

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: A43-10291
Date Received: 5/30/1989
Receipt No: M003762
Received By: J

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: VAUDIS J. WARD 208-824-5560
Address: HC 61 BOX 1560
ELBA, ID 83326
OR
Name: CLARK W. WARD 208-824-5560
Address: HC 61 BOX 1560
ELBA, ID 83326
OR
Name: SARA JANE WARD
Address: HC 61 BOX 1560
ELBA, ID 83326

2. Date of Priority: APR 01, 1880

3. Source: SAVAGE CREEK Trib. to: GRAPE CREEK
KEG CREEK GRAPE CREEK
CLIFF CREEK GRAPE CREEK
UNNAMED STREAM GRAPE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
15S	25E	7	NE	SW			CASSIA
		17	NW	SW			CASSIA

5. Description of diverting works:
WATER FLOWS BY GRAVITY TO DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.400		
STOCKWATER	01/01	12/31	0.070		

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

A.F.A.

A43-10291

Page 1

Date: 08/11/89

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MAR 04 1993

8. Total consumptive use is 451.9 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 200 HEAD CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	25E	7		NW		STOCK	
				SW		STOCK	
			NE	SW		IRR	40.0
			NW	SW	3	IRR	40.0
				SE		STOCK	
			SW	SE		IRR	15.0
						Section Acres	95.0
		17		SW		STOCK	
		18		NW		STOCK	
			NE	NW		IRR	25.0
				SW		STOCK	
				SE		STOCK	
						Section Acres	25.0
						Total Acres	120.0

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
43-04110, 43-00401, 43-07112, 43-02044

14. Remarks:
SURFACE WATER RIGHTS ARE SUBJECT TO SHORTAGE, THEREFORE GROUNDWATER
IS SUPPLEMENTAL TO THESE LANDS.

15. Basis of Claim: BENEFICIAL USE

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): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7161

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 26, 1997

RECEIVED

SEP 30 1997

Department of Water Resources
Southern Region

TRISH FAWCETT
IDAHO DEPT OF WATER RESOURCES
1341 FILLMORE ST SUITE 200
TWIN FALLS ID 83301-3380

RE: ADDRESS & OWNERSHIP CHANGES FOR SOUTHERN REGION

Dear Ms. Fawcett:

Enclosed is a list of southern region records that our office changed. After the records were changed I realized I should have sent them to your office to do the changes.

I apologize for the inconvenience.

The first item (for Basin 43) is a change of address for attorney Ray Rigby that was sent to us from Boise.

The second item (for Basin 72) is a change of ownership from San Felipe Ranch to Mountain Springs Ranch LLC that was sent to us from San Felipe Ranch.

If you have questions, do not hesitate to contact me.

Sincerely,

Jennifer Hoagland

Jennifer Hoagland
Technical Records Specialist

Enclosure

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: M003762

COPY TO FILE A43-10291

6/26/89 AB

Date: 05/30/89
Time: 19:18:15

NUMBERS ~~A43-10291~~ PUT ON RECEIPT
ORIGINAL ONLY HAD TOTAL \$

Received

From: O.U. RANCH/WARD, VAUDIS

Type of Payment	Program Acct Class	Amount
SNAKE RIVER BASIN GENERAL ADJUD. FEES	0410162 9337 6490	\$995.00
Total		\$995.00

CHECK 526

WR/NO: A43-07112 A43-10290 A43-00419 A43-10291 A43-04110
 A43-10292 A43-00407 A43-10293 A43-02044

Idaho Department of Water Resources

Region: MOBILE I

Signature: _____

MICROFILMED
MAR 04 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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
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CIVIL CASE NUMBER: 39576

Ident. Number: A43-10291
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ACQUIRED UNDER STATE LAW

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ELBA, ID 83326

OR

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ELBA, ID 83326

2. Date of Priority: APR 01, 1880

3. Source: SAVAGE CREEK Trib. to: GRAPE CREEK
KEG CREEK GRAPE CREEK
CLIFF CREEK GRAPE CREEK
UNNAMED STREAM GRAPE CREEK

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		17	NW	SW			CASSIA

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Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.400		
STOCKWATER	01/01	12/31	0.070		

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

8. Total consumptive use is 451.9 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 200 HEAD CATTLE

A43-10291

Page 1

Date: 05/31/89

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MAR 04 1993

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
15S	25E	7	NW		STOCK	
			SW		STOCK	
			NE		IRR	40.0
			NW	3	IRR	40.0
			SE		STOCK	
			SW		IRR	15.0
				Section Acres	95.0	
		17 18	SW		STOCK	
			NW		STOCK	
			NE		IRR	25.0
SW			STOCK			
SE			STOCK			
		Section Acres	25.0			
		Total Acres	120.0			

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
43-04110, 43-00401, 43-07112, 43-02044

14. Remarks:
SURFACE WATER RIGHTS ARE SUBJECT TO SHORTAGE, THEREFORE GROUNDWATER IS SUPPLEMENTAL TO THESE LANDS.

15. Basis of Claim: BENEFICIAL USE

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

RECEIVED
MAY 30 1989

CIVIL CASE NUMBER: 39576

Ident. Number

Date Received

Receipt Number

A43-10291

5-30-89

M003762

NOTICE OF CLAIM

Department of Water Resources

TO A

WATER RIGHT

ACQUIRED UNDER STATE LAW

Please type or print clearly Clark W. Ward or, 208 824-5560
Sara Jane Ward or, 208 824-5560
1. Name of Claimant (s) Vaudis J. Ward, a widow Phone (208) 824-5559

Mailing Address HC 61, Box 1560, Elba, Idaho Zip 83326

2. Date of Priority (Only one (1) per claim) April 1, 1880

3. Source of water supply (a) Creek water from Savage, Keg and Cliff creeks, subwater ar
surplus irrigation water from adjoining lands.
which is tributary to (b) Grape Creek, a tributary of Raft River

4. a. Location of existing point of diversion is: Township 15S Range 25E Section 7,

1/4 of NE 1/4 of SW 1/4, Govt. Lot, B.M., County of Cassia

Additional points of diversion if any: Twp. 15S, Rge. 25E, Sec. 7, NE1/4SE1/4; NW1/4SW1/4
Sec. 17, Township and Range aforesaid.

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Water flows by gravity flow from the
sources directly into irrigation ditches.

MED

93

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4-1 to 11-1 amount 2.4 or _____

For Stockwatering purposes from 1-1 to 12-31 amount 0.070 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.47 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 451.90 acre feet per annum for this and other claim for this land.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 200 head of cattle

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
15S	25E	7							S	S	S	S	S	S	S	S	S	S	95
15S	25E	18					S		S	S	S	S			S	S	S	S	25
15S	25E	17									S	S	S	S					

Total number of acres irrigated 120

11. In which county (ies) are lands listed above as place of use located? Cassia

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

43-07112; 43-04110; 43-00407; The Big Spring; 43-02044 or None ()

14. Remarks:

All of the surface rights included within the rights described in paragraph 13 above are constantly subject to shortage. Therefore, whatever water available from those surface rights, if short, is supplemented by the wells, and used interchangeably on the lands claimed in paragraph 13 above.

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MAR 04 1993

Last Name Ward Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

A 16x16 grid of squares. Each square contains a crosshair pattern formed by two dashed lines intersecting at the center. The grid is composed of 16 columns and 16 rows of these squares.

MAR 04 1993

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 1 (map)

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) Sara Jane Ward Date 5/24/89
Vandis J. Ward Date 5/24/89

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho/or _____)
County of Madison) SS.

Subscribed and sworn (or affirmed) before me this 24th day of May 1989

SEAL

Notary Public Debra A. Keller

Residing at Rexburg, Idaho

My Commission Expires 11-15-93

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, Ray W. Rigby will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature Ray W. Rigby

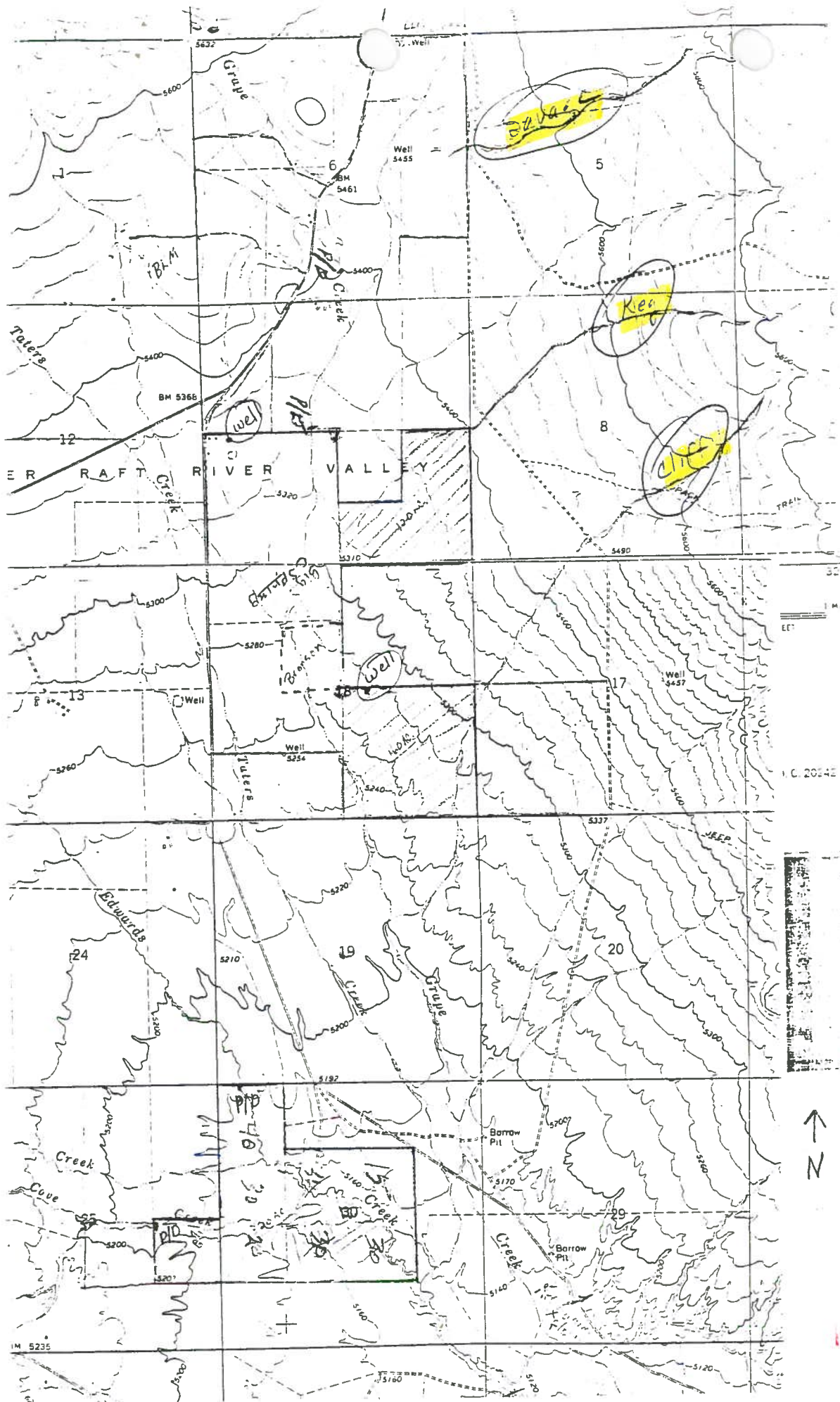
Address 25 N. 2nd E., POB 250, Rexburg, ID 83440

Date 5/24/89

MICROFILMED
MAR 04 1993

Last Name Ward Ident. Number _____

Copies White-State, Yellow-Claimant



MICROFILMED
MAR 04 1993

6/9/94

COMMUNICATION DOCUMENTATION

Claim No.A43-00407 ET AL

—
This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Frank Hitchcock

04-21-1995 9:00 AM

A REVIEW OF THIS FILE FOR PLOTTING PDS FOR MEASUREMENT THIS SEASON REVEALS THE FOLLOWING:

- 1.
1. ORIGINAL CLAIMS SIGNED BY ATTORNEY RAY RIGBY BUT NO ATTORNEY CODE FOUND ON PROOF QUERY OR ON SEL FILES FOR 43.
 2. NO EVIDENCE OF PRIORITY RETURN(S) FOR THE BENEFICIAL USE CLAIMS.
 3. LETTER COPY TO CLAIMANT 02-06-1992 RE: SYSTEM ANALYSIS AND A LEGAL ANALYSIS FOR A43-02215, -02044 AND -10290. DUE TO THE ERROR NOTED IN ITEM 1 ATTORNEY DIDN'T SEE THIS CONTACT ABOUT THE ISSUES. A COPY OF THE LETTER AND A REQUEST FOR OUTCOME(S) TO KKC 04-20-95.
 4. ATTORNEY ADDRESS INCOMPLETE AND NO PHONE NUMBER.

1. Attorney file updated w/ claimant name, claim #s
04-24-95 by FH.

RAY RIGBY
356-3633
FAX 356-0768
04-20-95

CC:
— -02044
— -10290

SHE AGREED THAT IT SOUNDED APPROPRIATE TO COMMUNICATE WITH HER AT THE OUTSET AND THAT IF AND WHEN I NEED TO DO THE FIELD EXAM I WILL NOTIFY THE FIRM ATTN MR. RIGBY AS PER OUR EXAM MANUAL. ANY FURTHER CONTACTS WILL BE TO MR. RIGBY PER THE MANUAL. CC TO FILE(S).



State of Idaho
DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

December 5, 1991

R. KEITH HIGGINSON
Director

A43-10291
SARA JANE WARD
HC 61 BOX 1560

ELBA

ID 83326

RE: Evidence of Priority

RESPONSE DEADLINE

FEBRUARY 3, 1992

Dear Claimant:

The Notice(s) of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicate your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. **The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit.** The Department will soon conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, **proof must be provided supporting the priority date you have claimed.**

The Department will not recommend the Notice(s) be decreed by the court as claimed if no evidence of a priority date is submitted.

Please find enclosed a computer printout of your Notice(s) and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

Please submit the required evidence supporting the priority date(s) by **February 3, 1992**, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

MICROFILMED

MAR 04 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

December 5, 1991

R. KEITH HIGGINSON
Director

A43-10291
VAUDIS J. WARD
CLARK W. WARD
HC 61 BOX 1560
ELBA

ID 83326

RE: Evidence of Priority

RESPONSE DEADLINE
FEBRUARY 3, 1992

Dear Claimant:

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Water Rights Supervisor

Enclosures

MICROFILMED

MAR 04 1993



DEPARTMENT
Southern Reg

Kelly:

04-20-95

URCES
301 (208) 736

CECIL D. ANDRUS
Governor

06-Feb-1992

L. KEITH HIGGINS
Director

*Status of the
legal analysis (see)?*

CLARK W WARD
HC 61 BOX 1560
ELBA ID 83326

7/
per KKC:

RE: PROOF OF PRIORITY FIL:

2215.

Dear Mr Ward

It may be that a system analysis of your water use would be the best way to determine the status of your claims and we are not planning that phase of claims review at this time. It is anticipated that the latter part of the summer will be when we review systems in your area. At that time we will need a more accurate land list of the irrigated acres as it relates to each source. The acres covered by Grape Creek should be independently identified as should the acres covered by groundwater. This will be necessary to see how many acres are covered by decreed rights and how many acres should be covered by the licensed or beneficial use rights.

There is still some question as to the status of 43-02215. Further research is needed and the department's legal staff is tied up in a court action which will delay the analysis until at least next week. It appears the status of A43-02044 may face the same legal analysis as 43-02215. When they have been analyzed, I will let you know the status of those rights. As the status of A43-10290 is related to the outcome for the above rights, doing nothing at this time would probably be your best option.

A43-10291 still needs evidence of use and priority date to be submitted, as we discussed. Whenever you collect the information please send it in and we will place it with the original claim.

If you have any questions please call me and I'll try to explain what is going on.

Sincerely

Kelly K. Christensen
Sr. Water Resource Agent

COPY COPY

06/14/2001

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

RIGHT NUMBER: 43-10291

NAME AND ADDRESS: CLARK WARD
SARA JANE WARD
VAUDIS J WARD
HC 61 BOX 1560
MALTA, ID 83342

SOURCE: KEG CREEK TRIBUTARY: GRAPE CREEK

QUANTITY: 0.46 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 04/01/1880

POINT OF DIVERSION: T15S R25E S7 NWSWSE 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	0.46 CFS
STOCKWATER	01-01 12-31	0.02 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County				
T15S R25E S18	NENW	12	T15S R25E S7	SESW 4
T15S R25E S7	SWSE	7		
STOCKWATER Within CASSIA County				
T15S R25E S7	SWSE			

23 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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

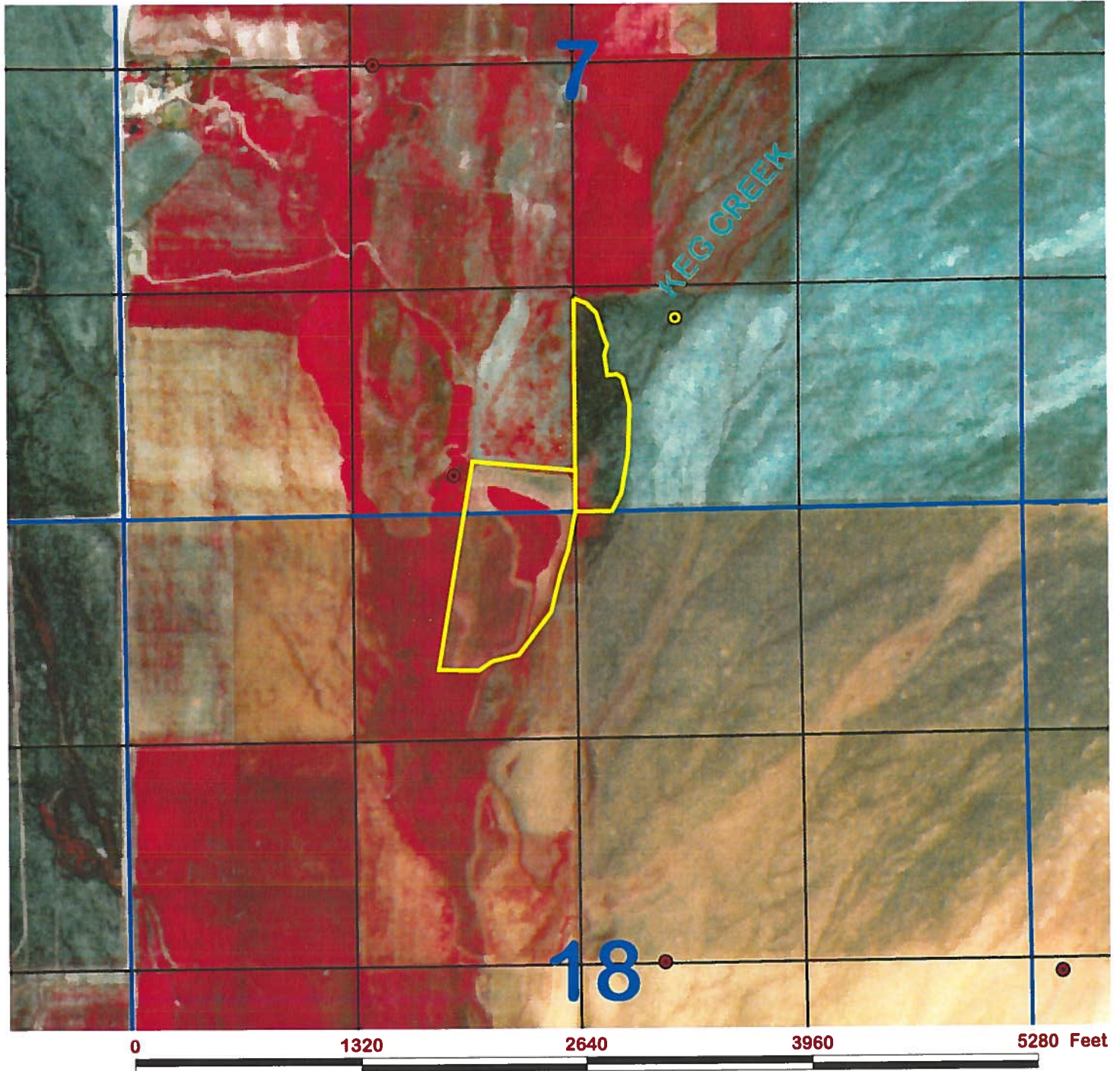
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

STOCKWATER 200 RANGE CATTLE

Idaho Department of Water Resources

RIGHTS: 43-10291

RECOMMENDED PLACE OF USE
TWP 15S, RNG 25E,
Data entry on June 14, 2001



● RECOMMENDED POINT OF DIVERSION

□ RECOMMENDED PLACE OF USE

□ SECTION LINES

□ QUARTER/QUARTER LINES



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

03/30/2001

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

RIGHT NUMBER: 43-10291

NAME AND ADDRESS: CLARK W WARD
SARA JANE WARD
VAUDIS J WARD
HC 61 BOX 1560
ELBA, ID 83326

SOURCE: KEG CREEK

TRIBUTARY: GRAPE CREEK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 04/01/1880

POINT OF DIVERSION: T15S R25E S7

NWSWSE

Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
STOCKWATER

PERIOD OF USE
01-01 12-31

QUANTITY
0.02 CFS

PLACE OF USE:

STOCKWATER Within CASSIA County
T15S R25E S7 SWSE

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

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THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

STOCKWATER 200 RANGE CATTLE

*Add IRR use
per conversion
with Row W
6-1-01*

DIVERSION RATE	DIVERSION VOLUME
2.40 CPS	0.2
0.07 cfs	

~~2.47 CFS~~
2.48

~~451.50 AFM~~

Age: BENEFICIAL USE

CASSIA County
CASSIA County

SE

TOTAL ACRES

SE

• • • • •

- This right when combined with all other rights shall provide no more than .02 cts per acre nor more than 3.5 ata per acre for the lands above.

C18
K05
708

Donna

3300
215 West
St. Louis

No pore shapefile and SDE 1-25-01



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 3, 2000

Clark Ward
PO Box 1560
Elba, Idaho 83326

RE: Snake River Basin Adjudication (SRBA)

Dear Clark,

I have come across several unresolved issues as I prepare to make my recommendations for your various claims at Almo. It has been just about a year since I visited your place, and I suspect that we have been equally busy in the interim. Here is a summary of what I need to complete your water right recommendations.

First, there is no proof of priority in the files showing when you first put the water of Big Springs (claim 43-10290) or Keg Creek (43-10291) to use for irrigation. Although I documented that there was evidence of use from these sources in 1999, there must be proof that the surface water was used prior to 1971 in order for me to recommend your water right. New appropriations of surface water after 1971 required a permit and license, therefore, if I don't have any evidence of use prior to that date, I have to disallow the two claims.

I have also done some research regarding your 1890 claim to water based upon decreed right 43-419 in the Jobe Adams Decree. This is the decree that identified the source as Raft River, but you are actually diverting Edwards and Little Cove Creeks, as well as runoff from Doug Ward's field. Because there is no historical delivery to your property from Edwards or Almo in accordance with the Jobe Adams Decree, it would seem that your water right is not based upon the decree, but upon the beneficial use of the water. Once again, this requires that you provide some documentation of when you began using the water from the creeks to irrigate your land. It would be after the date of the Jobe Adams Decree, which was signed in October 1928. I have looked at the aerial photos we have in the office which are dated 1976. They don't clearly indicate that irrigation was occurring then. If you can find some photos that show irrigation on the property prior to 1971 it would be helpful, also statements from neighbors or others who have personal knowledge of irrigation on the property but no financial interest in it. ASCS may be able to help you with photos, as they did fly that area and have archives in Salt Lake City.

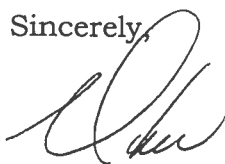
Our engineers in Boise did some investigating, and information found in our files supports your claim for a diversion of 1.2 cfs from the well located in at the north end of your place, in Section 7 (43-4110). There is a discrepancy in the number of acres irrigated from the well, however. In 1981, the claim filed

by Vaudis Ward only listed 80 acres in the NWSW and SWSW Section 7 that had been irrigated beginning in 1959. In 1989 you included another 40 acres in the NWNW Section 18 on the SRBA claim. Since you increased the number of acres irrigated from the well after the mandatory permit statute for groundwater came into effect in 1961, the additional 40 acres represents an enlargement of the original claim. The legislature passed a law that all enlargement claims receive a priority date of June 30, 1985, therefore, this 40 acres can't just be included in the claim you filed in 1989, but must be a separate claim.

I also did some more research into the old licenses on Grape Creek that you filed SRBA claims on. I now think that the license issued to Ivan Leo Durfee in 1920 for 30 acres and .6 cfs from Grape Creek (43-2215) is still valid. It was licensed shortly before the Jobe Adams lawsuit was filed and so it is possible that this use of Grape Creek was left out. But I believe the 1909 license (43-2044) in the name of Bronson, was given up. First of all, it appears from the Application for Permit by Leo Durfee in 1917 that he intended to develop lands that should have already been irrigated if the 1909 licensed right was in use. Second, and more importantly, the 1909 license would have been a long established right and thus included in the Jobe Adams Decree.

If you have questions about the different claims and what information I need, feel free to call me here at the office. If we need to have a meeting I can make an appointment that will be convenient for you, and this would probably be the best way for you to file the enlargement claim. Mr. Rigby is still listed in our files as your attorney. If he still represents you, I encourage you to seek his advice about the above issues. If you wish me to forward a copy of this letter to him, I certainly will. I look forward to hearing from you.

Sincerely,



Vikie Hancock
Sr. Water Resource Agent



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 29, 1999

Clark Ward
HC 61 Box 1560
Elba, Idaho 83326

RE: Snake River Basin Adjudication (SRBA)

Dear Clark,

I have been organizing the data I collected during my field exam of your systems on October 12, 1999, and wanted to review the things that I need more information on before I can complete the processing of your claims.

I did some research of Department records and found the 1990 drilling log for your well east of the house in the NESW Section 7. It stated that the pump test produced 801 gpm. I also found the 1997 drilling log for deepening what appears to be the same well, however, and it states the pump test produced 60 gpm. This would be substantially less than the diversion rate of 1.27 cfs that you claimed for A43-04110. It would be very beneficial to you to locate any information you may have that would provide me with an accurate diversion capacity for this well.

We talked about the need for some sort of proof of priority for the spring claimed as A43-10290, and for your use of Keg Creek claimed as A43-10291. As we discussed, I would be willing to meet with you in Almo and talk to your uncle if he would be available to provide some personal knowledge of the use of these sources on the farm. Another thing that I would like to verify for the file is the historical use of Edwards, Almo and Little Cove Creeks to fulfill the Raft River water allotted to your grandfather by water right 43-00419 in the amendment to the 1928 Jobe Adams decree.

I've enclosed readable copies of the two old licenses, 43-02215 & 43-02044, that we discussed during my field exam visit, so that you and your attorney may review them. I am still inclined to disallow the claims based upon these two licenses because the Jobe Adams Decree supercedes them, and because your historical use of the water from Grape Creek has been as it was awarded to the four parties in that decree.

I'll be attending meetings at the State Office in Boise all next week, but will be back at my desk on November 8th. Call if you have any questions, comments, or want to set up a time to meet to talk about the above. Hope you had a successful elk hunt.

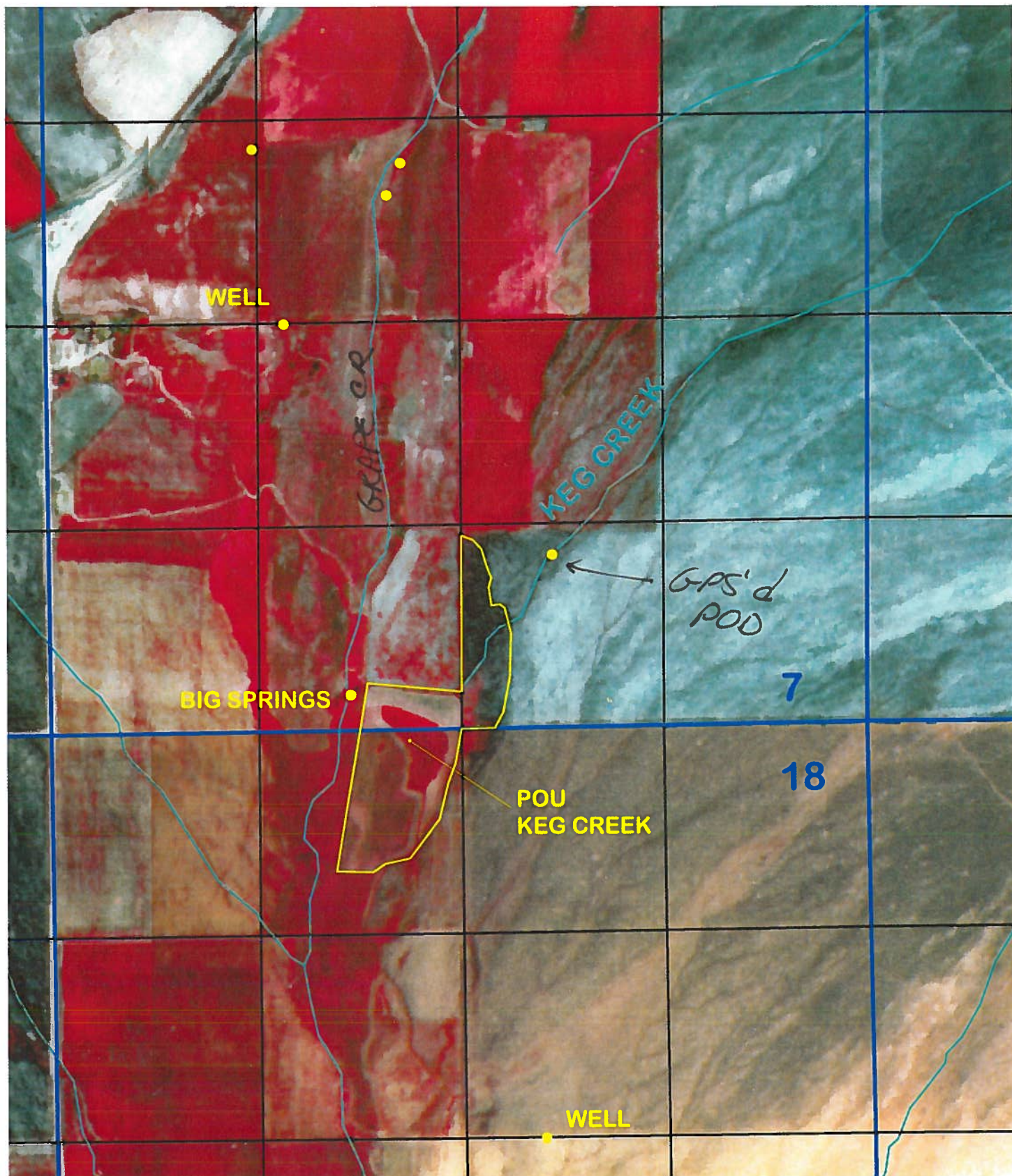
Sincerely,

Vikie Hancock
Water Resource Agent

FILE NOTES

43-10291

TWP 15S RNG 25E



V. HANCOCK

1987 NAPP AERIAL PHOTOGRAPHY

Field Exam Notes

Field Exam Date: 10/12/1999

Claim Nos: A43-00407, -04110, -07112, -10290, -10291, -02215, -02044

Agent: Vikie Hancock

Claimant Clark Ward accompanied me on this field exam. The above claims are appurtenant to sections 7 and 18, T15S, R25E. Claimant also has claim A43-00419 which represents a separate system that is located in section 30 T15S, R25E.

Claim **A43-00407** is a claim based on a decree for 3.2 cfs from Grape Creek. It is agreed, by the three users of Grape Creek, that there are four total water shares on the creek. One is owned by Ron Ward, two are owned by Jay L. Black, and one is owned by the claimant, who is downstream of the other two users.

Claimant has three diversions from Grape Creek. Two are direct diversions from the stream channel and are used to flood irrigate lands in the SW $\frac{1}{4}$ of section 7 and the E $\frac{1}{2}$ NW $\frac{1}{4}$ section 18. Of these two, the top diversion is in the NE SE SW section 6. It is diverted to the west into a cement ditch that traverses the west side of Jay Black's field in the SESW Sec 6, and then parallels the highway until it reaches the NW corner of the claimant's place of use. It then flows into a pond, and claimant irrigates all directions from the pond into the NWSW section 7. When there is a lot of water early in the season, flooding can extend into the SWSW section 7. The second stream channel diversion is in the NE SE NW section 7. This diversion is in Ron Ward's field, and conveys water by ditch to flood the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ and is mixed with water from the spring (and occasionally Keg Creek) to flood irrigate the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ section 18 early in spring when there is sufficient water.

There is also a diversion from Grape creek into a pond and pipeline in Section 31 that is shared with the other two users of Grape Creek. Two pipes convey water from the pond. A 12 inch pipe supplies water to Ron Ward and Jay Black. An 8 inch pipe supplies this claimant. The pipeline enters the claimant's property at the NE corner of the NWSW section 7. The water is immediately put into the mainline sprinkler system. At this point, water from the well represented as BU claim A43-04110 is also put into the mainline sprinkler and mixes with Grape Creek water. Water from well licensed as 43-07112 is added into the mainline at the SE corner of the SWNW section 18. Sprinkler irrigation is used on the SWSW section 7; the NWNW, S $\frac{1}{2}$ NW $\frac{1}{4}$, and N $\frac{1}{2}$ SW $\frac{1}{4}$ section 18. There are times when surface water is used exclusively in the sprinkler system and times when surface and GW are mixed in the system. Some areas that are flooded early in the year are also sprinkled later in the year, if necessary. Claimant stated that only surface water is used to flood irrigate.

Both wells were GPS'd, tagged and information recorded from the pump and motor. Both pumps had been turned off on September 1st. Claim **A43-04110**, is based on a statutory claim filed in 1981 for a well drilled in 1959, in the NW SW section 7, and an approved transfer of POD to a new well drilled in the NE SW section 7 in 1989. According to IDWR records, this well was deepened in 1994 and tested at 60 gpm. The claimant said that he had had a pump test done by Layne Pump and would look for those records. The original Stat claim was for 1.2 cfs for irrigation on 80 acres. The AJ claim was for 1.27 cfs on 120 acres with stockwater. As stated above, the water from this well is put into the mainline sprinkler system and mixes with Grape Creek water and GW from the well in section 18.

Claim **A43-07112** is based on a license for .93 cfs of GW for irrigation on 143 acres in section 18. The AJ claim adds .07 cfs for stockwater, but all other elements are claimed as licensed. As noted before, water from this well is injected into the mainline sprinkler system and is interconnected with water from the well in section 7 and with Grape Creek water.

Claim number **A43-10290** is for the waters of a spring located in the SWSESW section 7. The spring was observed but not measured as the discharge rate was diminished from the peak of the irrigation season. The capacity of the natural channel flowing from the spring appeared to be greater than 1.07 cfs. The natural channel is diverted to the west and east to flood irrigate land in the SESW section 7 and NENW section 18, and mixes with water from Grape Creek and Keg Creek when available to irrigate into the SENW section 18. According to claimant's notes on the GIS printout during the field exam, no water from the spring is used in the NESW as claimed in 1989. Waters from the spring are not incorporated into the sprinkler system. I explained to Mr. Ward that we were in need of some proof of priority for the beneficial use of the spring. He indicated that he may be able to have his uncle sign an affidavit as he has memories of water usage on the farm.

Claim **A43-10291** was originally filed for irrigation and stockwater from Savage, Keg and Cliff creeks and an unnamed stream. In talking to Mr. Ward, he clarified his usage, which agreed with some undated notes found in the file: Claimant has no diversion from Savage creek, but wants to protect his utilization of the waters of this creek after it runs into Grape Creek. I discussed the fact that Jay Black uses the waters of Savage Creek to irrigate with, but has not filed a claim on it. Mr. Ward was aware of Mr. Black's usage. I told him that it may be beneficial for the three users to meet with me and come to an agreement on how we can preserve the status quo on Savage Creek. Claimant has no diversion from Cliff Creek and states that it reaches his property very few years. He mostly uses it for stockwater, and the same goes for the "Unnamed stream". I told him that for \$25 he could file a claim for stockwater on these two streams, but that an irrigation claim did not seem appropriate.

Claimant does irrigate from Keg Creek in the years that it has sufficient flow. The diversion was GPS'd in the NWSWSE section 7. Water is conveyed by ditch and flooded out onto an area in the W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ that is brush covered, but

used for cattle pasture. It is collected into a ditch that run along the east property line and mixes with Grape Creek water to irrigate in the SESW Section 7, and irrigates about 30 acres. The pasture in SWSE looks consistent with intermittent irrigation from an ephemeral stream. Claimant stated that he has not bothered to clear the bush because it provides winter cover for his cows and also the deer and birds that frequent the area. There was no water in Keg Creek at the time of the field exam. I discussed the lack of evidence of priority with the claimant and he said he would try to find something.

Claims **A43-02215** and **A43-02044** are based on licensed rights from Grape Creek that pre-date the Jobe Adams decree. These licenses were appurtenant to property that claimant now owns along Grape Creek, but neither the license holders nor the place of use were enjoined in the 1928 decree. I talked to the claimant about the language in the Jobe Adams decree that was interpreted by our attorney, Nick Spencer, to mean that the decree intended to identify all usages on Grape Creek that were occurring at the time the decree was issued in 1928. Documents in the file indicate that claimant's grandfather, Orville Ward, purchased the property at a sheriff's sale in 1937. I told the claimant that my suspicions were that, in 1928, the homesteaders had left, the land was not being irrigated and therefore no claims were filed in the Jobe Adams lawsuit which covered the licensed rights, therefore they were invalid. Claimant said that one of the license holders, Leo Durfee, was a relative of his grandfather's, and that he believed the grandfather purchased the property after Durfee had given up. I told him that at this point I was inclined to disallow the claims based on these licenses and consider them superceded by the decree. We agreed that the water from Grape Creek had been used as decreed in the Jobe Adams for years, and was the status quo. Mr. Ward attempted to read the license and engineer report copies that I had in the files, but they were very poor quality. Since the claimant is represented by Mr. Rigby, I suggested that he talk to him about this issue, and told him that I would get more readable copies of the licenses and reports so that he could go over them. I also left him a copy of the Grape Creek page of the Jobe Adams decree. The places of use identified in these licenses for Grape Creek are now included in the acres licensed under 43-07112 for GW.

See field exam notes on GIS print out in file, GPS log sheet #3 and photographs.

See claim file A43-00419 for field exam notes pertaining to that claim.

SEE ADDITIONAL PHOTOS IN CLAIM FILES
A43-10290, A43-10291, A43-07112, A43-00407

FIELD EXAM NOTES AND PHOTO LOG

Claim Nos: A43-00407 -04110-07112-10290 Date 10-12 1999

Claimant / Area of Concern: Clark Ward 43-10291 Page 1 of 1

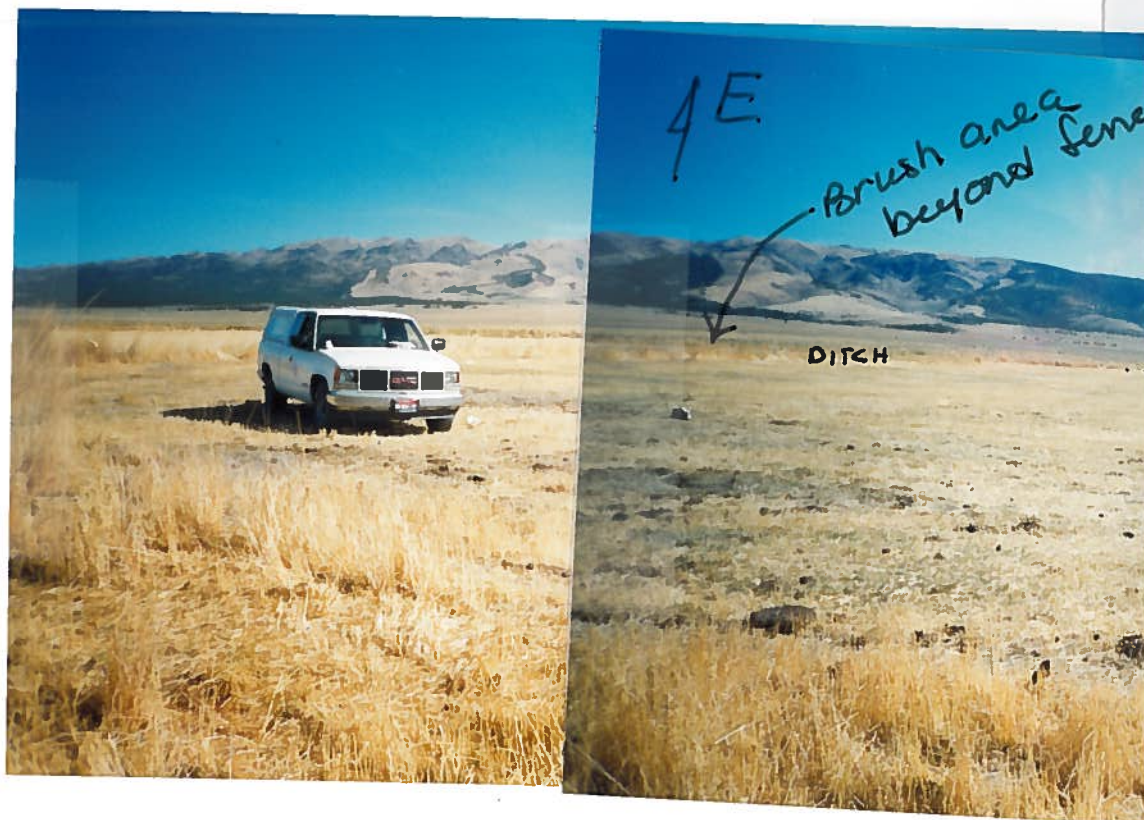
Roll	Pic #	Description
32	1	Diversion in Sec 6 R101217A
	2	Pump claim 43-8110 R101217B Stat well
3-7		Pan looking south from well ↑
	8	Grape creek mixing with BW at ↑
	9	Grape cr. channel diversion Sec 7 R101218A
	10	Spring R101218B
	11	Spring outflow looking SW
	12	POLL of Key Creek
	13	looking East from Spring
33	1	Diversion from Key Creek R101218d
	2	
	3	Well claim 43-07112 R101219A
	4	POLL N of well
	5-7	POLL to west of well
	8	Edwards Cr PP - Dam to Right, diversion strait
	9	Upstream Edwards at diversion
	10	Natural Edwards cr channel directly below Dam R101219B
	11	Little Cove diversion-lower R101219C
	12	" " " -upper R101220A
	13	Diversion out of Almo creek looking out from Almo Cr Channel R101220B
	14	Almo creek channel - Diversion to right

Agent: Vikie Hancock

Notes:

Spring excavated with horse & Fresno in wet spot by predecessors of claimant.

Key Creek
place of use
looking East
from Spring



Diversion of Key Creek R101218d To South.
Creek also diverted to North just downstream.

A43-10291

Water Right Number - A43-10291

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - - +

+ - - - - Address - - - - +

*** C - CURRENT OWNER ***

WARD

VAUDI

#43-10291

WARD

CLARK

Savage Creek not divided from

WARD

SARA J

Grape Creek

Keg Creek - does irrigate Apr 30th
in say 55 sec 7 Priority dot?Dicks
all

+ - - Priority Date - - +

+ - - Region
04/01/1880 17 SOUTHERN

+ - - Source - - - +

Savage Creek
KEG CREEK
CLIFF CREEK
UNNAMED STREAM

UNNAMED CREEK

+ - - - - Point of Diversion - - - - +

Stream Index (Blank if no Index Code)

TwN Rng Sec Tract Lot RFlg County

(31) CASSIA
(31) CASSIA

+ - - - - Water Use - - - - +

Diversion Rate Diversion Volume

Code Description Period From Period To

+ - Total Div. Rate - + - Total Div. Volume - + - Total Div. Capacity - + - Total Consumptive Use - + - KW Usage - +

451.9

TwN	Rng	Sec	Tract	Lot	Acres	Place of Use	Description	County
15S	25E	7	NE SW		40.0	01 IRRIGATION		(31) CASSIA
15S	25E	7	NW SW	3	40.0	01 IRRIGATION		(31) CASSIA
15S	25E	7	SW SE		15.0	01 IRRIGATION		(31) CASSIA
15S	25E	18	NE NW		25.0	01 IRRIGATION		(31) CASSIA
15S	25E	7	NW NW			04 STOCKWATER		(31) CASSIA
15S	25E	7	SW NW			04 STOCKWATER		(31) CASSIA
15S	25E	7	SE SE			04 STOCKWATER		(31) CASSIA

MICROFILMED

MAR 04 1993

For File:

A43-4110

A43-10291

A43-10290

A43-7112

A43-2044

KK-91
2-6

SEE A43-00407

for init review data
(info not complete)

Rights need a system review &
legal review to clarify their
status.

PROFILMED

MAR 04 1993

eg. A43-10290 - Samu reddy Drape Cr.
A43-10290 - Scores = REG. in limited
43-2215 not claimed, necessary?