

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 43-12930
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)

JOHN A PIERCE Phone: (208)645-2580

MALTA ID USA 83342

MABEL PIERCE Phone: (208)645-2580

MALTA ID USA 83342

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	04/01	10/01	0.11	

7. Total Quantity Appropriated is:
0.11 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	27E	30	SE	NW	IRRIGATION	18
					Section Acres	18
					Total Acres	18

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 is based upon decreed right 43-255.
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 43-12926 for documents regarding T2505 and Jobe Adams Decree. VH 1-11-2001.

15. Basis of Claim: Decreed

01/17/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

WATER RIGHT NO. 43-10798B

<u>Owner Type</u>	<u>Name and Address</u>
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	JOHN A PIERCE
Original Owner	MABEL PIERCE
Original Owner	CHARLES WARR

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

<u>Source</u>	<u>Tributary to</u>
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	0.27 CFS		
Total Diversion			0.27 CFS		

Location of Point(s) of Diversion:

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

IRRIGATION Use:
Acre Limit: 18

Place(s) of use:

Place of Use Legal Description: IRRIGATION CASSIA County

<u>Townsh</u>	<u>Rang</u>	<u>Section</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>
<u>ip</u>	<u>e</u>	<u>n</u>												
13S	27E	30		SENE	18									

Total Acres: 18

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. 17.4 AC SEC 30, BALANCE OF ACREAGE AND 6.537 CFS RETAINED BY JACK PIERCE UNDER CLAIM A43-10798A AND SUBSEQUENTLY CONVEYED TO C BAR CATTLE CO. VH
1-11-2001 THIS RIGHT HAS BEEN SPLIT INTO 3 PORTIONS TO MORE ACCURATELY REFLECT THE USES AND SEASONS OF USE ORIGINALLY DECREED. THIS CLAIM IS NOW REPRESENTED BY 43-12929, 43-12930 AND 43-12931. FOR DOCUMENTS CONCERNING ORIGINAL DECREED RIGHTS SEE SRBA CLAIM 43-12926.

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): 43-12929 WRADJUDICATIONCLAIM
43-12930 WRADJUDICATIONCLAIM
43-12931 WRADJUDICATIONCLAIM

01/18/2001

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

RIGHT NUMBER: 43-12930

NAME AND ADDRESS: JOHN A PIERCE
MABEL PIERCE
MALTA, ID 83342

SOURCE: RAFT RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.11 CFS

USE OF THIS RIGHT WITH RIGHT NO. 43-12929 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF .23 CFS.

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 43-254B, 43-2284B,
43-2304B, 43-2394B, 43-2455B, 43-12929, ~~43-12930~~, 43-12931
SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

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	04-01 10-01	0.11 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>			
T13S R27E S30	SWNE	12	T13S R27E S30
			SENW 19

31 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 19 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED
TO THE IRRIGATION OF A COMBINED TOTAL OF 31 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-254B, 43-2284B,
43-2304B, 43-2394B, 43-2455B, 43-12929, ~~43-12930~~, 43-12931.

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

**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: 43-12930

JOHN A PIERCE
2304 E 1800 S
MALTA ID 83342
Telephone Number: (208)645-2580

MABEL PIERCE
2304 E 1800 S
MALTA ID 83342
Telephone Number: (208)645-2580

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: 5-24-01

SIGNATURE: Mabel Pierce John A. Pierce by Mabel Pierce

Please print your name: Mabel Pierce and John A. Pierce

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

RECOMMENDATION NOTES

From: Vikie Hancock

1/18/01

Regarding:

43-254B, 43-12922, 43-12929, 43-12930, 43-12931 Surface Water
43-2284, 43-2304B, 43-2394B, 43-2455B, 43-4238B Groundwater

The above claims represent the remaining portions of claims split by an ownership change, Pierce to C Bar Cattle Company. Pierce retained 31 acres surrounding his farmstead, which is located more or less in the middle of the original place of use.

The original filings claimed six wells and one point of diversion on Raft River with a co-mingling of water that included two holding ponds and a common sprinkling system. After the purchase by C Bar Cattle Company, it was determined that the C Bar Property was irrigated from 4 wells that were not connected to two wells located on the Pierce property. I have therefore deleted all but two points of diversion for groundwater on the above Pierce claims.

It is not specifically known what changes, if any, were effected to continue delivery of water from Raft River to the Pierce 31 acres. It is assumed that the claimed point of diversion from the river is used to convey water to the property, however. Field exam done by agent Frank Hitchcock in 1994 documented the diversion and man-made channel that conveys water to the original place of use.

When combined, the above claims are limited to the irrigation of 31 acres and a diversion rate of 0.02 cfs per acre.

See Claim file 43-254B for documentation, and also claim file 43-12926 (C Bar Cattle Company) for additional information regarding 1928 decreed surface water rights. See claim file 43-2455A (C Bar Cattle) for documentation regarding stockwater use.

43-12930

Comb Limits w/ 12929 per decree
Found 19 ac in SE1/4 30 pu GIS, Limit in PPR
See 43-254B for GIS Layout

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

<u>ROOT</u>	<u>4/1 TO 7/1</u>		<u>4/1 TO 10/1</u>		<u>FULL SEAS.</u>		<u>TOTAL</u>
	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

PIERCE 43-12929 = 0.23

43-12927 = 2.521

43-12930 = 0.11

43-12928 = 1.06

43-12931 = 0.04



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301-3380
(208) 736-3033

DIRK KEMPTHORNE
GOVERNOR

KARL J DREHER
DIRECTOR

CHANGE IN ADDRESS

RECEIVED

JAN 22 2001

Department of Water Resources
Southern Region

☐ Water Right Number(s):

43-12929, etc

☐ Old Mailing Address:

John A Pierce

Malta, IDAHO

☒ New Mailing Address:

2304 E 1500S

MALTA, IDAHO

83342

☐ New Telephone Number: (208) 645-2580

☒ Signature of Claimant(s):

John A Pierce, Arlene Pierce

Date:

1-19-2001

FOR IDWR USE ONLY

Initial Review and Data Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data Entry

Date: 1/22/01 By: J. G. Watt



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

John A. Pierce
Malta, Idaho 83342

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

Dear Mr. and Mrs. Pierce:

The above Adjudication claim was filed by you in 1989 to assert your claim to several Raft River Decreed rights with a common priority date. The claim was 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 then split into two portions, 43-10798A and 43-10798B, when you sold the majority of your property to C Bar Cattle Company.

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 you filed the original claim, you sacrificed the full season use and lumped them all into one claim with a short season of April 1 to July 1. Although I am aware that currently Raft River is probably not available after July 1, it may not be wise to give up the right to use the full season 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 as you recall, was filed to add a point of diversion to a number of decreed surface rights.

To correctly recommend the above claim in the SRBA, it was necessary to split both your portion, 43-10798B, and C Bar Cattle Company's portion into three different claims. They 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 43-10798B.

The preliminary recommendations for Adjudication claims in your area 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:

43-12929	Irrigation from 4/1 to 7/1	0.23cfs
43-12930	Irrigation from 4/1 to 10/1	0.11cfs*
43-12931	Irrigation from 3/15 to 11/15	0.03cfs
	Stockwater from 1/1 to 12/31	0.01cfs

* this 0.11 cfs included within and not in addition to the 0.23 cfs in 43-12929 above.

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

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

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

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 12.91 rods, thence East to the place of beginning, containing 10.72 acres.

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, 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 ATTACHED ALSO

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.

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 $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$, 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. 15

2.24 s.f.

To be diverted from Raft River for the irrigation of Lot 1, Sec. 31 and Lot 1 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.

