

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: A43-02452
Date Received: 4/12/1989
Receipt No: 500 7380
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CHARLES R. WARD 208-645-2576
Address: H.C. 61 BOX 1206
MALTA, ID 83342

AND/OR
Name: JANET O. WARD 208-645-2576
Address: H.C. 61 BOX 1206
MALTA, ID 83342

2. Date of Priority: SEP 27, 1956

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13S	26E	23	SW	NW	SW		CASSIA

5. Description of diverting works:
WELL & PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.000		

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

8. Total consumptive use is 435.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13S	26E	23	SW		NE		IRR	35.0
			SE		NW		IRR	33.0
			NE		SW		IRR	37.0
			NW		SW		IRR	40.0
							Section Acres	145.0
							Total Acres	145.0

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:
A43-00108, 00110, 02452 & 02459

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 26559

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): Charles R Ward Date: 5/30/89
[Signature] Date: 5/30/89

State of Idaho)

County of Turn Falls) ss.

Subscribed and sworn (or affirmed) before me this 30th day
of May 19 89 [Signature]
Notary Public

Seal

Residing at Turn Falls
My Commission Expires Dec 7, 1994

12/18/2000

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

RIGHT NUMBER: 43-2452
NAME AND ADDRESS: CHARLES R WARD
JANET O WARD
2075 E 1700 S
MALTA, ID 83342

SOURCE: GROUND WATER

VERIFIED BY KKC

QUANTITY: 2 CFS

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 43-214, 43-2425, 43-2459, 43-10815, AND 43-11298

USE OF THIS RIGHT WITH RIGHT NO. 43-2459 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 580 AF.

PRIORITY DATE: 09/27/1956

POINT OF DIVERSION: T13S R26E S23 SWNWSW Within CASSIA County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03-15 11-15	2.00 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>			
T13S R26E S23	NWNE	40	T13S R26E S23 SWNE 40
T13S R26E S23	NENW	39	T13S R26E S23 SENW 38
T13S R26E S23	NESW	34	T13S R26E S23 NWSW 39

230 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 230 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-214, 43-2425, 43-2459, 43-10815, AND 43-11298

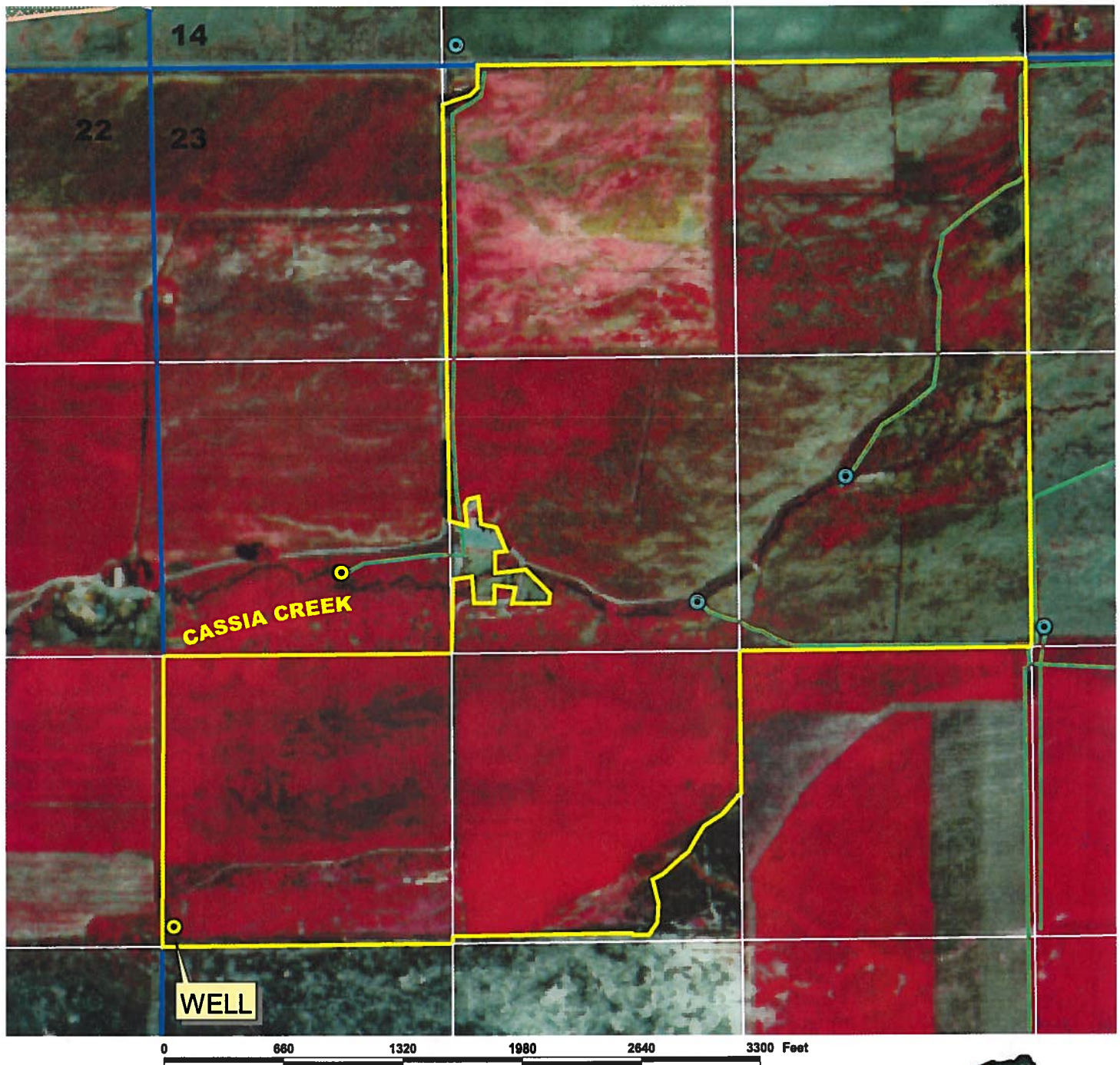
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 145 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-2425, AND 43-2459.

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

RECOMMENDED PLACE OF USE FOR 43-214, 43-2452, 43-2459, 43-10815, AND 43-11298



PLACE OF USE

TWP 13S, RNG 26E, SEC 23

Data entry on December 16, 2000

GIS PLACE OF USE PRESENTATION

1987/1988 NAPP AERIAL PHOTOGRAPHY

DATA ENTRY BY KELLY K CHRISTENSEN

● RECOMMENDED POINT OF DIVERSION



RECOMMENDED PLACE OF USE

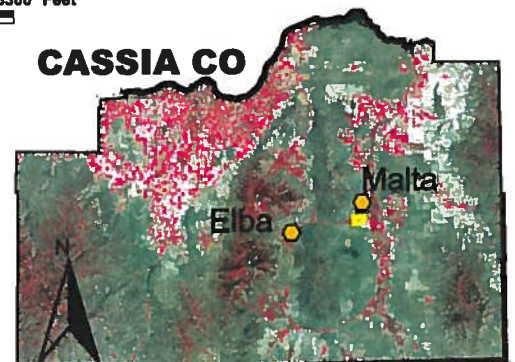


SECTION LINES



QUARTER/QUARTER LINES

CASSIA CO



Idaho Dept of Water Resources
Claims review notes and narrative

Date: 11-27-2000

File: 43-108 ward 43-121 hall analysis

Prepared by Kelly K Christensen

**PRE EXAM REVIEW
FOR CHARLES WARD AND DEWARD HALL**

Apparent conflict with overlap of 43-215 as decreed Vs how it was claimed.

WARD CLAIMS					
DECREE/ LICENSE	CLAIM	PRIORITY DATE	DECREE /LICENSE RATE	CLAIMED RATE	
43-108	43-10815	6-15-86	0.60	2.20	
43-109		6-15-86	1.60		
43-110	43-110	4-1-94	1.60	1.60	
43-214	Not claimed	7-1-86	0.40		
43-215 (PART)	Not claimed	4-1-94	2.40		Currently claimed in full by Deward Hall
43-2425	43-2452	8-27-56	2.00	2.00	
43-2459	43-2459	7-2-57	0.37	0.37	
43-214	43-214	7-1-86	0.40	0.40	
43-215 pt 43-110	43-11298	7-1-86		2.80	

DIVERSION RATE ANALYSIS

Surface water claims based upon 43-214 not being claimed and ½ of 43-215 not being claimed and a found place of use of 230 acres.

43-10815 2.20 cfs
43-110 1.60 cfs
total 3.80 cfs/230 acres = 0.17 cfs/acre
adding
43-214 0.40 cfs
43-215 (½) 1.20 cfs
total 5.40 cfs/230 acres = 0.023 cfs/acre

The final rate of 0.023 cfs/acre makes the assumption that a portion of 43-215 is still appurtenant to the property and would be claimed along with 43-214.

~~The claimed Cassia Creek decreed rights are all for the southern portion of the claimed place of use. 43-214 and part of 43-215 were decreed to the NWNE and the NENW of sec 23. Neither right has been claimed.~~

43-214 and ½ of 43-215 were claimed on 12-8-2000 as described above as **43-11298**. Combined limitations are as follows. Combination of 43-110 and 43-215 covers the entire place of use, no acre or diversion rate limits required.

For **43-10815**, the base rights were decreed to the southern place of use only, therefore this right is limited to the irrigation of 151 acres within the PP/U. The combined diversion rate does not exceed 1 inch per acre so no rate limit is required for this right.

43-214 was decreed to the north place of use and is therefore limited to 79 acres within the PP/U. When the surface water rights and groundwater rights are combined, they are limited to 1 inch per acre.

Groundwater rights **43-2452** and **43-2459** are from the same point of diversion and for the same place of use. They are limited to 145 acres within the PP/U. The claimed place of use totals the licensed place of use but has been shifted slightly between some of the claimed quarter/quarters.

OFFICE VISIT BY CHARLES WARD 12-8-2000

Charles filed a late claim for 43-214 and amended 43-110 to include 1.2 decreed under 43-215 (½ of the decreed 2.40 cfs). This claim is to be renumbered to identify the combined status of this claim. Renumbered to 43-11298 on 12-14-2000. We discussed the system as it currently exists. He indicated that there is only one Cassia Creek diversion that he uses and that p/d is just west of his property in the SWNW of sec 23. The well has not been changed. There is a few acres in the NWNE that is not farmed but Charles indicated that that ground will occasionally receive irrigation water. There is a high point in the southeast corner of the NESW that is not irrigated.

HALL CLAIMS					
DECREE/ LICENSE	CLAIM	PRIORITY DATE	DECREE /LICENSE RATE	CLAIMED RATE	
43-121	43-10793	4-1-94	1.60	4.00	Also decreed to ground owned by Ward
43-215		4-1-94	2.40		
43-411	43-411	11-1-86	1.20	1.20	
43-213		7-1-88	0.80		
43-122		4-1-04	1.20		
43-2326	43-2326	9-30-48	1.76 irr 0.04 dom	1.76 irr 0.04 dom	
43-2541	43-2541	11-2-61	2.02	2.02	

DIVERSION RATE ANALYSIS

Surface water claims based upon 43-213 and 43-122 not being claimed and with a found place of use of 195 acres.

43-10793	4.00 cfs
43-411	1.20 cfs
total	5.20 cfs/195 acres = 0.027 cfs/acre
less ½ of 43-215	1.20 cfs
total	4.00 cfs
adding	
43-43-213	0.80 cfs
total	4.80 cfs/195 acres = 0.025 cfs/acre

Note that the last entry indicating a 0.025 cfs/acre still excludes the 1.20 cfs under 43-122. The assumption being that the claimant did not want to claim this right, as the priority date is 4-1-1904.

43-411 was decreed to the northern portion of the claimed place of use and is limited to 117 acres within the PP/U.

43-121 is also appurtenant to the same north 117 acres while 43-215 is appurtenant to the southern 78 acres. When combined they equal the found place of use, therefore no combined acre limit is required.

43-2326 was licensed on 195 acres and claimed on 196 acres. The found acres are 195 acres and the recommendation. There is some shifting between quarter/quarters between the claim and the licensed place of use. This right was also licensed for irrigation and domestic use. It appears that the domestic use is a separate system and that the right should be split to better identify the uses. The claim adds the domestic well to the claimed points of diversion.

43-2541 is from the same points of diversion (less the domestic well) but was licensed for 184 acres rather than the 195 acres licensed under 43-2326.

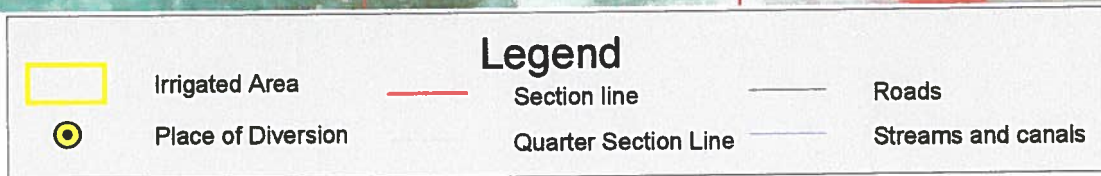
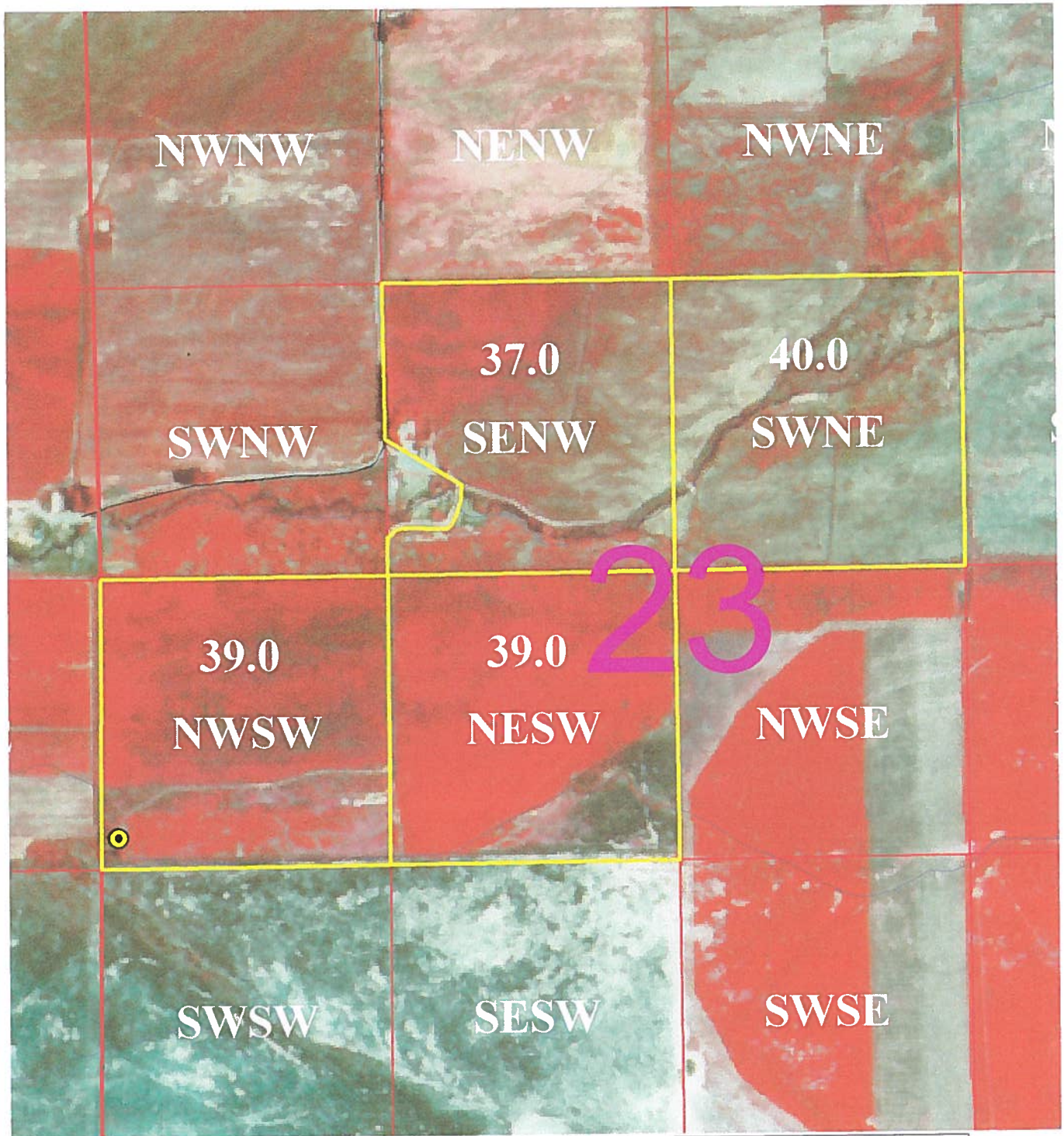
WARD

237
S-79

5-79

[illegible]

Township , 13S26E



200 0 200 400 600 800 1000 Feet



Log for claim A43-02452

Spatial Dynamics LRR

1/28/00

T	R	SEC	QQ	Acres Claimed	Acres Found	COMMENT
13	26	23	SWNE	35	40	
13	26	23	SENE	33	37	
13	26	23	NESW	37	39	
13	26	23	NWSW	40	39	
Totals:				145	155	

43-110 (decreed S) combined
43-215 (decreed N)
no acre limitation

Total Dec P/U = N = 79 ac
S = 151 ac
230 ac

Surface water rts

108) 10815 2.20 CFS decreed on 151 ac
109) .02 CFS/ac

110) 2.80 CFS decreed on 151 ac
215) 3.02 CFS
230 ac

214 5.00 CFS
40 5.40 CFS (N/P/U = 79 ac) on 230 ac

GW 2452 2.00 145 ac
2459 .37 145 ac
2.37 ← less than 1/4 ac 145 ac total
2.90 CFS .02 CFS/ac

State of Idaho

License and Certificate of Water Right

Water License No. G-26559

Amount 2.0 c.f.s.

Water District No.

Priority September 27, 1956

THIS IS TO CERTIFY that GROVER L. WARD and CHARLES R. WARD (partnership) of Malta, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated September 27, 1956; that Permit No. G-26559 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 2.0 second feet, was issued thereunder on July 3, 1957, showing that said works were completed on the 21st day of January, 1957; and that on the 21st day of January, 1957, WARD BROTHERS (partnership) By: Charles R. Ward

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 a well subterranean ~~percolating~~ flow, for the purpose of Irrigation

, under Use Permit No. G-26559 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 6028, on the 3rd day of July, 1957;

The right hereby confirmed dates from September 27, 1956;

The Point of Diversion is located

in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 23, Tp. 13 S, R. 26 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 2.0 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	26 E	23	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40	35
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	40	30
			NW $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
			NE $\frac{1}{4}$ SW $\frac{1}{4}$	40	<u>40</u>
			Total number of acres irrigated		

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

3rd day of July, 1957.

/s/ Mark R. Kuhn

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

Permit No. G-26559This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant Charles R. & Grover L. Ward
2. Source of water supply: Subterranean flow from a well
3. Location of point of diversion: Is in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23
T. 13 S R. 26 E, B.M. County of Cassia
4. Describe works as they exist, giving dimensions and capacities of same: Drilled well 500' deep, 150' of 14", 150' of 12" & 200' of 10" casing. Static Water level 35', Water Temp 35°E - 8" U.S. pump #17346 with 8" x 12" pipe discharge, 3 stage, 80' setting, - U.S. Motor #2428119, HP 40, V 440, Amp. 49, 3 ph. 60 cycles - Westinghouse meter #27151988 - Westinghouse controls.
5. Water is used for: Irrigation
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):

N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 23., Twp. 13 S., Rge. 26 E., 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:

Locations of field ditch changed due to land grading in SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 23.

This examination was made on the 6 day of June, 1957(Signed) James H. Mark

Examiner.

G-26559

Charles R. & Grover L. Ward
Malta, Idaho

Permit No. G-26559

Examination for Completion of Works & Beneficial Use

County Cassia

2.0 cfs.

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
JUN 10 1937

Department of Reclamation

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-26559

REPORT ON PROOF OF Completion of Works & ^Beneficial Use

Charles R. and Grover L. Ward (Ward Bros. a Partnership)
Malta, Idaho

2.0 ak.
6.00X

G/b, 2 cts

1/15/50
4 40's

T.
~~13~~
S.

Hand-drawn circuit diagram for Question 1. It shows a 30 ohm resistor in series with a parallel combination of a 35 ohm resistor and a 23 ohm resistor. The total current is 1A, which splits into 0.4A through the 30 ohm resistor and 0.6A through the parallel branch. The voltage across the 30 ohm resistor is 12V, and the voltage across the parallel branch is 12V. The voltage across the 23 ohm resistor is 4.6V.

Cassia

U.S. Hwy. No. 305.

P.D.

SW $\frac{1}{4}$	NE $\frac{1}{4}$	Sec	22	-	35A
SE $\frac{1}{4}$	NW $\frac{1}{4}$	"	"		30A
N $\frac{1}{2}$	SW $\frac{1}{4}$	"	"		50A
Total					145A.

$Q = 2 \text{ cfs}$
 $T = 55^\circ \text{F.}$