source of water supply: Subterranean flow from a well3. Location of point of diversion: Is in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 30
T. 13 S., R. 27 E., County of Cassia

4. Describe works as they exist, giving dimensions and capacities of same: Well = 40" d. x 50' deep
Concrete C.S. Pump and Motor rests on timbers across top of well.
Well is open. 8' x 5' x 5" frame house. Permanent pump # P.D. 200
10 h.p. Westinghouse induction Motor, 1 ph. 220 V. 52 A. 60 cps. # 465007
Delivery to 5 inch steel pipe approx 8' x 8" into open ditch.
Drawdown 7-12'

5. Water is used for: Irrigation and domestic purposes.6. State whether or not water has been turned into works of diversion: Yes.

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

SW $\frac{1}{4}$ Section 19;NE $\frac{1}{4}$ and E $\frac{1}{4}$ NE $\frac{1}{4}$ Section 30;Township 13 South, Range 27 East, B. M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: Will pump in a few days. Raft River still good.

Handwritten note:
The pump is to be used for this filing
and the water is to be used for
the same purpose.

This examination was made on the

8th

day of

July1953

(Signed)

E. H. Humphrey

Examiner

