

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 43-13127
Date Received: 8/27/2001
Receipt No: 5024272
Received By: KKL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

J RICHARD WARD FAMILY TRUST Phone: (208)346-6232

C/O RICHARD WARD
PO BOX 127
LEADORE ID USA 83464

2. Date of Priority: 04/01/1953

3. Source: CROSS CREEK Trib. to: CASSIA CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
14S	24E	12	NW NE NW	CASSIA	

5. Description of diverting works:

cement headgate, earthen ditch

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.8	
STOCKWATER	04/01	11/30	0.07	

7. Total Quantity Appropriated is:
0.87 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
14S	25E	7	NE NW NE NW	IRRIGATION STOCKWATER	40
Section Acres					40
Total Acres					40

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:

15. Basis of Claim: Beneficial Use

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: _____

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IN RE THE GENERAL ADJUDICATION
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8-21-01

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NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

AUG 21 2001

Department of Water Resource
Southern Region

Please type or print clearly

1. Name of Claimant (s) J. Richard Ward Family trust Phone (208) 768-2668Mailing Address Box 127 Leadore, Id. Zip 834642. Date of Priority (Only one (1) per claim) 1953, April 13. Source of water supply (a) CROSS CR
which is tributary to (b) CASSIA CR.4. a. Location of existing point of diversion is: Township 14S Range 24E Section 12,
NW 1/4 of NE 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of CASSIAAdditional points of diversion if any: NA.

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Cement Headgate, Earthenditch

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 4/1 to 10/31 amount .80 cfs or _____

For stock water purposes from 4/1 to 11/30 amount .07 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) ~~7.87~~ (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) NA

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
14S	25E	7					40												

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? Cassia

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. NA or None ()

14. Remarks:

Last Name Ward Ident No. 39576

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

R24E | R25E

The figure is a 20x20 grid map. The grid is divided into two sections by a vertical line labeled 'R24E' and 'R25E'. The left section (R24E) contains a large area labeled 'CITY' and a smaller area labeled 'place of use'. The right section (R25E) contains a large area labeled 'place of use' and a smaller area labeled 'NOT place of use'. A handwritten '7' is visible in the bottom right corner of the grid.

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) J. Richard Ward Family Trust Date 8/20/01
by J. Richard Ward Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

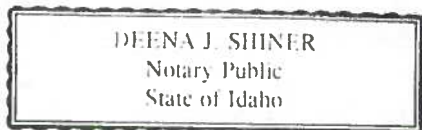
Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Lemhi) SS.

Subscribed and sworn (or affirmed) before me this 20th day of August 19 2001

SEAL



Notary Public Deena J. Shiner

Residing at Lemhi

My Commission Expires Oct 1, 2005

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-13127 V1

WATER RIGHT NUMBER: 43-13127 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	J RICHARD WARD FAMILY TRUST C/O RICHARD WARD PO BOX 127 LEADORE, ID 83464 (208)768-2668

Priority Date: 04/01/1953
Basis: Beneficial Use
Status: Active

<u>Source</u>	<u>Tributary</u>
CROSS CREEK	CASSIA CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.220 CFS	
STOCKWATER	04/01 to 11/30	0.070 CFS	
	<u>Total Diversion:</u>	0.290 CFS	

Location of Point(s) of Diversion

CROSS CREEK NW1/4NE1/4NW1/4 Sec. 12, Twp 14S, Rge 24E, B.M. CASSIA County

Place of Use

IRRIGATION																			
Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	25E	6												34.0				30.0	64.0
14S	25E	7								11.0									11.0
Total Acres: 75																			

STOCKWATER																			
Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14S	25E	6												X				X	
14S	25E	7								X									

Conditions of Approval:

1. C18 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.

Remarks:

1. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 75 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-146A, 43-147A AND 43-13127.
2. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 11 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. Explanatory WATER IS DELIVERED THROUGH THE BARKER DITCH AND THE OTTLEY DITCH.



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 DEPT INTERNET WEB SITE: www/idwr.state.id.us

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 28, 2001

RICHARD WARD
PO BOX 127
LEADORE ID 83464

RE: LATE CLAIM 43-13127 AND MODIFIED RECOMMENDATIONS FOR OVERLAPPING
RIGHTS 43-166A AND 43-147A.

Dear Richard

Enclosed is the data entered claim, the recommendation, and layout for 43-13127. Also enclosed are the modifications to 43-146A and 43-147A. My recommendations represent my current understanding of your system.

If you have any additional questions please give me a call.

Sincerely

Kelly K Christensen
Sr. Water Resource Agent
E-mail address: kchrste@idwr.state.id.us
Enclosures

Idaho Department of Water Resources

I hereby testify, and verify, that I witnessed, and have knowledge of the construction of the so called "Upper Ditch", built in the year 1953, to divert water from the so called "Barker Ditch", into the Upper Ditch, to irrigate the land owned by J. Basil Pettingill and Lewis ~~the~~ Ottley.

To substantiate this knowledge, and verify the dates, I present this information, based on the fact that a man working on the construction of the Elba - Almo Highway, came with their Caterpillar and Dozer, and built this Upper Ditch, on a week end, while not busy on the road construction.

The Elba - Almo road was built in 1953.

Signed - Stanley Lloyd
Stanley Lloyd
Dated June 14, 2001

Signed - Arlo P Lloyd
Arlo Lloyd

Dated - 6-14-2001

E.E.