

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: A43-02294E
Date Received: 6/07/1989
Receipt No: 5007632
Received By: RAA

Department of Water Resources

Southern Region Office

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

1. Name: WARR BROTHERS
Address: HC 72, BOX 2208
MALTA, ID

208-645-2485

83342

2. Date of Priority: MAR 05, 1945

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
14S	27E	17		NE	NW		CASSIA
				SE	NW		CASSIA
				NE	SW		CASSIA
		20		NE	NW		CASSIA
				SW	NW		CASSIA

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.436		

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

A.F.A.

8. Total consumptive use is 1200.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A43-02294E

Page 1

Date: 06/07/89

MICROFILMED

MAR 03 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
14S	27E	17	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
							Section Acres	400.0
							Total Acres	400.0

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:
A4310381,00173,00177

14. Remarks:

THIS CLAIM REFLECTS AN UNRECORDED TRANSFER OF THE POINT OF DIVERSION FROM ONE WELL THE FIVE EXISTING WELLS IN THE AREA. THE WATER LICENSED UNDER THIS RIGHT IS SUPPLEMENTAL TO OTHER RIGHTS. THE PUMP WAS PULLED 3 YEARS AGO; THE SUPPLEMENTAL WATER HAS NOT YET BEEN NEEDED. HOWEVER, WHEN NEEDED, THE WATER WILL BE PULLED FROM THESE EXISTING WELLS.

15. Basis of Claim: LICENSE
Water Right Number: 19600

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Organizations:

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

Alene Wan
Signature of Authorized Agent
Partner Wan Brothers
Title and Organization
6-7-89
Date

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

Subscribed and sworn (or affirmed) before me this 7th day
of June 19 89

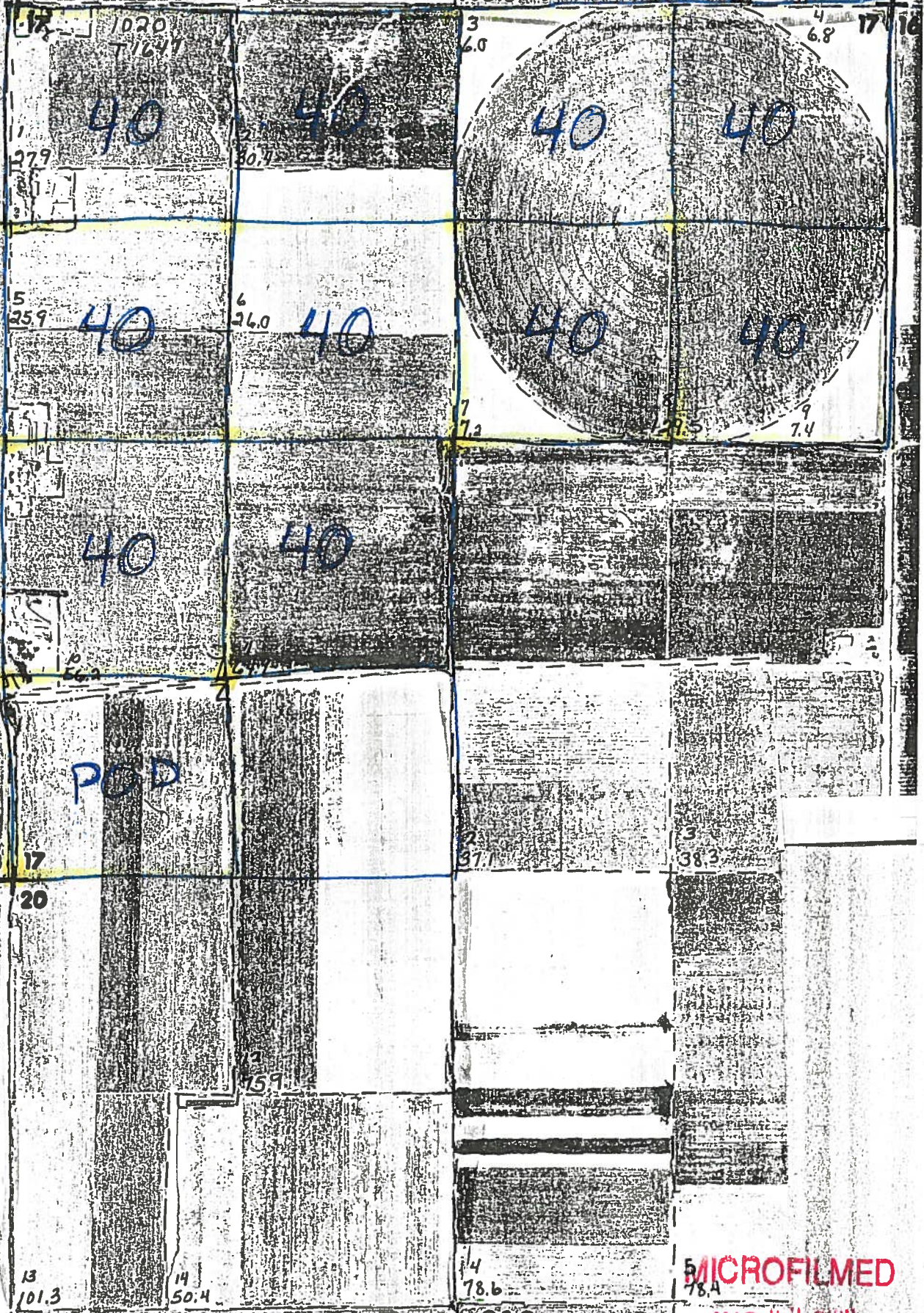
Helen Harrington
Notary Public

Seal

Residing at Helen Harrington, Notary Public
Residing at Boise, Idaho
My Commission Expires December 1, 1994

43-02294E
LICENSE
1945
GROUNDWATER
3.436 CFS

R 27



MICROFILMED
MAR 03 1993

old (D) Number - 19600

State- ID Zip- 83347

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MICROFILMED
MAR 03 1993

3.436

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
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14S	27E	17	NE NE	40.0	01	IRRIGATION	(31)	CASSIA
14S	27E	17	NW NE	40.0	01	IRRIGATION	(31)	CASSIA
14S	27E	17	SW NE	40.0	01	IRRIGATION	(31)	CASSIA
14S	27E	17	SE NE	40.0	01	IRRIGATION	(31)	CASSIA
14S	27E	17	NE NW	40.0	01	IRRIGATION	(31)	CASSIA
14S	27E	17	NW NW	40.0	01	IRRIGATION	(31)	CASSIA
14S	27E	17	SW NW	40.0	01	IRRIGATION	(31)	CASSIA
14S	27E	17	SE NW	40.0	01	IRRIGATION	(31)	CASSIA
14S	27E	17	NE SW	40.0	01	IRRIGATION	(31)	CASSIA
14S	27E	17	NW SW	40.0	01	IRRIGATION	(31)	CASSIA

Total Acres: 400.0

+ - - Diversion Means -
+ - - Non-Irrigation Use -
+ - - Other Rights for Same Use -

Adj. flag translation: Standard Water Right Number

[illegible][illegible][illegible]

+ - Decree Date
00/00/0000

05/28/88 CONVERT
Audit Fields - 03/26/85

+-----Water Rights Dates and Flags Area

Proof Due Date	-	00/00/0000	Field Exam Made	-	00/00/0000	Field Exam Fee	-
Approved/Denied	-	00/00/0000	Posttested Date	-	00/00/0000	Swan Falls	-
Proof Made Date	-	00/00/0000	Hearing Date	-	00/00/0000	Temporary Right	-
Start Work Date	-	00/00/0000	Verified Date	-	03/26/1985	DLE/Carey Act	-
Order Show Cause	-	00/00/0000	Receipt Number	-		Water District	-
Licensed Date	-	10/07/1983	Appl Received	-	00/00/0000	Transfer/Amended	-
Decree Date	-	00/00/0000					

MICROFILMED
MAR 03 1993

05/11/2001

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 15, 2001

Water right number: 43-2294E

WARR BROTHERS

2231 S 2350 E

MALTA ID 83342

Telephone Number: (208)645-2485

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 6-12-01

SIGNATURE: Olene Warr

Please print your name: Olene Warr

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, (208)736-3033

RECEIVED
JUN 18 2001
Department of Water Resources
Southern Region

03/06/2001

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

RIGHT NUMBER: 43-2294E

NAME AND ADDRESS: WARR BROTHERS
2231 S 2350 E
MALTA, ID 83342

SOURCE: GROUND WATER

QUANTITY: 3.436 CFS
1585.6 AFY

RIGHT NOS. 43-02294E, 43-02389, 43-02405, 43-02419, 43-02420B AND 43-04034 ARE LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2480 AF.

RIGHT NOS. 43-00170C, 43-00173C, 43-00177D, 43-02294E, 43-02389, 43-02405, 43-02419, 43-02420B, 43-04034, 43-10388, 43-12961, 43-12962, 43-12963, 43-12964 AND 43-12965 ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 14.01 CFS.

PRIORITY DATE: 03/05/1945

POINT OF DIVERSION:	T14S R27E S17	SWNENW	Within CASSIA County
	T14S R27E S17	NWSENW	Within CASSIA County
	T14S R27E S17	NENESW	Within CASSIA County
	T14S R27E S20	SWNENW	Within CASSIA County
	T14S R27E S20	SWSWNW	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	3.44 CFS 1,585.60 AFY

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T14S R27E S17	NENE	40	T14S R27E S17	NWNE	40
T14S R27E S17	SWNE	40	T14S R27E S17	SENE	39
T14S R27E S17	NENW	40	T14S R27E S17	NWNW	32
T14S R27E S17	SWNW	39	T14S R27E S17	SENE	40
T14S R27E S17	NESW	40	T14S R27E S17	NWSW	35
T14S R27E S17	SWSW	4.9	T14S R27E S17	SESW	6.5

396.4 ACRES TOTAL

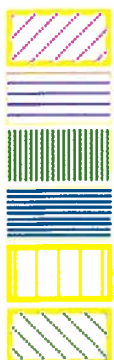
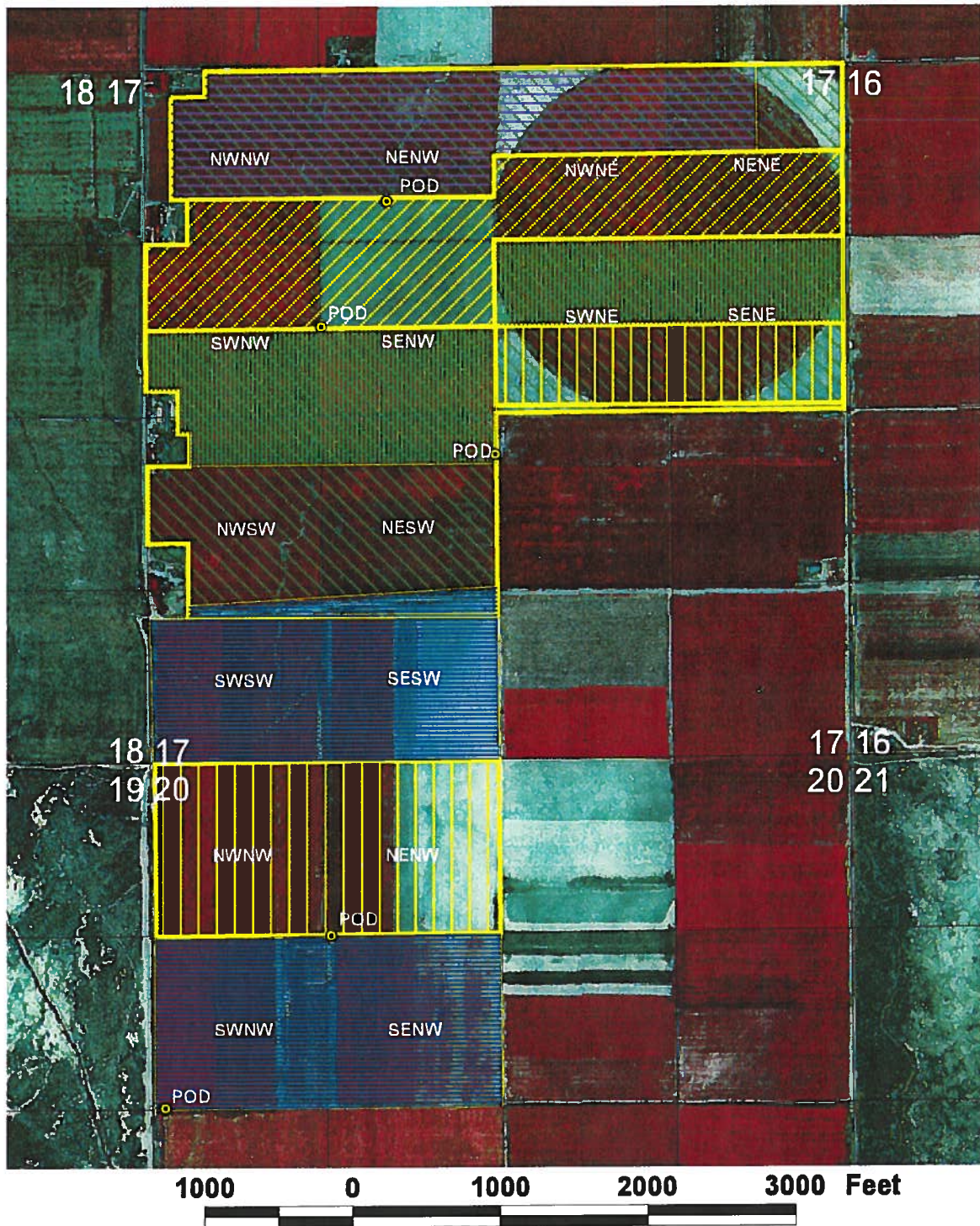
RIGHT NOS. 43-00170C, 43-00173C, 43-00177D, 43-00178E, 43-02294E, 43-02389, 43-02405, 43-02419, 43-02420B, 43-04034, 43-10388, 43-12961, 43-12962, 43-12963, 43-12964 AND 43-12965 ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 620 ACRES IN A SINGLE IRRIGATION SEASON.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

Warr Brothers Ground Water POU



43-04034

43-02420B

43-02419

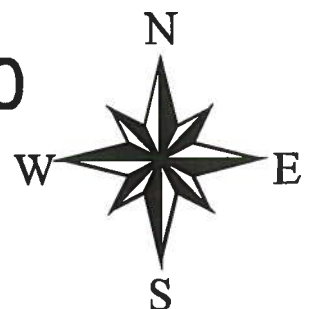
43-02405

43-02389

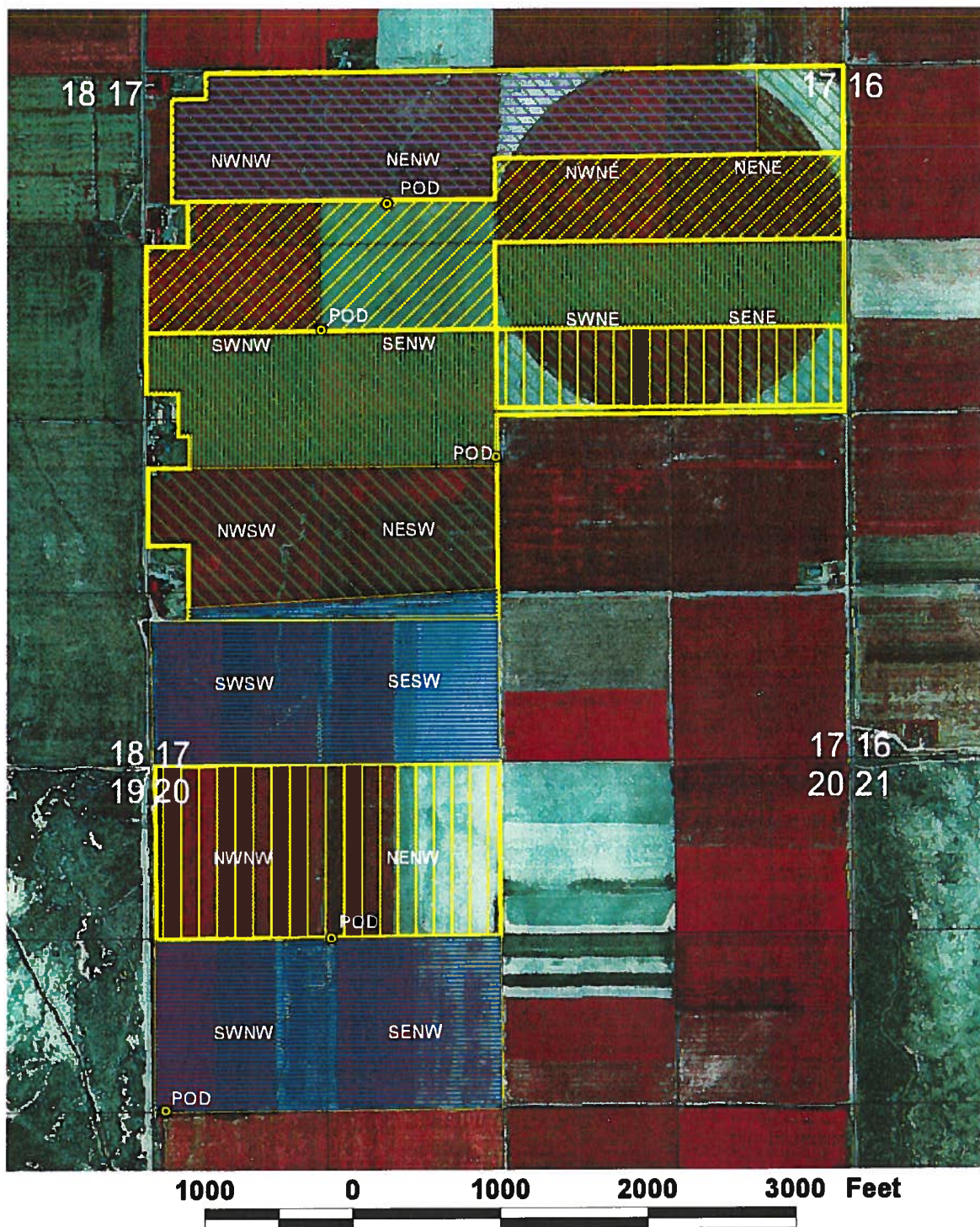
43-02294E

T14S R27E S17 & S20

Map prepared by: Carter Fritschle
Date prepared: 03/13/01
1987-1988 NAPP photography
Idaho Department of Water Resources



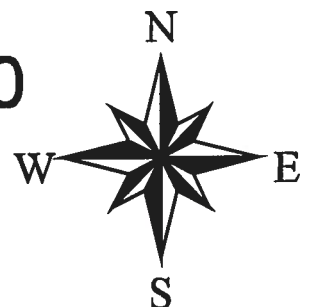
Warr Brothers Ground Water POU



-  43-04034
-  43-02420B
-  43-02419
-  43-02405
-  43-02389
-  43-02294E

T14S R27E S17 & S20

Map prepared by: Carter Fritschle
 Date prepared: 03/13/01
 1987-1988 NAPP photography
 Idaho Department of Water Resources





State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866 www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 6, 2001

Warr Brothers
2231 S 2350 E
Malta, ID 83342

RE: Snake River Basin Adjudication (SRBA)

Dear Claimants:

I am reviewing the claims you filed in the SRBA, and I have found that your claims to water from the Raft River appear to be for lesser amounts than are appurtenant to your land. I have enclosed amended claims that reflect the amount of water that my calculations show you are entitled. I have also split two of your claims, 43-10381 and 43-10387, into five claims because of the differences in the seasons of use of the water rights that were combined to make these claims. The new claim numbers are 43-12961, 43-12962, 43-12963, 43-12964 and 43-12965.

I have also added a remark that would allow you to use these rights within a permissible place of use. This can be useful in that it generally more accurately reflects the way water is applied when a number of water rights are used in combination with each other. If you do not wish to have these rights recommended as a permissible place of use, please line through the remark that describes the number of acres the right is for within the North 1/2 and SW 1/4 of Section 17 and the NW 1/4 of Section, Township 14 South, Range 27 East.

Additionally, I have enclosed amended claims for your ground water rights that will allow them to be recommended as a permissible place of use. If you do not want these rights recommended with a permissible place of use, do not sign and return these claims.

Any claims you do wish to amend, should be signed, notarized and returned to me or our Southern Region Office in Twin Falls as soon as possible. We are hoping to start printing preliminary recommendations for Basin 43 (the Raft River Drainage) on March 12, 2001.

If you have any questions, please contact me at (208) 327-7939.

Sincerely,

A handwritten signature in cursive script, reading 'Carter Fritschle'.

Carter Fritschle
Water Rights Supervisor
Adjudication Bureau

Enclosures: Amended Claims

Warr Brothers

2-8-01

		claimed cfs	claimed acres
1945	43-02294 E	3.436	400
1953	43-02389	1.06	115
1954	43-02405	2.88	160 (155 license)
1955	43-02419	1.42	100
1955	43-02420B	<u>1.62</u> (0.10 cfs) (less A portion)	<u>90</u> (5.6 ac) (less A portion)
		10.416	

1948 43-04034 2.00 100

Place of use "covered" by licensed rights shown above. Statutory claim indicates claim is based on Permit 20586 (No new number assigned)
Capacity with present system calculated at 1.45 cfs.

Total irrigated acres = $392 + 155 + 79 = 626$
 $626 \text{ acres} \times 0.02 \text{ cfs/ac} = 12.52 \text{ cfs}$

$10.416 \text{ (from licenses)} + 1.45 = 11.866 \text{ cfs}$

43-02420 1.62 cfs for 90 ac.

43-02420A owns 5.6 ac. of original p.o.u.

$$\frac{1.62 \text{ cfs}}{90 \text{ ac}} \times 5.6 \text{ ac} = 0.10 \text{ cfs}$$

43-02420B = 1.52 cfs on 85 ac.

43-10381	1	43-12961	4-1-1871	4-30 to 7-1	0.705 c
1.945 cfs 240 acres	2	43-12962	4-1-1871	3-15 to 11-15	0.10 c
	3	43-12963	4-1-1871	4-1 to 7-1	2.02 c
43-10387	1	43-12964	4-1-1879	7-1 to 10-1	1.83 c
2.225 cfs	2	43-12965	4-1-1879	4-1 to 10-1	0.61 c

3-6-01

Warr Brothers Ratt River rights

		Apportioned cfs	Claimed cfs	Amended Claim cfs
✓	4-1-1881 43-00170C	0.46	0.30	0.46
✓	4-1-1882 43-00173C	1.22	0.914	1.22
✗	4-1-1871 43-10381	2.825	1.945	
✓	Child 1 43-12961	0.705	0.705	0.705
✓	Child 2 43-12962	0.10	0.10	0.10
✓	Child 3 43-12963	2.02	1.14	2.02
✗	4-1-1879 43-10387	2.44	2.225	
✓	Child 1 43-12964	1.83	1.83	1.83
✓	Child 2 43-12965	0.61	0.395	0.61
✓	6-1-1879 43-10388	2.44	1.971	2.44
	5-24-1909 43-00177D	4.628	4.628	
		14.013		
	12-12-1911 43-00178E	8.00	7.871	8.00

Warr Brothers Ground water rights

		Rec. cfs	Vol. *	Acve Limit *	Total Acve
1945	43-02294E	3.436	1600	400 K06	400
1948	43-04034	1.45	400	100 K06	500
1953	43-02389	7.06	460	115 K06	615
1954	43-02405	2.88	-	155	-
1955	43-02419	1.42	-	100	-
1955	43-02420B	1.52	-	84	-
		11.766			

* If amended to permissible P.O.U

State of Idaho
License and Certificate of Water Right

Water License No. 19600

Amount Six (6) second feet

Water District No.

Priority March 5, 1945

THIS IS TO CERTIFY that MALTA LAND & IRRIGATION COMPANY
of Malta, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated March 5, 1945; that Permit No. 19600
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
6 second feet, was issued thereunder on May 1, 1945, showing that said works
were completed on the 24th day of April, 1945; and that on the 11th
day of June, 1945,
MALTA LAND & IRRIGATION COMPANY

of Malta, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of 5 wells
(subterranean), a tributary of, for the purpose of irrigation and domestic
use, under Use Permit No. 19600 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
7 of Licenses at page 4285 a, on the 8th day of March, 1946;
The right hereby confirmed dates from March 5, 1945;

The Pointant Diversion ^{are} located
in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 17, Tp. 14 S., R. 27 E., B. M. Cassia County

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 six (6) cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
The water covered by this license is supplemental to decreed rights from other sources, and is appurtenant to the following described lands:			SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 8; NW $\frac{1}{4}$, NE SW $\frac{1}{4}$ Section 17; all in Township 14 South, Range 27 East, B. M.		

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

8th day of March, 1946.

MARK R. KULP

State Reclamation Engineer

(SEAL)

43-2294

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 19600

This proof is for Beneficial use In Water District No.

1. Name of applicant Malta Land & Irrigation Co., John A. Elison, Mgr. Malta, Idaho

2. Source of water supply: Five wells

3. Location of point of diversion: Is in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17

T. 14 S. R. 27 E. County of Cassia

4. Describe works as they exist, giving dimensions and capacities of same: Four dug wells with concrete curbing of four feet diameter, and 4" thickness: two of which are equipped with 8 inch (discharge) Pomona Pumps, and two of which have similar type pumps with 6 inch discharge pipes.
Ditches 2 feet wide X 1 $\frac{1}{2}$ feet deep.

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 for other than irrigation): S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 8;

N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 17;

All in Township 14 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? Unknown

Remarks:

Well #1, 40ft deep 4ft. Concrete curb, Pomona Pump belt drive, I.I.S.F. Disch.

" 2 35. " " " " " " " " " not running.

" 3 35 " " " " " " " " " " "

" 4 35 " " " " " " " " " " "

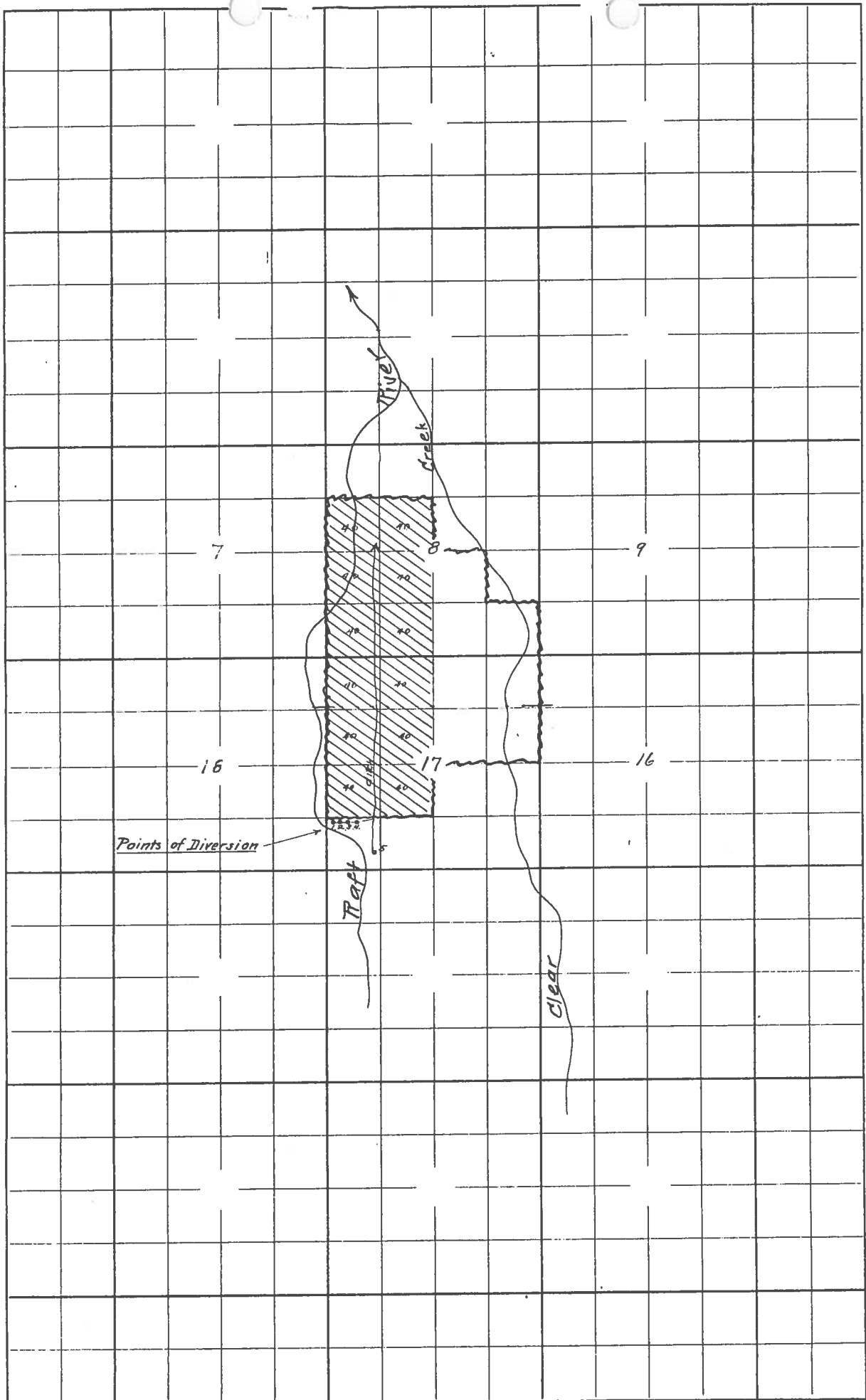
" 5 245' " drilled, equipment absent.

Water covered by this Permit is supplemental to Decreed rights from other sources, and is to apply equally to all the lands covered by this Permit

This examination was made on the 11th day of July, 1945.

(Signed)

Herbert Holman
Examiner.



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

19600

CLAIM NUMBER

A43-02294E

DATE

AGENT

TRANSFER NUMBER

CLAIMED ACRE TOTAL 402

GIS ACRE TOTAL

	TWP	RNG	SEC	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM	14S	27E	17	40	40	40	40	40	40	40	40	40	40						4
GIS	14S	27E	17																
RECOM	14S	27E	17																
CLAIM																			
GIS																			
RECOM																			
CLAIM																			
GIS																			
RECOM																			

B43-POU.SHP

SHAPE NOS.

B43-POD.SHP

NOS. DESCRIPTION

DBF TABLES UPDATED

B43-DBPOU.DBF

B43-DBPOD.DBF

JPEG LAYOUT

five wells belonged to Malta Land Dris (35' deep wells)
 - only one exists (now water is used out of 3
 existing deep wells)

R PROOF

CVR

MAPS

PHOTOS

MISC

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