

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: **A43-02394B**
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: JOHN A PIERCE 208-645-2580
Address: MALTA ID 83342
AND
Name: MABEL PIERCE 208-645-2580
Address: MALTA ID 83342

2. Date of Priority: APR 17, 1953

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	SW	NW		CASSIA
				SE	NW		CASSIA
				SW	SE		CASSIA
				SE	SE		CASSIA

5. Description of diverting works:
6 WELLS, TURBINE PUMPS, MAINLINES AND DITCHES 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	0.100		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	27E	30	SE	NW		IRR	18.0
Section Acres							18.0
Total Acres							18.0

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:

43-0442, 0443, 0253, 0030, 0287, 2284, 2455, 4238

14. Remarks:

ACREAGE WAS CALCULATED BY THE ASCS USING AERIAL PHOTOGRAPHY.
THE WATER IN THIS IRRIGATION SYSTEM IS COMINGLED THROUGHOUT
THE RANCH.

10-25-99: OWNERSHIP CHANGE JACK PIERCE TO JOHN AND MABEL PIERCE
PER NOTICE REC'D 7-16-90 RESULTED IN A SPLIT."A" PORTION CONVEYED
TO PIERCE, INC AND SUBSEQUENTLY TO C BAR CATTLE CO. AND INCLUDED
1.9 CFS FOR 339.1 ACRES. - VH

15. Basis of Claim: LICENSE

Water Right Number: 24090

$$A = \begin{pmatrix} 3 & 3 \\ 9 & 1 \end{pmatrix}$$

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 _____

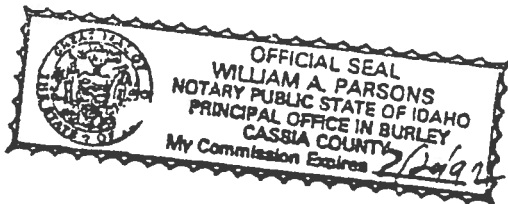


EXHIBIT A TO WARRANTY DEED

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

ay:

Step 1

crimo
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 @
NOT OWNED by
PIERCE IN 1990
when submitted*

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

04/02/2001

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

RIGHT NUMBER: 43-2394B

NAME AND ADDRESS: JOHN A PIERCE
MABEL PIERCE
2304 E 1800 S
MALTA, ID 83342

SOURCE: GROUND WATER

QUANTITY: 0.1 CFS
48 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF .62 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 126.4 AF. COMBINED RIGHT NOS.:
43-2284B, 43-2304B, 43-2394B, 43-2455B.

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 43-254B, 43-2284B,
43-2304B, 43-2455B, 43-12929, 43-12930, 43-12931 SHALL
PROVIDE NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 04/17/1953

POINT OF DIVERSION: T13S R27E S30 NESENW 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	0.10 CFS 48.00 AFY

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>				
T13S R27E S30	SWNE	12	T13S R27E S30	SENEW 19

31 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 19 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 31 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-254B, 43-2284B, 43-2304B, 43-2394B, 43-2455B, 43-12929, 43-12930, 43-12931.

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.

05/10/2001

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

RIGHT NUMBER: 43-2394B
NAME AND ADDRESS: JOHN A PIERCE
2304 E 1800 S
MALTA ID 83342

MABEL PIERCE
2304 E 1800 S
MALTA ID 83342

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.100 CFS
48.00 AFY

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF .62 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 126.4 AF. COMBINED RIGHT NOS.: 43-2284B, 43-2304B, 43-2394B, 43-2455B.

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 43-254B, 43-2284B, 43-2304B, 43-2455B, 43-12929, 43-12930, 43-12931 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 04/17/1953

POINT OF DIVERSION:

T13S R27E S30 NESENW 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	0.100 CFS 48.00 AFY

PLACE OF USE:

IRRIGATION Within CASSIA County

T13S R27E S30	SWNE	12.0	T13S R27E S30	SENW	19.0
---------------	------	------	---------------	------	------

31 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 19 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 31 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-254B, 43-2284B, 43-2304B, 43-2394B, 43-2455B, 43-12929, 43-12930, 43-12931.

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

05/10/2001

**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: 43-2394B

JOHN A PIERCE
2304 E 1800 S
MALTA ID 83342
Telephone Number: (208)645-2580

MABEL PIERCE
2304 E 1800 S
MALTA ID 83342
Telephone Number: (208)645-2580

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: 5-24-01

SIGNATURE:

Mabel Pierce John A. Pierce by Mabel Pierce

Please print your name: Mabel Pierce and John A. Pierce

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

DATE: 01/17/01
PAGE: 4

Stage: LICENSE

~~SESE~~ CASSIA County
CASSIA County

SE

TOTAL ACRES

18 : Found 19 gis

Objection Filed Date:

Field Inspection Flag: C
Presumption Flag: C

comb red limits
Vdc 31
AC Pulse 102.45
210

$$.1 \times 244 \times 1.9835 = 48$$

RECOMMENDATION NOTES

From: Vikie Hancock

1/18/01

Regarding:

43-254B, 43-12922, 43-12929, 43-12930, 43-12931 Surface Water
43-2284, 43-2304B, 43-2394B, 43-2455B, 43-4238B Groundwater

The above claims represent the remaining portions of claims split by an ownership change, Pierce to C Bar Cattle Company. Pierce retained 31 acres surrounding his farmstead, which is located more or less in the middle of the original place of use.

The original filings claimed six wells and one point of diversion on Raft River with a co-mingling of water that included two holding ponds and a common sprinkling system. After the purchase by C Bar Cattle Company, it was determined that the C Bar Property was irrigated from 4 wells that were not connected to two wells located on the Pierce property. I have therefore deleted all but two points of diversion for groundwater on the above Pierce claims.

It is not specifically known what changes, if any, were effected to continue delivery of water from Raft River to the Pierce 31 acres. It is assumed that the claimed point of diversion from the river is used to convey water to the property, however. Field exam done by agent Frank Hitchcock in 1994 documented the diversion and man-made channel that conveys water to the original place of use.

When combined, the above claims are limited to the irrigation of 31 acres and a diversion rate of 0.02 cfs per acre.

See Claim file 43-254B for documentation, and also claim file 43-12926 (C Bar Cattle Company) for additional information regarding 1928 decreed surface water rights. See claim file 43-2455A (C Bar Cattle) for documentation regarding stockwater use.



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301-3380
(208) 736-3033

DIRK KEMPTHORNE
GOVERNOR

KARL J DREHER
DIRECTOR

CHANGE IN ADDRESS

RECEIVED

JAN 22 2001

Department of Water Resources
Southern Region

☐ Water Right Number(s): 43-12929, etc

☐ Old Mailing Address: John A Pierce

Malta, Idaho

☒ New Mailing Address: 2304 E 1500S

Malta, Idaho

83342

☐ New Telephone Number: (208) 645-2580

☒ Signature of Claimant(s): John Pierce Michel Pierce

Date: 1-19-2001

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: 1/22/01	By: [Signature]