

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: A43-02556
Date Received: 5/25/1989
Receipt No: C007062
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: SPENCER BROTHERS
Address: HC 72 BOX 2418
MALTA ID

435-827-5573

83342

2. Date of Priority: NOV 2, 1962

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
16S	24E	12	NE	NE	NE		CASSIA
			SW	SW	NE		CASSIA

5. Description of diverting works:
2 WELLS WITH PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.500		

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

8. Total consumptive use is 1096.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
15S	25E	31	SE	SW		IRR	15.0
			SW	SE		IRR	30.0
			SE	SE		IRR	5.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	50.0
16S	24E	12	NE	NE	IRR	24.0
			NW	NE	IRR	4.0
			SW	NE	IRR	32.0
			SE	NE	IRR	40.0
					Section Acres	100.0
	25E	6	SW	SW	4 IRR	3.0
			SE	SW	3 IRR	26.0
			SW	SE	2 IRR	23.0
			SE	SE	1 IRR	10.0
					Section Acres	62.0
		7	NW	NE	IRR	40.0
			NE	NW	IRR	40.0
			NW	NW	1 IRR	37.5
			SW	NW	2 IRR	36.0
					Section Acres	153.5
					Total Acres	365.5

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:

43-00327, 43-04089, 43-04150, 43-00047A, 43-04090 43-07130

14. Remarks:

WE CLAIM A PERMISSABLE PLACE OF USE BECAUSE ALL SOURCES OF WATER ARE CO-MINGLED AND THEN PUMPED INTO A COMMON SPRINKLER SYSTEM. THIS LICENSE WAS ISSUED TO COVER AN EXPANSION TO OUR EXISTING SYSTEM. WE INCREASED OUR RATE OF DIVERSION AND ADDED 50 NEW ACRES OF IRRIGATED LANDS UNDER THIS LICENSE. SEE ATTACHED MAP WHICH IDENTIFIES THE SPECIFIC LANDS ADDED BY THIS LICENSE.

4-5-2000: OWNERSHIP CHANGE WARD TO SPENCER PER WD SUBMITTED. NOTE LAND IN POU NOT CONVEYED IS BLM. SPENCER BROTHERS ARE: STANLEY A. CARL W. AND MICHAEL O. SPENCER. - VH

15. Basis of Claim: LICENSE

Water Right Number: 30797

RECEIVED

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

APR 22 1999

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Department of Water Resources

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

initial review:
4/22/99 sec
OK

1. Water Right No(s): (same) (UNDIVIDED INTEREST: A43-10185)
 - Adjudication Claim No(s): A43-00327, A43-00047A, -02556, -04089, -04090, -04150
ALL D&S Decreted → A43-10251, A43-10250, A43-10245 (Dad matches claims) (A43-07130) will file Assignment for P
 2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION. (Map on file w/claim AND A43-00327)
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
 3. Name and Address of Former Owner/Claimant: HAROLD OLEN & LORRAYNE B WARD
 4. New Owner/Claimant(s): SPENCER BROTHERS STANLEY A. SPENCER
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or ☐ MICHAEL O. SPENCER
 New Mailing Address: HC 72 BOX 2418 CARL W. SPENCER
 City, State and ZIP Code: MALTA, ID 83342
 New Telephone Number: (435) 827-5523 (208)
 5. Date you acquired the property: April 1, 1999
 6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
 Number of acres you irrigate _____ Number and type of stock 433 head BEEF CATTLE
 Diversion rate in CFS _____ Number of homes _____ Other uses _____
- If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s)

Spencer Brothers by Stanley A. Spencer

(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

3. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

REAL ESTATE PURCHASE AND SALE AGREEMENT

HAROLD OLEN WARD AND LORRAYNE B. WARD, as co-trustees of THE HAROLD AND LORRAYNE WARD TRUST, under trust agreement dated April 23, 1991, (hereinafter "Seller"), agrees to sell, and SPENCER BROTHERS, a Utah general partnership consisting of STANLEY A. SPENCER, MICHAEL O. SPENCER AND CARL W. SPENCER, as partners, (hereinafter collectively "Buyer") agrees to purchase the real properties (hereinafter "Properties") more fully described in Exhibit A, attached hereto and incorporated herein, on the following terms and conditions:

1. **Purchase Price.** The purchase price for the Properties shall be *Six Hundred Fifty-Five Thousand Dollars (\$655,000)*, of which *One Hundred Sixty-Eight Thousand Seven Hundred Fifty Dollars (\$168,750)* shall be payable in cash at closing. The remainder shall be paid to Seller by Buyer in the form of a Promissory Note (hereinafter "Note"), attached hereto as Exhibit B and incorporated herein. Upon the termination of the Note, all amounts still owed to Seller shall be paid by Buyer in one cash payment. Said Note shall be secured by a Mortgage on the Properties, attached hereto as Exhibit C and incorporated herein.
2. **Escrow.** Within five (5) days of execution of this Agreement by Buyer and Seller, the parties agree to open an escrow with Cassia County Abstract Company (hereinafter "Closing Agent") at an office selected by Seller. In the event of any alleged or apparent conflict or contradiction between the terms of this Agreement and any escrow agreement, this Agreement will govern.
3. **Closing.** The following provisions shall govern the closing of this transaction:
 - 3.1 **Closing Date.** The sale and purchase of the Properties shall be closed at the offices of Closing Agent within ten (10) days after the date of this Agreement or such earlier date as is mutually agreed upon in writing by the parties. The closing date may be extended by mutual agreement of the parties, not to exceed thirty (30) days.
 - 3.2 **Seller's Obligations at Closing.** On or before the closing date, the Seller shall: (a) deliver to the Closing Agent a warranty deed covering the Properties, duly executed and acknowledged in recordable form conveying to Buyer fee simple interest in the Properties; (b) convey by appropriate instrument all grazing rights, subject to escrow waiver; (c) execute and deliver to the Closing Agent a closing and disbursement statement in a form acceptable to Seller; and (d) take such further action and deliver such other documents necessary to close this transaction in accordance with the terms of this Agreement.

3.3 Buyer's Obligations at Closing. On or before the closing date, Buyer shall: (a) deliver or cause to be delivered to the Closing Agent guaranteed funds in the amount Buyer is obligated to pay on the closing date pursuant to the terms of this Agreement; (b) execute and deliver to the Closing Agent a closing and disbursement statement in a form acceptable to Buyer; and (c) take such further action and deliver whatever documents are necessary to close the transaction in accordance with the terms of this Agreement.

3.4 Escrow Fees and Other Costs. Costs of title insurance (described below) and all real property taxes against the Properties for 1998 and prior years shall be borne by Seller. Taxes for 1999 and all utility, irrigation, or water district charges or fees shall be prorated as of the date of closing. There will be no further proration of taxes, utilities, or assessments between Buyer and Seller after the closing. All prorations will be final at closing and not subject to change. Buyer shall pay recording costs for the deed and any appraisal fees. All other escrow fees and other costs of Closing Agent to close this transaction shall be borne equally between Buyer and Seller, except Buyer is responsible for all costs associated with financing. Other expenses incurred by Buyer or Seller with respect to this transaction, including attorney's fees or other professional fees, shall be borne and paid exclusively by the party incurring the same without reimbursement.

3.5 Closing Agent Obligations. The Closing Agent is instructed as follows: (a) prepare closing statements for execution by Seller and Buyer in accordance with the terms of this Agreement; (b) collect all funds to be received from the parties at closing and disburse and pay the same to the parties or other persons entitled to the same in accordance with the terms of this Agreement and approved on the closing statements; and (c) collect the various instruments and documents and information to be provided by the parties, secure the required signatures and acknowledgments, record such instruments and documents where necessary and in proper sequence, and deliver the same to the respective parties, as required to close this transaction in accordance with the terms of this Agreement.

4. Seller's Representations and Warranties. Seller represents and warrants to Buyer that:

4.1 Seller has received no notice from any governmental agency that the Properties is in violation of any statute, law, ordinance, deed restriction, rules or regulations affecting the Properties.

4.2 Seller is not aware of any pending or threatened litigation or condemnation proceeding affecting the Properties, nor are there any agreements to convey any portion of the Properties to any party other than Buyer.

4.3 Seller is not a foreign person within the meaning of Section 1445 of the Internal Revenue Code of 1986 and will execute an affidavit to this effect to be delivered to Buyer at closing and include Seller's tax identification number.

4.4 Seller has not received any notice of default or breach by Seller of any covenant, condition, restriction, right-of-way or easement affecting the Properties.

5. **Condition of Properties.** Buyer acknowledges for Buyer and Buyer's successors, heirs, and assigns, that Buyer has been given a reasonable opportunity to inspect and investigate the Properties. In purchasing the Properties, Buyer is not relying on any representations by Seller, or its agents or employees concerning the condition or safety of the Properties and/or any improvements thereon. Buyer is advised to obtain and pay for the services of one or more qualified specialists to inspect the Properties on Buyer's behalf.

Buyer further states that it is relying solely upon its own inspection of the Properties and not upon any representation made to it by any person whomsoever who is an agent or employee of Seller, and is purchasing the Properties in the condition in which it now is without any obligation on the part of Seller to make any changes, alterations, or repairs thereto.

6. **Due Diligence.** Buyer shall conduct any studies or reviews deemed necessary by Buyer to conduct Buyer's due diligence. All reviews and studies shall be at Buyer's sole cost and expense, and Buyer shall defend, indemnify and hold Seller and Seller's tenant(s) harmless from all claims arising out of Buyer's actions and those of his employees or agents hereunder. Buyer is responsible to conduct all studies on the Properties.

7. **Title Insurance.** At closing, the Seller shall furnish to Buyer a standard owner's title insurance policy in the amount of the purchase price of the Properties showing marketable and insurable title. Within ten (10) days after this Agreement is signed, the Seller shall furnish to the Buyer a commitment for a title insurance policy showing the condition of the title to said Properties. The title shall be free and clear of all liens and encumbrances excepting only the accruing taxes, levies and assessments and any clouds suffered or incurred against the property by Buyer. Buyer shall have fifteen (15) days from receipt of the commitment within which to object in writing to the condition of the title as set forth in the report. If the Buyer does not so object, the Buyer shall be deemed to have accepted the condition of the title. Otherwise, Seller shall, so far as reasonably possible, cure all defects objected to by Buyer before closing. If Seller does not remove objections to Buyer's satisfaction, Buyer may terminate this Agreement without further obligation to Seller.

8. **Grazing Rights.** All Forest (West End C&H Allotment) and Bureau of Land Management grazing permits (Clear Creek Allotment, Jim Sage Allotment, Gully Allotment, and Almo Seeding Allotment) associated with the Properties sold/purchased are to be attached to the land parcels designated as the "Base Property" which is listed below:

NE 1/4 NE 1/4, S 1/2 NE 1/4 of Section 12, Township 16 South,
Range 24, E.B.M.

Lots 1, 2, 3, & 4 Section 6, Township South, Range 25 E.B.M.

NW 1/4 NE 1/4, NE 1/4, NW 1/4, Lots 1 & 2 Section 7, Township
16 South, Range 25, E.B.M.

Appropriate documents listing the Seller as the lien holder of the first mortgage on the Base Property will be initiated and filed, with the appropriate federal agencies with a copy to the Buyer and the Seller.

9. **Appraisal.** Buyer may obtain an appraisal of the Properties at Buyer's cost.

10. **Notice.** Any notice under this Agreement shall be deemed given and delivered on the date when personally delivered, or if mailed, on the same date it is deposited in the United States mail in a sealed envelope by registered or certified mail, return receipt requested, postage prepaid and properly addressed. Until change by notice in writing, notices to Seller shall be addressed as follows:

The Harold and Lorraine Ward Trust
7209 Kingston Dr.
Boise, ID 83704

Notices to Buyer shall be addressed as follows:

Spencer Brothers
HC 72, Box 2418
Malta, ID 83342

Buyer and Seller may change their addresses by notice given as required above.

11. **Broker.** Buyer and Seller represent that no broker was involved in this transaction, and no broker is entitled to any compensation for this transaction. If any broker claims any compensation for this transaction, the party allegedly responsible for the acts giving rise to the claim will defend and indemnify the other innocent party.

12. **Default.** If either party shall fail to comply with the terms of this Agreement, the nondefaulting party shall send written notice and provide a thirty (30) day period to cure. If the default is not cured within the time allowed, the defaulting party agrees to pay all attorney's fees and costs incurred by the nondefaulting party. If suit is filed to interpret or enforce this Agreement, the unsuccessful party to such litigation agrees to pay the prevailing party all costs and expenses, including attorney's fees, incurred by the prevailing party whether incurred in district court, on appeal or in bankruptcy court.

13. **No waiver of Breach.** No waiver of any provision hereof shall be effective unless in writing and signed by the waiving party. No such waiver shall be effective as to any subsequent breach of the same or another provision of this Agreement. The failure of Seller to exercise its rights upon default by Buyer shall not constitute or be construed as a waiver of the right to insist upon strict performance by the Buyer of all the terms and provisions of this Agreement.

14. **Like-Kind Exchange.** Seller and Buyer may elect to effect the purchase or sale of the Properties pursuant to the tax-free exchange provisions of Section 1031 of the Internal Revenue Code, and each party agrees to reasonably cooperate with the other to effect such a tax-free exchange; provided, however, that the party requesting the tax free exchange shall bear all costs arising out of any tax-free exchange it may elect to undertake, and that the Closing shall not be extended in order to accommodate any such exchange. Buyer agrees that any cash that may become available to it as a result of such an exchange shall be immediately applied to reduce the Note, but such payment shall not reduce the payment schedule.

15. **Survival.** All the terms and conditions hereof and all instruments referred to herein and contemplated hereby shall survive closing and the transfer of title to Buyer and shall remain in full force and effect in accordance with their terms.

16. **Successors and Assigns.** This Agreement shall bind each of the parties and their respective heirs, personal representatives, successors, and assigns; provided, however, this Agreement shall not be assigned by any party without the other's prior written consent, which will not be unreasonably withheld. However, Seller is not required to approve any assignee who in Seller's opinion does not have the same or better qualifications and financial backing as Buyer.

17. **Entire Agreement.** This Agreement, with any exhibits incorporated by reference, constitutes the final expression of the parties' agreement and is a complete and exclusive statement of the terms of that agreement. This Agreement supersedes all prior or contemporaneous negotiations, discussions and understandings, whether oral or written or otherwise, all of which are of no further effect. This Agreement may not be changed, modified, explained or supplemented by any extrinsic evidence outside of this Agreement, including, but not limited to, usage of trade, course of dealing and course of performance. This Agreement may only be modified or amended by a writing signed by each party.

18. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Idaho.

DATED as of this 1 day of Apr. 1, 1999.

SELLER:

THE HAROLD AND LORRAYNE WARD TRUST

By Harold Olen Ward
Harold Olen Ward, Trustee

By Lorrayne B. Ward
Lorrayne B. Ward, Trustee

BUYER:

SPENCER BROTHERS

By Stanley A. Spencer
Stanley A. Spencer, Partner

By Michael O. Spencer
Michael O. Spencer, Partner

By Carl W. Spencer
Carl W. Spencer, Partner

EXHIBIT A

File Number: 14466

The land referred to is described as follows:

PARCEL #1:

TOWNSHIP 15 SOUTH, RANGE 24 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 34: SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ Section 35: NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{4}$ SE $\frac{1}{4}$ Section 35: NW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$,
Excepting a Right-of-Way 2 rods wide for a
road on the South section line.

TOWNSHIP 15 SOUTH, RANGE 25 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 11: NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12: S $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$

TOWNSHIP 15 SOUTH, RANGE 26 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 4: N $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5: N $\frac{1}{4}$ S $\frac{1}{4}$ Section 7: NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$, E $\frac{1}{4}$ NW $\frac{1}{4}$, Lots 2, 3 & 4Section 8: W $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$

TOWNSHIP 16 SOUTH, RANGE 24 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO

SECTION 12: NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{4}$ NE $\frac{1}{4}$

TOWNSHIP 16 South, RANGE 25 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 6: Lots 1, 2, 3 & 4

Section 7: NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Lots 1 & 2PARCEL #2:

TOWNSHIP 16 SOUTH, RANGE 24 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 2: Lot 2

PARCEL #3: An undivided one-half interest in

TOWNSHIP 16 SOUTH, RANGE 25 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 19: SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20: W $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 29: NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 30: E $\frac{1}{4}$ E $\frac{1}{4}$

SUBJECT TO Road Right-of-Way along the South side.

ALL IN CASSIA COUNTY, STATE OF IDAHO

EXHIBIT A

Legal Description of Property
Located in Box Elder County, Utah

TOWNSHIP 14 NORTH, RANGE 16 WEST, SALT LAKE MERIDIAN

Section 20: E1/2 of NW1/4; SW1/4 of NE1/4; NW1/4 of SE1/4; W1/2 of NW1/4 and N1/2 of
SW1/4

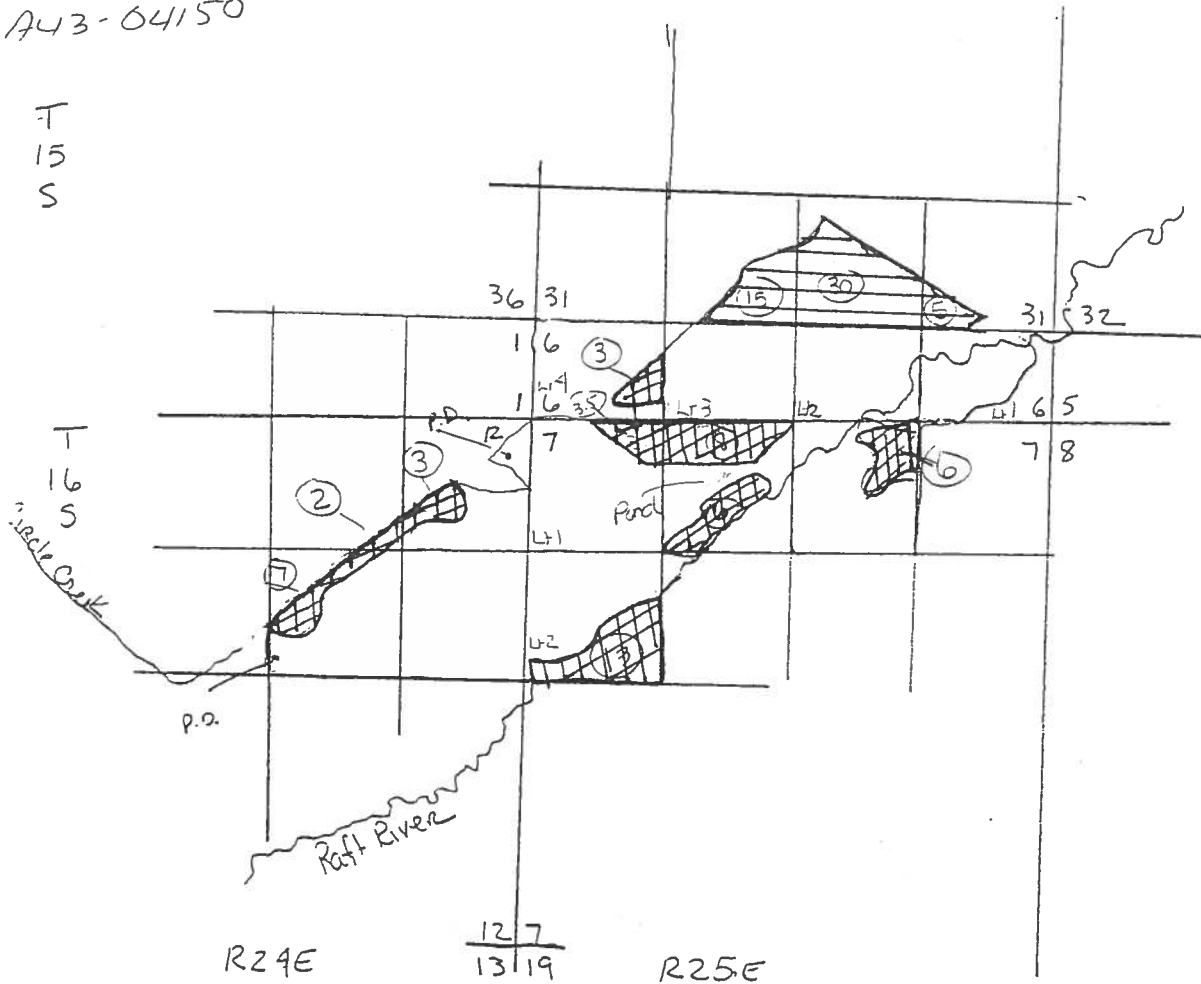
ALL IN BOX ELDER COUNTY, STATE OF UTAH

A43-07130
A43-02556
A43-04089
A43-00047A
A43-00327
A43-04150

Copied from Harold Olen Ward original
4/22/99 sc

cc: to all claims

(also: A43-4090)



2 phases of Expansion:

 1962 = Red = SOAC covered under license 43-02556
 1978 = Blue = SI SAC covered under Permit 43-07130

Total Expansion across = 101.5

R24E R25E

A43-00327

T15S

T16S



Change of Ownership¹⁸ Co

4/22/99

Sci

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
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Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: HAROLD OLEN WARD 208-334-1079
Address: 7209 KINGSTON DR.
BOISE ID 83704

AND/OR

Name: LORRAYNE B. WARD 208-334-1079
Address: 7209 KINGSTON DR.
BOISE ID 83704

2. Date of Priority: NOV 2, 1962

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
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9. Non-irrigation uses:
NONE

A43-02556

Page 1

Date: 01/09/92

COPY

MICROFILMED
MAR 03 1993

10. Place of Use:

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15S	25E	31	SE	SW		IRR	15.0
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						Section Acres	100.0
	25E	6	SW	SW	4	IRR	3.0
SE			SW	3	IRR	26.0	
SW			SE	2	IRR	23.0	
SE			SE	1	IRR	10.0	
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15. Basis of Claim: LICENSE

Water Right Number: 30797

COPY

MICROFILMED

MAR 03 1993

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): Harold Alan Ward Date: 1/9/92

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 9th day
of January 19 92

Anna Baumhoff
Notary Public

Seal

Residing at Anna Baumhoff, Notary Public
Residing at Boise, Idaho
My Commission Expires December 7, 1994

COPY

MICROFILMED
MAR 03 1993

143-00047A

143-00327

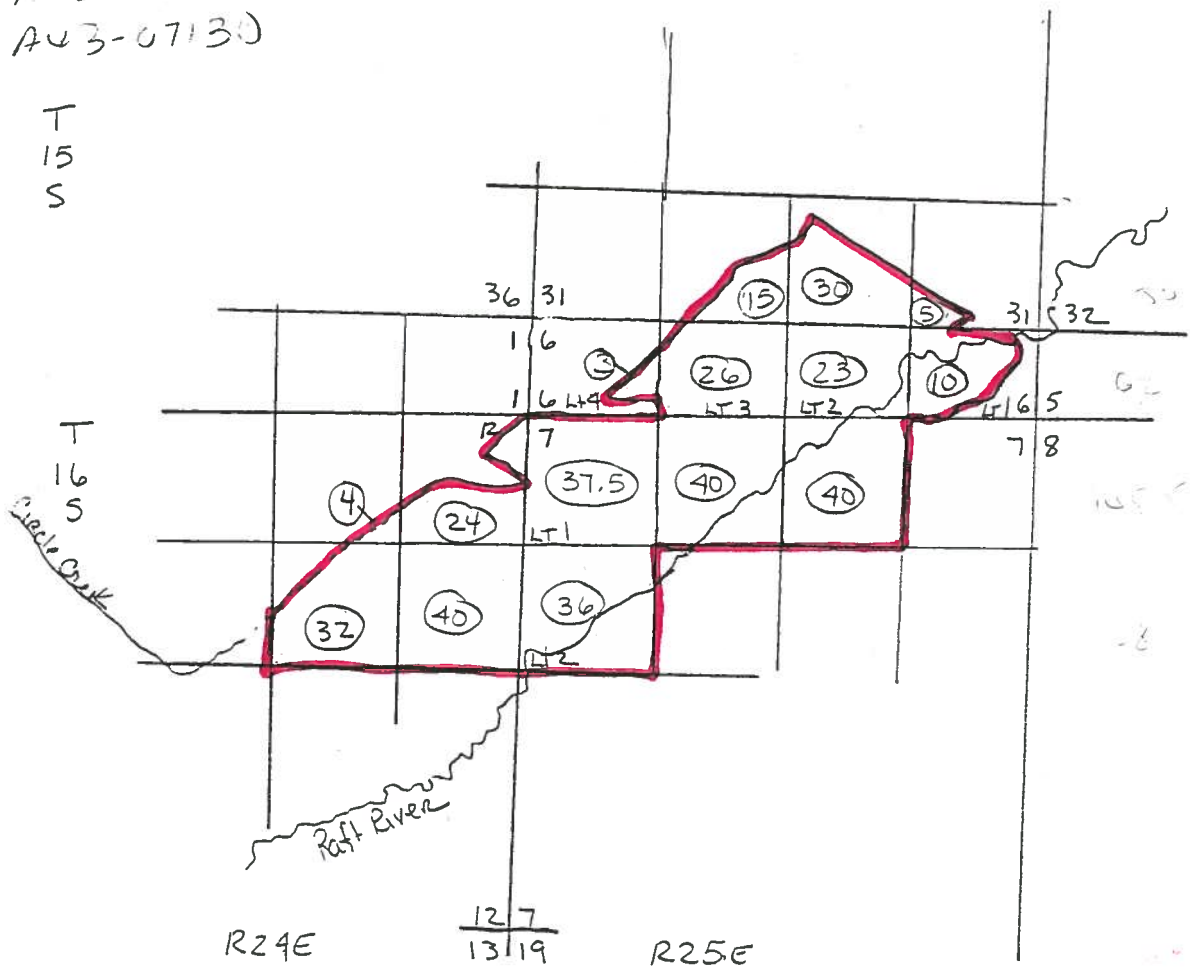
143-02556

143-04089

143-04150

143-07130

T
15
S



TOTAL ACRES = 365.5 AC

1962 expansion = 50 AC (43-02556)

1978 Expansion = 51.5 AC (43-07130)

original orig acres = 264. AC

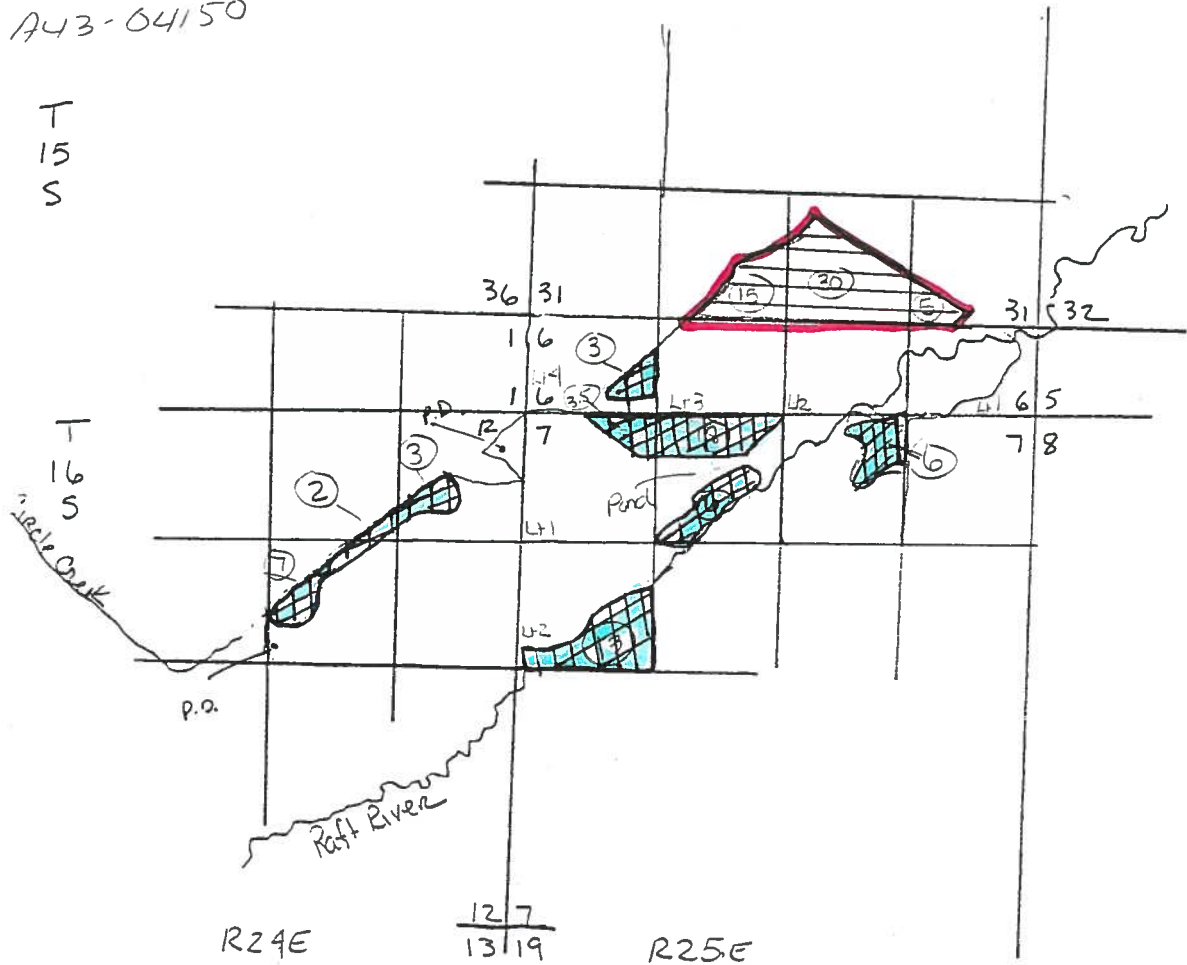
143-00047A	143-04150
143-00327	143-04089

MICROFILMED

MAR 03 1993

A43-07130
 A43-02556
 A43-04089
 A43-00047A
 A43-00327
 A43-04150

T
 15
 S



2 phases of Expansion:

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Total Expansion
 acres = 101.5
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MICROFILMED

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Address: 7209 KINGSTON DR.
BOISE, ID 83704

AND/OR

Name: LORRAYNE B. WARD 208-334-1079
Address: 7209 KINGSTON DR.
BOISE, ID 83704

2. Date of Priority: NOV 02, 1962

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
16S	24E	12	NE	NE	NE		CASSIA
			SW	SW	NE		CASSIA

5. Description of diverting works:
2 WELLS WITH PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.500		

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

8. Total consumptive use is 462.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A43-02556

Page 1

Date: 05/24/89

MICROFILMED
MAR 03 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15S	25E	31	SE		SW		IRR	15.0
			SW		SE		IRR	30.0
			SE		SE		IRR	5.0
Section Acres								50.0
16S	24E	12	NE		NE		IRR	5.0
	Section Acres							
	25E	6	SE		SW	3	IRR	26.0
			SW		SE	2	IRR	23.0
Section Acres								49.0
		7	NW		NE		IRR	34.0
			NE		NW		IRR	26.0
			NW		NW	1	IRR	21.0
Section Acres								81.0
Total Acres								185.0

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:
A43-00327, A43-04089, A43-04150

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 30797

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 Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Harold Glen Ward Date: 5/25/89

Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 25TH day
of MAY 19 89

Jeff Peppersack
Notary Public

Seal

Residing at _____

My Commission Expires _____

Jeff Peppersack, Notary Public
Residing at Boise, Idaho
My Commission Expires Nov. 8, 1994

A43-02556

WELL #2

WELL #1

	15	30	5
	LOT 3 26	LOT 2 23	
5	LOT 1 21	26	34

MICROFILMED
MAR 03 1993

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

Subcase No.: 43-2556

STANDARD FORM 5

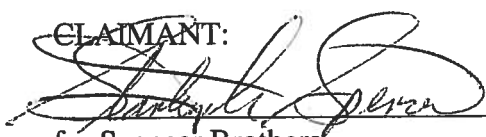
**STIPULATED ELEMENTS OF A
WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:


for Spencer Brothers

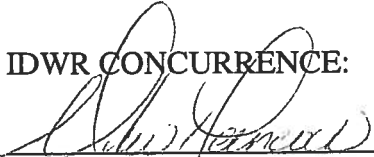
Date

OBJECTOR:


Larry A. Brown, US DOJ
Attorney for BLM

Date

IDWR CONCURRENCE:


Sr. Water Resource Agent

Date


Approved as to form
Attorney for IDWR

Date

CERTIFICATE OF SERVICE

I certify that on _____, 2002, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Spencer Brothers
HC 72 Box 2418
Malta, ID 83342

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

U.S. Dept. of Justice
Environment & Nat'l Resources Div.
550 W. Fort St. MSC 033
Boise, ID 83724

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Signature of person or attorney mailing the form

07/11/2002

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

RIGHT NUMBER: 43-2556

NAME AND ADDRESS: SPENCER BROTHERS
HC 72 BOX 2418
MALTA ID 83342

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.50 CFS
367.5 AFY

USE OF THIS RIGHT WITH RIGHT NO. 43-4090 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.59 CFS.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF ~~6.93~~ 6.36 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF ~~1460~~ 1272 AF. COMBINED RIGHT NOS.: 43-4089, 43-4090, 43-7130.

THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 43-47A, 43-327, 43-4089, 43-4090, 43-4150 AND 43-7130 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 11/02/1962

POINT OF DIVERSION:

T16S R24E S12 NENENE Within CASSIA County

T16S R24E S12 SWSWNE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	2.500 CFS 367.50 AFY

PLACE OF USE: IRRIGATION Within CASSIA County

~~T15S R25E S31~~	~~SESW~~	~~13.0~~	~~T15S R25E S31~~	~~SWSE~~	~~28.0~~
~~T65S R25E S31~~	~~SESE~~	~~5.6~~	~~T16S R25E S12~~	~~NWNE~~	~~1.3~~
T16S R24E S12	NENE	18.0	T16S R24E S12	SWNE	32.0
T16S R24E S12	SENE	40.0	T16S R25E S06 Lot 4	SWSW	1.2
T16S R25E S06 Lot 3	SESW	29.0	T16S R25E S06 Lot 2	SWSE	29.0
T16S R25E S06 Lot 1	SESE	13.0	T16S R25E S07	NWNE	40.0
T16S R25E S07	NENW	40.0	T16S R25E S07 Lot 1	NWNW	38.0
T16S R25E S07 Lot 2	SWNW	38.0			

~~365.1~~ 318.2 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 43-4090 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 185 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF ~~365~~ 318 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-47A, 43-327, 43-4089, 43-4090, 43-4150, 43-7130.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 185 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

07/11/2002

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

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
WATER DISTRICT 43B.
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: License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

SAS
UAK

RECEIVED

VH

FEB 19 2002

Department of Water Resources
Southern Region

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

A. Subcase 43-02556

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau of
Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax

United States Department of Justice; Environment and Natural Resource Division; General Litigation Section
550 West Fort Street, MSC 033; Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Spencer Brothers

Address: HC 72 Box 2418; Malta, Idaho 83342

Name:

Address: ;

Name:

Address: ;

Name:

Address: ;

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: See attached

11. **I object because:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):**

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant's use of Federal land is unauthorized. See attached POU. Claimant's water right should not include this POU.

F.

VERIFICATION (Must be Completed)

State of Idaho)

) ss.

County of Ada)

Gary A. Madenford, Water Rights Team Leader, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

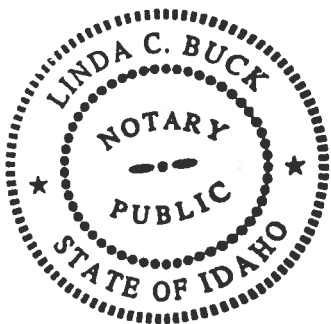
Gary A. Madenford
(Signature of person filing objection)

Larry A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

February 7, 2002

Linda C. Buck



Linda C. Buck

Notary Public for Idaho

Residing at: Mountain Home

My Commission Expires: 12-21-2005

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on Feb. 8, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Spencer Brothers
Address: HC 72 Box 2418; Malta, Idaho 83342

Name:
Address: ;

Name:
Address: ;

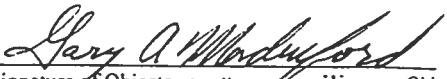
Name:
Address: ;

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449


Signature of Objector or attorney mailing on Objector's behalf

09/19/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-2556
NAME AND ADDRESS: SPENCER BROTHERS
HC 72 BOX 2418
MALTA ID 83342

**-POUs ON BLM
-CLAIMANT IS NOT AUTHORIZED
TO FARM PUBLIC LAND**

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.500 CFS
367.50 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.93 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1460 AF. COMBINED RIGHT NOS.: 43-4089, 43-4090, 43-7130.

THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 43-47A, 43-327, 43-4089, 43-4090, 43-4150 AND 43-7130 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

USE OF THIS RIGHT WITH RIGHT NO. 43-4090 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.59 CFS.

PRIORITY DATE: 11/02/1962

POINT OF
DIVERSION:

T16S R24E S12 NENENE Within CASSIA County
T16S R24E S12 SWSWNE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	2.500 CFS 367.50 AFY

PLACE OF USE: IRRIGATION Within CASSIA County

T15S R25E S31 <u>BLM</u> SESE	13.0	T15S R25E S31 <u>BLM</u> SWSE	28.0
T15S R25E S31 <u>BLM</u> SESE	5.6	T16S R24E S12 NENE	18.0
T16S R24E S12 <u>BLM</u> NENE	1.3	T16S R24E S12 SWNE	32.0
T16S R24E S12 SENE	40.0	T16S R25E S06 Lot 4 SWSW	1.2
T16S R25E S06 Lot 3 SESE	29.0	T16S R25E S06 Lot 2 SWSE	29.0
T16S R25E S06 Lot 1 SESE	12.0	T16S R25E S07 NENE	40.0
T16S R25E S07 NENE	40.0	T16S R25E S07 Lot 1 NWNW	38.0
T16S R25E S07 Lot 2 SWNW	38.0		

365.1 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 185 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 365 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-47A, 43-327, 43-4089, 43-4090, 43-4150, 43-7130.

USE OF THIS RIGHT WITH RIGHT NO. 43-4090 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 185 ACRES IN A SINGLE IRRIGATION SEASON.

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

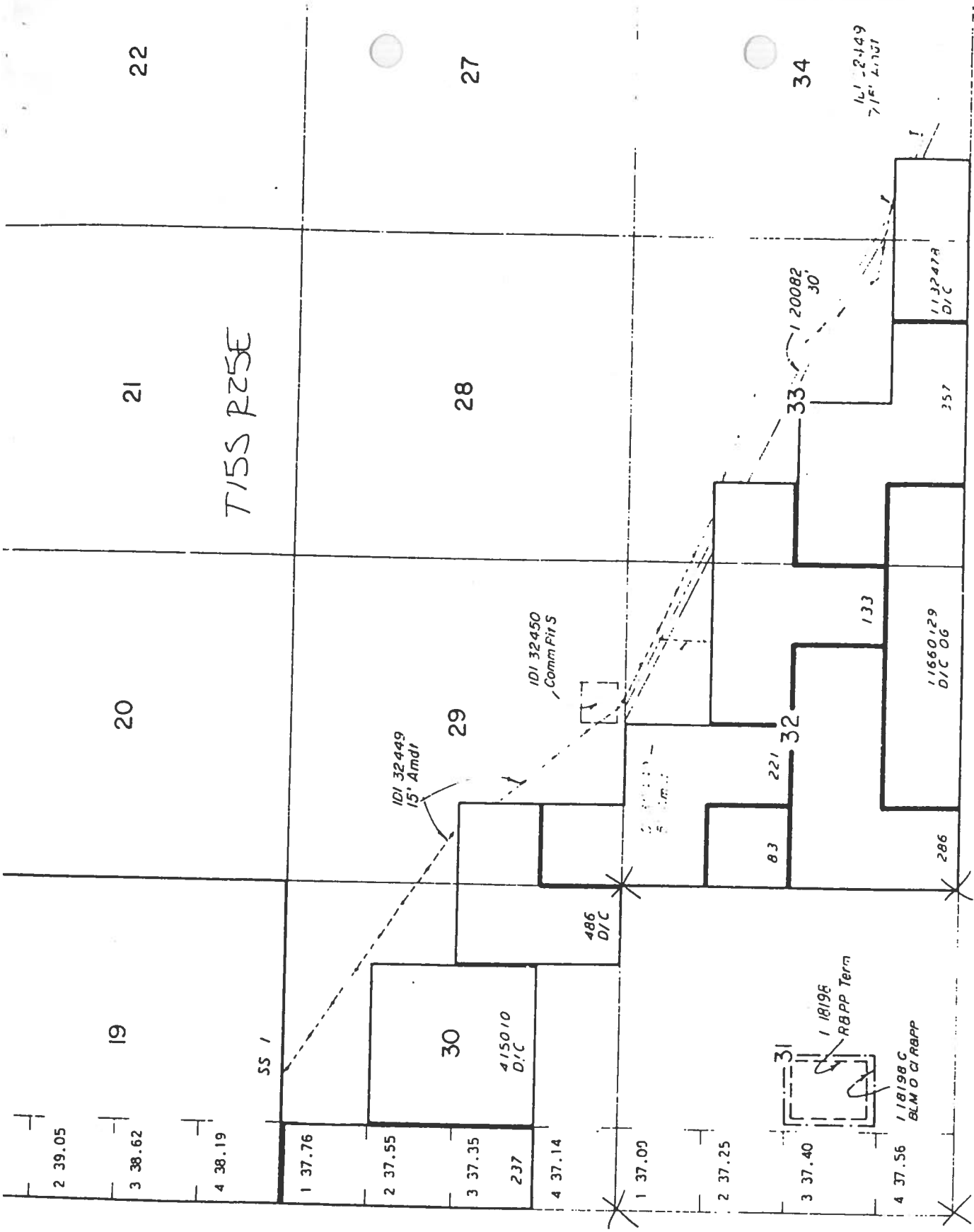
09/19/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

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.
THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 43B.

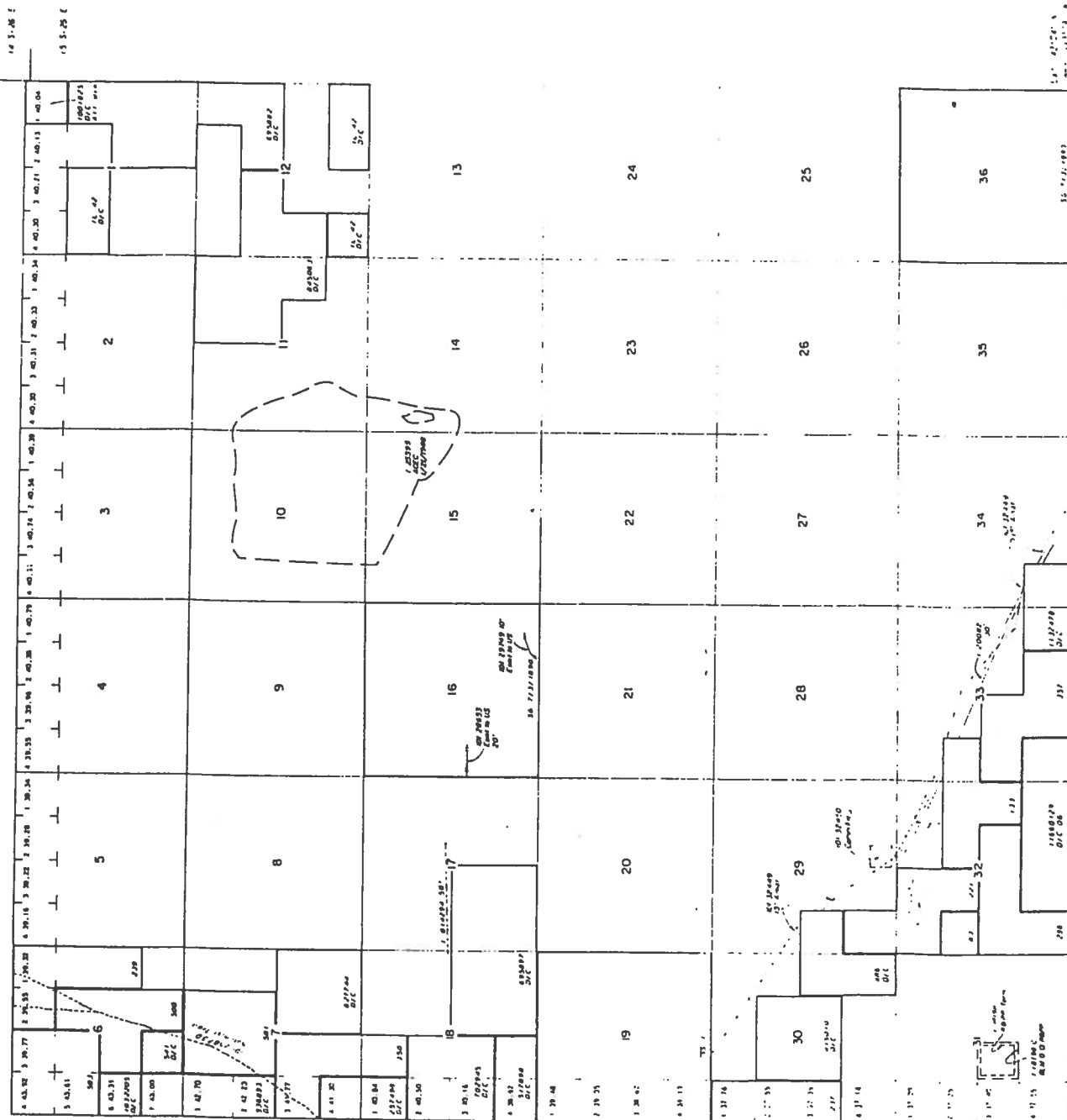
EXPLANATORY MATERIAL: BASIS OF CLAIM - License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.



SCALE in Chinese

CASSIA COUNTY
BUMLEY DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLESMT PLAT[illegible]

524, 507, 522, 523, 508, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

01 10 2009

THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITHDRAWAL ORDER

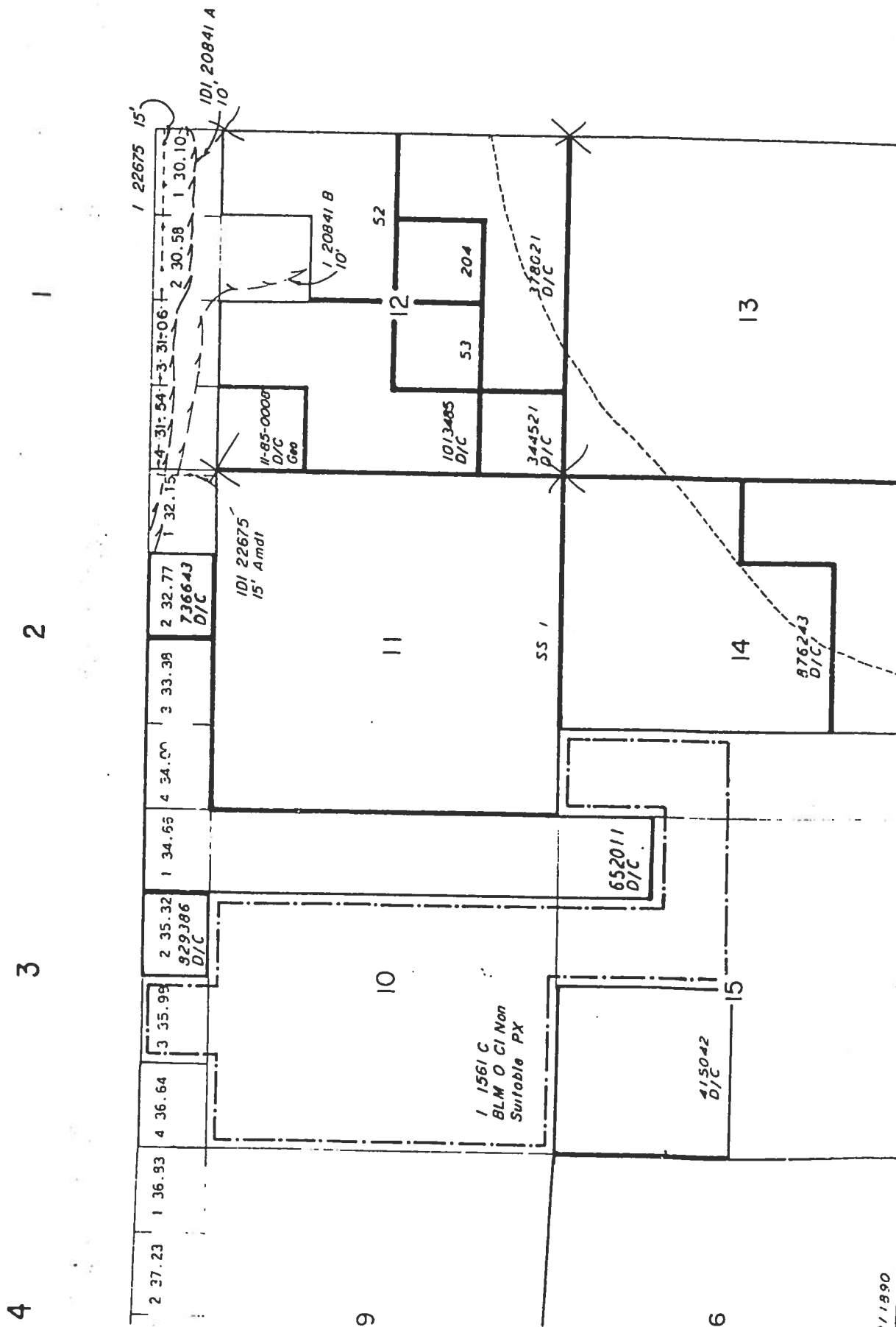
THE UNIVERSITY OF CHICAGO PRESS

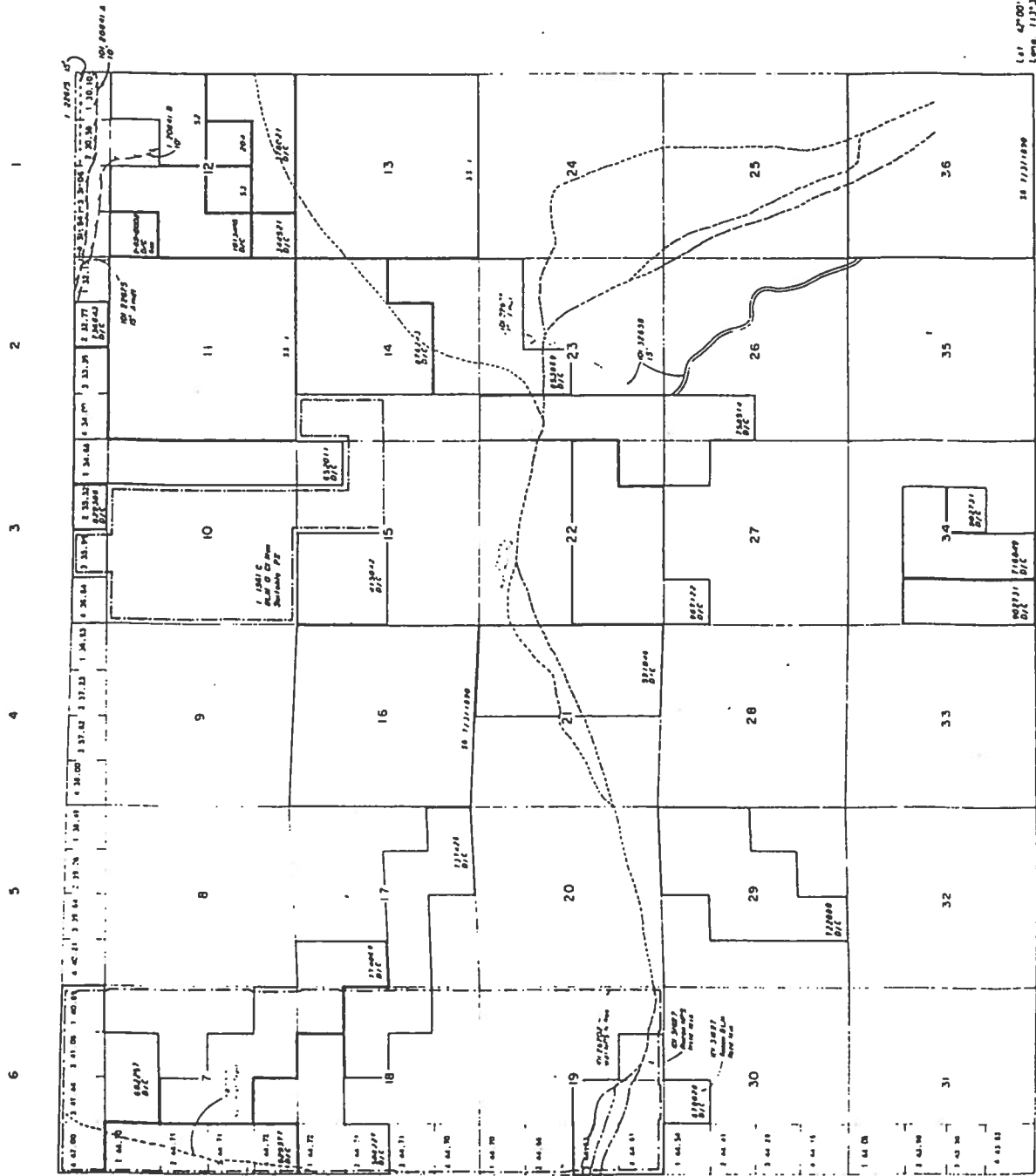
SCALE IN CHAINS

T16S R24F

[illegible]

11/1/2007/30 N
Historical n
public acce
DOI: 258730 N
Historical n
public acce
DOI: 3162 PX
Sec 30: N



STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES[illegible]

FOR ORDERS EFFECTING DISPOSAL OR USE OF UNIDENTIFIED LANDS REFER TO INDEX OF MISCELLANEOUS DOCUMENTS

QUESTIONS TO	QUESTIONS TO
JUL 20 1999	

(SEE PLAT)	

165
 201

THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE. SEE THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITHDRAWAL ORDER

Then plot in the Bureau's Standard of Truth, and should be used only as a graphic display of the foregoing survey data. But one warning do not reflect false charges which may have been offered by lateral movements of rivers or other bodies of water. Refer to the individual surveys for official survey information.

T SCALE IN CHAINS

2

A

I

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: 43-2556

SPENCER BROTHERS

HC 72 BOX 2418

MALTA ID 83342

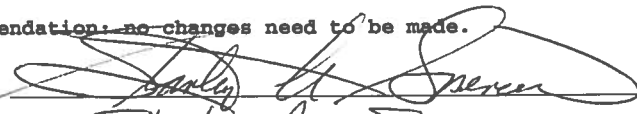
Telephone Number: (435)827-5573

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:

☒ I AGREE with this proposed recommendation: ~~no changes need to be made.~~

DATE: 6/4/01 SIGNATURE: 

Please print your name: Stanley A. Spencer

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

12/18/2000

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

RIGHT NUMBER: 43-2556

NAME AND ADDRESS: SPENCER BROTHERS
HC 72 BOX 2418
MALTA, ID 83342

SOURCE: GROUND WATER

QUANTITY: 2.5 CFS
367.5 AFY

USE OF THIS RIGHT WITH RIGHT NO. 43-4090 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.59 CFS.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.93 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1460 AF. COMBINED RIGHT NOS.: 43-4089, 43-4090, 43-7130.
THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 43-47A, 43-327, 43-4089, 43-4090, 43-4150 AND 43-7130 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 11/02/1962

POINT OF DIVERSION: T16S R24E S12 NENENE Within CASSIA County
T16S R24E S12 SWSWNE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-31	2.50 CFS 367.50 AFY

PLACE OF USE:

IRRIGATION Within CASSIA County

T15S R25E S31	SESW	13	T15S R25E S31	SWSE	28
T15S R25E S31	SESE	5.6	T16S R24E S12	NENE	18
T16S R24E S12	NWNE	1.3	T16S R24E S12	SWNE	32
T16S R24E S12	SENE	40	T16S R25E S6	LOT 4	SWSW 1.2
T16S R25E S6	LOT 3	SESW 29	T16S R25E S6	LOT 2	SWSE 29
T16S R25E S6	LOT 1	SESE 12	T16S R25E S7		NWNE 40
T16S R25E S7		NENW 40	T16S R25E S7	LOT 1	NWNW 38
T16S R25E S7	LOT 2	SWNW 38			

365.1 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 185 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 43-4090 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 185 ACRES IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 365 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-47A, 43-327, 43-4089, 43-4090, 43-4150, 43-7130.

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

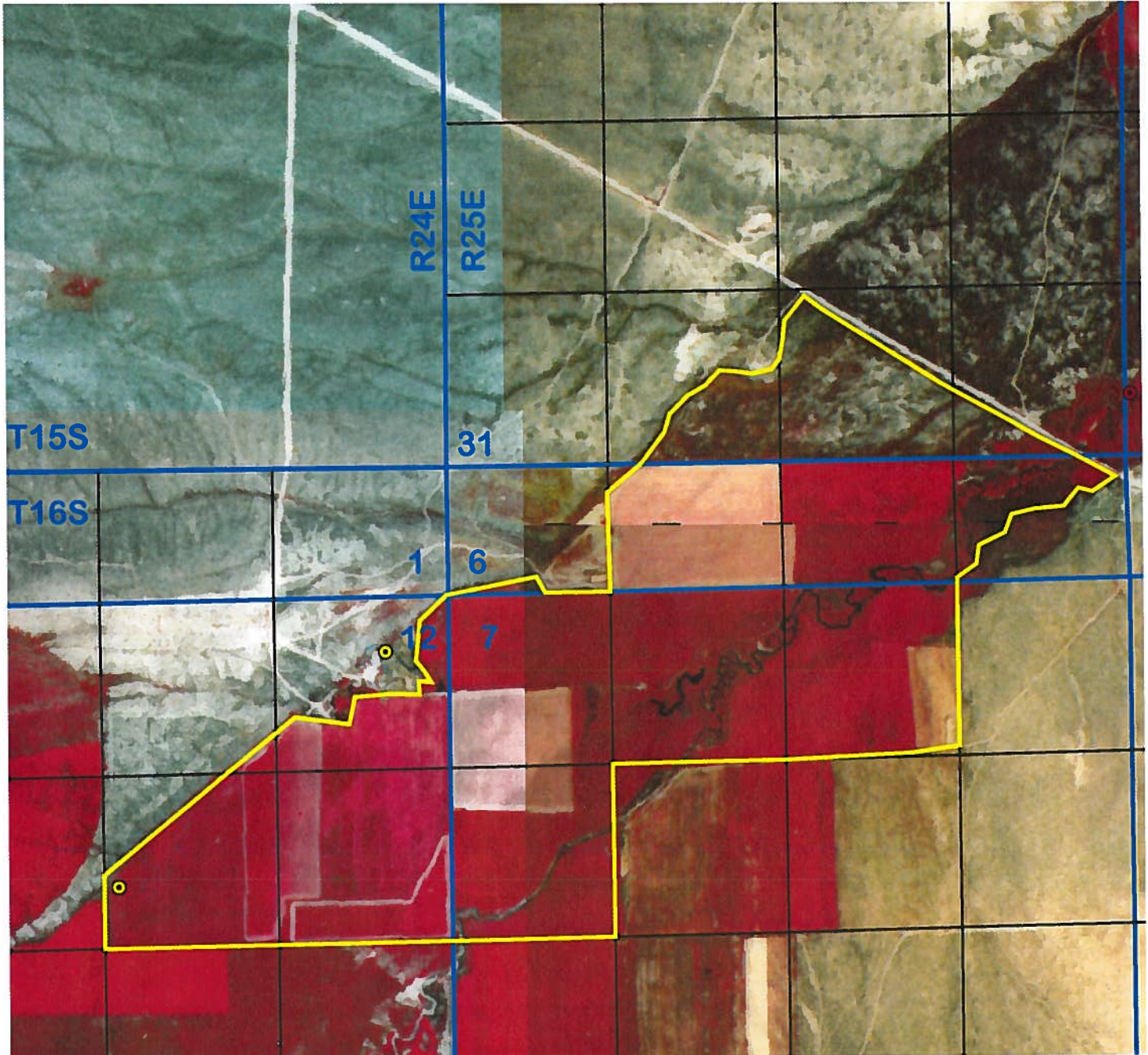
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 43B.

Idaho Department of Water Resources

**RIGHTS: 43-47A, 43-327, 43-2556,
43-4089, 43-4090, 43-4150, 43-7130**

RECOMMENDED PLACE OF USE
TWP 15S, RNG 25E, Sec 31
TWP 16S, RNG 24E, Sec 1, 12
TWP 16S, RNG 15E, Sec 6, 7
Data entry on December 14, 2000



-  **RECOMMENDED POINT OF DIVERSION**
-  **RECOMMENDED PLACE OF USE**
-  **SECTION LINES**
-  **QUARTER/QUARTER LINES**



GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY VIKIE HANCOCK

F-28 Comb km/s cell
• 22 g/s/ac

gpc
pvc

KVL
185ac

RECOMMENDATION NOTES

From: Vikie Hancock



12/14/00

Regarding: 43-2556, 43-4090
43-4089, 43-7130

Originally filed by Harold Olen Ward, purchased by Spencer.

The above claims are for irrigation from ground water. Surface water from Raft River and Circle Creek is also appurtenant to the same place of use.

Evidence in the file supports the following in regard to the development of groundwater usage on the Ward farm:

- In 1951 a well was drilled in the NENE Section 12, T16S R24E. The well tested at 2.5 cfs. It was equipped with a 40 HP motor and used for gravity irrigation. According to the well log, it was 200 feet deep and 16 inches in diameter.
- In February 1960, Dwayne Ward applied for a permit (43-2490) to irrigate 146 acres from the 1951 well. Disposition of witnesses state that water was first applied to the land in 1958. Licensing field exam in 1965 found 114 acres and measured capacity of this well with a 40 HP pump at 2.72 cfs. License was issued for 114 acres and 2.28 cfs. This license was not claimed in the SRBA.
- In 1962 Dwayne Ward applied for a permit (43-2556) for 2.5 cfs of water to irrigate 214 acres from ground water, POD NENE Section 12.
- In June 1966, Mr. Ward inquired as to whether he could drill a new well under the existing permit. He was informed that the well had to be in the NENE Section 12 and would be limited to the permitted diversion rate, and must be completed before November 1967.
- In August 1966 a new well for irrigation was completed for H. Olen Ward. According to the well log, this well was located in the NENE Section 12, was 300 feet deep and had a 20 inch casing. The licensed driller was Bishop. The signature on the log is undecipherable.
- 1968 field exam found POD in NENE Section 12 and measured a capacity of 3.59 cfs. The well was equipped with a 75 HP motor.
- In August 1973 an Amendment of permit 43-2556 was filed to change the POD to the SWNE Section 12 and rearrange the 214 acres to be irrigated. See memo in file stating that no well was drilled in the NENE Section 12. Note that according to affidavits there was a well in the SWNE existing since 1947 and re-drilled by Jack Erickson in 1967. There are no prior historical documents which reference this well.
- December 1973 field exam found POD in the NENE and 185 acres irrigated from that POD. There is no mention of the well in the SWNE even though it was on the amended application for permit. Application was amended in

1975 to agree with the field exam POU and POD. License 43-2556 was issued for 185 acres and 2.5 cfs, one POD in the NENE Sec 12.

- In 1978, Harold Olen Ward filed two statutory claims and one application for permit, all for groundwater. Statutory claim 43-4090, priority date 1951, was for 145 acres that included all but two of the acres licensed under 43-2490 with 1960 priority date. Statutory claim 43-4089 claimed beneficial use from 1947 from the well in SWNE. The permit, 43-7130, listed both wells as POD, and described them as a 20 inch diameter well in SWNE and a 16 inch diameter well in the NENE Sec 12.
- In 1989 Harold Olen Ward filed four SRBA claims. 43-2556, based upon the 1962 license and 43-4090 for 196 acres based upon the statutory claim. (No claim based upon license 43-2490 was submitted). 43-4089 based upon the statutory claim with priority date 1947, and 43-7130 based upon the 1978 permit for acres developed prior to 1985. 43-2556, -4089 and -4090 have overlapping places of use. 43-7130 is for acres added after sprinkler irrigation was expanded in 1979.
- Calculations done by Scott King and Cindy Bird from information received from Spencer Brothers in February 2000 determine that the maximum diversion rate of the SWNE Sec 12 well is 3.98 cfs. That together the wells in the NENE and SWNE Section 12 have produced as much as 7.31 cfs and have a current capacity of 5.1 cfs.

Findings:

According to evidence in license file 43-2490, 114 acres were irrigated from the well in the NENE Sec 12 in 1965, and had been developed by 1958. Therefore, beneficial use claim 43-4090 should be limited to 114 acres and 2.28 cfs with a priority date no earlier than 1958. Since all but nine of these acres were included in license 43-2556, 43-2556 and 43-4090 should be limited, when combined, to 185 acres and a diversion rate of 3.59 cfs which was the measured capacity of the NENE well at the time of licensing.

Statutory claim 43-4089, asserting a 1948 priority date, was filed for 265 acres and 5.3 cfs in 1978, however affidavits submitted with SRBA claim 43-4089 in 1989 state that between 120 and 130 acres were irrigated from a well in the SWNE beginning in 1948. This claim should therefore be recommended for 130 acres and 2.6 cfs.

It appears that only 125 of the acres listed in statutory claim 43-4089 were additional to the 185 acres included in license 43-2556, the rest overlapping. Using 1987 NAPP aerial photography, GIS found and calculated 365 irrigated acres. Therefore, 55 acres were developed under permit 43-7130, after 1978 and prior to 1987. These findings agree relatively well to the numbers approximated by Mr. Ward in his 1989 Notices of Claim and map of expanded acres submitted in 1991.

MEMO

From: Vikie Hancock

12/18/00

Regarding: 43-7130

This Application for Permit was filed in 1978 for an increase in acreage and diversion rate made possible by additional sprinkler irrigation. A review of previous licensing field exams done on the same place of use, and statutory claims filed in 1978, found good evidence to support that 310 acres were irrigated from ground water prior to 1978.

The original Application listed 147.6 acres of intended expansion. In 1988 proof was filed for the completion of the development of 99 acres and 2.0 cfs, but memos in the file indicate that this may have been an estimation by the applicant. In 1989 the applicant filed SRBA claim 43-7130 for those acres irrigated prior to 1987 under this permit. A map of the place of use submitted by the claimant in 1992 identified 51.5 acres of expansion under the 1978 permit.

Calculations done by ArcView GIS using 1987 NAPP aerial photography found that 365 acres were being irrigated in 1987. I am recommending that 55 acres be allowed under this permit.

There are two wells listed as points of diversion for 43-7130. Affidavits assert that well #1, located in the SWNE Section 12, was drilled in 1947 with a replacement well drilled in 1967. No documents were found to substantiate these dates. Calculations done by Scott King and Cindy Bird based upon information from Raft River Rural Electric and system information supplied by the recent purchasers, determined that this well had a historic capacity of 3.98 and a current design capacity of 3.34.

Well #2, located in the NENE Section 12, was drilled in 1951. It is not clear whether this well has been replaced or just upgraded. The capacity of the well was measured at 2.5 cfs in 1965 during licensing field exam for 43-2490 and 3.59 cfs in 1968 during the licensing field exam for 43-2556. According to RRRE data, the capacity in 1986 was 1.72 cfs.

According to Scott King, the maximum historic diversion rate of the two wells combined is at least 7.3 cfs and that current capacity is approximately 5.1 cfs. Information supplied by the current owners of the property indicates that, from 1972 to 1999, the sprinkling system consisted of eleven 33 nozzle lines equipped with 5/32 nozzles, or a discharge of 4.0 cfs. The estimated design capacity for pivots and handlines in 2000 is 3.34 cfs.

I am therefore recommending that an additional 1.1 cfs be allowed for this permit. Combined limits of not more than .02 cfs per acre should be imposed upon all rights from surface and groundwater.

Summary of SRBA Recommendations

43-2556 GW 2.5 cfs on 185 acres within 365 acre PPU

43-4090 GW 2.28 cfs on 114 acres within 365 acre PPU.

When combined, 43-2556 and 43-4090 are limited to 185 acres and 3.59 cfs

43-4089 GW 2.6 cfs on 130 acres within 365 acre PPU

When combined 43-2556, 43-4089 & 43-4090 are limited to 310 acres.

43-47A Raft River 2.0 cfs on 100 acres within 365 acre PPU

43-327 Raft River 2.5 cfs on 125 acres within 365 acre PPU

43-4150 Circle Creek 2.8 cfs on 140 acres within 365 acre PPU

Suggested Licensing Recommendation:

43-7130 GW 1.1 cfs on 55 acres within 365 acre PPU

Combined limits - 3.59 cfs well #2

3.34.cfs well #1 (current capacity)

ACRES IRRIGATED FROM GROUND WATER 1948 - 1987

1. Affidavits included in SRBA claim 43-4089 (based upon statutory claim filed in 1978) state 130 acres irrigated from well #1 in 1948.
2. 1965 licensing field exam for 43-2490, including ACSC map, finds 114 acres irrigated from well #2. An estimated 19 acres overlap with those irrigated by well #1, bringing total acres to 225.
3. 1973 licensing field exam for 43-2556 finds 185 acres irrigated from well #2. All but 125 acres overlap lands included in previous license 43-2490 and those identified in Statutory claim 43-4089. Total acres irrigated now 310.
4. Map of expanded irrigation submitted by claimant Harold Olen Ward in 1992 identifies 51.5 acres added under 1978 permit. Note: non-irrigated areas identified on 1965 ASCS map correspond to location of acres designated as expanded under permit 43-7130 on this map.
5. Number of acres found irrigated by ArcView GIS using 1987 NAPP aerial photos is 365. See exhibit of overlapping rights dated 12./2000.

DIVERSION RATES FROM GROUND WATER - SPENCER BROTHERS

<u>YEAR</u>	<u>LIC/CLAIM ACRES</u>	<u>CAPACITY WELL #1</u>	<u>CAPACITY WELL #2</u>	<u>TOTAL CAPACITY</u>	<u>FOUND ACRES</u>
1948	295	2.6?		2.6?	130
1962	114		2.5	5.1?	225
1973	185	3.72	3.59	7.1	310
1987	55	3.98	1.72	5.7	365
2000	- -	3.34	1.72	5.1	- -

1972-99 Sprinkler system designed for 4.0 cfs

2000 Pivot system designed for 3.34 cfs

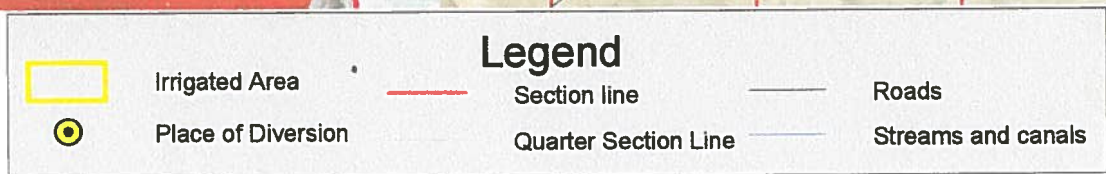
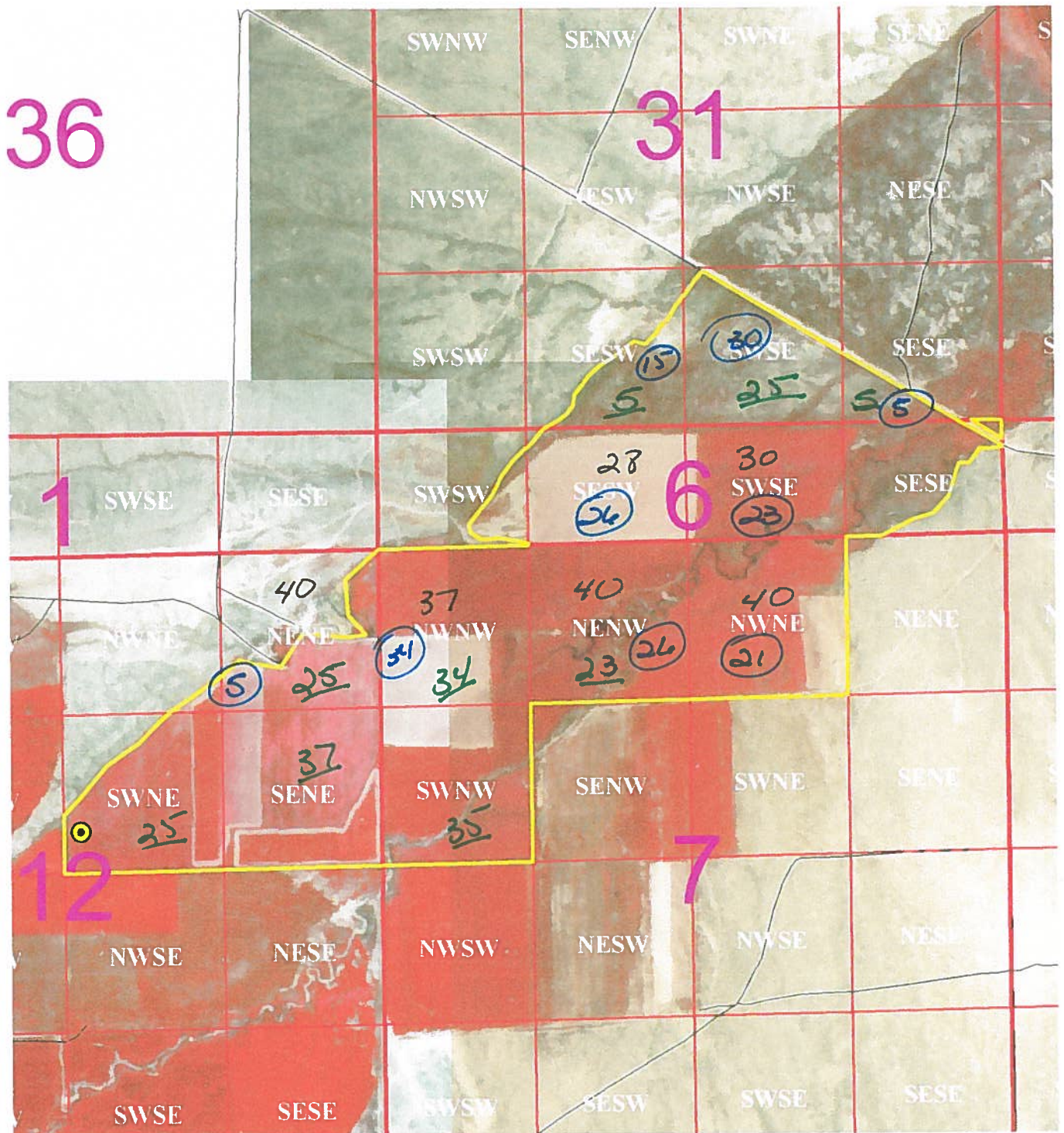
Information from licensing files 43-2490, 43-2556, and calculations dated 10/2000 by S. King and C. Bird based upon information submitted by Spencer Brothers.

See file 43-4089 for supporting documents

Water Right Claim Number A43-04089

01/26/2000

Townships , 15S25E, 16S25E, 16S24E



500 0 500 1000 1500 2000 2500 Feet

ORIG 2556

73 Amend

75 Found FE



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 30797/43-2556 Priority Nov. 2, 1962 Amount 2.50 cfs

THIS IS TO CERTIFY, that DWAYNE D. WARD
of Almo, Idaho, has complied with the terms and conditions of Permit
No. 30797/43-2556 issued pursuant to Application for Permit dated November 2, 1962,
and has submitted proof to the Department of Water Resources on October 25, 1967,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 3.59 cfs of water from a ground water source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>Oct. 31</u>	at <u>2.50</u> cfs and	<u>647.5 acre feet or</u>
	from _____ to _____	at _____ cfs and	<u>3.5 af per acre</u>
	from _____ to _____	at _____ cfs and	
(both dates inclusive)			

Subject, however, to the condition that no more than 2.50 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
647.5 acre feet per year, said waters to be diverted within the NE¹NE¹ of Sec. 12,
Twp. 16 S, Rge. 24 E, B.M. in the County of Cassia

Description and location of place of use:

Twp.	Range	Sec.	NE ¹				NW ¹				SW ¹				SE ¹				Totals
			NE ¹	NW ¹	SW ¹	SE ¹	NE ¹	NW ¹	SW ¹	SE ¹	NE ¹	NW ¹	SW ¹	SE ¹	NE ¹	NW ¹	SW ¹	SE ¹	
16 S	24 E	12	5																5
15 S	25 E	31											15				30	5	50
16 S	25 E	6											L.3 26				L.2 23		49
16 S	25 E	7		34				26	L.1 21										81

Total number of acres irrigated 185

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 27 day of
May, 19 75.

Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 21 1975

APPLICATION FOR AMENDMENT

Department of Water Resources

Permit No. 30797/43-2556

Comes now Dwayne D. Ward of (address) _____

Almo, Idaho, and represents to the Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 30797/43-2446, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NE 1/4 NE 1/4, Sec. 12 Twp. 16 S
Rge. 24 E, B.M., County of Cassia. Other points of diversion:

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

NO CHANGE

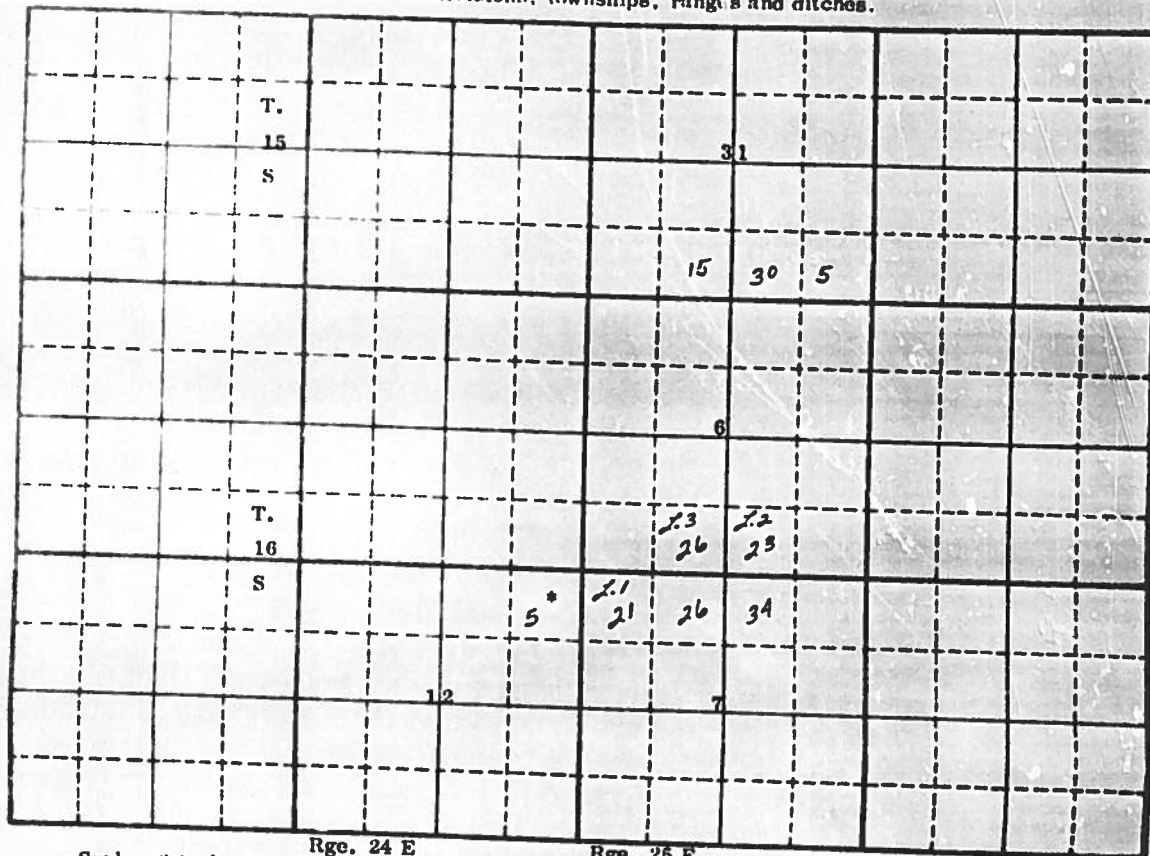
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

TWP	RANGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
16 S	24 E	12	5																5
15 S	25 E	31											15				30	5	50
16 S	25 E	6											L. 3 26				L. 2 23		49
16 S	25 E	7		34			26	L. 1 21											81

Total number of acres to be irrigated 185

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 10-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile

Rge. 25 E

That no one will be injured by such change, and that such change will be made at permit holders own risk.

Signed at _____, this 20th day of May, 19 75.

Raymond D. Ward
(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, R. KEITH HIGGINSON, Director of the Department of Water Resources hereby approve the foregoing application for amendment for Permit No. 30797/43-2556.

Witness my hand this 27 day of May, 19 75.

R. Keith Higgins
Director

Sherl L. Chapman
CONSULTANT

201 IDAHO BUILDING / BOISE, IDAHO 83702 / PHONE 344-1541

RECEIVED

21, 1975

Department of Water Resources

May 20, 1975

Mr. Bob Fleenor, Chief,
Water Rights
Department of Water Resources
Statehouse
Boise, ID 83720

Dear Bob:

We appreciate your patience concerning our deliberations on 43-2556 and we concur in your suggestions for the amendment to the permit. Mr. Ward has signed the application for amendment as prepared by the Department, and also you will find enclosed his \$33 check.

I believe there is one minor error in your letter of March 18. On the very first line describing the areas on which the water has been beneficially used, the line ends by describing the NE¹/₄ of Section 5. I believe that should describe the NE¹/₄ of Section 12. These are the lands immediately adjacent to the point of diversion. Section 5 is not owned by Mr. Ward. We have corrected that on the application.

Once the license has been issued, we would appreciate your sending it to Mr. Ward, but we would also appreciate a copy being sent to Sherl Chapman.

Sincerely,

Jack A. Barnett, JAC
Jack. A. Barnett
Consultant

JAB/jdr

enclosures

cc: Dwayne Ward

**STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
STATE OFFICE**



Cecil D. Andrus
Governor
R. Keith Higginson
Director

614 State Street
Statehouse - Annex 2
Boise, Idaho 83720
(208) 384-2215

Water Rights Administration
Water Resource Investigation
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

March 7, 1974

Dwayne D. Ward
Almo,
Idaho 83312

Dear Mr. Ward:

A representative of this Department has made an examination of the works covered by your Permit No. 30797/43-2556 and has found the following:

Quantity of water diverted: 3.59 cfs

Amount of water that can be recognized as beneficially used under Idaho law: 2.50 cfs

The maximum quantity diverted shall not exceed 647.5 acre feet per year.

Beneficial use: For irrigation of 185 acres within the NE 1/4 NE 1/4, Sec. 12, Twp. 16 S, Rge. 24 E, SE 1/4 SW 1/4, S 1/2 SE 1/4, Sec. 31, Twp. 15 S, Rge. 25 E, SE 1/4 SW 1/4, SW 1/4 SE 1/4, Sec. 6, Twp. 16 S, Rge. 25 E, NW 1/4 NE 1/4, N1/2 NW 1/4, Sec. 7, Twp. 16 S, Rge. 25 E

Point of diversion: NE 1/4 NE 1/4, Sec. 12, Twp. 16 S, Rge. 24 E, B.M.

Priority date established: November 2, 1962

The land to be irrigated was found by our examiner to differ from that listed on your permit, therefore, it will be necessary for you to amend the permit before a water license can be issued. We have enclosed a partially completed application amendment for your use. Please sign and return the application along with a \$10 filing fee.

Please be advised that there is also a \$23.00 licensing fee due. Therefore, we receive the completed amendment application and a fee totaling \$33.00 within 30 days of the date of this letter in order to be able to issue your water license as set above.

If you do not concur with these findings please contact this office within the 30 day period.

Sincerely,

ROBBY D. FLEENER
Assistant Director

RF
Encl.

43-2556

DATE OF EXAM 12-6-73

ACREAGE
Found 185.0
Recommended 185.0

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q = 2.5 c.f.s. V = 647.5 AF/Ann. from April-1 to Nov-1
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ✓

Name source: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Exchange? yes _____ no ✓

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of injection: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of exchange: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Total Q measured 3.59 c.f.s. Method of measurement McCrometer

Total Q recommended 2.5 c.f.s. Meter No. ✓ Type ✓ Condition Good.

Total V recommended 647.5 Acft/ANN

Recommended Amendments:

P.D. NENE, Sec. 12 T6S-R24E.
Place of Use 173 (26.0) 172 (23.0) Sec. 6, NWNE (34.0) NENW (24.0) 171 (21.0) Sec. 7, 16S-25E
~~One~~ (Use Cont) NENE (5.0) Sec. 12 T16S-R24E, SE3W (15.0) SW 3E (30.0) SE3E (5) Sec. 31 15S-25E.
None _____

MEASUREMENT CALCULATION:

$Q = 2.5 \text{ c.f.s. Claimed. } 3.59 \text{ c.f.s.} = 300 \text{ cf. in } 83.6 \text{ Sec.}$
 $V = (185.0 \text{ Acres}) (3.5 \text{ IRR Req.}) = 647.5 \text{ Acft/ANN.}$

Measurements were ~~made~~ MADE from first EXAM.

① SYSTEM DESCRIPTION:

Hollowshaft Electric Motor 75 Hp. #3986987

② Layne & Bowler V.T. Pump #15954

Recycle pump - G.F. 75 Hp #5K6258A1A

Layne & Bowler Pump #45085

Application for Additional Amount of Water May be needed

REMARKS:

First pump conveys the water to its place of use and the
second pump picks up the water and replaces it back
upon the higher land.

Mr Ward accompanied Ken Flowerdew Resources Ex II and
myself on Re-Exam. There were no Reason for the
First Amendment made by Jack Barnett.

Examiner's Signature Mary Funderburg Date 12-7-73

Checked by Michael L. Steele Date 12-12-73

Approved by _____ Date _____

DEPARTMENT OF WATER ADMINISTRATION

FIELD REPORT

1. Name of permit holder Dwayne D. Ward
 Post office address Almo, Idaho 83312 Phone 824-2226
 Person to contact _____ Phone _____

2. Source of water supply: Groundwater ☒ Surface water ☐ _____
 (name spring, stream, etc.)
 Tributary to _____

3. Water will be used for the following purposes:

Amount 2.5 c.f.s. for Irrigation
 _____ AF/Annum (nature of use)

Period of Use: from Apr. 1 to Nov. 1
 (mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
 (mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
 (mo.-day) inclusive (mo.-day)

Other uses: _____

4. Total amount to be appropriated:

Max Rate of Diversion 2.5 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 16S N/S, Range 24E E/W, B.M., Section 12, Subdivision SW 1/4 NE 1/4, Cassia
 County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____
 County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____
 County

Other Points of Diversions: _____

Description of diverting works: _____

Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
16S	24E	12	25		25	37													87
	25E	7					23	Lt1	Lt2										92
15S	25E	31											5				25	5	35

TOTAL ACREAGE

Permit No. 43-2556
 Re- Examination for b/u

INTER-DEPARTMENT MEMO — 1

FROM

Mr. F.

DATE

9-5-73

TO

Carlson

SUBJECT

Amendment to Application # 48-2556

I visited Mr. Duane W and this date, 1st tell me that the legal description for the PD on the application and the survey submitted in 1967 was wrong. A well was now drilled in the NE 1/4 NE 1/4 Sec 13 T 16 S, R 24 E, T 16 S. I found the error and told him. He should file an amendment. He is however investigating the lands of the original plat. He also the 2 1/4 acres will be added in the amendment from this well. Since filing of survey he has gone to a similar system what give him survey plat.

SIGNATURE

113 27-4-10073

to the
survey
applies
anyone
else,

to do this. Barnett told him he could not claim the addition
 average on the same amount as this would open the original
 application. However, some of the average claimed on the
 amendment is the same as the application.
 I hope this explains it like it is.

1/2

2556

[Faint, mostly illegible handwritten text, likely bleed-through from the reverse side of the page.]

October 1, 19

Per Fernie Ho.

Deayne D. War
 Also,
 Idaho 8331;

Dear Mr. Ward

Enclosed you
 section with

Sincerely,

D. Darlene Ho
 water rights;

Enclosure
 cc: Jack A.
 cc: Southern

Receipt # 11441

RECEIVED

JUL 31 1973

Department of Water Administration

43-2556

Permit No. 30797

Comes now Dwayne D. Ward of (address) Alma

the Idaho Department of Water Administration; _____, and represents to the Director of

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 43-2536, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 12 Twp. 16S
Rge. 24E, B.M., County of Cassia. Other points of diversion:

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 2.5 cfs for irrigation purposes from April 1 to October 31 (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre feet per annum)

3. Place of use or land to be irrigated:

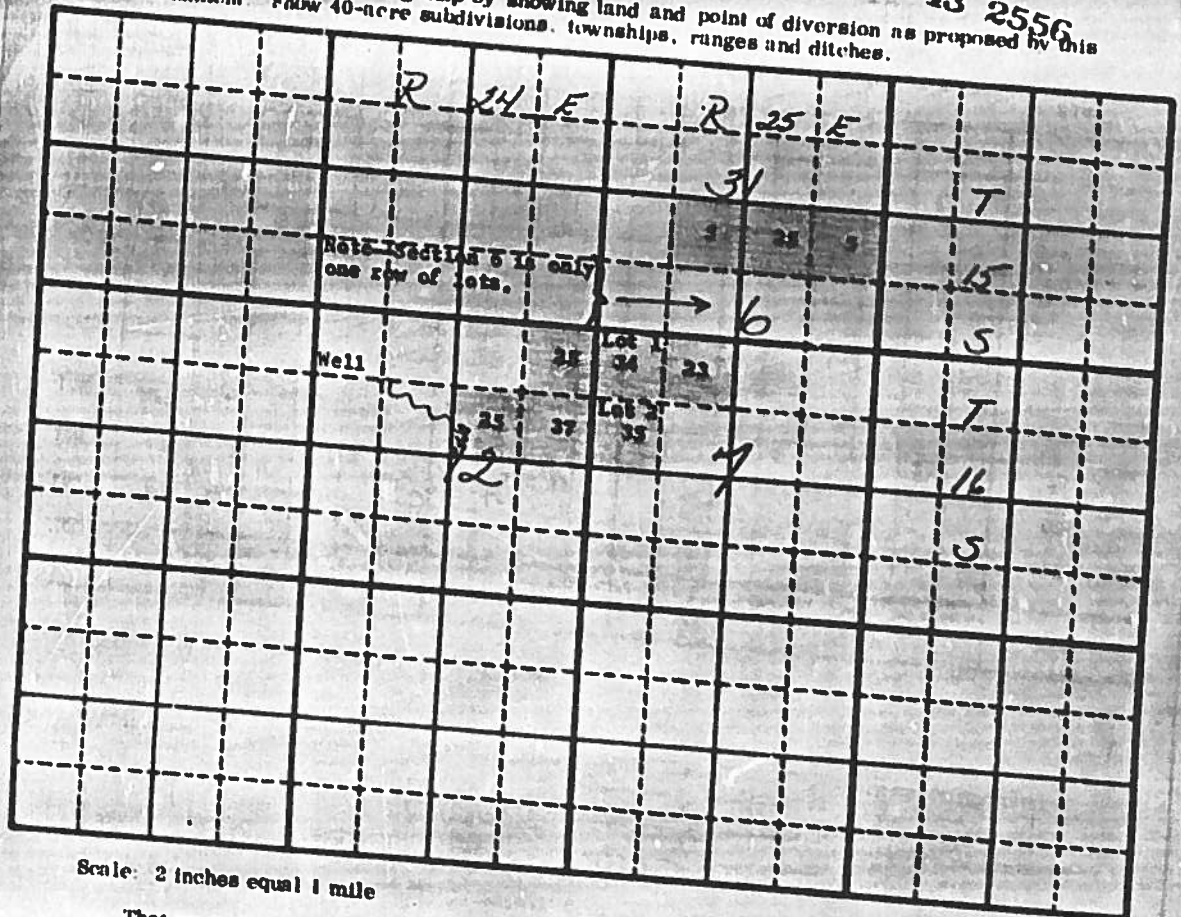
[illegible]

Total number of acres to be irrigated	214
---------------------------------------	-----

22

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.

43 2556



Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holders own risk.

Signed at Boise, this 31st day of Aug., 19 73.

John A. Bennett
(Signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

I, R. KEITH WIGGINS, Director of the Department of Water Administration, hereby approve the above application for amendment for Permit No. G-30797/43-2556.

Witness my hand this 27 day of September, 19 73.

R. Keith Wiggins
Director

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

Permit No. 6-39797

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

1. Name of applicant Dwayne D. Ward
2. Source of water supply: subterranean
3. Location of point of diversion: Is in the NE 1/4 of Section 12
T. 16 S R. 24 E County of Cassia

4. Describe works as they exist, giving dimensions and capacities of same:
75 HP US HOLLOWCAST ELEC MOTOR #3986967
1 1/2" B V T P #15954
10" DISCHARGE 2' INTO EXISTING DITCHES
WORKS THROUGH EARTH DITCHES

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):

NE 1/4 Sec. 12, T. 16 S, R. 24 E, B.M. and Lot 3 (SE 1/4), Lot 2 (SW 1/4),
Sec. 6, NW 1/4, NE 1/4, Sec. 7, T. 16 S, R. 25 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: _____

MR. WARD PRESENT

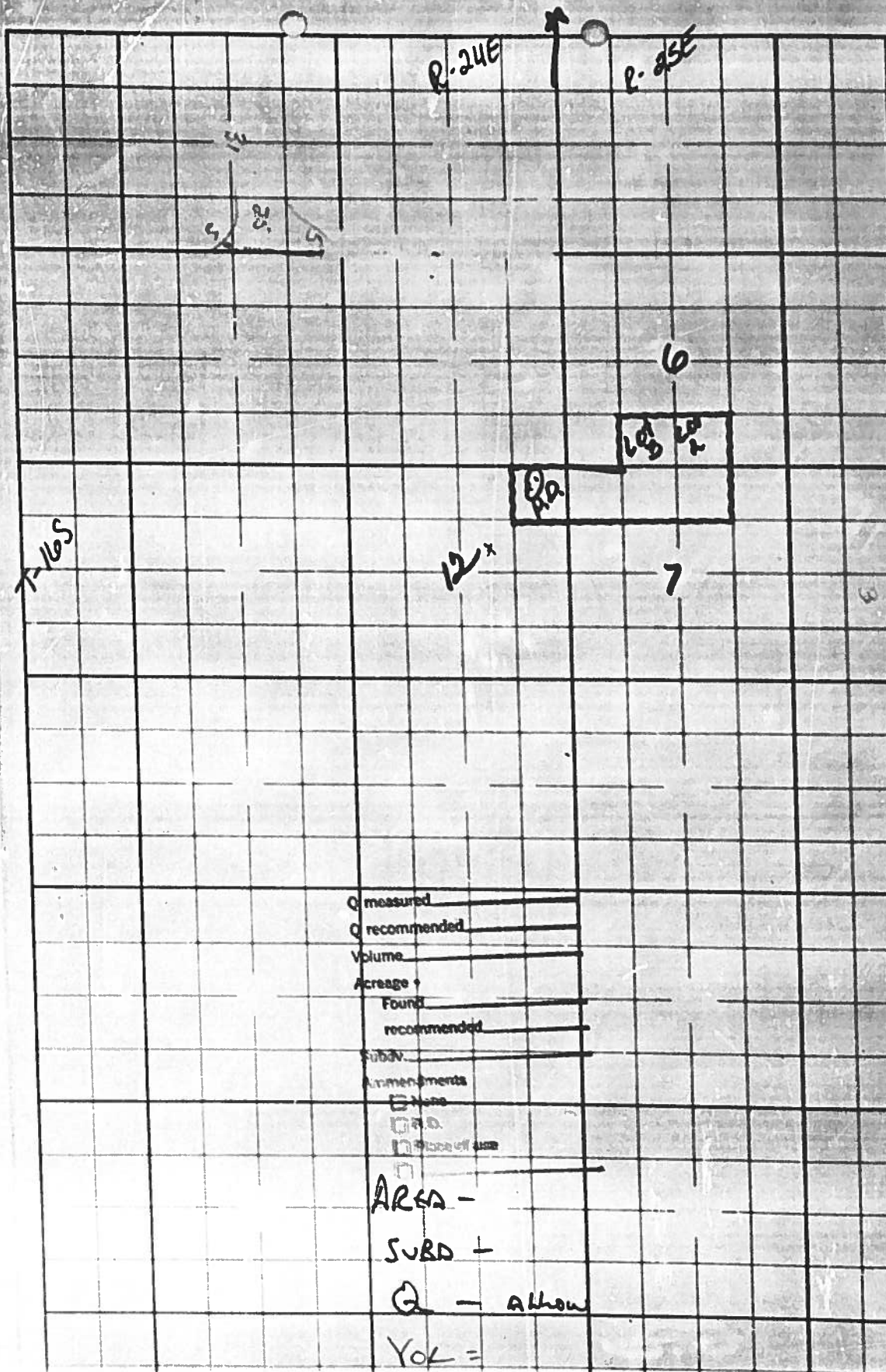
Mr. CRAMER V.S.D. 300 ft in 23.6 Sec

Q = 3.59 c.f.s.

IRRIGATION REQUIREMENT = 3.5 AC-FT/ACRE/SEASON

This examination was made on the 23rd day of JUNE, 1961

(Signed) _____ Examiner.



STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. G-30797

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

and Completion of Works

DEPOSITION OF HOLDER

Ques. 1. State your name, residence occupation and postoffice address: My name is
Dwayne D. Ward, I reside at Almo, Idaho, my occupation is farmer and rancher

Ques. 2. If acting in behalf of corporation, state its name, principal place of business
(if foreign corporation, give name of postoffice of statutory agent), your
position with reference to same, and your authority for appearing in its behalf:

I am making this on behalf of myself and no one else

Ques. 3. State number, approval date of permit, and date of priority: G-30797
November 2, 1962,

Ques. 4. State source of water supply: Well
Give location of point of diversion, showing subdivision, section, township and range
Located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, Twp. 16 S., Rge. 24 E.B.M. Cassia County, Idaho

Ques. 5. Describe your works of diversion: Well, pump and head ditches
_____; state amount of water they are capable of con-
veying from point of diversion to place of use: 2.5 c.f.s.; Give name of canal or di-
or other works by which water is conducted to such place of use: none
_____; if a well, state depth of well 300 ft.; depth and size of
casing 20 inch - 300 feet ✓; depth to water 30 ft.; if pump is used
state discharge of pump: 12 inch; tell how it was measured or determined by
engineer from Raft River Electric Co.; if sprinkler irrigation, give number and size
of nozzles and operating pressure: none

Ques. 6. State for what purpose water is used: irrigation
(If for irrigation, name each subdivision in which used and number of acres in
each subdivision that have actually been irrigated with said water:
water has been used on all the following described property: NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 12, Twp. 16 S
Rge. 24 E, B.M. and Lot 3 and Lot 2 of Section 6, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 7, Twp. 16 S.
Rge. 25., B.M.

30797

Form 36

NOTICE OF PROOF OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that on October 25, 1967 at Purley,
County of Cassia, State of Idaho, before notary public (name & address) A. H. Nielson, 1320 1/2 Overland Avenue, Fouts Bldg., Purley, Ida., proof will be
submitted of the completion of works for the diversion of 2.5 c.f.s. of the waters
of a well, and the application to beneficial use of said water,
in accordance with the terms and conditions of permit Q-30797, heretofore issued by
the Department of Reclamation of the State of Idaho.

1. The name and address of permit holder is Wayne E. Davis, Idaho.
2. Said works of diversion will be fully completed on the date for such completion,
and the amount of water which said works are capable of conveying to the place of use is
2.5 cubic feet per second.
3. The use to which said water has been applied is irrigation
purposes, and the amount applied to beneficial
use is 2.5 c.f.s.
4. The point of diversion of said water is SEWANA, Sec. 12, T. 16 S.
R. 24 E., B.M., Cassia County.
5. The place where said water is used is SEWANA, Sec. 12, T. 16 S.
R. 24 E., B.M. and Lot 7 (SEWANA), Lot 2 (SEWANA), Sec. 6, SEWANA,
SEWANA, Sec. 7, T. 16 S., R. 25 E., B.M.
6. The date of priority which said user is prepared to establish is
November 2, 1967.

R. KEITH HIGGINSON
State Reclamation Engineer

30797

REPORT OF WELL DRILLER
State of Idaho

State law requires that this report shall be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

WELL OWNER:

Name Anthony H. Hines
Address Albion, Idaho

Owner's Permit No. _____
NATURE OF WORK (check): Replacement well ☐
New well ☒ Deepened ☐ Abandoned ☐

Water is to be used for: irrigation

METHOD OF CONSTRUCTION: Rotary ☐ Cable ☒
Dug ☐ Other _____ (explain)

CASING SCHEDULE: Threaded _____ Welded _____
20"Diam. from 0 ft. to 777 ft.
"Diam. from _____ ft. to _____ ft.
"Diam. from _____ ft. to _____ ft.
"Diam. from _____ ft. to _____ ft.

Thickness of casing: _____ Material: _____
Steel ☒ concrete ☐ wood ☐ other ☐

(explain)
PERFORATED? Yes ☒ No ☐ Type of
perforator used: Machine

Size of perforations: 1/2" by 3"
perforations from 40 ft. to 770 ft.
perforations from _____ ft. to _____ ft.
perforations from _____ ft. to _____ ft.
perforations from _____ ft. to _____ ft.

WAS SCREEN INSTALLED? Yes ☐ No ☒

Manufacturer's name _____
Type _____ Model No. _____
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

CONSTRUCTION: Well gravel packed? Yes ☐
No ☐ size of gravel _____ Gravel
placed from _____ ft. to _____ ft. Surface seal
provided? Yes ☐ No ☐ To what depth?
_____ ft. Material used in seal: _____

Did any strata contain unusable water? Yes ☐
No ☒ Type of water: _____
Depth of strata _____ ft. Method of sealing
strata off: _____

Surface casing used? Yes ☐ No ☐
Cemented in place? Yes ☐ No ☐

Locate well in section

LOCATION OF WELL: County Cassia
NE 1/4 NE 1/4 Sec. 12 T. 16 N. S. 24 E. M.

Use other side for additional remarks

Size of drilled hole: _____ Total
depth of well: _____ Standing water
level below ground: _____ Temp. _____
Fahr. _____ Test delivery: _____
or _____ cfs Pump: ☐ Bail ☐
Size of pump and motor used to make test

Length of time of test: _____ Hrs. _____ Mins.
Drawdown: _____ ft. Artesian pressure: ft.
above land surface _____ Give flow _____ cfs
or _____ gpm. Shutoff pressure: _____
Controlled by: Valve ☐ Cap ☐ Plug ☐
No control ☐ Does well leak around casing? Yes ☐ No ☐

DEPTH		MATERIAL	W
FROM	TO		

FEET	FEET	
0	10	Top Soil
10	25	Clay & Gravel
25	35	Gravel & Sand
35	65	Clay & gravel
65	75	Soft mud clay & gravel
75	100	Clay & gravel
100	105	Hard Pan
105	135	Gravel & sand
135	140	Hard Pan
140	150	Clay & Gravel
150	155	Sand & Gravel
155	170	Clay & gravel
170	175	Gravel & sand
175	195	Gravel & Sand
195	200	Hard Pan
200	210	Gravel & sand
210	220	Gravel & sand
220	235	Gravel & sand
235	265	Gravel & sand
265	280	Gravel & sand

Work started: Aug 21, 1966
Work finished: Aug 24, 1966
Well Driller's Statement: This well was
drilled under my supervision and this is
true to the best of my knowledge.
Name: _____

Address: _____
Signed by: _____
License No. 278 Date: _____
107

June 15, 1966

Re: Permit No. G-30797

Mr. Duane D. Ward
Almo, Idaho

Dear Mr. Ward:

In reply to your recent question please be advised that this office has no objection to your plan to drill a new well under your Permit G-30797. You should understand that the well is to be located in the NE1/4, Sec. 12, S. 16 T. 24 N., R. 24 E., and your permit covers use of 125 inches of water for irrigation of 214.69 acres of land. Works are to be completed by November 14, 1967.

Very truly yours,

R. KEITH HIGGINSON, Deputy
State Reclamation Engineer

RKH:ew

30797

WELL LOG AND REPORT OF THE STATE RECLAMATION ENGINEER OF IDAHO

Permit No. 2-2079

Well No. _____

County Caribou

Owner Drayne, Ward

Address Almo Idaho

Driller Dean T. Hooten

Address Almo Idaho

Well location T. 16 N. 24 E. Sec. 12

Size of drilled hole 16"

Locate well in section

NW 1/4	NE 1/4
SW 1/4	SE 1/4

Total depth of well 200

Give depth to standing water from the ground 14

Water temp. _____

On "Pumping Test" delivery was _____

g.p.m. or c.f.s.

Drawdown was _____ feet

Size of pump and motor used to make test 10 HP

Length of time of test 5 hours

minutes

If flowing well, give flow _____

c.f.s. or

g.p.m. and of shut off pressure _____

If flowing well, described control works _____

Water will be used for Irrigation

Thickness of casing 5/16"

Casing material _____

Weight of _____ lb. per lineal foot

Diameter, length and location of casing 1 _____

00 deep

TEE CONCRETE WOOD ETC.

ASB G CASING

N. DIAMETER OR LESS, G. I. INSIDE DIAMETER
IN DIAMETER G. I. O. TRIDE DIAMETER

CASING RECORD

Diam. Casing	From Feet	To Feet	Length

Remarks—seals, routing, etc.

Number and size of perforations 2560 1/2 X 6"

located

from 14 feet to 200

feet from ground

Date of commencement of well May 10, 1951

Date of completion of well

May 20, 1951

NENE 5.12 16524E

1. Name of Applicant: Walter D. Ward
Postoffice address: Almo County Cassia State Idaho
2. Quantity of water claimed: 125 inches or 2.5 c.f.s.
(a) Rate of withdrawal in cubic feet per second Miners' inches or gallons per minute
(b) Annual withdrawal in acre feet per annum
3. Source of water supply: Well
4. Location of point of diversion or well is in the NE 1/4 of the NE 1/4 of Section 12
Twp. 16 S., Rge. 24 E., N.M., County of Cassia
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:
(a) Point of use of water is in the 1/4 of the 1/4 of Section 12
Rge., N.M., Twp.
(b) Waste water or sewage effluent is to be returned to
at a point in the 1/4 of the 1/4 of Section 12
Twp., Rge., N.M.
7. Kind of works: Well, pump and ditches
8. Estimated cost of works: \$ 1,800.00
9. (a) Is reservoir to be used? no
(b) Capacity of reservoir
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years. Well was drilled in 1951 and each year since water has been used from said well to irrigate the lands herein described.
11. If applicant is a corporation, give:
I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$
(c) Amount paid in: \$
(d) Names and addresses of directors:
II. The financial resources of the applicant are (a) Cash on hand: \$
(b) Treasury stock:
(c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:
Water rights to Raft River, Cassia County, Idaho, which has not produced any water for the last 15 years and was never adequate for the land.
(a) 2.5 (cubic feet per second, ~~inches or gallons per minute~~) of the water herein applied for is to be supplemental to the existing water rights
(b) (cubic feet per second, inches or gallons per minute) is for new lands.

Remarks

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

s/ Dwayne D. Ward

8 pages out

138

102. 148

Date of first receipt at Department of Reclamation: 9:00 A.M. November 2, 1962

Returned to applicant for correction: November 2, 1962

Corrected application received: November 13, 1962

Approval of State Reclamation Engineer

The number of this permit is C: 30797

Entered in Book 100 Page 30797 Approved November 14, 1962

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before

and to continue diligently and uninterruptedly to completion unless

temporarily interrupted by circumstances over which the permit holder has no control.

One fifth of the work above specified to be completed on or before **May 11, 1965**

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith to be made and proofs offered on or before November 14, 1967

Witness my hand this 14th

day of November, 1962

8/ CARL E. TAPPAN, Assistant
STATE RECLAMATION ENGINEER

, Governor of the State of Idaho.

IN TESTIMONY WHEREOF, We,

ROBERT E. SMYLT

ABEOL WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to

Be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 14th

day of **November**, 19 **62**

Countersigned

STATE OF IDAHO

(55A1)

BA 3/ ARNOLD WILLIAMS

By s/ ROBERT E. SMYLLIE

Governor

Secretary of State

12

[illegible]

APPLICANT

Form No. 0

Trp 16-25

Sec 12-16-24

44

23

23

23

23

23

23

23

23

23

23

Sec 16-16-25

12

7

Sec 7-16-25

Permit Map No. 30797

As Approved

NOV 14 1962

GEO. N. CARTER

State Reclamation Engineer

SCALE: 2 inches Equal 1 Mile. Draw Plan in Ink.

30797

4

0.5 STEEL HEARING
A43-02556

IDWR Employee/Agent Frank Hitchcock

RE:
RECORDS FOR USAGES RELATED
STEED/REEDSPRINGS-HEARING.

DISCUSSED HIS PROTEST RE: STEED USAGES AND FLOWS FROM THE STEED ACRES.

WARD CALLED BACK AT 11:42 TO CONFIRM THE JONES CLAIMS BEING PULLED. HE STOPPED IN SHORTLY AFTER NOON TO PICK UP THE PROOFS LEFT FOR HIM AT THE FRONT DESK.