

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.

RECEIVED

JUN 7 1989

CIVIL CASE NUMBER: 39576

Ident. Number: A43-02389

Date Received: 6/07/1989

Receipt No: 5007632

Received By: CRF

Department of Water Resources
NOTICE OF CLAIM TO A WATER RIGHT
Southern Region Office
ACQUIRED UNDER STATE LAW

1. Name: WARR BROTHERS
Address: HC 72, BOX 2208
MALTA, ID 83342
208-645-2485

2. Date of Priority: MAR 03, 1953

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14S	27E	20		NE	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	1.060		

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

8. Total consumptive use is 345.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14S	27E	17	SW	NE		IRR	10.0
			SE	NE		IRR	10.0
			SW	SW		IRR	15.0

A43-02389

Page 1

Date: 06/07/89

MICROFILMED
MAR 03 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14S	27E	17	SE	SW		IRR	20.0
						Section Acres	55.0
		20	NE	NW		IRR	40.0
			NW	NW		IRR	20.0
						Section Acres	60.0
						Total Acres	115.0

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

A43-00177D, 00178E, 10381, 00172, 00168, 00169A&B

14. Remarks:

15. Basis of Claim: LICENSE

Water Right Number: 23864

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 War Bros. Organization, that I have signed the foregoing document in the space below as partner of War Bros. Organization and that the statements contained in the foregoing document are true and correct.

Alene War
Signature of Authorized Agent
partner War Bros.
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

43-02389
LICENSE
1953
GROUNDWATER
1.06 CFS

27



MICROFILMED
MAR 03 1993

Water Right Number - 43-02389

Adj. Flag Translation: Standard Water Right Number

Old (D) Number - 23864

*** C - CURRENT OWNER ***
WARR
Last Name -
First Name -
CHARLES H.

1 -
2 -
3 -
City- MALTA
Phone -
State- ID Zip-

Priority Date - 03/03/1953
Region - 17

Stage - L - LICENSE

Status -

Source -
GROUNDWATER

MICROFILMED
MAR 03 1993

Twn Rng Sec Tract Lot Rflg County Point of Diversion
14S 27E 20 NE NW (31) CASSIA
Stream Index (Blank if no Index Code)

Code Description Period From Period To Water Use Diversion Rate Diversion Volume
01 - IRRIGATION
1.060

Total Div. Rate - 1.060
Total Div. Volume -
Total Div. Capacity -
Total Consumptive Use -
KW Usage -

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
14S	27E	17	SW NE		10.0	01	IRRIGATION	(31) CASSIA	
14S	27E	17	SE NE		10.0	01	IRRIGATION	(31) CASSIA	
14S	27E	17	SW SW		15.0	01	IRRIGATION	(31) CASSIA	
14S	27E	17	SE SW		20.0	01	IRRIGATION	(31) CASSIA	
14S	27E	20	NE NW		40.0	01	IRRIGATION	(31) CASSIA	
14S	27E	20	NW NW		20.0	01	IRRIGATION	(31) CASSIA	

Total Acres: 115.0

- Diversion Means -
- Non-Irrigation Use -
- Other Rights for Same Use -
Remarks -
No Remarks found.
Conditions of Approval -
No Conditions of Approval found.

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: 43-2389

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:

X 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: 43-2389

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

SOURCE: GROUND WATER

QUANTITY: 1.06 CFS
460 AFY

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.

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.

PRIORITY DATE: 03/03/1953

POINT OF DIVERSION: T14S R27E S20 SWNENW 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	1.06 CFS 460.00 AFY

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>			
T14S R27E S17	SWNE	18	T14S R27E S17 SENE 18
T14S R27E S20	NENW	40	T14S R27E S20 NWNW 39

115 ACRES TOTAL

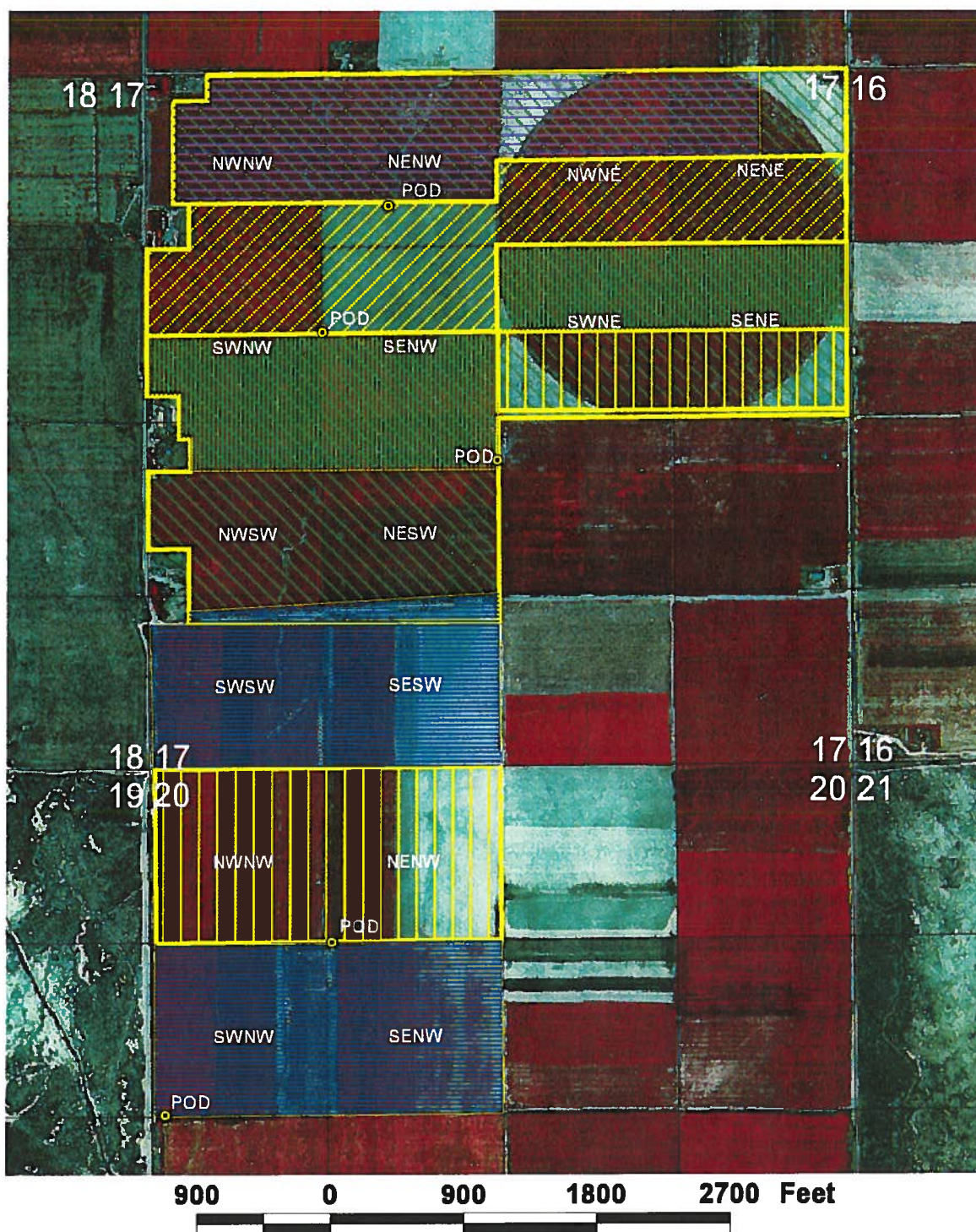
RIGHT NOS. 43-00170C, 43-00173C, 43-00177D, 43-00178E, 43-02294E, 43-02389, 43-02405, 43-02419, 43-02420B, 43-04034, 43-10388, 43-12961, 43-12962, 43-12963, 43-12964 AND 43-12965 ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 620 ACRES IN A SINGLE IRRIGATION SEASON.

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

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

Warr Brothers Ground Water POU



43-04034

43-02420B

43-02419

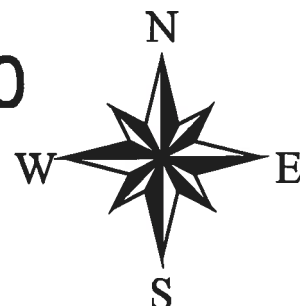
43-02405

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

		Claimed cfs	Claimed acres
1945	43-02297 E	3.436	400
1953	43-02359	1.06	115
1954	43-02405	2.88	160 (155 acres)
1955	43-02419	1.42	100
1955	43-02420B	1.62 (0.10 cfs) (less A portion)	90 (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 initiates claim is based on permit 80586 (No new number assigned). Capacity with present system calculated at 7.5 cfs.

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

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

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
1.745 cfs 240 acres	2	43-12962	4-1-1871	3-15 to 11-15	0.10
	3	43-12963	4-1-1871	4-1 to 7-1	2.02
43-10387	1	43-12964	4-1-1879	7-1 to 10-1	1.83
2.225 cfs	2	43-12965	4-1-1879	4-1 to 10-1	0.61

3-6-01

Warr Brothers Ratt River rights

		Apportioned cfs	Claimed cfs	Amended Cl. cfs
4-1-1881	43-00170C	0.46	0.30	0.46
4-1-1882	43-00173C	1.22	0.914	1.22
x 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
x 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	<u>4.628</u>	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 Ac.
1945	43-02294E	3.436	1500	400 K06	400
1948	43-04034	1.45	400	100 K06	500
1953	43-02389	1.06	250	115 K06	615
1954	43-02405	2.88	-	155	-
1955	43-02419	1.42	-	100	-
1955	43-02420B	<u>1.52</u>	-	84	-
		11.766			

* If amended to permissible P.O.U

State of Idaho License and Certificate of Water Right

Water License No. G-23864

Amount 1.06 c.f.s.

Water District No. _____

Priority March 3, 1953

THIS IS TO CERTIFY that

CHARLES H. WARR

of Malta, Idaho

made application for a permit to appropriate the public waters of the State of Idaho, dated March 3, 1953; that Permit No. G-23864 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 1.06 second feet, was issued thereunder on August 4, 1964, showing that said works were completed on the 8th day of June, 1954; and that on the 8th day of June, 1954,

CHARLES H. WARR

of Malta, Idaho

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

a tributary of subterranean flow, for the purpose of irrigation

under Use Permit No. G-23864 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 13 of Licenses at page 7915, on the 4th day of August, 1964:

The right hereby confirmed dates from March 3, 1953;

The Point of Diversion is located

in the NE 1/4, NW 1/4, Sec. 20, 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 1.06 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
14 S.	27 E.	17	S 1/2 NE 1/4	20	20
			SE 1/4 SW 1/4	40	20
			SW 1/4 SW 1/4	30	15
		20	NE 1/4 NW 1/4	40	40
			NW 1/4 NW 1/4	40	20
Total number of acres to be irrigated:					115

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

4th day of August, 1964

(SEAL)

CARL E. TAPPAN
State Reclamation Engineer

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

Permit No. Q-23864This proof is for Completion of Works & Beneficial Use In Water District No. _____1. Name of applicant Charles H. Warr, Malta, Idaho2. Source of water supply: Subterranean from a well3. Location of point of diversion: Is in the Southwest corner of NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20
T. 14 S. R. 27 E. County of Cassia4. Describe works as they exist, giving dimensions and capacities of same: Well is 16" diameter by 80' deep, cased to bottom. H-8 $\frac{1}{2}$, draw down 50'. 8" by 70' column. U. S. Motor 10 HP, 220 V., 27 A., 1800 RPM, No. 897176. U. S. Pump No. 17563. 8" by 8' delivery pipe to the South into a ditch. Concrete curb 3' by 3', no protection.5. Water is used for: Irrigation6. 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):

S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 17;S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 17;N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 20;Twp. 14 South, Range 27 East, B. M.See the map

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

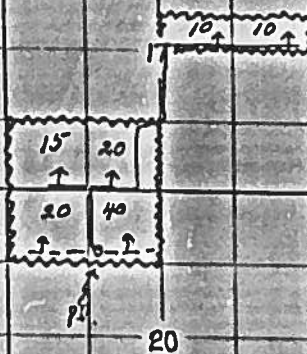
8. What large stream would the water here appropriated finally reach?

Remarks: _____

This examination was made on the 21 day of July, 19 27(Signed) E. H. Humphrey ExaminerQ-23864

R-27E.

T.
14
S.



20

Subdivisions = 6
Area = 115 acres
Q = 53 inches
T = 52°F

CLAIM NUMBER A43-02389 DATE _____
 _____ AGENT _____

TRANSFER NUMBER _____
 CLAIMED ACRE TOTAL 115
 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			10	10							15	20				
GIS	14S	27E	17																
RECOM	14S	27E	17																
CLAIM	14S	27E	20					40	20										
GIS	14S	27E	20																
RECOM	14S	27E	20																
CLAIM																			
GIS																			
RECOM																			

B43-POU.SHP _____
 SHAPE NOS. _____

10 acres in SWNE & 10 acres SENE are used
 on NWNW of Sec. 20

NOS.	DESCRIPTION

DBF TABLES UPDATED _____
 B43-DBPOU.DBF _____
 B43-DBPOD.DBF _____
 JPEG LAYOUT _____

R PROOF

CVR

MAPS

PHOTOS

MISC

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