

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: **A43-10815**
Date Received: 5/30/1989
Receipt No: X777777
Received By: _____

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: JUN 15, 1886

3. Source: CASSIA CREEK Trib. to: RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13S	26E	22	SE	NE	SE		CASSIA
		23	SE	SW	NW		CASSIA

5. Description of diverting works:
TWO HEADGATES & DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.200		

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

8. Total consumptive use is 699.0 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	23	NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			NE	NW		IRR	39.0
			SE	NW		IRR	37.0
			NE	SW		IRR	37.0
			NW	SW		IRR	40.0
Section Acres							233.0
Total Acres							233.0

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:
A43-00108, 00110, 02452 & 02459

14. Remarks:
THIS CLAIM IS BASED ON A COMBINATION OF DECREES 43-0108 & 43-0109 WHICH HAVE THE SAME PRIORITY AND HAVE BEEN USED ON THE SAME LANDS UNDER THE SAME SYSTEM.
THE P/D IN THE SESWNW S. 23 IS DIVERTED FROM WHAT IS KNOWN AS THE MIDDLE STREAM OR FORK OF CASSIA CREEK. THE P/D IN THE SENESE S. 22 IS DIVERTED FROM WHAT IS KNOWN AS THE SOUTH STREAM OR FORK OF CASSIA CREEK. CASSIA CREEK SPLITS INTO THREE FORKS IN S. 21.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

ALBION-IDAHO LAND CO.
Decree Plaintiff

JOBE ADAMS ET AL AMENDED
vs Decree 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: _____

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.

CIVIL CASE NUMBER: 39576

Ident. Number: A43-~~00108~~ ¹⁰⁸¹⁵
Date Received: 4/12/1989
Receipt No: 800 7380
Received By: Sec

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: JUN 15, 1886

3. Source: CASSIA CREEK Trib. to: RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13S	26E	22	SE	NE	SE		CASSIA
		23	SE	SW	NW		CASSIA

5. Description of diverting works:
TWO HEADGATES & DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.200		

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

8. Total consumptive use is 699.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A43-~~00108~~
¹⁰⁸¹⁵

Page 1

Date: 04/12/89

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MAR 05 19

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	26E	23	NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			NE	NW		IRR	39.0
			SE	NW		IRR	37.0
			NE	SW		IRR	37.0
			NW	SW		IRR	40.0
Section Acres							233.0
Total Acres							233.0

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:
A43-00108, 00110, 02452 & 02459

14. Remarks:
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15. Basis of Claim: DECREED

Case Number:
Court :
Decree date:

ALBION-IDAHO LAND CO.
Decree Plaintiff

JOBE ADAMS ET AL AMENDED
Decree Defendant

vs

A43-00108
10815

Page 2

Date: 04/12/89

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MAR 05 1991

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 B Ward Date: 5/30/89
[Signature] Date: 5/30/89

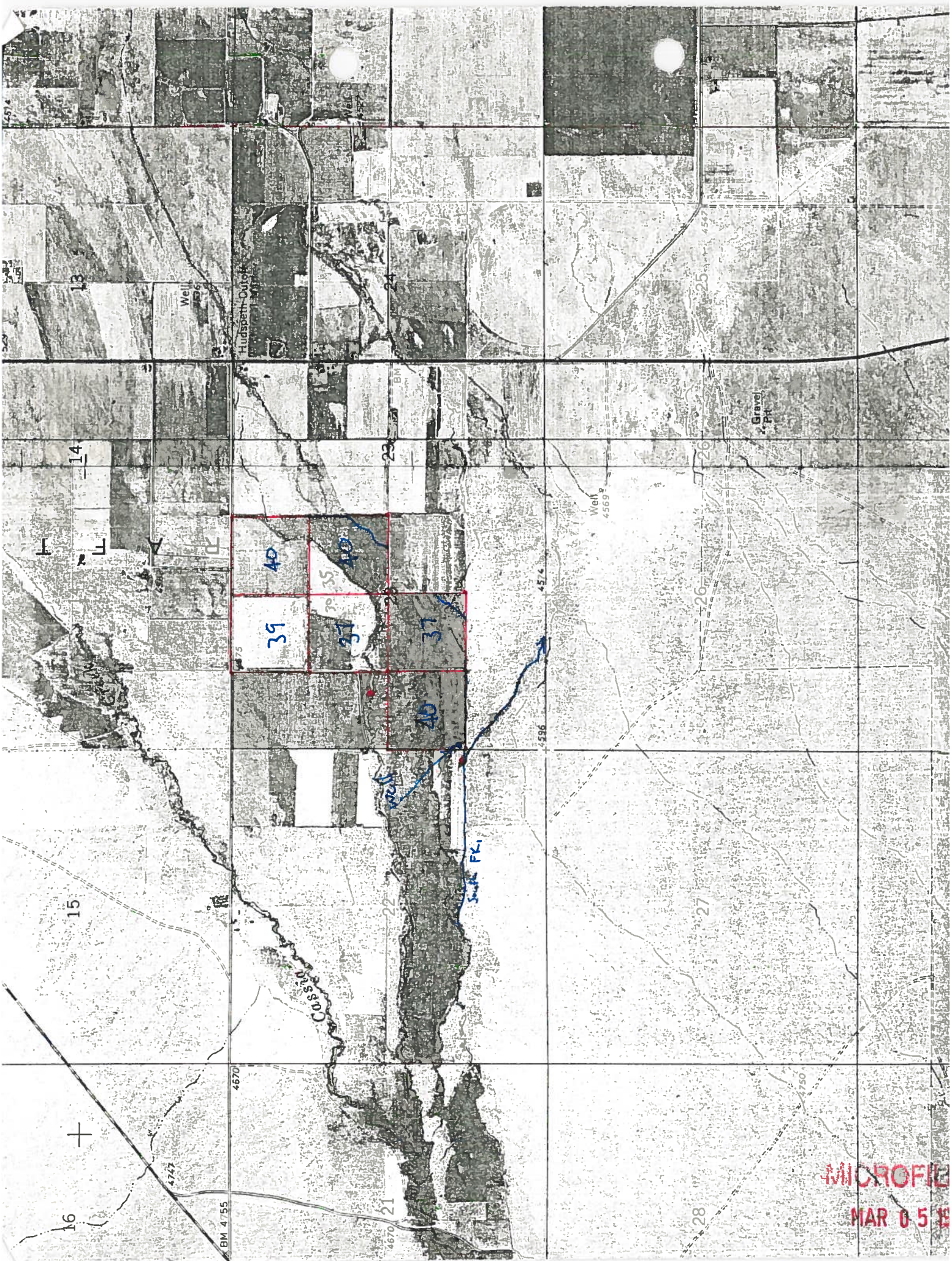
State of Idaho

County of Twin Falls)
) SS.

Subscribed and sworn (or affirmed) before me this 30th day
of May 19 89 Steve Collins
Notary Public

Seal

Residing at Twin Falls
My Commission Expires Dec 7, 1994





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

11-Feb-1992

CHARLES R. WARD
JANET O. WARD
HC 61 BOX 1206
MALTA ID 83342

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim #A43-00108
Identification Number Change

Dear Mr. and Mrs. Ward:

The Identification Number of your Notice of Claim to a Water Right has been changed from A43-00108 to A43-10815. The change in numbers has been done to better reflect the fact that your Notice of Claim combined Decreed rights 43-00108 and 43-00109. This change does not affect your claim in any other way.

Enclosed is a computer-generated copy of your claim with the new Identification Number. Refer to this Identification Number in any future inquiries or correspondence.

Please do not hesitate to contact this office, if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Jeanie'.

Jeanie Robertson
Records Clerk

/jr

Enclosure:

Copy of Claim A43-10815

MICROFILM

MAR 05 1992

Water Right Number - 43-00108

Prefix Translation: WATER RIGHT

Old (D) Number -

Last Name - First Name - Address -
*** C - CURRENT OWNER ***
FABRICK J. P.
1 -
2 -
3 -
City- State- Zip-
Phone -

Priority Date - 06/15/1886
Region - 17 SOUTHERN
D - DECREED
Status -

Source - CASSIA CREEK
Tributary - RAFT RIVER

Point of Diversion -
Stream Index (Blank if no Index Code)

Code - Description - Period from - Period to - Water Use - Diversion Rate - Diversion Volume -
01 - IRRIGATION
0.600

Total Div. Rate - 0.600
Total Div. Volume -
Total Div. Capacity -

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
13S	26E	23	SW NE			01 IRRIGATION		(31) CASSIA	
13S	26E	23	SE NW			01 IRRIGATION		(31) CASSIA	
13S	26E	23	NE SW			01 IRRIGATION		(31) CASSIA	
13S	26E	23	NW SW			01 IRRIGATION		(31) CASSIA	

Diversion Means -

Non-Irrigation Use -

Other Rights for Same Use - 43-0109-0110

Remarks -
No Remarks found.

Old Water Right Numbers -
No Old Water Right Numbers found.

Conditions of Approval -
No Conditions of Approval found.

Decree Plaintiff -
ALBION-IDAHO LAND CO.
Decree Defendant -
JOBE ADAMS ET AL AMENDED
Decree Date -
04/08/1929

MICROFILM
MAR 05 1991

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

WATER RIGHT

No Comments Found

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
Exam to S.O. Date	-	00/00/0000	Verified Date	-	04/23/1985	DLE/Carey Act	-
Order Show Cause	-	00/00/0000	Receipt Number	-		Water District	- 43C
Licensed Date	-	00/00/0000	Appl Received	-	00/00/0000	Transfer/Amended	-
Decree Date	-	04/08/1929	Presumption Flag	-			

MAR 05 1990

0001247

ADJUDICATION (REGIONAL)

1987

Water Right Number - A43-10815

Prefix Translation:

ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - - - + - - - - Address - - - - +

*** C - CURRENT OWNER ***
WARD

CHARLES R.

1 - H.C. 61 BOX 1206
2 -
3 -

State- ID Zip- 83342

WARD

JANET O.

City- MALTA
Phone - 208-645-2576
1 - H.C. 61 BOX 1206
2 -
3 -
City- MALTA
Phone - 208-645-2576

State- ID Zip- 83342

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
06/15/1886 17 SOUTHERN D - DECREED

+ - - - - Source - - - - + + - - - Tributary - - - - +
CASSIA CREEK RAFT RIVER

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

Twn Rng Sec Tract Lot Rflg County
13S 26E 22 SE NE SE (31) CASSIA
23 SE SW NW (31) CASSIA

+ - - - - Code Description Period From Period To Water Use Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 2.200

+ - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Consumptive Use - + + - - KW Usage - +
2.200 699.0

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Description	County
13S	26E	23	NW NE		40.0	01	IRRIGATION	(31) CASSIA
13S	26E	23	SW NE		40.0	01	IRRIGATION	(31) CASSIA
13S	26E	23	NE NW		39.0	01	IRRIGATION	(31) CASSIA
13S	26E	23	SE NW		37.0	01	IRRIGATION	(31) CASSIA
13S	26E	23	NE SW		37.0	01	IRRIGATION	(31) CASSIA
13S	26E	23	NW SW		40.0	01	IRRIGATION	(31) CASSIA

Total Acres: 233.0

+ - - Diversion Means - TWO HEADGATES & DITCHES

+ - - Non-Irrigation Use - NONE

+ - - Other Rights for Same Use - A43-00108, 00110, 02452 & 02459

MICROFILM
MAR 05 1987

Water right number - A43-10815

Prefix Translation: ADJUDICATION CLAIM

----- Remarks -----

THIS CLAIM IS BASED ON A COMBINATION OF DECREES 43-0108 & 43-0109 WHICH HAVE THE SAME PRIORITY AND HAVE BEEN USED ON THE SAME LANDS UNDER THE SAME SYSTEM.
THE P/D IN THE SENESSE S. 23 IS DIVERTED FROM WHAT IS KNOWN AS THE MIDDLE STREAM OR FORK OF CASSIA CREEK. THE P/D IN THE SENESSE S. 22 IS DIVERTED FROM WHAT IS KNOWN AS THE SOUTH STREAM OR FORK OF CASSIA CREEK. CASSIA CREEK SPLITS INTO THREE FORKS IN S. 21.

----- Old Water Right Numbers -----

4300108
4300109

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

----- Decree Plaintiff ----- + ----- Decree Defendant ----- + ----- Decree Date ----- +
ALBION-IDAHO LAND CO. JOBE ADAMS ET AL AMENDED 00/00/0000

----- Comments -----
No Comments Found

----- Audit Fields ----- +
00/00/00

----- Adjudication Rights Dates and Flags Area -----

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	- 00/00/0000	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 05/30/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X777777	Water District	- 43C
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	- D
				Notice of Error Flag	-

MICROFILM
MAR 05 1993

12/18/2000

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

RIGHT NUMBER: 43-10815
NAME AND ADDRESS: CHARLES R WARD
JANET O WARD
2075 E 1700 S
MALTA, ID 83342

VERIFIED BY KKC

SOURCE: CASSIA CREEK TRIBUTARY: RAFT RIVER

QUANTITY: 2.2 CFS

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE
THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 43-214, 43-2425,
43-2459, 43-10815, AND 43-11298

PRIORITY DATE: 06/15/1886

POINT OF DIVERSION: T13S R26E S23 SESWNW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03-15 11-15	2.20 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T13S R26E S23	NWNE	40	T13S R26E S23	SWNE	40
T13S R26E S23	NENW	39	T13S R26E S23	SENE	38
T13S R26E S23	NESW	34	T13S R26E S23	NWSW	39

230 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 151 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 230 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED
RIGHT NOS. 43-214, 43-2425, 43-2459, 43-10815, AND 43-11298

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

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 43-0108 & 43-0109 .

Iaho Dept of Water Resources
Claims review notes and narrative

Date: 11-27-2000

File: 43-108 ward 43-121 hall analysis

Prepared by Kelly K Christensen

**PRE EXAM REVIEW
FOR CHARLES WARD AND DEWARD HALL**

Apparent conflict with overlap of 43-215 as decreed Vs how it was claimed.

WARD CLAIMS					
DECREE/ LICENSE	CLAIM	PRIORITY DATE	DECREE /LICENSE RATE	CLAIMED RATE	
43-108	43-10815	6-15-86	0.60	2.20	
43-109		6-15-86	1.60		
43-110	43-110	4-1-94	1.60	1.60	
43-214	Not claimed	7-1-86	0.40		
43-215 (PART)	Not claimed	4-1-94	2.40		Currently claimed in full by Deward Hall
43-2425	43-2452	8-27-56	2.00	2.00	
43-2459	43-2459	7-2-57	0.37	0.37	
43-214	43-214	7-1-86	0.40	0.40	
43-215 pt 43-110	43-11298	7-1-86		2.80	

DIVERSION RATE ANALYSIS

Surface water claims based upon 43-214 not being claimed and ½ of 43-215 not being claimed and a found place of use of 230 acres.

43-10815 2.20 cfs
43-110 1.60 cfs
total 3.80 cfs/230 acres = 0.17 cfs/acre
adding
43-214 0.40 cfs
43-215 (½) 1.20 cfs
total 5.40 cfs/230 acres = 0.023 cfs/acre

The final rate of 0.023 cfs/acre makes the assumption that a portion of 43-215 is still appurtenant to the property and would be claimed along with 43-214.

~~The claimed Cassia Creek decreed rights are all for the southern portion of the claimed place of use. 43-214 and part of 43-215 were decreed to the NWNE and the NENW of sec 23. Neither right has been claimed.~~

43-214 and ½ of 43-215 were claimed on 12-8-2000 as described above as **43-11298**. Combined limitations are as follows. Combination of 43-110 and 43-215 covers the entire place of use, no acre or diversion rate limits required.

For **43-10815**, the base rights were decreed to the southern place of use only, therefore this right is limited to the irrigation of 151 acres within the PP/U. The combined diversion rate does not exceed 1 inch per acre so no rate limit is required for this right.

43-214 was decreed to the north place of use and is therefore limited to 79 acres within the PP/U. When the surface water rights and groundwater rights are combined, they are limited to 1 inch per acre.

Groundwater rights **43-2452** and **43-2459** are from the same point of diversion and for the same place of use. They are limited to 145 acres within the PP/U. The claimed place of use totals the licensed place of use but has been shifted slightly between some of the claimed quarter/quarters.

OFFICE VISIT BY CHARLES WARD 12-8-2000

Charles filed a late claim for 43-214 and amended 43-110 to include 1.2 decreed under 43-215 (½ of the decreed 2.40 cfs). This claim is to be renumbered to identify the combined status of this claim. Renumbered to 43-11298 on 12-14-2000. We discussed the system as it currently exists. He indicated that there is only one Cassia Creek diversion that he uses and that p/d is just west of his property in the SWNW of sec 23. The well has not been changed. There is a few acres in the NWNE that is not farmed but Charles indicated that that ground will occasionally receive irrigation water. There is a high point in the southeast corner of the NESW that is not irrigated.

HALL CLAIMS					
DECREE/ LICENSE	CLAIM	PRIORITY DATE	DECREE /LICENSE RATE	CLAIMED RATE	
43-121	43-10793	4-1-94	1.60	4.00	Also decreed to ground owned by Ward
43-215		4-1-94	2.40		
43-411	43-411	11-1-86	1.20	1.20	
43-213	Not claimed	7-1-88	0.80		
43-122	Not claimed	4-1-04	1.20		
43-2326	43-2326	9-30-48	1.76 irr 0.04 dom	1.76 irr 0.04 dom	
43-2541	43-2541	11-2-61	2.02	2.02	

DIVERSION RATE ANALYSIS

Surface water claims based upon 43-213 and 43-122 not being claimed and with a found place of use of 195 acres.

43-10793	4.00 cfs	
43-411	1.20 cfs	
total	5.20 cfs/195 acres = 0.027 cfs/acre	
less ½ of 43-215	1.20 cfs	
total	4.00 cfs	
adding		
43-43-213	0.80 cfs	
total	4.80 cfs/195 acres = 0.025 cfs/acre	

Note that the last entry indicating a 0.025 cfs/acre still excludes the 1.20 cfs under 43-122. The assumption being that the claimant did not want to claim this right, as the priority date is 4-1-1904.

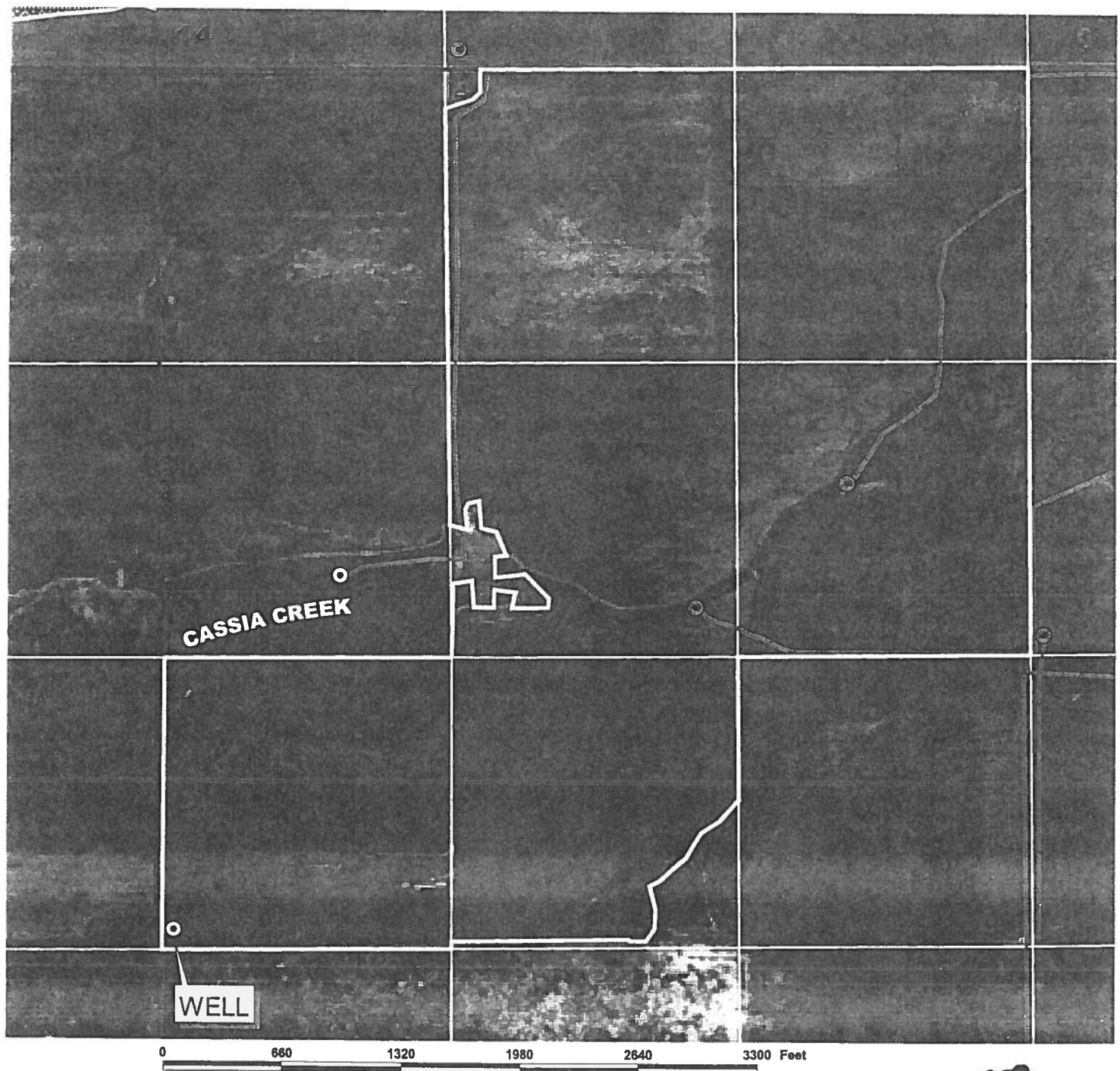
43-411 was decreed to the northern portion of the claimed place of use and is limited to 117 acres within the PP/U.

43-121 is also appurtenant to the same north 117 acres while 43-215 is appurtenant to the southern 78 acres. When combined they equal the found place of use, therefore no combined acre limit is required.

43-2326 was licensed on 195 acres and claimed on 196 acres. The found acres are 195 acres and the recommendation. There is some shifting between quarter/quarters between the claim and the licensed place of use. This right was also licensed for irrigation and domestic use. It appears that the domestic use is a separate system and that the right should be split to better identify the uses. The claim adds the domestic well to the claimed points of diversion.

43-2541 is from the same points of diversion (less the domestic well) but was licensed for 184 acres rather than the 195 acres licensed under 43-2326.

RECOMMENDED PLACE OF USE FOR 43-214, 43-2452, 43-2459, 43-10815, AND 43-11298



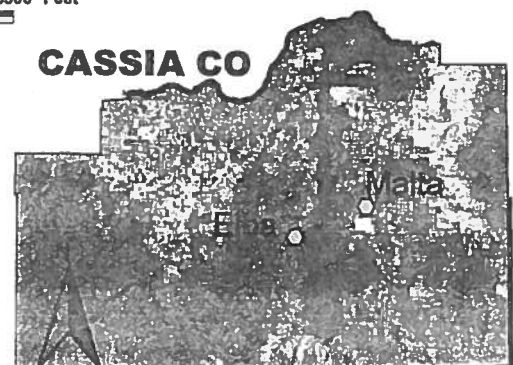
PLACE OF USE
TWP 13S, RNG 26E, SEC 23
Data entry on December 16, 2000

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

⊙ RECOMMENDED POINT OF DIVERSION

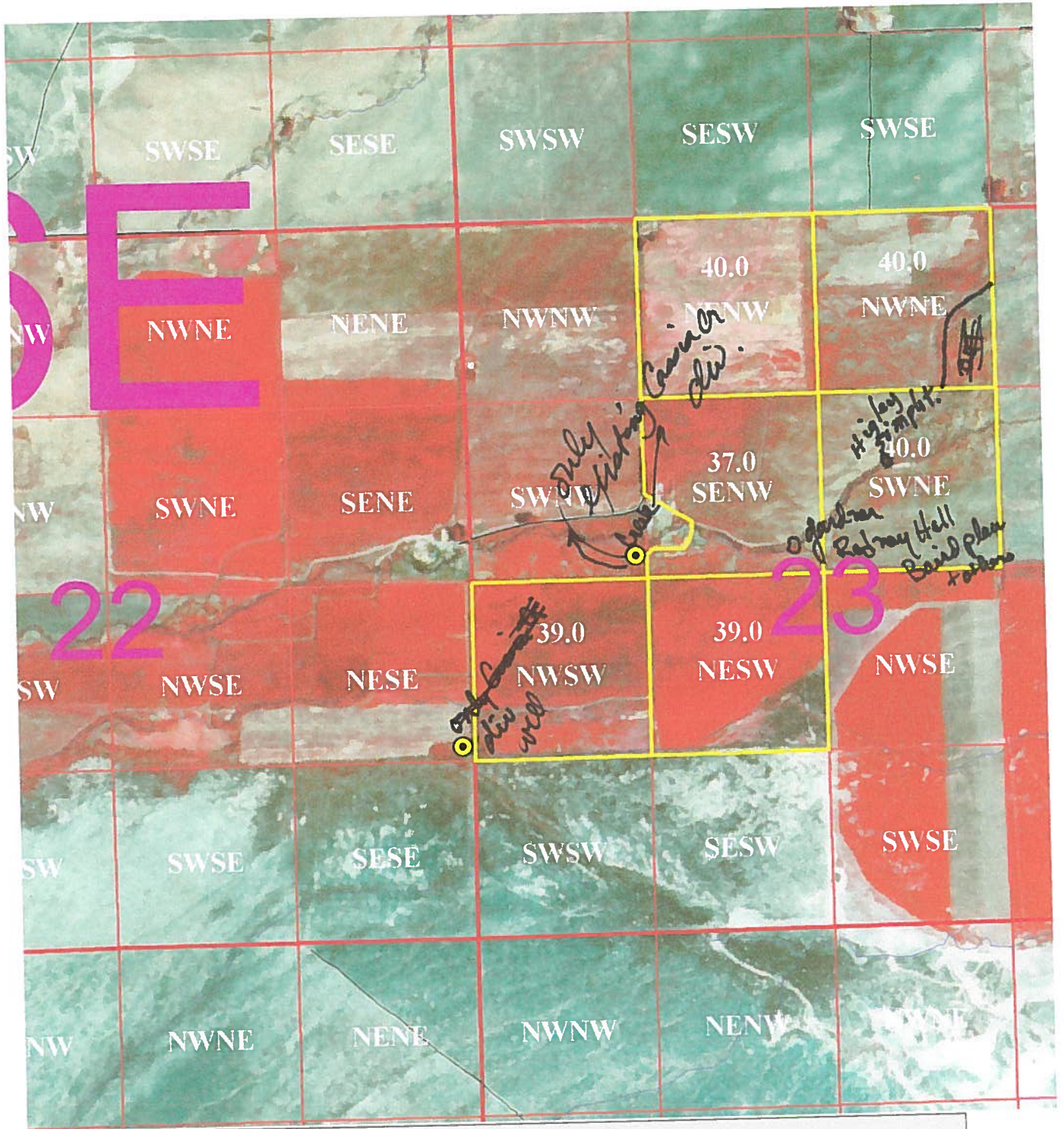
RECOMMENDED PLACE OF USE

SECTION LINES
QUARTER/QUARTER LINES



Water Right Claim Number A43-00110

Township , 13S26E





Irrigated Area



Place of Diversion

Legend



Section line



Quarter Section Line



Roads



Streams and canals



Notes During Charles Ward's
Office visit 12-8-00
*KC.



Log for claim A43-10815

Spatial Dynamics LRR

1/28/00

T	R	SEC	QQ	Acres Claimed	Acres Found	COMMENT
13	26	23	NWNE	40	40	
13	26	23	SWNE	40	40	
13	26	23	NENW	39	40	
13	26	23	SENE	37	37	
13	26	23	NESW	37	39	
13	26	23	NWSW	40	39	
Totals:				233	235	

Wednesday, February 02, 2000