

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: **A43-02455B**
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: FEB 8, 1957

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	0.364		
STOCKWATER	01/01	12/31	0.040		

7. Total Quantity Appropriated is:
0.364 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	SW	NE		IRR	13.0
			SW	NE		STOCK	
			SE	NW		IRR	18.0
			SE	NW		STOCK	
						Section Acres	31.0
						Total Acres	31.0

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:

43-00030, 0032, 0442, 0443, 0253, 0255, 2394, 2284, 0254,

14. Remarks:

OTHER WATER RIGHTS USED (CONT.)

43-04238, A43-00171

ACREAGE CALCULATED BY ASCS USING AERIAL PHOTOGRAPHY.

10-25-99: OWNERSHIP CHANGE JACK PIERCE TO JOHN AND MABEL PIERCE
REC'D 7-16-1990 RESULTED IN A SPLIT. "A" PORTION CONVEYED TO
PIERCE INC AND SUBSEQUENTLY TO C BAR CATTLE CO PER NOTICE REC'D
SAME DATE. "A" PORTION IS FOR 4.756 CFS ON 404 ACRES AND STOCKWTR
SEE WARRANTY DEED SUBMITTED 7-16-90 AND DOCS REC'D 11-18-98 IN
CLAIM FILE 43-00254. - VH

15. Basis of Claim: LICENSE

Water Right Number: 26756

AJ0743NP
(OD-124)

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

10/25/99 16:38:53
Page 1

Water Right Number - A43-02455

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number - 26756

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

*** O - ORIGINAL OWNER ***
PIERCE
A D
1 -
2 -
3 -
City- X
Phone - 208-000-0000
State- ID Zip- X

PIERCE
BEULAH
1 -
2 -
3 -
City- N/A
Phone - 208-000-0000
State- ID Zip- 00000

PIERCE
JACK A
1 -
2 -
3 -
City- MALTA
Phone - 208-000-0000
State- ID Zip- 83342

*** R - REPRESENTATIVE ***
CHAPMAN
SHERL L
1 - 410 S ORCHARD SUITE 144
2 -
3 -
City- BOISE
Phone - 208-645-2580
State- ID Zip- 83342

+ - - Priority Date - - + + - - - Region - - - + + - - Stage - - - + + - - Status - - - +
02/08/1957 17 SOUTHERN Z - SEE REMARKS

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

+ - - - - - Point of Diversion - - - - - +
Tm Rng Sec Tract Lot RFlg County
13S 27E 19 SE SE (31) CASSIA
30 SE NW (31) CASSIA
SE NW (31) CASSIA
SE SE (31) CASSIA
SE SE (31) CASSIA

+ - - - - - +
Code Description Period From Period To Water Use Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15
04 - STOCKWATER 01/01 12/31 5.120 1740.00
0.370 268.00

Prefix Translation: ADJUDICATION CLAIM

	-	+	-	+	-	+
Total Consumptive Use	-	+	-	+	-	+
KM Usage	-	+	-	+	-	+
1523.0						

	Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
	13S	26E	24	NE SE		14.3		01	IRRIGATION	(31) CASSIA
	13S	26E	24	SE SE		3.7		01	IRRIGATION	(31) CASSIA
	13S	26E	25	NE NE		7.0		01	IRRIGATION	(31) CASSIA
	13S	26E	25	SE NE		14.3		01	IRRIGATION	(31) CASSIA
	13S	26E	25	SE SE		6.0		01	IRRIGATION	(31) CASSIA
	13S	27E	19	NE SW	3	38.5		01	IRRIGATION	(31) CASSIA
	13S	27E	19	NW SW	4	40.0		01	IRRIGATION	(31) CASSIA
	13S	27E	19	SE SW		40.0		01	IRRIGATION	(31) CASSIA
	13S	27E	19	NW SE		9.6		01	IRRIGATION	(31) CASSIA
	13S	27E	19	SW SE		3.6		01	IRRIGATION	(31) CASSIA
	13S	27E	20	NE SW		6.0		01	IRRIGATION	(31) CASSIA
	13S	27E	30	NW NE		33.4		01	IRRIGATION	(31) CASSIA
	13S	27E	30	SW NE		27.2		01	IRRIGATION	(31) CASSIA
	13S	27E	30	NE NW		28.0		01	IRRIGATION	(31) CASSIA
	13S	27E	30	NW NW		40.0		01	IRRIGATION	(31) CASSIA
	13S	27E	30	SW NW		40.0		01	IRRIGATION	(31) CASSIA
	13S	27E	30	SE NW		35.4		01	IRRIGATION	(31) CASSIA
	13S	27E	30	NE SE		8.0		01	IRRIGATION	(31) CASSIA
	13S	26E	24	NE NE				04	STOCKWATER	(31) CASSIA
	13S	26E	24	NW NE				04	STOCKWATER	(31) CASSIA
	13S	26E	24	SW NE				04	STOCKWATER	(31) CASSIA
	13S	26E	24	SE NE				04	STOCKWATER	(31) CASSIA
	13S	26E	24	NE SE				04	STOCKWATER	(31) CASSIA
	13S	26E	24	NW SE				04	STOCKWATER	(31) CASSIA
	13S	26E	24	SW SE				04	STOCKWATER	(31) CASSIA
	13S	26E	24	SE SE				04	STOCKWATER	(31) CASSIA
	13S	26E	25	NE NE				04	STOCKWATER	(31) CASSIA
	13S	26E	25	NW NE				04	STOCKWATER	(31) CASSIA
	13S	26E	25	SW NE				04	STOCKWATER	(31) CASSIA
	13S	26E	25	SE NE				04	STOCKWATER	(31) CASSIA
	13S	26E	25	NE SE				04	STOCKWATER	(31) CASSIA
	13S	26E	25	NW SE				04	STOCKWATER	(31) CASSIA
	13S	26E	25	SW SE				04	STOCKWATER	(31) CASSIA
	13S	26E	25	SE SE				04	STOCKWATER	(31) CASSIA
	13S	27E	19	NE SW				04	STOCKWATER	(31) CASSIA
	13S	27E	19	NW SW				04	STOCKWATER	(31) CASSIA
	13S	27E	19	SW SW				04	STOCKWATER	(31) CASSIA
	13S	27E	19	SE SW				04	STOCKWATER	(31) CASSIA
	13S	27E	19	NW SE				04	STOCKWATER	(31) CASSIA
	13S	27E	19	SE SE				04	STOCKWATER	(31) CASSIA
	13S	27E	20	NE SW				04	STOCKWATER	(31) CASSIA
	13S	27E	20	SW SW				04	STOCKWATER	(31) CASSIA
	13S	27E	20	SE SW				04	STOCKWATER	(31) CASSIA
	13S	27E	30	NW NE				04	STOCKWATER	(31) CASSIA
	13S	27E	30	SW NE				04	STOCKWATER	(31) CASSIA
	13S	27E	30	NE NW				04	STOCKWATER	(31) CASSIA

Water right number - A43-02455

Prefix Translation: ADJUDICATION CLAIM

Twn	Ring	Sec	Tract	Lot	Acres	Code	Description	County
13S	27E	30	NW NW			04	STOCKWATER	(31) CASSIA
13S	27E	30	SW NW			04	STOCKWATER	(31) CASSIA
13S	27E	30	SE NW			04	STOCKWATER	(31) CASSIA

Total Acres: 435.0

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

- - - Non-Irrigation Use - S/1500 RANGE

- - - Other Rights for Same Use - 43-00030, 0032, 0442, 0443, 0253, 0255, 2394, 2284, 0254,

- - - Remarks - - - - -

GEN OTHER WATER RIGHTS USED (CONT.)

43-04238, A43-00171
ACREAGE CALCULATED BY ASCS USING AERIAL PHOTOGRAPHY.

10-25-99: OWNERSHIP CHANGE REC'D 7-16-1990, JACK PIERCE TO JOHN
AND MABEL PIERCE RESULTED IN A SPLIT. "A" PORTION WAS CONVEYED TO
PIERCE INC AND SUBSEQUENTLY TO C BAR CATTLE CO PER NOTICE REC'D
SAME DATE. "A" PORTION = 4.756 CFS FOR 404 ACRES AND STOCKWATER.
"B" PORTION REMAINS IN NAME OF JOHN AND MABEL PIERCE AND = 0.364
CFS FOR 31 AC AND STOCKWATER IN SHINE & SENW SEC 30 ONLY. - 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 - - - +
10/25/99 VHANCOCK

- - - 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	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 06/20/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- C007642	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- OR	Presumption Flag	- C

DIVERSION
VOLUME

1740.00 AFA
268.00 AFA

1740.00 AFA
1523.00 AFA

Stage: LICENSE

CASSIA County
CASSIA County

Ac	18.0
03	27.3
06	171.7
	6.0
	212.0

—

SE
AC
-
S
S
S

Other Rights: 43-00030, 0032, 0442, 0443, 0253, 0255, 2394, 2284, 0254,

Non-Irrigation Uses: S/1500 RANGE

Remarks:	GEN	OTHER WATER RIGHTS USED (CONT.)

43-04238, A43-00171
ACREAGE CALCULATED BY ASCS USING AERIAL PHOTOGRAPHY.

Dates:	Exam Made Date:	Verified Date:	03/12/1985	Objection Filed Date:
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Misc: Water District Number:

Field Inspection Flag: C
Presumption Flag: C

$$\frac{137}{31} = 4.419$$

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

PARSONS, SMITH, STONE & FLETCHER
 LAWYERS
 BURLEY, IDAHO

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 _____

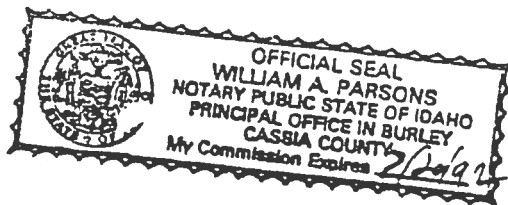


EXHIBIT A TO WARRANTY DEED

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

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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

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.

V# 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): *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 ~~and~~
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: 43-2455B

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

SOURCE: GROUND WATER

QUANTITY: 0.36 CFS
126.4 AFY

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 43-254B, 43-2284B,
43-2304B, 43-2394B, 43-12929, 43-12930, 43-12931 SHALL
PROVIDE NO MORE THAN .02 CFS PER ACRE.

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.

PRIORITY DATE: 02/08/1957

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	0.36 CFS
		124.00 AFY
STOCKWATER	01-01 12-31	0.01 CFS
		7.20 AFY

PLACE OF USE:

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

31 ACRES TOTAL

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.
STOCKWATER 60 HEAD

05/10/2001

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

RIGHT NUMBER: 43-2455B
NAME AND ADDRESS: MABEL PIERCE
2304 E 1800 S
MALTA ID 83342

JOHN A PIERCE
2304 E 1800 S
MALTA ID 83342

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.360 CFS
126.40 AFY

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 43-254B, 43-2284B, 43-2304B, 43-2394B, 43-12929, 43-12930, 43-12931 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

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.

PRIORITY DATE: 02/08/1957

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>
STOCKWATER	01/01 12/31	0.010 CFS 7.20 AFY
IRRIGATION	03/15 11/15	0.360 CFS 124.00 AFY

PLACE OF USE:

STOCKWATER Within CASSIA County
T13S R27E S30 SWNE T13S R27E S30 SENW
IRRIGATION Within CASSIA County
T13S R27E S30 SWNE 12.0 T13S R27E S30 SENW 19.0

31 ACRES TOTAL

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.

**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: 43-2455B

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

JOHN A 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

AJ5809NP
No. A43-024558

IDAH0 DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/18/01
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOHN A PIERCE	02/08/1957	IRRIGATION	03-15 11-15	0.364 CFS	0.01
C	MABEL PIERCE		STOCKWATER	01-01 12-31	0.040 CFS	0.01
	MALTA ID 83342					
	(208) 645-2580					

TOTAL DIVERSION:

0.364 CFS

Water Source: GROUNDWATER

Tributary to: RAFT RIVER

Stage: LICENSE

Point(s) of Diversion:

T13S R27E S19 SESE
S30 S44W

SUSE

SESE CASSIA County
CASSIA County

Place of use Legal Description for: IRRIGATION

NE	SE	SW	SE	SUM
T R S : Lt Ac Lt Ac Lt Ac Lt Ac	NESE : Lt Ac Lt Ac Lt Ac Lt Ac	SWSE : Lt Ac Lt Ac Lt Ac Lt Ac	SESE : Lt Ac Lt Ac Lt Ac Lt Ac	SUM
13S 27E 30 :	13 :	18 :	18 :	31.0
				31.0

Place of use Legal Description for: STOCKWATER

NE	SE	SW	SE	SUM
T R S : Lt Ac Lt Ac Lt Ac Lt Ac	NESE : Lt Ac Lt Ac Lt Ac Lt Ac	SWSE : Lt Ac Lt Ac Lt Ac Lt Ac	SESE : Lt Ac Lt Ac Lt Ac Lt Ac	SUM
13S 27E 30 :	13 :	18 :	18 :	31.0
				31.0

POU County: CASSIA

Other Rights: 43-00030, 0032, 0442, 0253, 0255, 2394, 2284, 0254,

Remarks: GEN OTHER WATER RIGHTS USED (CONT.)

43-04238, A43-00171

ACREAGE CALCULATED BY ASCS USING AERIAL PHOTOGRAPHY.

10-25-99: OWNERSHIP CHANGE JACK PIERCE TO JOHN AND MABEL PIERCE
REC'D 7-16-1990 RESULTED IN A SPLIT. "A" PORTION CONVEYED TO
PIERCE INC AND SUBSEQUENTLY TO C BAR CATTLE CO PER NOTICE REC'D
SAME DATE. "A" PORTION IS FOR 4.756 CFS ON 404 ACRES AND STOCKWTR
SEE WARRANTY DEED SUBMITTED 7-16-90 AND DOCS REC'D 11-18-98 IN
CLAIM FILE 43-00254, - VH

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag: C
Presumption Flag: C

Comments
C18
C03
Stockwater
no head

ok see file
ST
Vol per 7.200 ac
124.00 ac
124.00 ac

809 435

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.

Volume Calculations for IRRIGATION & STOCKWATER

787 head stock

43-02455

435 ac

5.12 cfs

A

B

404 ac

4.75 cfs IRR

.16 cfs stockwater

4.75 cfs total div

31 ac

.364 cfs IRR

.01 cfs stock

.364 total div Rate

Vol:

$$404 \times 4 = \underline{1616} \text{ afa}$$

244 day IRR SEASON
plus

Additional volume for
year round stockwater
not included in IRR vol

$$365 - 244 = 121 \text{ days}$$

$$.16 \times 365 \times 1.9835 = 115.8 \text{ afa}$$

$$.16 \times 121 \times 1.9835 = 38 \text{ afa}$$

$$1616 + 38 = 1654 \text{ afa}$$

total for Right

Vol:

$$31 \times 4 = \underline{124} \text{ afa}$$

244 day IRR SEASON
plus

additional water for
year-round stockwater
not incl in IRR vol

$$365 - 244 = 121 \text{ days}$$

TOTAL FOR

$$\text{STOCK} = .01 \times 365 \times 1.9835 = 7.23$$

FOR

$$\text{ADDITIONAL} = .01 \times 121 \times 1.9835 = \underline{2.4}$$

NON-SEASON

USE

$$124 + 2.4 = 126.4 \text{ afa}$$

total for right

NOTE TO FILE

From: Vikie Hancock

1/18/01

Regarding: Claim numbers - **43-02455A & 43-02455B** Groundwater
43-4238A & 43-4238B Groundwater
43-10571 Raft River

Stockwater claims on the irrigated place of use Sections 19 and 30 T13S, R27E

43-2455A & B

The 1957 license was for irrigation and stockwater. The original SRBA claim based upon this license listed stockwater for 1500 head of cattle with a stockwater place of use spread out within the irrigated place of use. 435 acres were included in the license, but no notations were made regarding the number of cattle, nor was the diversion for stock differentiated in the license. Upon investigation, documents in the original licensing file show that 787 cattle were on property owned by A. D. Pierce at the time of his death in 1960. Therefor, the diversion rate and volume for stockwater with a 1957 priority date should not be based on 1500 cattle, but upon 787 cattle or a combined total for the two claims of 0.17 cfs.

43-4238A & B

Statutory claim 43-4238 was filed in 1985, and claimed a priority date of 1960 for stockwater for 1200 to 1500 head of cattle. 1962 aerial photos show that a feedlot located just north of the Pierce home was probably in existence by that time. SRBA claims 43-4238A & B could therefor be recommended for additional stockwater for up to 1500 head, or a combined total for the two claims of 0.33 cfs.

43-10571

Recommended as 43-12928 (C Bar Cattle Company) and 43-12931 (Pierce).

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

Permit No. G-26756

This proof is for Beneficial Use & C/W

In Water District No. _____

1. Name of applicant Beulah Pierce
2. Source of water supply Well
3. Location of point of diversion: Is in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 30
T. 13 S. R. 27 E. County of Cassia
4. Describe works as they exist, giving dimensions and capacities of same: 50 HP U.S. Motor
#1065944 LAYNE; Bowler pump #23911 Hpm. 2200 @ 55' head @ 1720 RPM.
12" discharge into open ditch 10" x 60' column 20" x 150' vertical 18" x 150'
h: 28 D.D. 55' depth of well 300'

5. Water is used for: Irrigation and stock water
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 $\frac{1}{4}$, NW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 19, Twp. 13 S., R. 27 E. - 220 acres

W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 30, " " " - 260 acres

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

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

Remarks: Mr. John A. Pierce along

Measurement was made with sparkling meter 5 REV IN 1 MIN 32 SEC.

John was unhappy because water table was down and said pump should be adjusted and wanted full filling or lacuna. Told him all I could do was show what pump delivered, he could protest if he wanted to.

This examination was made on the 18th day of May, 1962

(Signed)

Largo Johnson & Ron Johnson

State of Idaho License and Certificate of Water Right

Water License No. G-26756

Amount 5.12 c.f.s.

Water District No. _____

Priority February 8, 1957

THIS IS TO CERTIFY that A. D. PIERCE Assignee - BEULAH PIERCE of Malta, Idaho, made application for a permit to appropriate the public waters of the State of Idaho dated February 8, 1957; that Permit No. G-26756 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 5.12 second feet, was issued thereunder on August 18, 1964, showing that said works were completed on the 1st day of March, 1962; and that on the 1st day of March, 1962.

BEULAH PIERCE 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, a tributary of subterranean flow for the purpose of irrigation and stock water, under Use Permit No. G-26756 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 7921, on the 18 day of August, 1964;

The right hereby confirmed dates from February 8, 1957

The Point of Diversion is located

In the SW 1/4 NW 1/4, Sec. 30, Twp. 13 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 5.12 cubic feet per second.

Description and location of use

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
<u>13 S</u>	<u>27 E</u>	<u>19</u>	<u>NW 1/4 SE 1/4</u>	<u>40</u>	<u>40</u>
			<u>E 1/2 SW 1/4</u>	<u>80</u>	<u>80</u>
			<u>NW 1/4 SW 1/4 (Lot 1)</u>	<u>50</u>	<u>40</u>
			<u>SW 1/4 SW 1/4 (Lot 1)</u>	<u>50</u>	<u>40</u>
			<u>NE 1/4 NE 1/4</u>	<u>40</u>	<u>40</u>
			<u>SW 1/4 NE 1/4</u>	<u>40</u>	<u>35</u>
			<u>E 1/2 NW 1/4</u>	<u>80</u>	<u>80</u>
			<u>NW 1/4 SW 1/4 (Lot 2)</u>	<u>50</u>	<u>40</u>
			<u>SW 1/4 SW 1/4 (Lot 2)</u>	<u>50</u>	<u>40</u>
			Total number of acres to be irrigated:		<u>435</u>

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.

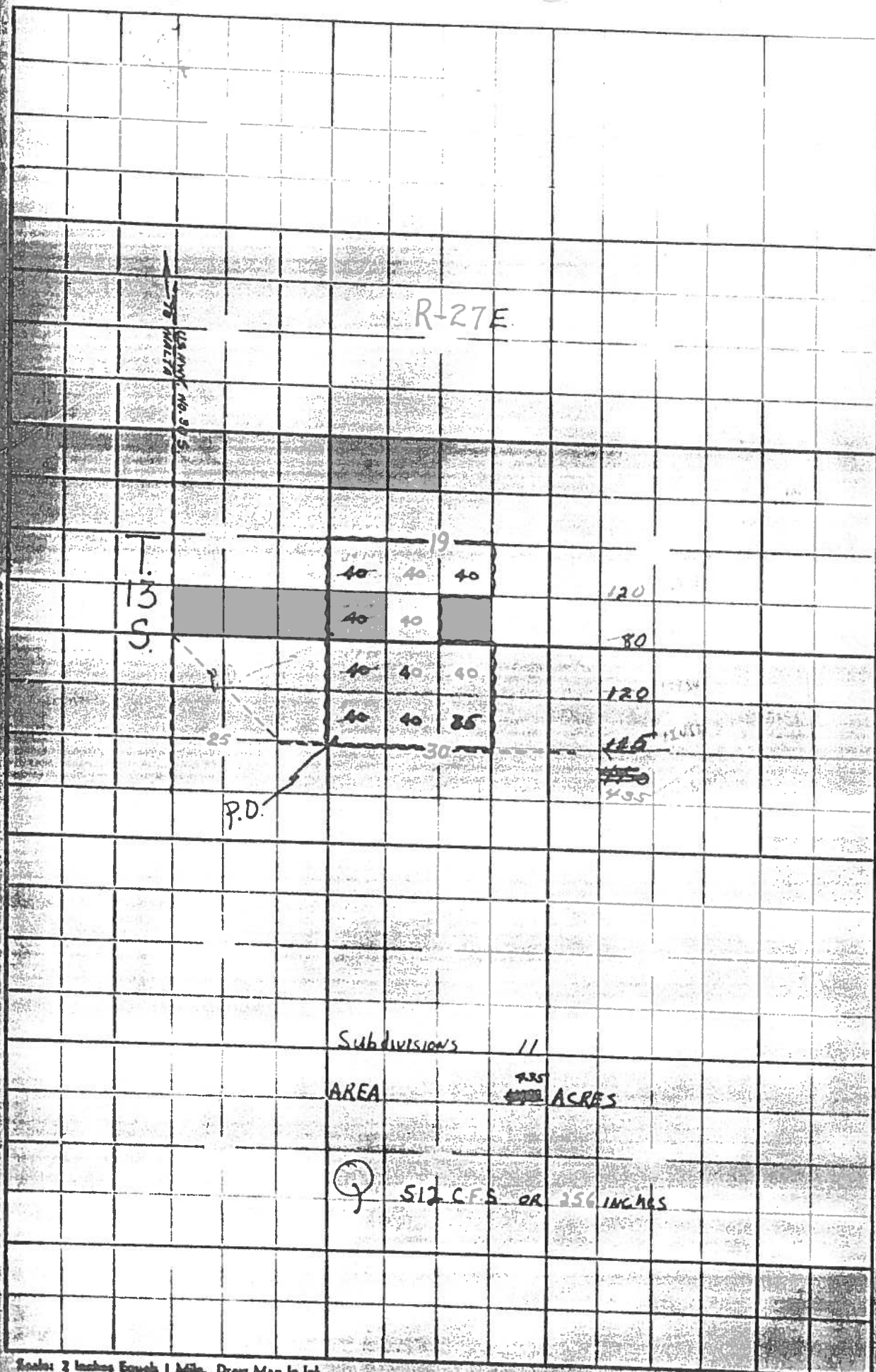
WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

18th day of August, 1964

RALPH W. THOMAS

Deputy State Reclamation Engineer.

(SEAL)





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 A 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]