

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

RECEIVED

JUN 7 1989

Ident. Number: A43-10388
Date Received: 6/07/1989
Receipt No: 5007632
Received By: RRT

Department of Water Resources
Southern Region Office
**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: WARR BROTHERS 208-645-2485
Address: HC 72, BOX 2208
MALTA, ID 83342

2. Date of Priority: JUN 01, 1879

3. Source: RAFT RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14S	27E	7	SW	NE			CASSIA
		20	NW	SW			CASSIA

5. Description of diverting works:
HEADGATE AND LATERALS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.971		

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

8. Total consumptive use is 960.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14S	27E	17	NW	NE		IRR	40.0
			SW	NE		IRR	40.0

A43-10388

Page 1

Date: 06/07/89

MICROFILMED
MAR 04 1993

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
14S	27E	17	NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
							Section Acres	320.0
							Total Acres	320.0

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:
A43-10381,A43-00173

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

Decree Plaintiff

vs

Decree Defendant

(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.

MAR 04 1993

43-00169 A
DEGREE
1879
RAFT RIVER
7.2 CFS

(IF CLAIMED -
SPLIT RIGHT)

↑
POD IN
SEC 7
ALSO



THIS IS NOT PART
OF CLAIMANTS
PROPERTY
POD

MICROFILMED
MAR 14 1993

WR2810NP
(OD-26)

Water Right Number - 43-00169A

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

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

+ - First Name - - +

+ - - - - Address - - - - +

*** C - CURRENT OWNER ***
WARR

CHARLES, ET. AL.

1 -
2 -
3 -
City-
phone -
1 -
2 -
3 -
City-
phone -
State- Zip-
State- Zip-

WARR, ET. AL.

CHARLES

*** O - ORIGINAL OWNER ***
INTERNATIONAL MORTGAGE BANK

1 -
2 -
3 -
City-
phone -
State- Zip-
State- Zip-

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/01/1879 17 D - DECREED

+ - - Source - - - - - + - - - Tributary - - - - - +
RAFT RIVER SNAKE RIVER

+ - - - - Point of Diversion - - - - - Stream Index (Blank if no Index Code)
Twn Rng Sec Tract Lot RFlg County
14S 27E 7 SW NE (31) CASSIA
14S 27E 20 NW SW (31) CASSIA

+ - - - - Description Period From Period To Water Use Diversion Rate Diversion Volume
Code 01 - IRRIGATION 04/01 10/01 7.200 1.271 34425-
+ - Total Div. Rate - + - Total Div. Volume - + - Total Div. Capacity - + - Total Consumptive Use - + - KW Usage - +
7.200

+ - - - - Place of Use - - - - - Description County
Twn Rng Sec Tract Lot Acres Code
14S 27E 5 SW SW 01 IRRIGATION (31) CASSIA
14S 27E 6 NW NE 01 IRRIGATION (31) CASSIA
14S 27E 6 SW NE 01 IRRIGATION (31) CASSIA
14S 27E 6 SE NE 01 IRRIGATION (31) CASSIA
14S 27E 6 NE NW 01 IRRIGATION (31) CASSIA
14S 27E 6 NE SW 01 IRRIGATION (31) CASSIA
14S 27E 6 SE SW 01 IRRIGATION (31) CASSIA
14S 27E 6 NE SE 01 IRRIGATION (31) CASSIA
14S 27E 6 NW SE 01 IRRIGATION (31) CASSIA
14S 27E 6 SW SE 01 IRRIGATION (31) CASSIA

IF CLAIMED - SPLIT RIGHT

MICROFILMED
MAR 04 1993

Water right number - 43-00169A

Adj. flag translation: Standard Water Right Number

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
14S	27E	6	SE SE				01	IRRIGATION	(31) CASSIA
14S	27E	7	NE NE				01	IRRIGATION	(31) CASSIA
14S	27E	7	NW NE				01	IRRIGATION	(31) CASSIA
14S	27E	7	SE NE				01	IRRIGATION	(31) CASSIA
14S	27E	7	NW SE				01	IRRIGATION	(31) CASSIA
14S	27E	7	SW SE				01	IRRIGATION	(31) CASSIA
14S	27E	7	SE SE				01	IRRIGATION	(31) CASSIA
14S	27E	7	NW NW				01	IRRIGATION	(31) CASSIA
14S	27E	8	SW NW				01	IRRIGATION	(31) CASSIA
14S	27E	8	SE NW				01	IRRIGATION	(31) CASSIA
14S	27E	8	NW SW				01	IRRIGATION	(31) CASSIA
14S	27E	8	SW SW				01	IRRIGATION	(31) CASSIA
14S	27E	8	SE SW				01	IRRIGATION	(31) CASSIA
14S	27E	17	NE NW				01	IRRIGATION	(31) CASSIA
14S	27E	17	NW NW				01	IRRIGATION	(31) CASSIA
14S	27E	17	SW NW				01	IRRIGATION	(31) CASSIA
14S	27E	17	SE NW				01	IRRIGATION	(31) CASSIA
14S	27E	17	NW SW				01	IRRIGATION	(31) CASSIA
14S	27E	17	NE SW				01	IRRIGATION	(31) CASSIA
14S	27E	18	NE NE				01	IRRIGATION	(31) CASSIA
14S	27E	18	SE NE				01	IRRIGATION	(31) CASSIA

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

SEE TRANSFERS #665 & 2505

+ - - Decree Plaintiff - - - +

ALBION-IDAHO LAND CO.

JOBE ADAMS ET AL

05/28/88 CONVERT

+ - - Audit Fields - 05/06/85

Water Rights Dates and Flags Area

Proof Due Date - 00/00/0000 Field Exam Made - 00/00/0000 Field Exam Fee -

Approved/Denied - 00/00/0000 Protested Date - 00/00/0000 Swan Falls -

Proof Made Date - 00/00/0000 Hearing Date - 00/00/0000 Temporary Right - P

+ - - Decree Defendant - - - +

+ - - Decree Date - +

10/18/1928

MICROFILMED
MAR 04 1993

Water right number - 43-00169A

Adj. flag translation: Standard Water Right Number

Start Work Date	- 00/00/0000	Verified Date	- 05/06/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 43B
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	- T
Decree Date	- 10/18/1928				

MICROFILMED
MAR 04 1993

43-00169B

DECREE

1879

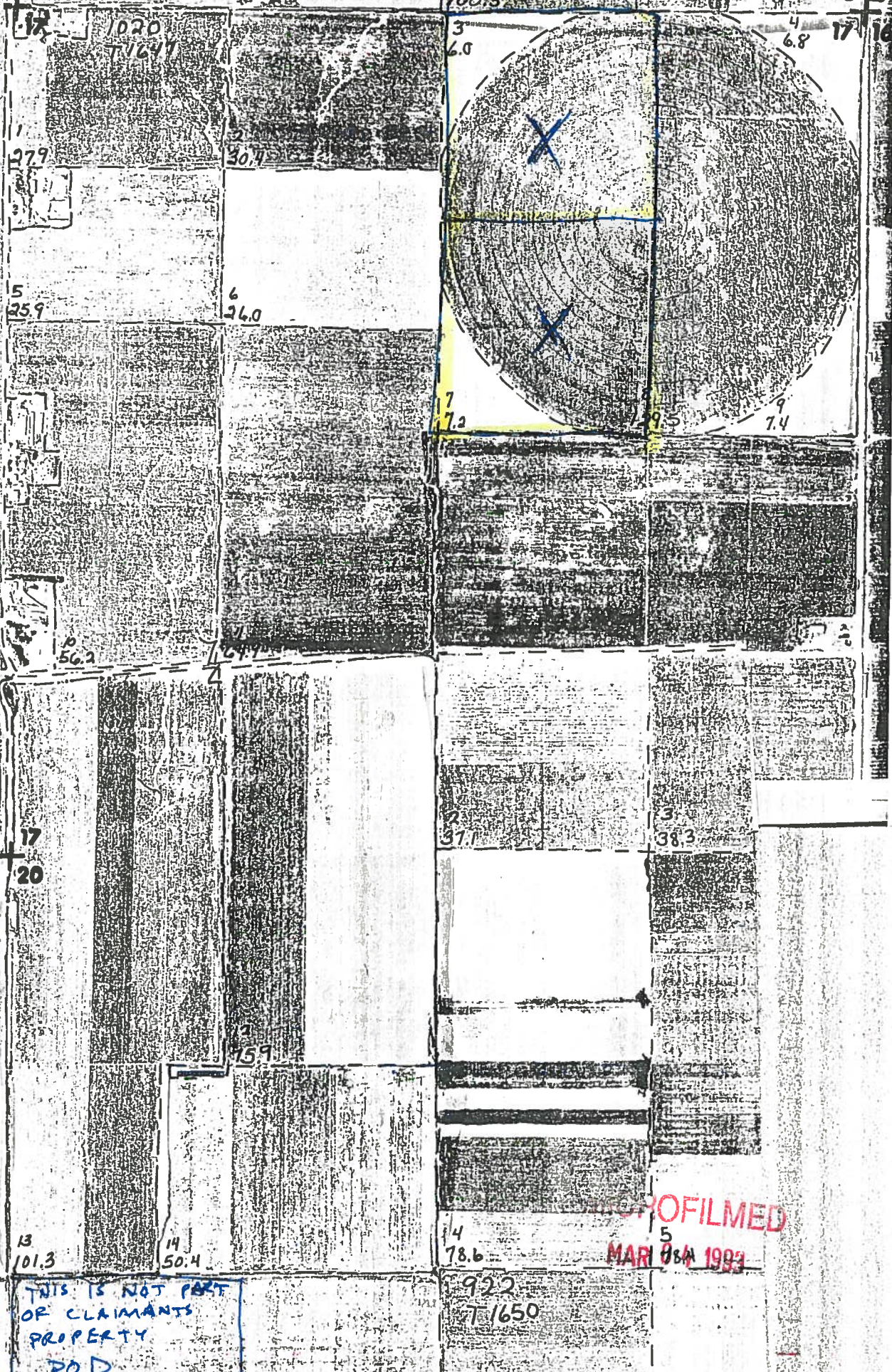
RAFT RIVER

5.6 CFS

IF CLAIMED -
SPLIT RIGHT

↑
POD IN
SEC 7
ALSO

27



Water Right Number - 43-00169B

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

*** C - CURRENT OWNER ***
WARR

CHARLES, ET. AL.

WARR, ET. AL.

CHARLES

*** O - ORIGINAL OWNER ***
INTERNATIONAL MORTGAGE BANK

1 -
2 -
3 -
City-
phone -
1 -
2 -
3 -
City-
phone -
State- Zip-
State- Zip-
State- Zip-
MICROFILMED
MAR 04 1993

+ - Priority Date - - + + - - - Region - - - +
06/01/1879 17
D - DECREED

+ - Source - - - - - +
RAFT RIVER
Tributary - - - - - SNAKE RIVER

+ - - - -
Twn Rng Sec Tract Lot Rfig County Point of Diversion Stream Index (Blank if no Index Code)
14S 27E 7 SW NE (31) CASSIA
14S 27E 20 NW SW (31) CASSIA

+ - - - -
Code Description Period From Period To Water Use Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/01
5.600 .7
2 over 14443.

+ - Total Div. Rate - + - Total Div. Volume - + - Total Div. Capacity - + - Total Consumptive Use - + - KW Usage - +
5.600

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
13S	27E	31	SW SE			01	IRRIGATION	(31) CASSIA	
14S	27E	5	NE SW			01	IRRIGATION	(31) CASSIA	
14S	27E	5	NW SW			01	IRRIGATION	(31) CASSIA	
14S	27E	5	SW SW			01	IRRIGATION	(31) CASSIA	
14S	27E	5	SE SW			01	IRRIGATION	(31) CASSIA	
14S	27E	6	NE NE	1		01	IRRIGATION	(31) CASSIA	
14S	27E	6	NW NE	2		01	IRRIGATION	(31) CASSIA	
14S	27E	6	SE NE			01	IRRIGATION	(31) CASSIA	
14S	27E	6	SW NE			01	IRRIGATION	(31) CASSIA	
14S	27E	7	NW NE			01	IRRIGATION	(31) CASSIA	

IF CLAIMED - SPLIT RIGHT

Water right number - 43-00169B

Adj. flag translation: Standard Water Right Number

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
14S	27E	8	NE NW			01	IRRIGATION	(31) CASSIA
14S	27E	8	NW SE			01	IRRIGATION	(31) CASSIA
14S	27E	8	SW SE			01	IRRIGATION	(31) CASSIA
14S	27E	17	NW NE			01	IRRIGATION	(31) CASSIA
14S	27E	17	SW NE			01	IRRIGATION	(31) CASSIA
14S	27E	18	SE NE			01	IRRIGATION	(31) CASSIA

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 43-0170

SEE TRANS. 665 & 2505.

-- Conditions of Approval --
-- No Conditions of Approval found.

+ - - - Decree Plaintiff - - +
ALBION-IDAHO LAND CO.

+ - - - Decree Defendant - - - +
JOBE ADAMS ET AL

	+	-	Decree	Dat
			10/18/1928	

++ - - Audit Fields - 05/06/85

05/28/88 CONVERT

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+-----+-----+-----+-----+-----+-----+-----+-----+
|Water Rights Dates and Flags Area|-----|-----|-----|-----|-----|
+-----+-----+-----+-----+-----+-----+-----+-----+
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Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Tested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 05/06/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 43B
Licensed Date	- 00/00/0000	Appl. Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 10/18/1928				

**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: 43-10388

WARR BROTHERS

2231 S 2350 E

MALTA ID 83342

Telephone Number: (208)645-2485

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:

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

DATE: 6-12-01

SIGNATURE: Olene Warr

Please print your name: Olene Warr

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

RECEIVED
JUN 18 2001
Department of Water Resources
Southern Region

03/13/2001

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

RIGHT NUMBER: 43-10388

NAME AND ADDRESS: WARR BROTHERS
2231 S 2350 E
MALTA, ID 83342

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 1.971 CFS

RIGHT NOS. 43-00170C, 43-00173C, 43-00177D, 43-02294E, 43-02389, 43-02405, 43-02419, 43-02420B, 43-04034, 43-10388, 43-12961, 43-12962, 43-12963, 43-12964 AND 43-12965 ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 14.01 CFS.

PRIORITY DATE: 06/01/1879

POINT OF DIVERSION: T14S R27E S20 NWSW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-01	1.97 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T14S R27E S17	NWNE	40	T14S R27E S17	SWNE	40
T14S R27E S17	NENW	40	T14S R27E S17	NWNW	32
T14S R27E S17	SWNW	39	T14S R27E S17	SENW	40
T14S R27E S17	NESW	40	T14S R27E S17	NWSW	35
T14S R27E S17	SWSW	4.5	T14S R27E S17	SESW	3.6

314.1 ACRES TOTAL

RIGHT NOS. 43-00170C, 43-00173C, 43-00177D, 43-00178E, 43-02294E, 43-02389, 43-02405, 43-02419, 43-02420B, 43-04034, 43-10388, 43-12961, 43-12962, 43-12963, 43-12964 AND 43-12965 ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 620 ACRES 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 - Decreed



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866 www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 6, 2001

Warr Brothers
2231 S 2350 E
Malta, ID 83342

RE: Snake River Basin Adjudication (SRBA)

Dear Claimants:

I am reviewing the claims you filed in the SRBA, and I have found that your claims to water from the Raft River appear to be for lesser amounts than are appurtenant to your land. I have enclosed amended claims that reflect the amount of water that my calculations show you are entitled. I have also split two of your claims, 43-10381 and 43-10387, into five claims because of the differences in the seasons of use of the water rights that were combined to make these claims. The new claim numbers are 43-12961, 43-12962, 43-12963, 43-12964 and 43-12965.

I have also added a remark that would allow you to use these rights within a permissible place of use. This can be useful in that it generally more accurately reflects the way water is applied when a number of water rights are used in combination with each other. If you do not wish to have these rights recommended as a permissible place of use, please line through the remark that describes the number of acres the right is for within the North 1/2 and SW 1/4 of Section 17 and the NW 1/4 of Section, Township 14 South, Range 27 East.

Additionally, I have enclosed amended claims for your ground water rights that will allow them to be recommended as a permissible place of use. If you do not want these rights recommended with a permissible place of use, do not sign and return these claims.

Any claims you do wish to amend, should be signed, notarized and returned to me or our Southern Region Office in Twin Falls as soon as possible. We are hoping to start printing preliminary recommendations for Basin 43 (the Raft River Drainage) on March 12, 2001.

If you have any questions, please contact me at (208) 327-7939.

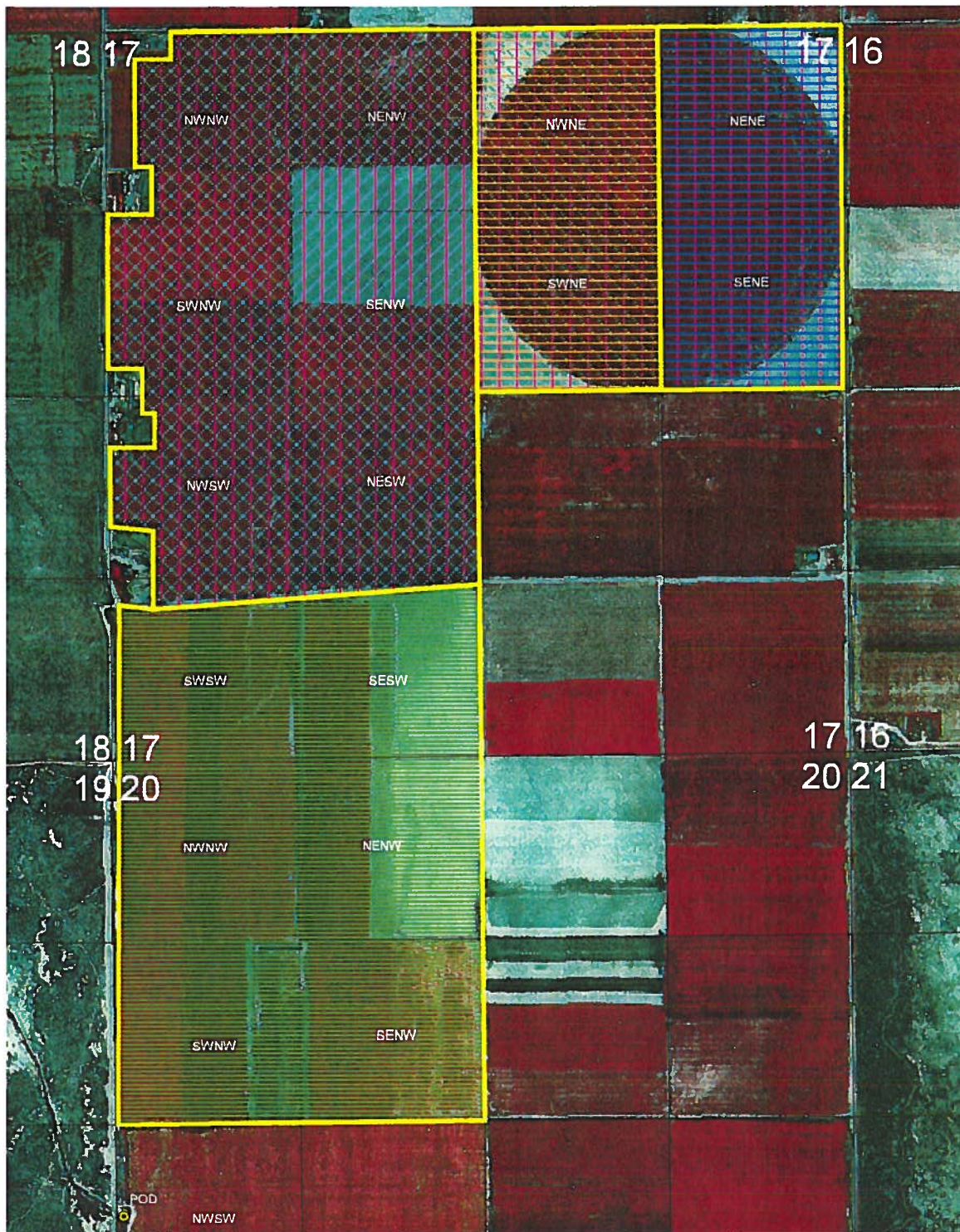
Sincerely,

A handwritten signature in cursive script, appearing to read 'Carter Fritschle', written in dark ink.

Carter Fritschle
Water Rights Supervisor
Adjudication Bureau

Enclosures: Amended Claims

Warr Brothers Surface Water POU



-  43-00170C
-  43-00173C
-  43-00177D
-  43-00178E
-  43-10388
-  43-12961, 43-12962, 43-12963, 43-12964 & 43-12965

T14S R27E S17 & S20

Map Prepared by: Carter Fritschle
 Date prepared: 03/13/01
 1987-1988 NAPP photography
 Idaho Department of Water Resources

		210 + 2 1/2	210 + 2 1/2
1945	43 - 02357 E	3.436	400
1953	43 - 02359	1.06	115
1954	43 - 02405	2.88	160 (155 acres)
1955	43 - 02417	1.42	100
1955	43 - 02420 B	1.62 (0.10 cfs) (less A portion)	90 (5.6 ac) (less A portion)
		10.416	

1948 43 - 04034 2.00 100

Area of use "covered" by increased rights shown above. Statutory claim to water claim is based on permit 20586 (No new number assigned). Capacity with present system calculated at 7.55 cfs.

Total irrigated acres = 392 + 155 + 79 = 626
626 acres x 0.02 cfs/ac = 12.52 cfs

10.416 (less 1.00 cfs) + 1.45 = 11.866 cfs

43 - 02420 1.62 cfs for 90 ac.

43 - 02420 A owns 5.6 ac. of original p.o.u.

$$\frac{1.62 \text{ cfs}}{90 \text{ ac}} \times 5.6 \text{ ac} = 0.10 \text{ cfs}$$

43 - 02420 B = 1.52 cfs on 85 ac.

43-10381	1	43-12961	4-1-1871	4-30 to 7-1	0.705 cfs
1.945 cfs 240 acres	2	43-12962	4-1-1871	3-15 to 11-15	0.10 cfs
	3	43-12963	4-1-1871	4-1 to 7-1	2.02 cfs
43-10387	1	43-12964	4-1-1879	7-1 to 10-1	1.83 cfs
2.225 cfs	2	43-12965	4-1-1879	4-1 to 10-1	0.61 cfs

3-6-01

Warr Brothers Ratt River rights

		Apportioned cfs	Claimed cfs	Amended Claim cfs
4-1-1881	43-00170C	0.46	0.30	0.46
4-1-1882	43-00173C	1.22	0.914	1.22
4-1-1871	43-10381	2.825	1.945	
Child 1	43-12961	0.705	0.705	0.705
Child 2	43-12962	0.10	0.10	0.10
Child 3	43-12963	2.02	1.14	2.02
4-1-1879	43-10387	2.44	2.225	
Child 1	43-12964	1.83	1.83	1.83
Child 2	43-12965	0.61	0.395	0.61
6-1-1879	43-10388	2.44	1.971	2.44
5-24-909	43-00177D	<u>4.628</u>	4.628	
		14.013		
12-12-1911	43-00178E	8.00	7.871	8.00

Warr Brothers Ground water rights

		Rec. cfs	Vol. *	Acres Limit *	Total Acres
1945	43-02294E	3.436	1600	400 K06	400
1948	43-04034	1.45	400	100 K06	500
1953	43-02389	1.06	460	115 K06	615
1954	43-02405	2.88	-	155	-
1955	43-02419	1.42	-	100	-
1955	43-02420B	<u>1.52</u>	-	84	-
		11.766			

* If amended to permissible P.O.U

R PROOF

CVR

MAPS

PHOTOS

MISC

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