

1 atm Irrigation

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: A43-07138
Date Received: 5/18/1989
Receipt No: 4003637
Received By: JAC

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: RONALD C. WARD 208-824-5594
Address: BOX 1540
ELBA, ID 83326
AND/OR
Name: VENNA C. WARD 208-824-5594
Address: BOX 1540
ELBA, ID 83326

2. Date of Priority: MAR 02, 1979

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
15S	25E	19	NE	NW	NE		CASSIA

5. Description of diverting works:
16" CASING 1000' DEEP 75 HP. MOTOR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.600		

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

8. Total consumptive use is 252.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A43-07138

Page 1

05/18/89

MICROFILMED
MAR 04 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15S	25E	19	NE		NE		IRR	21.0
			NW		NE		IRR	36.0
			SW		NE		IRR	36.0
			SE		NE		IRR	8.0
							Section Acres	101.0
							Total Acres	101.0

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:
NONE

14. Remarks:

15. Basis of Claim: LICENSE

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): Ronald C. Wood Date: 5/18/89

Date: _____

State of Idaho)
County of Carrie) SS.

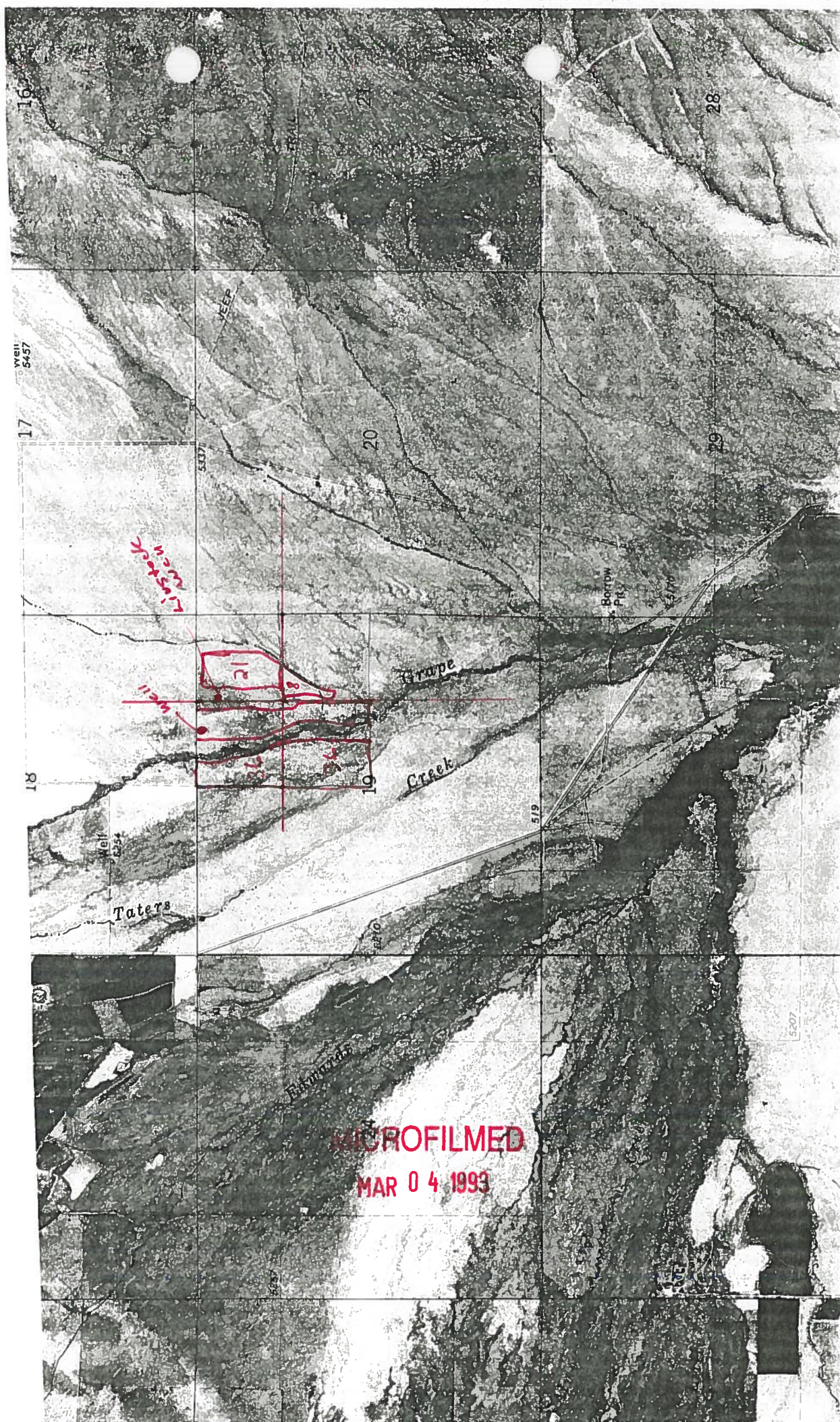
Subscribed and sworn (or affirmed) before me this 10 day

of May 19 89
Seal

John Dale Carter
Notary Public

Residing at Bain Tel

My Commission Expires 4/2/91



Old (D) Number -

1 -
2 -
3 -
City- ELBA
Phone -
State- ID zip- 83326

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+ - - - Stage - - - +
| - LICENSE
+ - - - Status - - - +

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----- Tributary -----

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-----+-----
Stream Index (Blank if no Index Code)

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Diversion Rate	Diversion Volume
1.600	353.50

capacity - +
500

Description	County
RRIGATION	(31) CASSIA
RRIGATION	(31) CASSIA
RRIGATION	(31) CASSIA
RRIGATION	(31) CASSIA

EM.

.....+

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Numbers - - - - +  
bers found.
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approval - - - - -
oval found.

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MICROFILMED
MAR 04 1993

WATER RIGHT

+ - Decree Date - +
00/00/0000

- Comments -
No Comments Found

+ - - Audit Fields - 09/21/87 05/28/88 CONVERT

```
+-----+-----+-----+-----+-----+-----+-----+-----+-----+
+-----+-----+-----+-----+-----+-----+-----+-----+-----+
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Proof Due Date	- 05/01/1985	Field Exam Made	- 06/09/1983	Field Exam Fee	-
Approved/Denied	- 05/19/1980	Protested Date	- 00/00/0000	Swan Falls	- Y
Proof Made Date	- 05/09/1983	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 12/30/1986	DLE/Carrey Act	- 1
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 11/06/1986	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000	Presumption Flag	-		

MICROFILMED
MAR 04 1993

05/11/2001

**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: 43-7138

VENNA C WARD
PO BOX 109
ALMO ID 83312
Telephone Number: (208)824-5594

RONALD C WARD
PO BOX 109
ALMO ID 83312
Telephone Number: (208)824-5594

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:

6/1/01

SIGNATURE:

Ronald C. Ward

Please print your name:

Ronald C. Ward

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

11/13/2000

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

RIGHT NUMBER: 43-7138
NAME AND ADDRESS: RONALD C WARD
VENNA C WARD
PO BOX 109
ALMO, ID 83312

SOURCE: GROUND WATER

QUANTITY: 1.6 CFS
353.5 AFY

PRIORITY DATE: 03/02/1979

POINT OF DIVERSION: T15S R25E S19 NENWNE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 11-01	1.60 CFS 353.5 AFY

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T15S R25E S19	NENE	32	T15S R25E S19	NWNE	29
T15S R25E S19	SWNE	34	T15S R25E S19	SENE	6.4

101.4 ACRES TOTAL

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

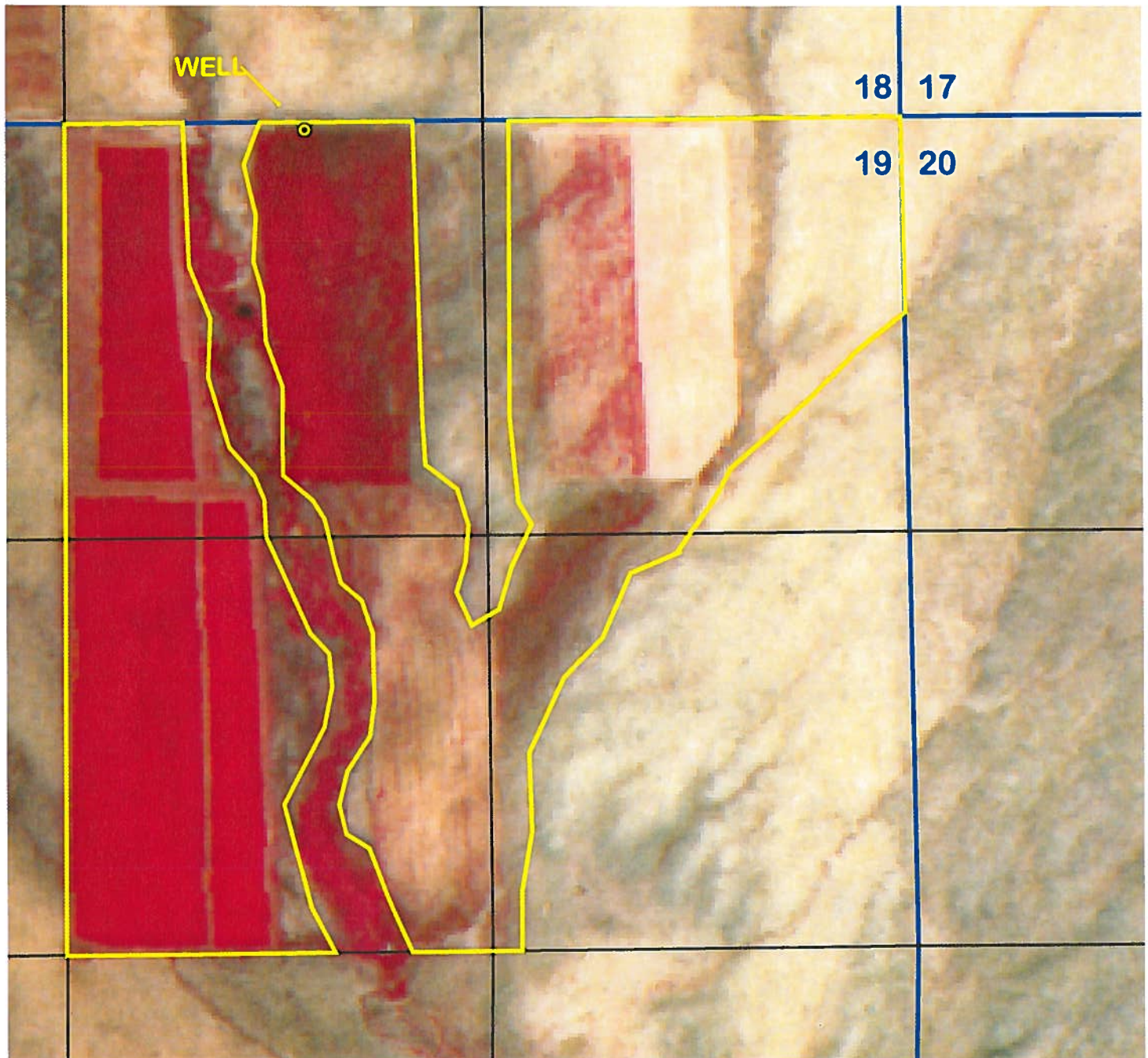
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Idaho Department of Water Resources

RIGHTS: 43-7138

RECOMMENDED PLACE OF USE
TWP 15S, RNG 25E, Sec 19
Data entry on November 8, 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

vol
353.5
28

Stage: LICENSE

CASSIA County

1

101.0

Dee
Joe

Comments { Slight chg in loc area location due to increased accuracy of GPS
POD verified GPS file # 5093018d

C-18

101 acres shown

TWP 15S, RNG 25E, SEC 19



Field Exam Notes

Field Exam Date: 09-30-1999

Claim No: A43-00406, -02507, -07138

Agent: Vikie Hancock

Mr. Ward accompanied me during the field exam. He was at the end of irrigation season, and no sprinklers were running at the time. The two wells had been turned off on Sept 18th. Water in Grape Creek was much diminished, and was no longer being turned into the pond in Section 31 for diversion into the gravity sprinkler system. A measurement to determine bankful capacity of Grape Creek was conducted approximately 100 yards upstream of the pond in the SWSW Section 31.

The system represented by claims A43-00406 (decree on Grape Cr.) and A43-02507 (GW license), is a combination of surface and GW, pumped and gravity driven sprinkler, and flood. It is all interchangeable within the acres irrigated by claimant in Section 7.

Grape Creek is shared by the Claimant, upstream user Jay Black and downstream user Clark Ward. Grape Creek was only used for flood irrigation until the early 1980s when ASCS helped the three users install a gravity sprinkler system utilizing a pond in the SWSWSW section 31, and two pipelines. An 8 inch pipeline goes to Clark Ward, a 12 inch pipeline serves Jay Black and Ron Ward. All water from Grape Creek is diverted into the pond in spring, after which the water is turned into the two pipelines. The three users agree that on or about October 1st of each year, the water is put back into the creek channel for stockwater. The pipeline has enabled much more efficient use of Grape Creek and less reliance on groundwater pumping.

There are considered to be 4 water shares on Grape Creek. One is owned by the claimant, one by Clark Ward, and two by Jay Black because his family purchased two of the original four Jobe Adams decreed parcels. The three parties work together to insure that they all have enough water to last the season. It was stated by Ron Ward that he uses more Grape Creek water early in the season and more GW late in the season because he has the best well and his GW supply lasts later than Clark Ward's or Jay Black's. (This was corroborated the next day by J. Black).

Claimant also uses Grape Creek water to irrigated non-decreed pasture land in section 31. This is usually for about 10 days in early spring, and only when there is so much water that there is also enough going downstream to get the decreed acres of all three claimants wetted up. It is done with the full knowledge of the other two water users. Ron Ward and Jay Black contend that using the water on this pasture in the early spring makes the creek run stronger during the rest of the year, and J. Black says it positively effects how long his wells in NENE section 6 last. I explained to claimant that these acres

in section 31 could not be claimed under his decreed right #A43-00406 with a 1880 priority date, but may be claimed as an expansion under beneficial use with a 1937 priority, which is when he said his father began irrigating the pasture land. Claimant was not sure if he should file a claim for this high water, even though he intends to keep using it in years when it is available. I informed him that the cost to file an expansion claim would be \$50.00 with no fees for acreage because he had already paid for those under 43-00406. Claimant says this top pasture is great for calving in the spring and he generally leaves the grass over winter so that it is available for the cows then.

Within the claimant's property in section 7 there are 160 acres upon which 3.2 cfs of Grape Creek water has been decreed. He also has 113 acres licensed for 2.26 cfs from a well located in the NW NE Section 7. Grape Creek water from the pipeline is accessed at a valve along the west edge of his property and is mixed with the GW. At times the entire sprinkler system is using surface water, and at times the entire sprinkler system is using ground water. Sometimes it is using a combination of both, and note that claimant says there is more pressure in the Grape Creek pipeline than in the pipeline from the well. In normal years, claimant says he usually uses Grape Creek water exclusively until June 1st, at which time he switches to mostly GW for sprinkling, but few years are that normal. There are also four surface diversions from Grape Creek as it winds through the fields. These are used to flood irrigate the bottommost part of the field, which is meadow. One diversion is north of his property and is used to flood the top portion of the NW NE section 7. One more is diverted to the east, and two more are diverted to the west to flood these meadows. Claimant says that, in extremely dry years, he has had to run groundwater out onto the meadows, as the meadows are as important to him as the other hay ground and grain fields. Claimant runs cattle and uses the farm to raise cattle feed.

Claim A43-07138 is based on a GW license for 101 acres in section 19 and is unrelated to the system in section 7 or 31. It appeared to be as licensed, with sprinkler mainlines still in place, but no longer running. I observed and noted to claimant a dry area in the center of the property that is not irrigated, and we discussed marginal irrigation to a crested wheat field in the NENE section 19 that did not show up on the NAPP photo. Grape creek channel still goes through the center of the property and is left as a riparian area.

See also field notations on GIS print outs, and measurement notes, in the file A43-00406.

RECEIVED

NOV 14 1986

State of Idaho

Department of Water Resources
Southern Region Office

Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 43-7138 Priority March 2, 1979 Amount 1.60 cfs

THIS IS TO CERTIFY, that Ronald C. Ward
of Elba, Idaho, has complied with the terms and conditions of Permit
No. 43-7138 issued pursuant to Application for Permit dated March 2, 1979,
and has submitted proof to the Department of Water Resources on May 9, 1983,
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 1.60 cfs of water from a groundwater 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>November 1</u>	at <u>1.60</u> cfs and	<u>353.5</u> acre feet
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 1.60 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
353.5 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 19,
Twp 15S, Rge 25E in the County of Cassia

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 $\frac{1}{4}$	
<u>15S</u>	<u>25E</u>	<u>19</u>	<u>21</u>	<u>36</u>	<u>36</u>	<u>8</u>													<u>101</u>

Total number of acres irrigated 101

CONDITIONS OF APPROVAL

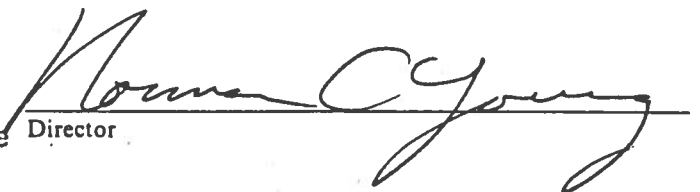
a. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

c. Any water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water other than hydropower, within the State of Idaho initiated later in time than the priority of this license.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 6TH day of NOVEMBER, 19 86.

Acting for the Director



T 1335

B

40.3

A

38.7

486

8 NEL
142.8

9
23.1

10
11.6

19

18

1978
ASCS



18 17
19 20

3 NEL
16.1

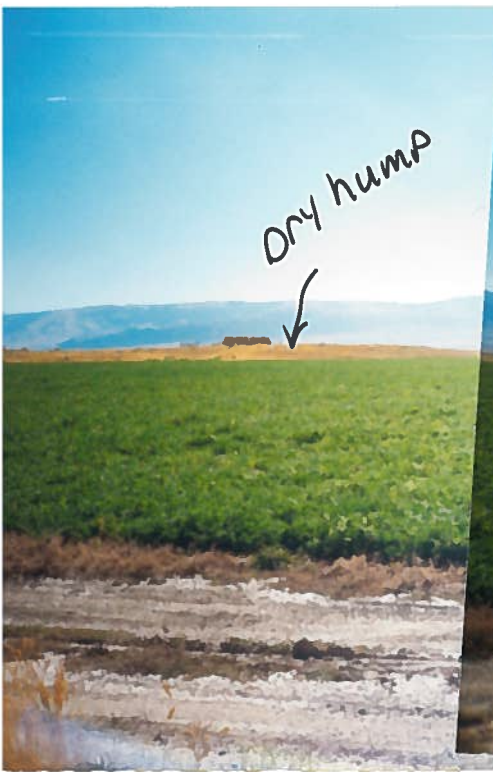
2 NEL
16.6

334





Well - looking west



Looking South from well

A43-07138