

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 43-12928
Date Received: 1/11/01
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

C BAR CATTLE COMPANY Phone: (801)328-1600

139 EAST SOUTH TEMPLE #310
SALT LAKE CITY UT 84111

2. Date of Priority: 04/01/1871

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	20	NW NW SW	CASSIA

5. Description of diverting works:

HEADGATE FROM RAFT RIVER & ASSOCIATED DITCHES, BOOSTER PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	10/31	0.77	
STOCKWATER	01/01	12/31	0.29	

7. Total Quantity Appropriated is:
1.06 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	24	SE	SE		IRRIGATION	14.3			
			NE	SE		IRRIGATION	14.3			
			NE	SE		STOCKWATER				
			SE	SE		STOCKWATER				
						Section Acres	28.6			
13S	26E	25	NE	NE		IRRIGATION	14.3			
			NE	SE		IRRIGATION	2.5			
			NE	NE		STOCKWATER				
			NE	SE		STOCKWATER				
						Section Acres	16.8			
13S	27E	19	NE	SW		IRRIGATION	38.5			
			NW	SW	3	IRRIGATION	49.4			
			SE	SW		IRRIGATION	40			
			NW	SE		IRRIGATION	10			
			SW	SE		IRRIGATION	10			
			SW	SW	4	IRRIGATION	49.5			
			NE	SW		STOCKWATER				
			NW	SW	3	STOCKWATER				
			SW	SW	4	STOCKWATER				
			SE	SW		STOCKWATER				
			NW	SE		STOCKWATER				
			SW	SE		STOCKWATER				
									Section Acres	197.4
			13S	27E	30	NW	NE		IRRIGATION	33.4
NE	NW					IRRIGATION	28			
NW	NW	1				IRRIGATION	49.5			
SW	NW	2				IRRIGATION	48.8			
SE	NW					IRRIGATION	17.4			
NW	NE					STOCKWATER				
NE	NW					STOCKWATER				
NW	NW	1				STOCKWATER				
SW	NW	2				STOCKWATER				
SE	NW					STOCKWATER				
						Section Acres	177.1			
						Total Acres	419.9			

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 claim represents a combination of decreed rights 43-030 for irrigation and 43-443 and 43-444 for stockwater.

This claim represents a portion of claim 43-10798A (renumbered from 43-00030), which was split so that the claim could be more accurately recommended as originally decreed for use and season of use. See SRBA file regarding T2505 and Jobe Adams Decree. VH 1-11-2001.

15. Basis of Claim: Decreed

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

01/12/2001

WATER RIGHT NO. 43-10798A

Owner Type Name and Address
Current Owner SPLIT RIGHT
 XXXX
 X, ID 00000

Representative SHERL L CHAPMAN
 410 S ORCHARD SUITE 144
 BOISE, ID 83705
 (208)344-6690

Original Owner ALBION-IDAHO LAND CO
Original Owner CHARLES WARR ET AL
Original Owner JACK A PIERCE
Original Owner CHARLES WARR
 , ID

Original Owner PIERCE INC
 139 EAST SOUTH TEMPLE
 SALT LAKE CITY, UT 84111
 (801)328-1600

Original Owner C BAR CATTLE COMPANY
 139 EAST SOUTH TEMPLE #310
 SALT LAKE CITY, UT 84111
 (801)328-1600

Priority Date: 04/01/1871
Basis: Decreed
Status: Parent

Source Tributary to
RAFT RIVER SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01	7/01	6.537 CFS		
Total Diversion			6.537 CFS		

Location of Point(s) of Diversion:

RAFT RIVER NWNWSW Sec. 20 Township 14S Range 27E CASSIA County

IRRIGATION Use:
Acre Limit: 419.9

Place(s) of use:

Place of Use Legal Description: IRRIGATION

CASSIA County

<u>Townsh</u> <u>ip</u>	<u>Rang</u> <u>e</u>	<u>Section</u> <u>n</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
13S	26E	24		NESE	14.3		SESE	14.3						
		25		NENE	14.3									
				NESE	2.5									
	27E	19		NESW	38.5	3	NWSW	49.4	4	SWSW	49.5		SESW	40
				NWSE	10		SWSE	10						
		30		NWNE	33.4									
				NENW	28	1	NWNW	49.5	2	SWNW	48.8		SENW	17.4

Total Acres: 419.9

Remarks:

1.

THIS CLAIM INCLUDES WATER RIGHT NUMBERS: 43-00030, 43-00032, 43-00443, 43-00253, 43-00442, 43-00255 WHICH ARE FROM A COMMON PRIORITY DATE. ACREAGE CALCULATED BY ASCS USING AERIAL PHOTOS. ***** 10-20-99: OWNERSHIP CHANGE JACK PIERCE TO JOHN AND MABEL PIERCE PER NOTICE AND WD REC'D 7-16-1990 RESULTED IN A SPLIT OF SENW SEC 30. 18 AC AND .27 CFS CONVEYED TO JOHN AND MABEL. BALANCE REMAINED IN NAME OF JACK PIERCE.

10-20-99: OWNERSHIP CHANGE JACK PIERCE TO PIERCE, INC PER NOTICE REC'D 7-16-1990. 10-20-99: OWNERSHIP CHANGE PIERCE, INC TO C BAR CATTLE CO PER NOTICE REC'D 7-16-1990. SEE SUPPORTING DOCS IN FILE A43-00254 -VH *****THIS RIGHT WAS SPLIT INTO 3 PORTIONS TO MORE ACCURATELY REFLECT THE USES AND SEASONS OF USE OF THE VARIOUS DECREED RIGHTS WITHIN IT. **THIS RIGHT IS NOW REPRESENTED BY CLAIM NUMBERS 43-12926, 43-12927 AND 43-12928. FOR DOCUMENTS REGARDING ORIGINAL RIGHTS SEE SRBA CLAIM FILE 43-12926. 1-11-2001 VH.**

Dates:

Licensed Date:

Claim Received Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

Receipt Number(s):

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Child Right(s): 43-12926

43-12927

43-12928

WRADJUDICATIONCLAIM

WRADJUDICATIONCLAIM

WRADJUDICATIONCLAIM



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

January 16, 2001

C Bar Cattle Company
Christopher Robinson
139 East South Temple #310
Salt Lake City, Utah 84111

RE: Snake River Basin Adjudication (SRBA)
Splitting of Claim 43-10798

Dear Mr. Robinson:

The above Adjudication claim was filed by John A. Pierce in 1989 to assert his claim to several Raft River Decreed rights with a common priority date. The claim was actually originally claimed under the identifying number of 43-00030, but was later renumbered to 43-10798 to more accurately reflect that it was the combination of more than one water right. This claim was subsequently split into 43-10798A and 43-10798B portions when you purchased a major portion of Mr. Pierce's property.

During recent investigation of the Pierce and C Bar Cattle claims in the SRBA, I have discovered that, although the six decreed water rights combined within 43-10798A and B do share a common priority date, they have different seasons of use and different uses. When Mr. Pierce filed the original claim, he lumped them all into one irrigation claim with a short season of April 1 to July 1, however two of the claims had seasons of use which extended into October. Although I am aware that currently Raft River is probably not available after July 1, I feel it may not be wise to give up the right to use a full season of water should conditions ever change.

In addition, two of the rights included as irrigation rights were actually decreed for year round stockwater. These two rights, 43-443 and 43-444 were listed in error as irrigation rights by the Department on Transfer number 2505 in March 1975, which was filed to add a point of diversion to a number of decreed surface water rights in the area.

To correctly recommend the above claim in the SRBA, it was necessary to split both your portion, 43-10798A, and Mr. Pierce's portion into three different claims. Your claims are summarized below, with the use and season of use noted. Also find enclosed copies of the new claims for your records. I have noted on each that they represent replacements to claim 43-10798A.

The preliminary recommendations for the Raft River portion of claims in the Adjudication are due to be sent to all individual claimants in the next month or so, but I wanted to give you an advance notice of this substantial change in

the above water right. If you have any questions or concerns please don't hesitate to contact me here at the office.

Sincerely,

Vikie Hancock
Sr. Water Resource Agent

Summary of Rights:

43-12926	Irrigation from 4/1 to 7/1	5.47 cfs
43-12927	Irrigation from 4/1 to 10/1	2.521 cfs*
43-12928	Irrigation from 3/15 to 11/15	0.77 cfs
	Stockwater from 1/1 to 12/31	0.29 cfs

*this 2.521 cfs included in and not in addition to 5.47 cfs in 43-12926 above.

07/13/2001

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

RIGHT NUMBER: 43-12928

NAME AND ADDRESS: C BAR CATTLE COMPANY
139 EAST SOUTH TEMPLE #310
SALT LAKE CITY, UT 84111

SOURCE: RAFT RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.06 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 13.75 CFS. COMBINED RIGHT NOS.: 43-
171C, 43-178G, 43-254A, 43-287, 43-12926, 43-12927, 43-12928,
43-13075.

PRIORITY DATE: 04/01/1871

POINT OF DIVERSION: T14S R27E S20

NWNWSW

Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03-15 10-31	0.77 CFS
STOCKWATER	01-01 12-31	0.29 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

T13S R26E S24	NESE	22	T13S R26E S24	SESE	23
T13S R26E S25	NENE	23	T13S R26E S25	SENE	20
T13S R26E S25	SESE	18	T13S R27E S19	NESW	40
T13S R27E S19	NWSW	49	T13S R27E S19	SWSW	49
T13S R27E S19	SESW	39	T13S R27E S30	NWNE	34
T13S R27E S30	SWNE	17	T13S R27E S30	NENW	29
T13S R27E S30	NWNW	49	T13S R27E S30	SWNW	49
T13S R27E S30	SESW	18	T13S R27E S30	NESW	40
T13S R27E S30	SWSW	43	T13S R27E S30	SESW	40
T13S R27E S30	NWSE	36	T13S R27E S30	SWSE	40

STOCKWATER Within CASSIA County

T13S R26E S24	NESE		T13S R26E S24	SESE	
T13S R26E S25	NENE		T13S R26E S25	SENE	
T13S R27E S19	NESW		T13S R27E S19	NWSW	
T13S R27E S19	SWSW		T13S R27E S19	SESW	
T13S R27E S19	NWSE		T13S R27E S19	SWSE	
T13S R27E S30	NWNE		T13S R27E S30	NENW	
T13S R27E S30	NWNW		T13S R27E S30	SWNW	
T13S R27E S30	SESW				
T13S R27E S30	SWSE				

678 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NOS. 43-12926 & 43-12927
LIMITED TO THE IRRIGATION OF 360 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 897 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 43-171C, 43-178G, 43-254A, 43-
287, 43-2284A, 43-2304A, 43-2305, 43-2393A, 43-2455A, 43-4237,
43-12926, 43-12927, 43-12828, 43-13074, 43-13075.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 678 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 43-171C, 43-178G, 43-254A, 43-
287, 43-12926, 43-12927, 43-12828, 43-13075.

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.

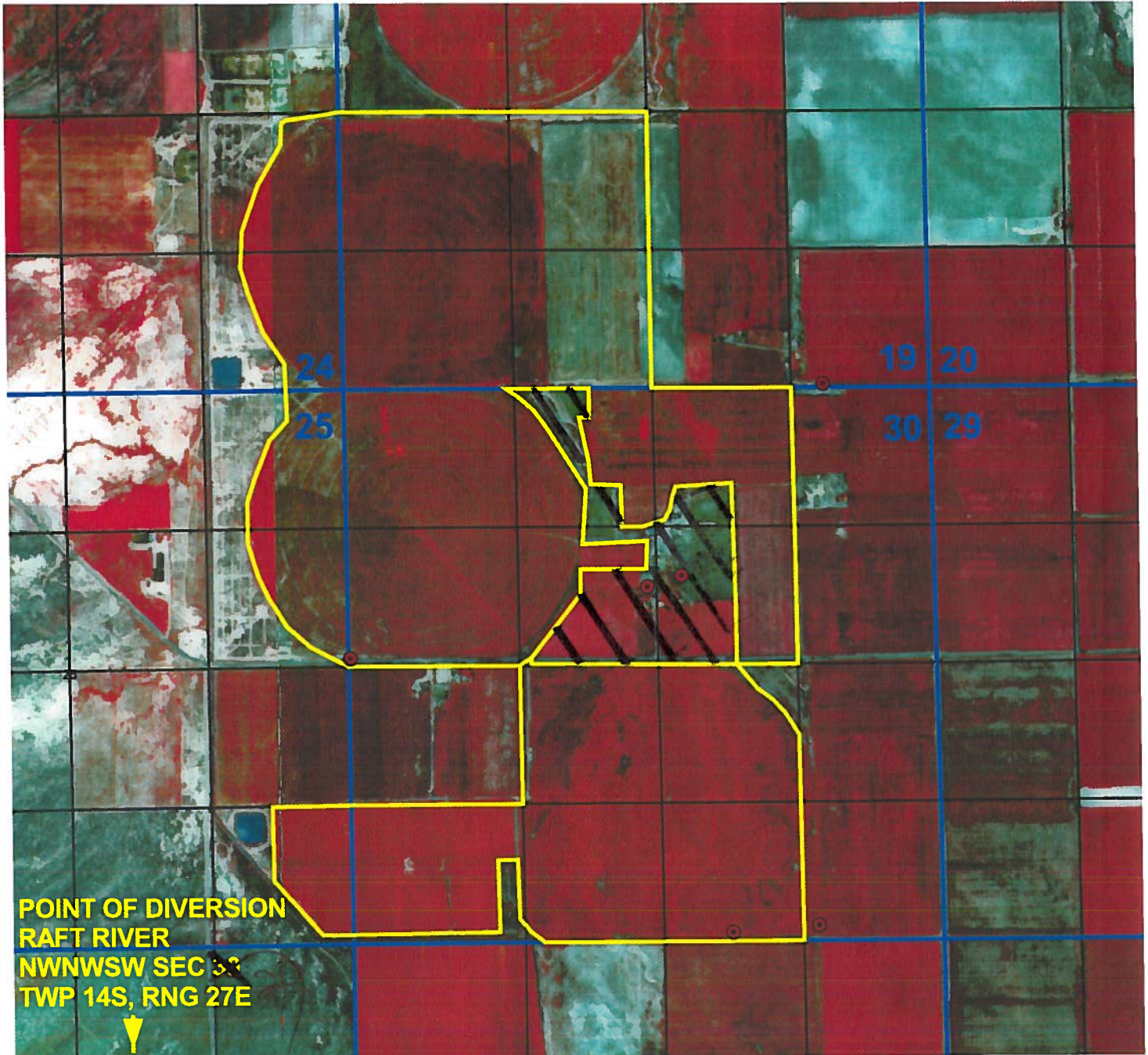
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THIS RIGHT IS BASED UPON OLD RIGHT NO. 43-030.

Idaho Department of Water Resources

**RIGHTS: 43-171C, 43-178G, 43-254A, 43-287,
43-12926, 43-12927, 43-12928, 43-13075**

**RECOMMENDED PLACE OF USE
TWP 13S, RNG 26E
TWP 13S, RNG 27E
Data entry on July 12, 2001**



Sec 33

0 1320 2640 3960 5280 Feet

○ 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

01/23/2001

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

RIGHT NUMBER: 43-12928

NAME AND ADDRESS: C BAR CATTLE COMPANY
139 EAST SOUTH TEMPLE #310
SALT LAKE CITY, UT 84111

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 1.06 CFS

WHEN COMBINED, THE RIGHTS LISTED BELOW SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. RIGHT NOS: 43-171C, 43-254A, 43-287, 43-2284A, 43-2304A, 43-2305, 43-2393A, 43-2455A, 43-4237, 43-12926, 43-12927, 43-12828.

PRIORITY DATE: 04/01/1871

POINT OF DIVERSION: T14S R27E S20 NWNWSW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03-15 10-31	0.77 CFS
STOCKWATER	01-01 12-31	0.29 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County					
T13S R26E S25	SESE	18	T13S R27E S19	NESW	40
T13S R27E S19	NWSW	49	T13S R27E S19	SWSW	49
T13S R27E S19	SESW	39	T13S R27E S30	NWNE	34
T13S R27E S30	SWNE	17	T13S R27E S30	NENW	29
T13S R27E S30	NWNW	49	T13S R27E S30	SWNW	49
T13S R27E S30	SENW	18	T13S R27E S30	NESW	40
T13S R27E S30	SWSW	43	T13S R27E S30	SESW	40
T13S R27E S30	NWSE	36	T13S R27E S30	SWSE	40
STOCKWATER Within CASSIA County					
T13S R26E S24	NESE		T13S R26E S24	SESE	
T13S R26E S25	NENE		T13S R26E S25	NESE	
T13S R27E S19	NESW		T13S R27E S19	NWSW	
T13S R27E S19	SWSW		T13S R27E S19	SESW	
T13S R27E S19	NWSE		T13S R27E S19	SWSE	
T13S R27E S30	NWNE		T13S R27E S30	NENW	
T13S R27E S30	NWNW		T13S R27E S30	SWNW	
T13S R27E S30	SENW				

590 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 360 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 808 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-171C, 43-178G, 43-254A, 43-

287, 43-2284A, 43-2304A, 43-2305, 43-2393A, 43-2455A, 43-4237, 43-12926, 43-12927, 43-12828.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 590 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-171C, 43-178G, 43-254A, 43-287, 43-4237, 43-12926, 43-12927, 43-12828.

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.

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 43B.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

NOTE TO FILE

From: Vikie Hancock

1/12/01

Regarding: SPLITTING OF CLAIM 43-10798

43-10798 (RENUMBERED FROM 43-00030)

BASED ON DECREED RIGHTS 43-030, 43-032, 43-253, 43-255, 43-443, 43-444
SPLIT INTO A and B PORTIONS BY OWNERSHIP CHANGE

A PORTION = C BAR CATTLE COMPANY, 6.53 cfs

B PORTION = JOHN AND MABEL PIERCE, .27 cfs

ROOT	4/1 TO 7/1		4/1 TO 10/1		FULL SEAS.		TOTAL
	A	B	A	B	A	B	
43-30					.77	.03	.80
43-32	1.15	.05					1.2
43-253	4.32	.18					4.5
43-255			2.521	.11			2.631*
43-443 & 43-444					.29	.01	.30
	5.47	.23	2.521*	.11*	1.06	.04 =	6.80

*Extended season but included in 43-253 diversion rate per Jobe Adams decree.

RESULTS of split:

C BAR 43-12926 = 5.47

43-12927 = 2.521

43-12928 = 1.06

PIERCE 43-12929 = 0.23

43-12930 = 0.11

43-12931 = 0.04

SEE SRBA FILE 43-12926 FOR
DOCUMENTATION.

RECOMMENDATION NOTES

From: Vikie Hancock

1/23/01

**Regarding: 43-171C, 43-178G, 43-254A, 43-287, also
43-030, renumbered and split into 43-10798A, subsequently
split into 43-12926, 43-12927 & 43-12928
SOURCE - RAFT RIVER**

The above claims are based upon 1928 Jobe Adams decreed rights from Raft River. Claims 43-254 and 43-10798 were split into A and B portions in a 1990 real estate transaction between Pierce and C Bar Cattle Company.

43-171C & 43-178G are portions of rights which were decreed appurtenant to the same place of use. Decreed right 43-178 was identified and decreed as floodwater. As such, it allows more than 1 inch per acre for the decreed tracts. C Bar Cattle Company's portion of that right is 100 acres and corresponds with their portion of right 43-171.

Claim **43-10798** was originally filed by Jack Pierce as 43-00030 and included decreed rights 43-030, -032, -443, -253, -254, -255 and -444. As they are described in transfer 2505, 43-030 and 43-032 were also appurtenant to the NWSE Section 19. Only 10 acres on the west edge of this $\frac{1}{4}$ $\frac{1}{4}$ are now owned by successor in interest C Bar Cattle Company, and it appears from 1962 and 1968 aerial photos that the acreage irrigated within this 40 was the east 30 acres. At some point after T2505 in 1975, the east 30 acres of the NWSE Sec 19 was evidently conveyed from Jack Pierce to Dale Pierce (and subsequently to Thornton). Original claimant Jack Pierce asserted his claim to the entire portion of decreed rights 43-030 and 032, however there is no information as to when an accomplished transfer of water from the east 30 acres may have occurred. Neither Dale Pierce, or current owner of the east 30 acres in NWSE Sec 19 Thornton, have asserted a claim to any portion of these rights. I am recommending the claim as filed, but suspect that a valid right to the entire amount does not belong to C Bar Cattle Company.

In 1990, an ownership change split right 43-10798 into A and B portions. After review of this right, it was determined that a further split of each portion was also necessary to accurately recommend the decreed rights combined within.

- An error occurred in transfer 2505 that identified .093cfs for irrigation that was originally decreed for stockwater under right 43-443, and .231 cfs for irrigation that was originally decreed for stockwater under right 43-444. IDWR subsequently noted the error on right 43-444, but made no such note of 43-443 in the database. The errors were perpetuated in SRBA Claim number 43-10798 which listed a diversion amount of 6.807 for irrigation.
- Claim 43-10798 included decreed rights with different seasons of use.

It was necessary to split each portion of right 43-10798 into three portions. 43-10798A, in the name of C Bar Cattle Co, was split into the following rights:

43-12926 Portions of decreed rights 43-032 and 43-253 combined into one claim with a season of 4/1 to 7/1.

43-12927 Claim based upon decreed right 43-255 with a season of 4/1 to 10/1 with the appropriate combined limits applied to 43-253, as decreed.

43-12928 A year round diversion amount of 0.29 cfs for stockwater based upon decreed rights 43-443 and 43-444 included with 0.77 cfs from decreed right 43-030 for full season irrigation use.

SEE SRBA CLAIM FILE 43-12926 FOR COMPLETE DOCUMENTATION OF THE NECESSITY FOR THE ABOVE CHANGES.

There are overlapping places of use for the Raft River decrees (see T2505), and in addition, not all acres within each tract were historically irrigated at the time of the 1928 decree (see 1962 aerial photos). The SRBA claims identify use of water from Raft River upon acres in Sections 20, 24 and 25 to which the rights, as recorded, are not appurtenant. In the course of my review, aerial photos from 1962, 1968 and 1987 were analyzed. There is no indication that any accomplished transfer of place of use has occurred, as more acres within the decreed place of use are under irrigation in the 1987 photos than in the 1962 or 1968 photos.

A 1994 field exam found the claimed point of diversion in section 20 T14S, R27E and a manmade channel conveying water to the perimeter of the farm and the ponds identified in the claims. A June 2000 filed exam further verified that, as original claimant Jack Pierce stated, surface and groundwater are mingled in a common sprinkling system to irrigate the entire place of use. A permissible place of use including both surface and groundwater would be appropriate, given this irrigation system. An expansion claim for the use of Raft River water is needed if the claimant wishes complete coverage from surface water on his entire place of use in a single irrigation season.

In cases where the season of use was identified in the Jobe Adams decree, that season of use has been recommended in the SRBA. In cases where no season of use but irrigation season is indicated, the current IDWR standard is being recommended.

Duplicate Claims:

The following claims, and their corresponding basis claims, were filed simultaneously by original claimant John Pierce, to assert the diversion of Raft River Decreed water from his various wells. In agreement with Department policy at this time, these duplicate claims were disallowed and the water rights recommended as filed with only a point of diversion on Raft River.

Duplicate Claim
Asserting PODs at wells
DISSALLOWED

Basis Claim
Claiming only Raft River POD
RECOMMENDED

Duplicate Claim
Asserting PODs at wells
DISSALLOWED

43-10576
43-10567
43-12921
43-10569
43-12919

Basis Claim
Claiming only Raft River POD
RECOMMENDED

43-171C
43-178G
43-254A
43-287
43-12926, 43-12927, 43-12928

BEFORE THE DIRECTOR OF THE DEPARTMENT OF
OF THE
STATE OF IDAHO

72505

IN THE MATTER OF APPLICATION FOR TRANSFER OF
WATER RIGHT NO. 43-0030, etc. in the name of
CHARLES WARR, ET AL

MEMORANDUM DECISION

AND ORDER

On November 27, 1974, Charles Warr, Olean Warr, Melvin Warr, Tom Smith, Gary Jordan, Juan Tracey, Melba Harris, Denton Whitaker, J. R. Hutchison, John Dye, Eric Ellison, Lane Ellison, Jay Hansen, John A. Pierce, and Corporation applied for application for transfer of the following water rights decreed to said persons and the Corporation, and the International Water Association, in the name of said persons and the Corporation, on August 12, 1920, in the State of Idaho, County of Blaine, Idaho.

43-0030 is for the diversion of 0.5 cfs of water with a priority of April 1, 1971, to be diverted during the entire irrigation season for the irrigation of land in the SW¹/₄, NW¹/₄, Sec. 10; NE¹/₄, NW¹/₄, Sec. 10; Twp. 13N, Rge. 27E, S. 1N.

43-0031 is for the diversion of 1.5 cfs of water with a priority of April 1, 1971, to be diverted during the period of April 1, to July 1, for the irrigation of land in the SW¹/₄, NW¹/₄, Sec. 10; NE¹/₄, NW¹/₄, Sec. 10; Twp. 13N, Rge. 27E, S. 1N.

43-0032 is for the diversion of 1.5 cfs of water with a priority of April 1, 1971, to be diverted during the entire irrigation season for the irrigation of land in the SW¹/₄, NW¹/₄, Sec. 10; NE¹/₄, NW¹/₄, Sec. 10; Twp. 13N, Rge. 27E, S. 1N.

43-0033 is for the diversion of 1.5 cfs of water with a priority of April 1, 1971, to be diverted during the period of April 1, to July 1, for the irrigation of land in the SW¹/₄, NW¹/₄, Sec. 10; NE¹/₄, NW¹/₄, Sec. 10; Twp. 13N, Rge. 27E, S. 1N.

43-0034 is for the diversion of 1.5 cfs of water with a priority of April 1, 1971, to be diverted during the entire irrigation season for the irrigation of land in the SW¹/₄, NW¹/₄, Sec. 10; NE¹/₄, NW¹/₄, Sec. 10; Twp. 13N, Rge. 27E, S. 1N.

43-0035 is for the diversion of 1.5 cfs of water with a priority of April 1, 1971, to be diverted during the period of April 1, to October 1, for the irrigation of land in the SW¹/₄, NW¹/₄, Sec. 10; NE¹/₄, NW¹/₄, Sec. 10; Twp. 13N, Rge. 27E, S. 1N.

43-0164 is for the diversion of 1 cfs of water with a priority of April 1, 1971, to be diverted during the period of April 1, to July 1, for the irrigation of land in the SW¹/₄, NW¹/₄, Sec. 10; NE¹/₄, NW¹/₄, Sec. 10; Twp. 13N, Rge. 27E, S. 1N.

43-0165 is for the diversion of 1.5 cfs of water with a priority of April 1, 1971, to be diverted during the period of April 1, to July 1, for the irrigation of land in the SW¹/₄, NW¹/₄, Sec. 10; NE¹/₄, NW¹/₄, Sec. 10; Twp. 13N, Rge. 27E, S. 1N.

43-0166 is for the diversion of 1.5 cfs of water with a priority of April 1, 1971, to be diverted during the period of April 1, to July 1, for the irrigation of land in the SW¹/₄, NW¹/₄, Sec. 10; NE¹/₄, NW¹/₄, Sec. 10; Twp. 13N, Rge. 27E, S. 1N.

140000 = pgs 7+8

are numbered out
of order. They have
been reversed to be
in correct decree order

020	1878-May 31	.8 s.f.	To be divert irrigation of Twp. 11 S. R. 27 E.B.M. Twp. 12 S. R. 27 E.B.M.
21	1888-May 31	2.4 s.f.	To be diverted from Raft River, April 1 to July 1, for the irrigation of $E\frac{1}{2}SW\frac{1}{4}$, Lot 4, Sec. 31, Twp. 11 S. R. 27 E.B.M. and Lot 3, Sec. 6, Twp. 12 S. R. 27 E.B.M.
22	1882-May 31	3.2 s.f.	To be diverted from Raft River, April 1 to July 1, for the irrigation of Lots 2 and 3 and $SE\frac{1}{4}NW\frac{1}{4}$, Sec. 31, Twp. 11 S. R. 27 E.B.M.
23	1882-May 31	1 s.f.	To be diverted from Raft River, April 1 to July 1, for the irrigation of $E\frac{1}{2}SW\frac{1}{4}$ and Lot 4, Sec. 30, $NE\frac{1}{4}NW\frac{1}{4}$, Sec. 31, Twp. 11 S. R. 27 E.B.M.
24	1882-May 31 (Gallagher Claim)	5 s.f.	To be diverted from Raft River, April 1 to July 1, for the irrigation of $E\frac{1}{2}NW\frac{1}{4}$ and Lot 2, Sec. 30, $SE\frac{1}{4}SW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$, Sec. 19, $NW\frac{1}{4}NE\frac{1}{4}$, Sec. 30, Twp. 11 S. R. 27 E.B.M.
25	1883-May 31	2.8 s.f.	To be diverted from Raft River, April 1 to July 1, for the irrigation of $NE\frac{1}{4}$, Sec. 19, Twp. 11 S. R. 27 E.B.M.
26	1873-May 31	4 s.f. 0.8 sf	To be diverted from Raft River, April 1 to July 1, for the irrigation of $N\frac{1}{2}SW\frac{1}{4}$, Sec. 17, $E\frac{1}{2}SE\frac{1}{4}$, Sec. 18, Twp. 11 S. R. 27 E.B.M.
27	1886-Jan. 1	~~1.8 s.f.~~	To be diverted from Cassia Creek for the irrigation of $SW\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}NE\frac{1}{4}$, Sec. 13 Twp. 12 S. R. 26 E.B.M., and Lot 1, Sec. 18, Twp. 12 S. R. 27 E.B.M.
28	1888-May 31	1 s.f.	To be diverted from Raft River, April 1 to July 1, for the irrigation of $SW\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}NE\frac{1}{4}$, Sec. 13, Twp. 12 S. R. 26 E.B.M., and Lot 1, Sec. 18, Twp. 12 S. R. 27 E.B.M.
29	1886-Mar. 7	1.6 s.f.	To be diverted from Raft River for the irrigation of $E\frac{1}{2}NW\frac{1}{4}$, Sec. 7, Twp. 12 S. R. 27 E.B.M.
30	1871-Apr. 1	.8 s.f.	To be diverted from Raft River during entire irrigation season -
31	1874-May 31	.8 s.f.	To be diverted from South Fork of Cassia Creek, April 1 to July 1 -
32	1871-Apr. 1	1.2 s.f.	To be diverted from Raft River, April 1 to July 1, for the irrigation of Lot 4, $SE\frac{1}{4}SW\frac{1}{4}$, Sec. 18, Lot 1, $NE\frac{1}{4}NW\frac{1}{4}$, Sec. 19, Twp. 13 S. R. 27 E.B.M.
413	An undivided 100/536 interest in .5 s.f. Raft River, decreed as continuous flow for stock purposes to Sweetser Bros. & Pierce		
33	1881-June 1 (Baker Tract)	2.4 s.f.	To be diverted from Clear Creek for the irrigation of $N\frac{1}{2}SE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$, Sec. 29, $SW\frac{1}{4}SW\frac{1}{4}$, Sec. 28, Twp. 15 S. R. 27 E.B.M.

AS DECREEED 1928 JOBE - ADAMS

20 feet wide off of the South side of said tract now used as a road.

Frederick W. Parish
1883-Apr. 1
1887-Apr. 1

.24 s.f.
.6 s.f.

To be diverted from Cassia Creek for the irrigation of NE $\frac{1}{4}$, Sec. 26, Twp. 13 S. R. 24 E.B.M.

A. J. Peterson
Laura Peterson
1894-Apr. 1

.8 s.f.

To be diverted from Cassia Creek for the irrigation of N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, Twp. 13 S. R. 26 E.B.M.

J. C. Pettingill
Agnes Pettingill
1881-Apr. 30

1.3 s.f.

To be diverted from Cassia Creek for the irrigation of Lots 2 and 3, Sec. 6, Twp. 14 S. R. 25 E.B.M., and a tract of land described as follows:

Commencing at the SE corner of Lot 2, thence South 12.65 rods, thence West 160 rods, thence North 18.91 rods, thence East to the place of beginning, containing 10.78 acres.

253 A.D. Pierce
Bula Pierce
1871-Apr. 1

4.5 s.f.

To be diverted from Raft River, April 1 to July 1 each year, for the irrigation of E $\frac{1}{2}$ SW $\frac{1}{4}$, Lots 3 and 4, Sec. 19, E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 30, Twp. 13 S. R. 27 E.B.M.

An undivided 225/526 pro rata interest in and to 25 inches of continuous flow of Raft River decree to Sweetser Bros. & Pierce for stock purposes.

444 STOCKWATER

SEE ADJUDICATION ALSO

254 1898-Apr. 1

2.4 s.f.

To be diverted from Raft River for the irrigation of SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 30, Twp. 13 S. R. 27 E.B.M.

255 A. D. Pierce
Bula Pierce
1871-Apr. 1

2.651 s.f.

To be diverted from Raft River, April 1 to October 1 each year, the same being a part of 4.5 s.f. aforesaid from April 1 to July 1 of each year and not in addition thereto, for the irrigation of E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 19, and 2/3 SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 30, Twp. 13 S. R. 27 E.B.M., excepting a tract of land described as follows: Beginning at the SW corner of the NW $\frac{1}{4}$, Sec. 30, Twp. 13 S. R. 27 E.B.M., thence East 13 $\frac{1}{2}$ rods, thence North 1 mile, thence West 13 $\frac{1}{2}$ rods, thence South 1 mile to the place of beginning.

W. J. Pierce
1909-Sept. 13

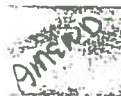
1.04 s.f.

To be diverted from Raft River for the irrigation of Lot 1, Sec. 31 and Lot 2, Sec. 30, Twp. 11 S. R. 27 E.B.M.

1910-Apr. 1

1.2 s.f.

To be diverted from Raft River for the irrigation of SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 6, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 7, Twp. 12 S. R. 27 E.B.M.



AS DECREED

1928 JOBE - ADAMS