

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 43-11298
Date Received: 12/14/00
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

CHARLES R WARD Phone: (208)645-2576
JANET O WARD
2075 E 1700 S
MALTA ID USA 83342

2. Date of Priority: 04/01/1894

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

4. Point of Diversion:

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

5. Description of diverting works:

two points of diversion from Cassia Creek. One system diverts water north of Cassia Creek and the other diverting water south of Cassia Creek.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	2.8	

7. Total Quantity Appropriated is:
2.8 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
13S	26E	23	NW NE	IRRIGATION	40
			NE NW	IRRIGATION	40

SW	NE	IRRIGATION	40
SE	NW	IRRIGATION	39
NE	SW	IRRIGATION	35
NW	SW	IRRIGATION	39

Section Acres 233

Total Acres 233

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:

14. Remarks:

This represents a combination of 43-110 and 43-215 for the total rate for each right as they shared a common priority date.

15. Basis of Claim: Decreed

12/18/2000

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

RIGHT NUMBER: 43-11298

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: 2.8 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: 04/01/1894

POINT OF DIVERSION: T13S R26E S23

SESWNW

Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03-15 11-15

QUANTITY
2.80 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

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

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

Idaho 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	4.60	
	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	No Farmed	7-1-88	0.80		
43-122	No Farmed	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.

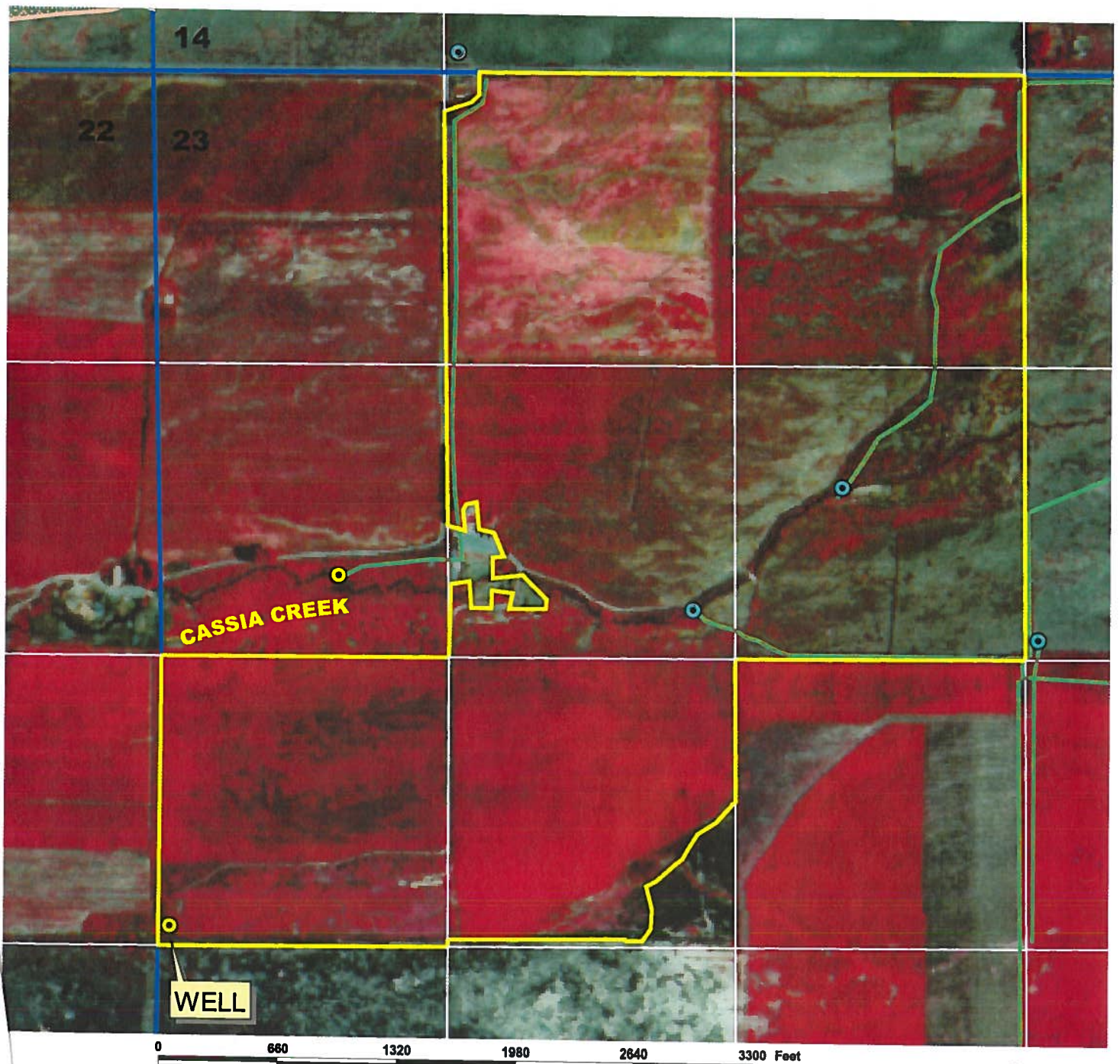
43-411 was decreed to the northern portion of the claimed place of use and is limited to 117 acres within the PP/U.

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
13S, RNG 26E, SEC 23
Entry on December 16, 2000

PLACE OF USE PRESENTATION
1988 NAPP AERIAL PHOTOGRAPHY
ENTRY BY KELLY K CHRISTENSEN

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

