

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: A43-02459
Date Received: 4/12/1989
Receipt No: 5007380
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: JUL 02, 1957

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	0.370		

7. Total Quantity Appropriated is:
0.370 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: 26987

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 Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 30th day

of May 19 89

Stuart C. Allen
Notary Public

Seal

Residing at Twin 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: 43-2459

NAME AND ADDRESS: CHARLES R WARD
JANET O WARD
2075 E 1700 S
MALTA, ID 83342

VERIFIED BY: KKC

SOURCE: GROUND WATER

QUANTITY: 0.37 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. 43-2452 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 580 AF.

PRIORITY DATE: 07/02/1957

POINT OF DIVERSION: T13S R26E S23 SWNWSW 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	0.37 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

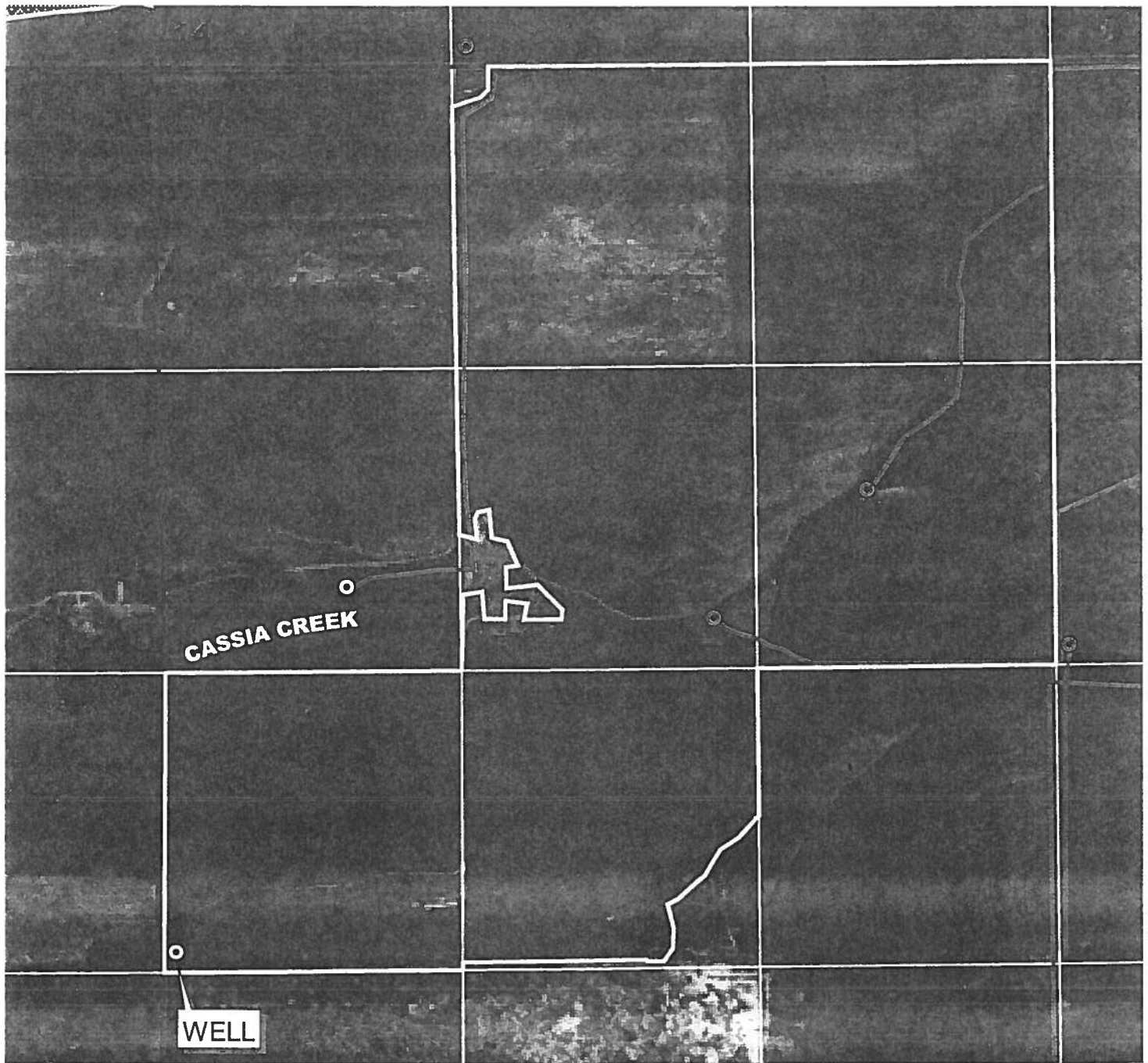
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 145 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-2425, AND 43-2459.

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**



0 660 1320 1980 2640 3300 Feet

PLACE OF USE
TWP 13S, RNG 26E, SEC 23
Data entry on December 16, 2000

⊙ RECOMMENDED POINT OF DIVERSION
RECOMMENDED PLACE OF USE

GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

SECTION LINES
QUARTER/QUARTER LINES



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	4.60	
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.

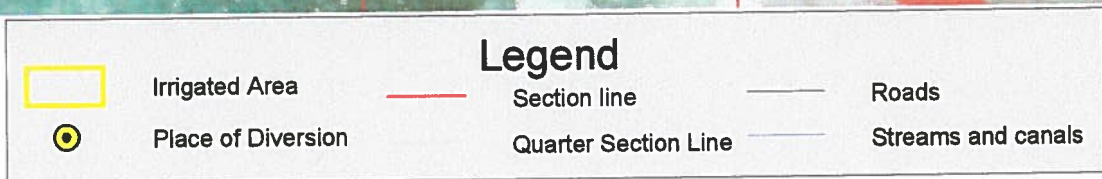
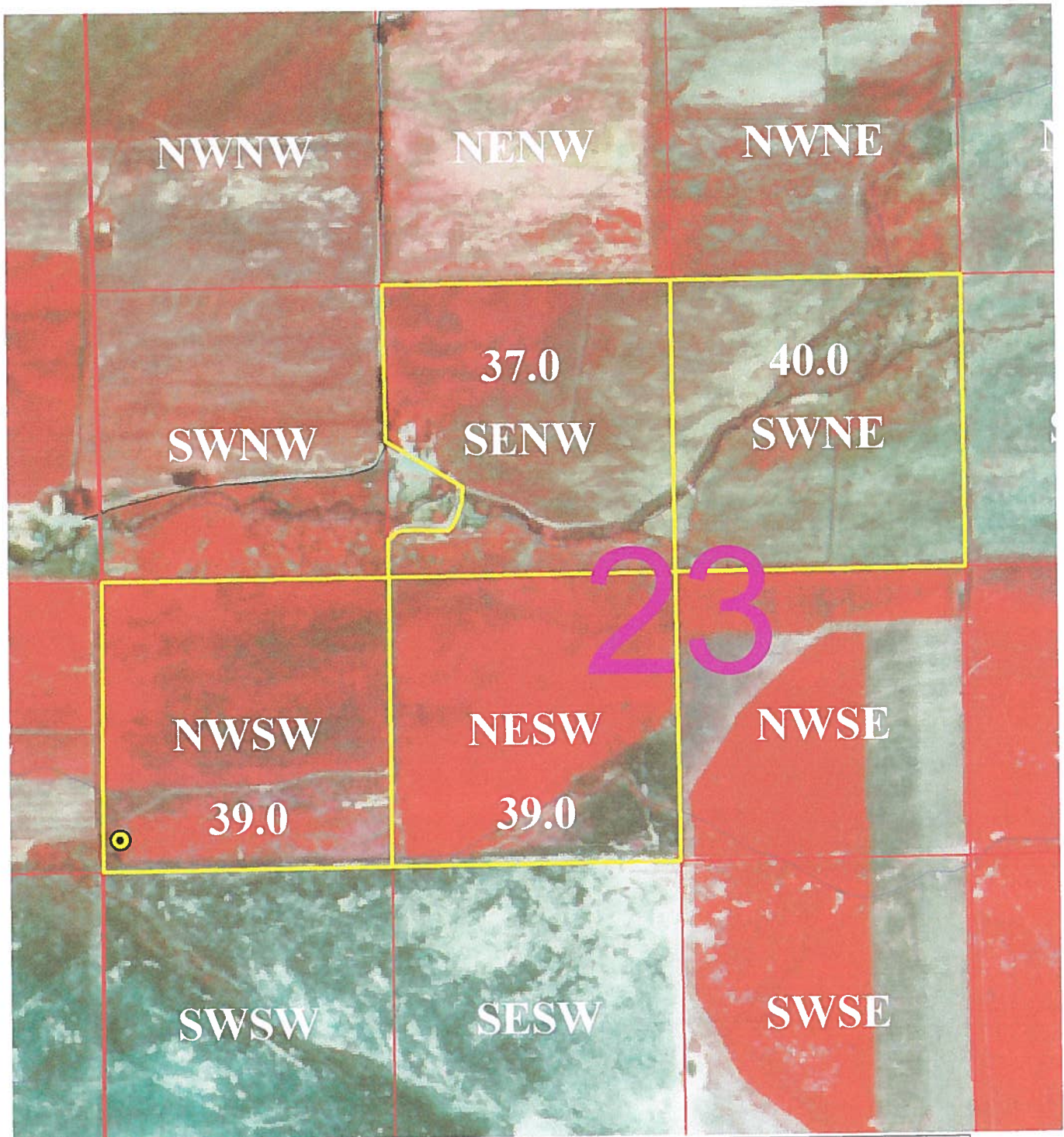
43-411 was decreed to the northern portion of the claimed place of use and is limited to 117 acres within the PP/U.

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.

Township , 13S26E



Log for claim A43-02459

Spatial Dynamics LRR

1/27/00

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

2459

State of Idaho License and Certificate of Water Right

Water License No. G-26987.....

Amount.....37 c.f.s...

Water District No.....

Priority.....July 2, 1957.

THIS IS TO CERTIFY that WARD BROS. - Grover L. & Charles R. Ward, a partnership of Malta, Idaho Assignee - CHARLES R. WARD, made application for a permit to appropriate the public waters of the State of Idaho, dated July 2, 1957; that Permit No. G26987 was issued under said application; that Certificate of Completion of works, with a carrying capacity of .37 second feet, was issued thereunder on August 15, 1963, showing that said works were completed on the 12th day of October, 1962; and that on the 12th day of October, 1962,

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, a tributary of subterranean flow, for the purpose of irrigation, under Use Permit No. G-26987 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

12 of Licenses at page 7665, on the 15th day of August, 1963;

The right hereby confirmed dates from July 2, 1957;

The Point of Diversion is located

in the SW 1/4 NW 1/4 SW 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 .37 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 1/4 NE 1/4	40	35
			SE 1/4 NW 1/4	40	30
			NE 1/4 SW 1/4	40	40
			NW 1/4 SW 1/4	40	40
			Total number of acres to be irrigated:		145

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

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. G-26987

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

1. Name of applicant Charles R. Ward

2. Source of water supply: Subterranean

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: 40 HP U.S. Motor
2428119, U.S. Pump # 19346 - 8" x 12' discharge to concrete spill
box to open ditch. 90' x 8" column.

See Permit # G-26987

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):

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

No change in ground.

(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. Charles Ward a long

Measured depth to water through plug in back of pump, down
through column. 59.73 less 1.8 = 57.93 LSD. Temp 57°F.

Measured by Sperling Meter 5 Rev 3 Min 28 Sec = 240 x 985 = 237 cfs

This examination was made on the 20th day of June, 19 63

(Signed) L. J. Johnson Examiner.

26987

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-26987

REPORT ON PROOF OF Completion of Works & Beneficial Use

Charles R. Ward, Malta, Idaho .

26987