

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: A43-02558  
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: JAN 07, 1963

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 13S      | 26E   | 20      | NW     | SE     | SW  |     | CASSIA |

5. Description of diverting works:  
WELL & PUMPT

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 1.540  |      |        |

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

8. Total consumptive use is 555.0 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   | 20      | NE  |    | SW  |     | IRR           | 16.0  |
|          |       |         | SE  |    | SW  |     | IRR           | 31.0  |
|          |       |         | NE  |    | SE  |     | IRR           | 24.0  |
|          |       |         | NW  |    | SE  |     | IRR           | 25.0  |
|          |       |         | SW  |    | SE  |     | IRR           | 28.0  |
|          |       |         | SE  |    | SE  |     | IRR           | 23.0  |
|          |       |         |     |    |     |     | Section Acres | 147.0 |
|          |       | 21      | SW  |    | NW  |     | IRR           | 20.0  |
|          |       |         | NW  |    | SW  |     | IRR           | 18.0  |
|          |       |         |     |    |     |     | Section Acres | 38.0  |
|          |       |         |     |    |     |     | 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:

A43-00272, A43-00273, A43-00274

14. Remarks:

15. Basis of Claim: LICENSE

Water Right Number: 30837

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. Edward Date: 5/30/89  
Samuel D. Edward Date: 5/30/89

State of Idaho

County of Twin Falls )  
SS.

Subscribed and sworn (or affirmed) before me this 30<sup>th</sup> day

of May 19 89

Steve C. [Signature]  
Notary Public

Seal

Residing at Twin Falls

My Commission Expires Dec 7, 1994

07/25/2001

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

RIGHT NUMBER: 43-2558

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

SOURCE: GROUND WATER

QUANTITY: 1.54 CFS  
647 AFY

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER  
ACRE. COMBINED RIGHT NOS. 43-272, 43-273, 43-274, 43-2558, AND 43-10268.

PRIORITY DATE: 01/07/1963

POINT OF DIVERSION: T13S R26E S20 NWSESW 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          | 1.54 CFS<br>647.00 AFY |

PLACE OF USE:

| <u>IRRIGATION Within CASSIA County</u> |      |    |               |      |    |
|----------------------------------------|------|----|---------------|------|----|
| T13S R26E S20                          | NESW | 18 | T13S R26E S20 | SESW | 26 |
| T13S R26E S20                          | NESE | 33 | T13S R26E S20 | NWSE | 28 |
| T13S R26E S20                          | SWSE | 30 | T13S R26E S20 | SESE | 31 |
| T13S R26E S21                          | NWSW | 21 |               |      |    |

187 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED  
TOTAL OF 187 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-272,  
43-273, 43-274, 43-2558, AND 43-10268.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

12/14/2000

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

RIGHT NUMBER: 43-2558

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

SOURCE: GROUND WATER

VERIFIED BY: KKC

QUANTITY: 1.54 CFS  
647 AFY

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE  
THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 43-272, 43-273,  
43-274, 43-2558, AND 43-10268.

PRIORITY DATE: 01/07/1963

POINT OF DIVERSION: T13S R26E S20 NWSEW 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          | 1.54 CFS<br>647.00 AFY |

PLACE OF USE:

IRRIGATION Within CASSIA County

|               |      |    |               |      |    |
|---------------|------|----|---------------|------|----|
| T13S R26E S20 | NESW | 16 | T13S R26E S20 | SESW | 31 |
| T13S R26E S20 | NESE | 24 | T13S R26E S20 | NWSE | 25 |
| T13S R26E S20 | SWSE | 28 | T13S R26E S20 | SESE | 23 |
| T13S R26E S21 | SWNW | 20 | T13S R26E S21 | NWSW | 18 |

185 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION  
OF A COMBINED TOTAL OF 187 ACRES IN A SINGLE IRRIGATION  
SEASON. COMBINED RIGHT NOS. 43-272, 43-273, 43-274, 43-2558,  
AND 43-10268.

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:

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

Idaho Dept of Water Resources  
Claims review notes and narrative

Date: 11-27-2000  
12-15-2000

File: 43-272 ward sys analysis and prelim review

Prepared by Kelly K Christensen

**PRE EXAM REVIEW**

**POST EXAM ANALYSIS**

**43-272, 43-273** claimed from Cassia Creek on the decreed place of use and an additional forty acre tract (NWSW Sec 21). A portion of that quarter has been licensed for irrigation under 43-2558 (groundwater source).

**Basis of recommendation:**

I am recommending the Cassia Creek rights from two points of diversion that allows irrigation on both sides of Cassia Creek. The riparian area surrounding Cassia Creek is not irrigated or recommended. Rice Springs water is delivered into the north side delivery system and can irrigate all of the same acres north of Cassia Creek. The ground south of Cassia Creek is currently marginally irrigated. Charles indicated that there have been problems with the shared ditch and that he often does not get any water to irrigate with. The recommended PP/U is for all irrigated acres with the Cassia Creek decreed rights and limited to the irrigated acres within the decreed place of use.

**43-274** was claimed for irrigation, stockwater, and domestic uses. The domestic and stockwater uses are not part of the decreed uses and therefore are not recognized under this right.

For irrigation uses, it was claimed from Warm Creek / Rice Springs on the decreed place of use plus two additional quarters. The decree lists Warm Creek as the source. Added ground is the NENW Sec 20 and the NWSW Sec 21.

In reviewing the 1962, 1968, and 1987 aerial photography there is no clear indication of an irrigation system in the NENW Sec 20.

The NWSW Sec 21, again, was apparently developed under 43-2558 and this use expanded onto that ground.

The stockwater use is claimed in the NENW of Sec 19 and W $\frac{1}{2}$ NW $\frac{1}{4}$  of Sec 21 all that is Blm ground. Remarks in the claim seem to indicate that a pipeline watering system was developed. If so this would indicate a separate system and use (in essence a new claim).

The domestic/stockwater use also appears to be in a pipeline that may or may not be independent of the other stockwater uses. Additional information needed as of 11-27-2000.

**Basis of recommendation:**

After visiting with Charles Ward, I am recommending this right for the ground North of Cassia Creek and south of the Cassia Creek ditch recommended under the other 2 decreed rights. I am not recommending any irrigation at the spring source. Charles Ward stated that he is the only person that diverts water from this source.

The domestic and stockwater uses were developed through two different systems and at different times. Therefore I have split those uses off this claim and am recommending them as follows.

43-11293 for domestic and stockwater with a 1938 priority date.

43-11297 for stockwater with a 1956 priority date.

The recommendations are based upon information supplied by Charles Ward.

**43-2558** is a licensed groundwater right. The field examination was conducted in 1968. The licensed place of use overlaps with the decreed place of use and adds ground in Sec 21. The ground in the SWNW of Sec 21 does not appear to be irrigated. (Possible unrecorded transfer to other ground under the surface water claims?)

The licensing field exam identifies ground on both sides of Cassia Creek as the irrigated place of use but smaller than the ground identified under the claimed place of use for the decreed rights.

**Basis of recommendation:**

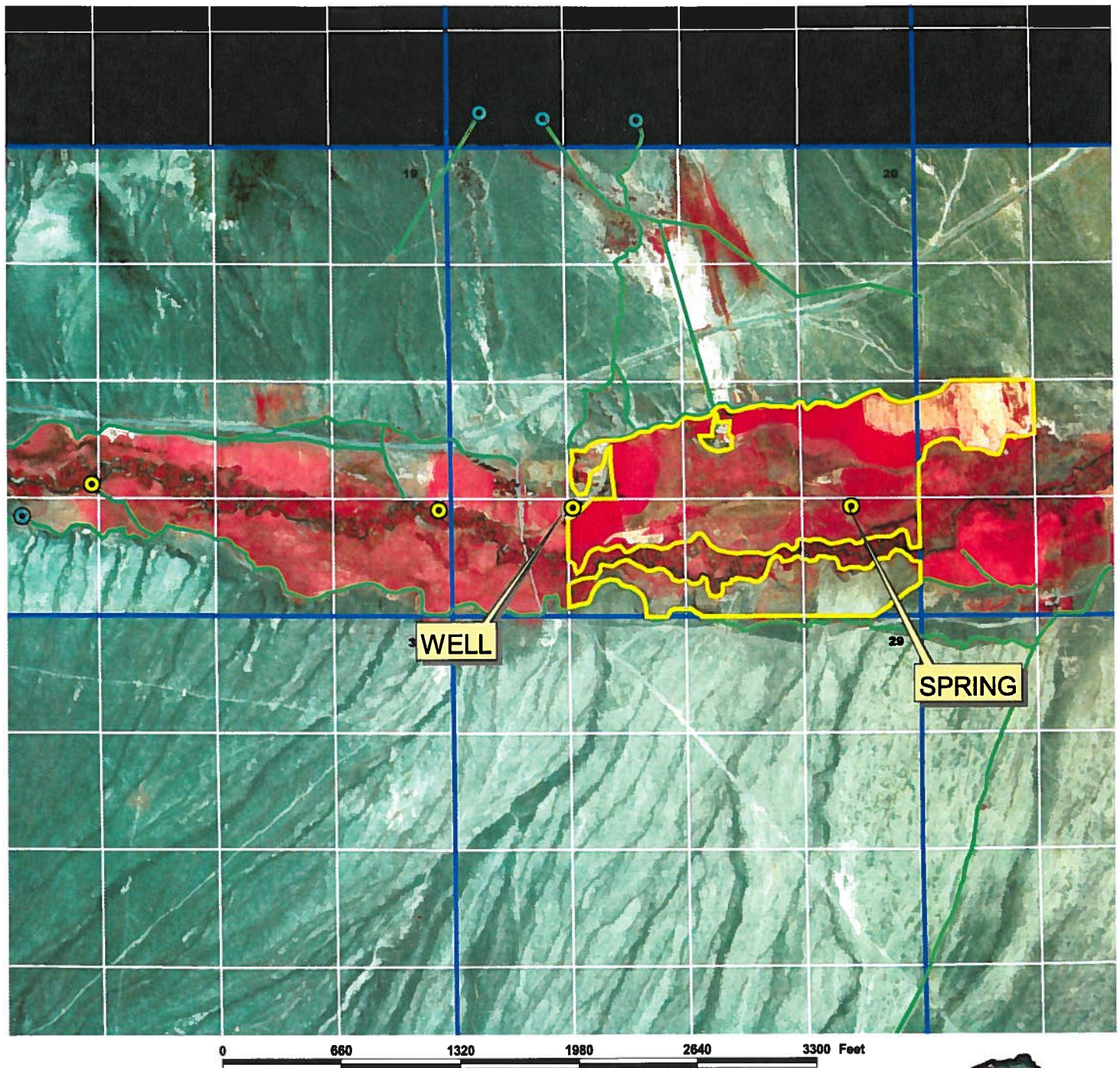
I am recognizing an unrecorded transfer for licensed acres in the SWNW of Sec 21. The recommended PP/U exceeds the licensed acre total, therefore I am recommending this right with a place of use limit of the licensed acreage.

**43-10268** is a beneficial use claim for wastewater and "spring" water for use on ground already covered by the licensed and decreed rights. Evidence of priority pending investigation. Delivery system not clear. For additional information see the narrative from Steve Clelland dated 1-10-1992 describing some of the system and its operation.

**Basis of recommendation:**

I am recommending the spring water source only. As the waste water is from the other rights recommended on this PP/U and is being reapplied onto ground within the same PP/U. After visiting with Charles Ward and reviewing the place of use in ArcView with him, I am recommending 4 acres as being irrigated with the spring water at 1½ inch per acre (recommendation is less than 5 acres). The recommended place of use is for 4 acres within the PP/U north of Cassia Creek.

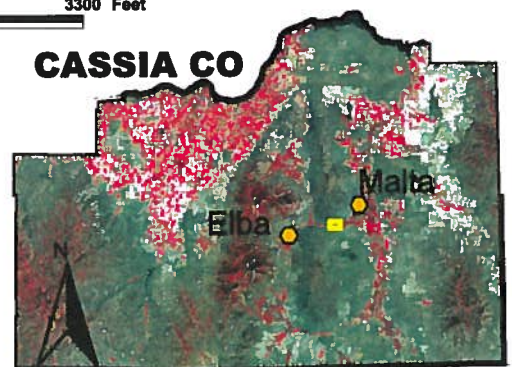
# RECOMMENDED PLACE OF USE FOR 43-272, 43-273, 43-2558 AND 43-10268



PLACE OF USE  
TWP 13S, RNG 26E, SEC 20 & 21  
Data entry on December 15, 2000

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

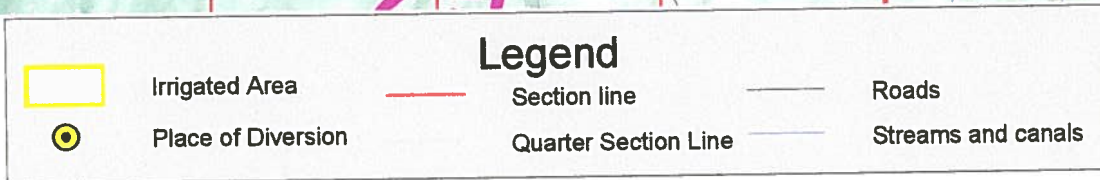
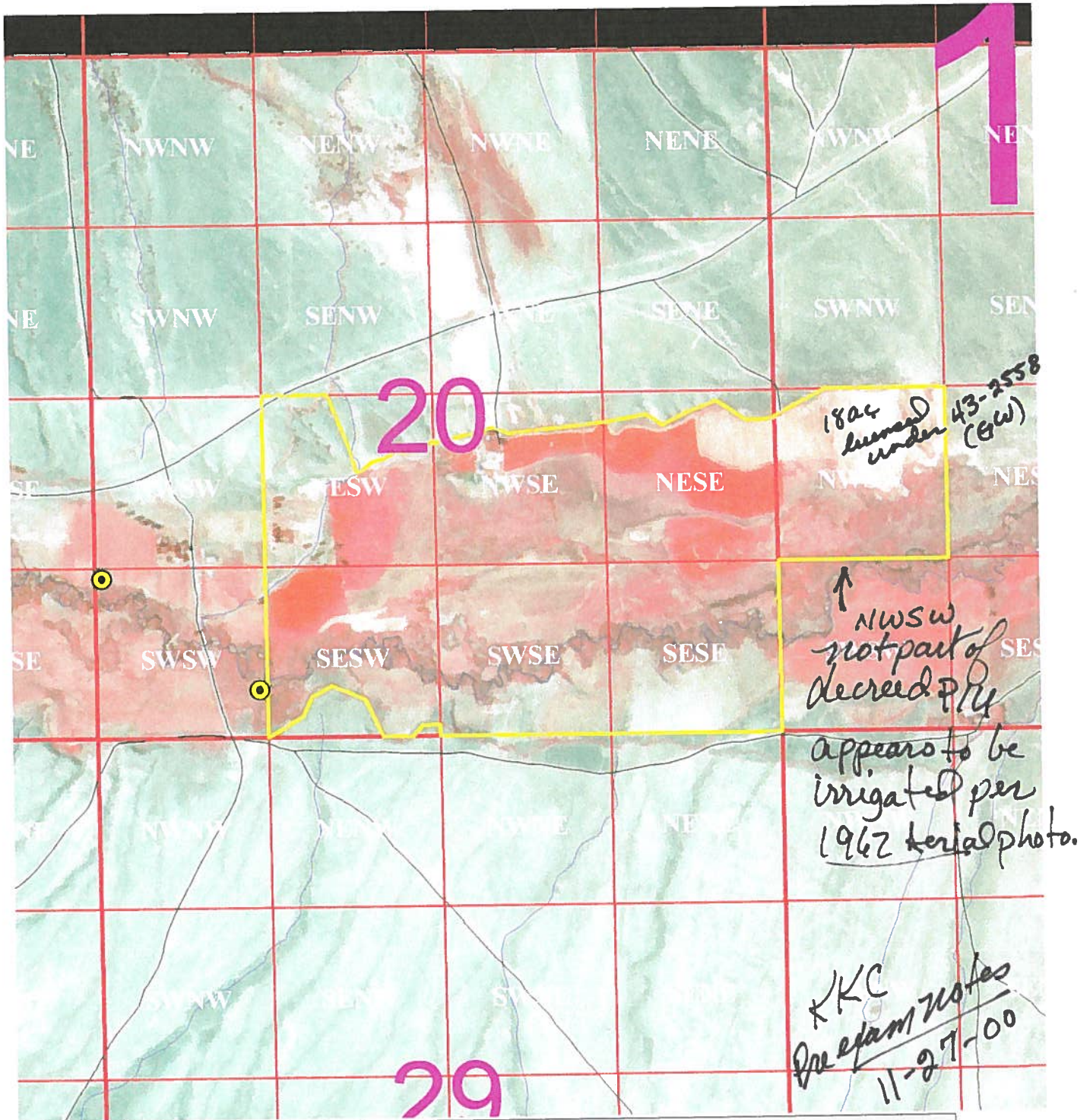
-  RECOMMENDED POINT OF DIVERSION
-  RECOMMENDED PLACE OF USE
-  SECTION LINES
-  QUARTER/QUARTER LINES



# Water Right Claim Number A43-00273

01/27/2000

Township , 13S26E



400 0 400 800 1200 1600 2000 Feet



**Log for claim A43-02558**

Spatial Dynamics LRR

1/27/00

| <b>T</b>       | <b>R</b> | <b>SEC</b> | <b>QQ</b> | <b>Acros<br/>Claimed</b> | <b>Acros<br/>Found</b> | <b>COMMENT</b>  |
|----------------|----------|------------|-----------|--------------------------|------------------------|-----------------|
| 13             | 26       | 20         | NESW      | 16                       | 16                     |                 |
| 13             | 26       | 20         | SESW      | 31                       | 32                     |                 |
| 13             | 26       | 20         | NESE      | 24                       | 34                     |                 |
| 13             | 26       | 20         | NWSE      | 25                       | 25                     |                 |
| 13             | 26       | 20         | SWSE      | 28                       | 29                     |                 |
| 13             | 26       | 20         | SESE      | 23                       | 23                     |                 |
| 13             | 26       | 21         | SWNW      | 20                       | 0                      | No apparent use |
| 13             | 26       | 21         | NWSW      | 18                       | 18                     |                 |
| <b>Totals:</b> |          |            |           | 185                      | 177                    |                 |

## WATER LICENSE

Water License No. G-30837 Priority January 7, 1963 Amount 1.54 c.f.s.

(late proof)

THIS IS TO CERTIFY, that Grover I. Ward - Assignee - CHARLES WARD

of Malla, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated December 3, 1962; that Permit G-30837 was issued pursuant to said application; that the proposed works were completed on or about 1968, with a storage/or carrying capacity of 1.54 c.f.s., said works consisting of well, pump, motor and earth ditches; and that on January 11, 1968, proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 647 acre feet per season, with a maximum rate of diversion of 1.54 cubic feet per second of the waters of ground water, tributary of \_\_\_\_\_, for the purpose of Irrigation from April 1 to October 31; and for \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_; and for \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_; and that the use of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is located in SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , Sec. 20, T. 13 S, R. 26 E, B.M., and other additional points \_\_\_\_\_, in the County of Cassia; and that the amount of water to which such right is entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes and shall not exceed 647 acre feet per year.

Description and location of place of use:

| TWP. | RANGE | SEC. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | TOTALS |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|      |       |      | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
| 13 S | 26 E  | 20   |                  |                  |                  |                  |                  |                  |                  |                  | 16               |                  |                  | 31               | 24               | 25               | 28               | 23               | 147    |
|      |       | 21   |                  |                  |                  |                  |                  |                  | 20               |                  |                  | 18               |                  |                  |                  |                  |                  |                  | 38     |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres irrigated 185

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

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

4th day of August, 19 69.

*[Signature]*  
State Reclamation Engineer

30837

43-2558

43-2558

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

Permit No. G-30837

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

1. Name of applicant Charles Ward

2. Source of water supply: subterranean

3. Location of point of diversion: Is in the SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Section 20  
T. 13 S R. 26 E County of Cassia

4. Describe works as they exist, giving dimensions and capacities of same:

50 HP US CLEC MOTOR # 36 V 980  
FARRANKS - WOODS V.T.P. # PL 1379  
8" DISS. HOLE 10' INTO EARTH DITCH - GRAVITY  
IRRIGATION

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):

NW  $\frac{1}{4}$  NE  $\frac{1}{4}$ , NE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , E  $\frac{1}{2}$  SW  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , sec. 20; SW  $\frac{1}{4}$  NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$  SW  $\frac{1}{4}$ , sec. 21, T. 13 S, R. 26 E, B.M.

480 Acres

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

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

Remarks:

STARTING MOTOR USED:  $\frac{2 \text{ m.f.}}{1.3 \text{ m.f.}} = 1.54 \text{ cfs.}$

IRRIGATION REQUIREMENT = 3.5 AC. FT. / ACRE / SEASON

This examination was made on the 15th day of May, 1968

(Signed) Don Reynolds  
Examiner.

30837

43-2558

2AR

Permit

This proof is for Co

1. Name of applica

2. Source of water

3. Location of poin

T 13 S

4. Describe works

CS SC

FARRANKS

8" DISS

IRRIGATION

5. Water is used for

6. State whether or

7. List legal subdiv

of acres under c

than irrigation):

NW 1/4

(Submit ma

8. What large strea

Remarks:

SPARKING

IRRIGATION

This examination

AREA = 185 ACRES

SUBD = 8

Q = 1.34 CFS

VOL = 647 AC-FT / SEASON

PRIORITY = (WATER PROOF) JAN 7, 1963

