

11/11/2002

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

RIGHT NUMBER: 29-13243
NAME AND ADDRESS: WARD FARMS
5336 ARBON HWY
PO BOX 51
ARBON ID 83212

A2913243



SOURCE: SPRING TRIBUTARY:
QUANTITY: 0.300 CFS
PRIORITY DATE: 05/22/1914
POINT OF DIVERSION:

T11S R33E S28 SWNENW Within POWER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.300 CFS

PLACE OF USE: IRRIGATION Within POWER County
T11S R33E S27 SENW 15.0

15 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

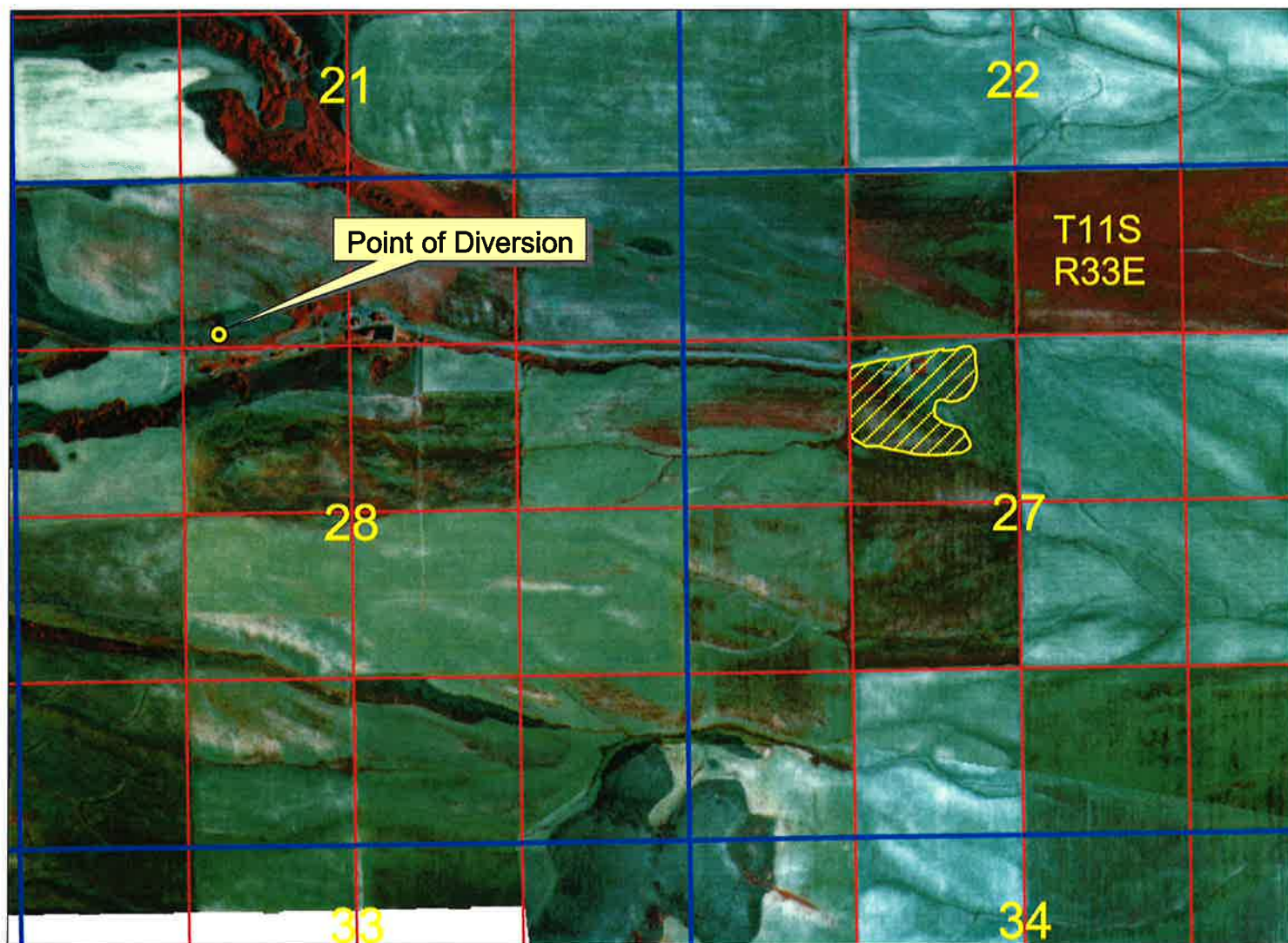
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Beneficial Use

RIGHT NO. 29-2180 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

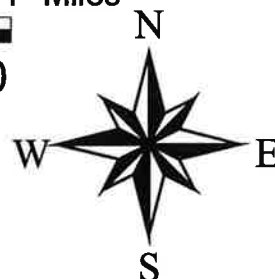


State of Idaho
Department of Water Resources
Eastern Region
Water Right 29-13243



0.5 0 0.5 1 Miles

1:16000



-  Point(s) of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: P. Meyer
Date: November 2002

02/18/2003

Paul

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: April 21, 2003

Water right number: 29-13243

WARD FARMS
5336 ARBON HWY

ARBON ID 83212
Telephone Number: (208)335-2263

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:

____ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 2/21/03

SIGNATURE: Vance E. Ward

Please print your name: VANCE E. WARD

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

RECEIVED
FEB 21 2003
IDWR

RECEIVED
NOV 02 2001
Department of Water Resources
Eastern Region

LAW OFFICES OF

**RACINE, OLSON, NYE, BUDGE & BAILEY
CHARTERED**

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODSELL
JOHN B. INGELSTROM
DANIEL C. GREEN
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN
ERIC S. HUNN
DAVID E. ALEXANDER
LISA M. CHRISTON
RICHARD A. HEARN, M.D.
ERIC L. OLSEN
LANE V. ERICKSON
PATRICK N. GEORGE
SCOTT J. SMITH

CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101
FACSIMILE (208) 232-6109

SENDER'S E-MAIL ADDRESS: rcb@racinelaw.net

BOISE OFFICE

CONRAD J. AIKEN

101 SOUTH CAPITOL
BOULEVARD
U.S. BANK PLAZA, SUITE 202
BOISE, IDAHO 83702
TELEPHONE: (208) 395-0011
FACSIMILE: (208) 433-0167

November 1, 2001

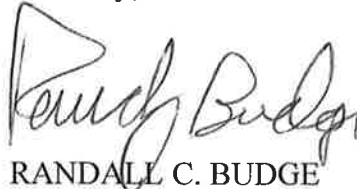
Paul Meyer, Senior Agent
Idaho Department of Water Resources
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

Re: Ward Farms/Adjudication Claim No. 29-2180

Dear Paul:

To follow up on my letter to you of October 3 regarding the above matter, in support of the new Notice of Claim to a Water Right submitted on behalf of Ward Farms pertaining to the spring, I am enclosing the Supporting Affidavit of Vicki Parkinson Reece. I trust this is sufficient to permit the processing of this additional claim based on beneficial use. If you have any questions or need any additional information, please contact me.

Sincerely,


RANDALL C. BUDGE

RCB:rr
Enclosures
cc: Ward Farms

RECEIVED

NOV 02 2001

Department of Water Resources
Eastern Region

**AFFIDAVIT OF
VICKI PARKINSON REECE**

STATE OF IDAHO)
 : ss
County of JEFFERSON)

VICKI PARKINSON REECE, being first duly sworn, deposes and states that the following is true and correct to the best of her personal knowledge, information and belief, to-wit:

1. I, Vicki Parkinson Reece, am now and at all times mentioned in this Affidavit was a resident of the State of Idaho. I currently am married to Bob Reece and we reside at 4192 E. 460 N., Rigby, Idaho 83442.

2. I was previously married to Craig Parkinson until he died in ^{1986 VPR}1987. During our marriage we lived on a farm in Arbon Valley, Power County, Idaho. The farm was purchased by us in 1967 from my husband Craig's grandparents, Edwin Arbon Davis and May Davis. We sold the farm to Ward Brothers in January 1987.

3. During the period that we owned the Arbon Valley farm from 1967 until 1987 as described above, we resided in a home located on the farm. We also owned and used water arising from a spring located in the SW1/4 NE1/4 NW1/4, Section 28, Township 11 South, Range 33 East, B.M., Power County, Idaho. Spring water was collected in a cement box and delivered to our house via a buried pipeline. Water from the spring provided all of our domestic uses, including water for our yard, garden and meadow area around the house. Approximately 15 acres of meadow were irrigated from the spring in the area around the house. The house and the irrigated land was located in the SE1/4 NE1/4, Section 27, Township 11 South, Range 33 East, B.M., Power County, Idaho. The culinary water was used on a year-round basis. The irrigation water was used from approximately April 15 through November 15 of each year.

4. Craig Parkinson's grandparents, Edwin Arbon Davis and May Davis, husband and wife were married in approximately 1917. They homesteaded various properties in the area. From conversations we had with them prior to and after we purchased the farm from them, they clearly indicated that they used the spring to provide water for domestic and irrigation purposes in the same

manner we did described above, continuously from approximately 1917 until they sold the property to us in 1967. Accordingly, to my knowledge, water from the described spring has continually been diverted and applied to beneficial use since approximately 1917 for domestic and irrigation purposes in the manner described above and as set forth in the Notice of Claim to a Water Right filed by Ward Farms, a copy of which is attached hereto.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 31 Day of October, 2001.

Vicki Parkinson Reece
VICKI PARKINSON REECE

SUBSCRIBED AND SWORN TO before me this 31st day of October, 2001.



Tammy J. Overshon
NOTARY PUBLIC FOR IDAHO,
Residing at: Rigby
My Commission Expires: 10/9/07

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 _____

Date Received _____

Receipt Number _____

RECEIVED

NOV 02 2001

Department of Water Resources
Eastern Region

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Ward Farms Phone (208) 335-2263
Mailing Address PO Box 51, Arbon, Idaho Zip 83212
2. Date of Priority (Only one (1) per claim) May 22, 1914
3. Source of water supply (a) Spring
which is tributary to (b) _____
4. a. Location of existing point of diversion is: Township 11S Range 33E Section 28,
SW 1/4 of NE 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of Power
Additional points of diversion if any: _____
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,
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.
Spring, concrete collector to pipe with gravity flow to home and field.

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Domestic purposes from 1/01 to 12/31 amount 0.04 or _____

For Irrigation purposes from 3/15 to 11/15 amount 0.450 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.49 cfs (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.) Domestic for one home

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
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>11S</u>	<u>33E</u>	<u>27</u>				<u>D</u>													
						<u>15</u>													<u>15</u>

Total number of acres irrigated 15

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

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.
A29-02180 (Domestic) or None ()

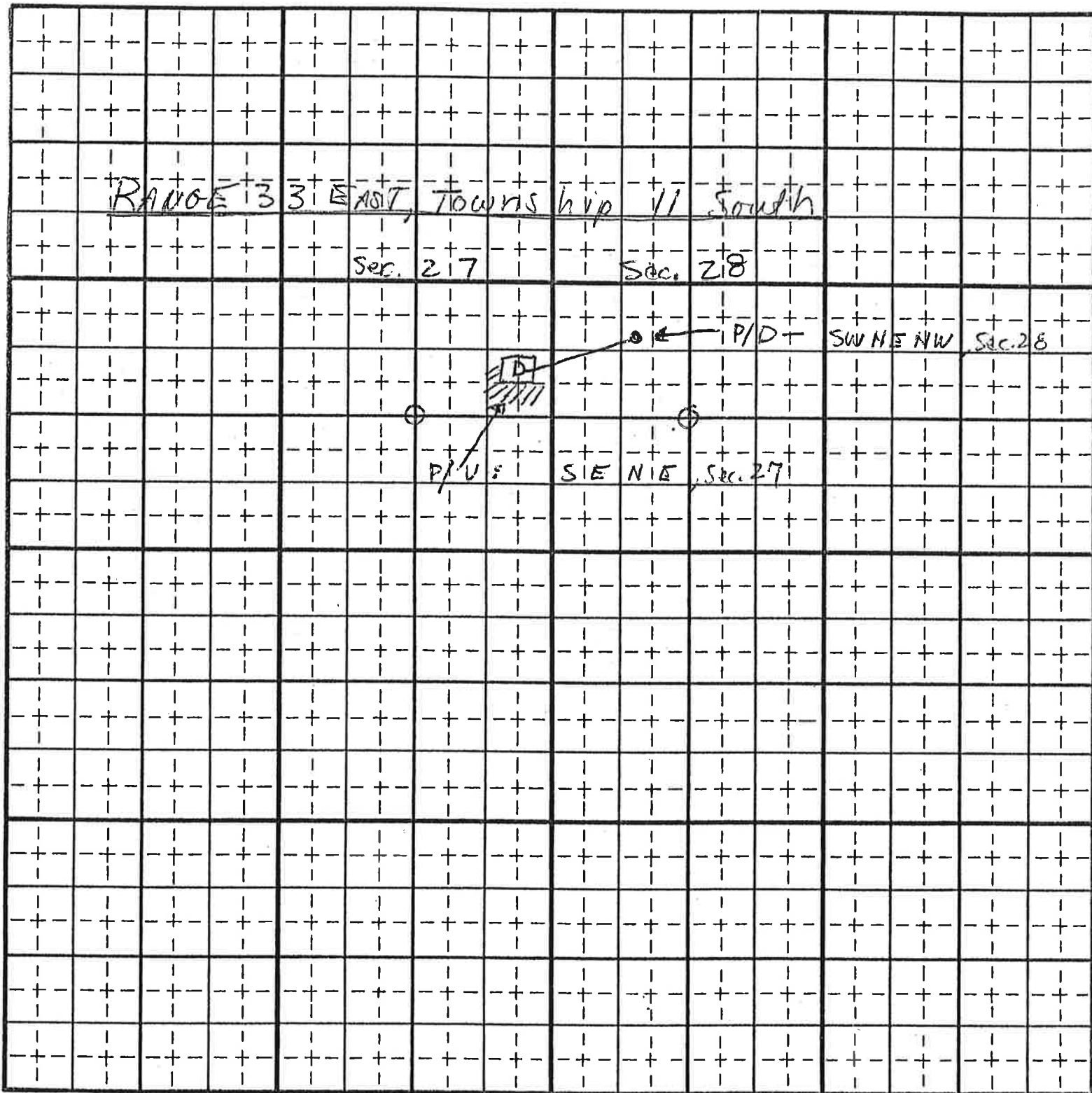
14. Remarks:

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) ☒ Official 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) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Managing General Partner Title _____ of Ward Farms General Partnership Organization _____, that I have signed the foregoing document in the space below as Managing Partner Title _____ of Ward Farms Organization _____ and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent X James E. Gilman

Title and Organization Manager - Ward Farms Date 10/2/01

State of Idaho/or _____)

County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 2 day of October 19 2001

Notary Public Randall C. Budget

Residing at Pocatello, ID

My Commission Expires 10/11/2006

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Randall C. Budget 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 Randall C. Budget

Address P.O. Box 1391 Pocatello, ID

Date 10/2/01

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

LAW OFFICES OF

**RACINE, OLSON, NYE, BUDGE & BAILEY
CHARTERED**

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL
JOHN B. INGELSTROM
DANIEL C. GREEN
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN
ERIC S. HUNN
DAVID E. ALEXANDER
LISA M. CHRISTON
RICHARD A. HEARN, M.D.
ERIC L. OLSEN
LANE V. ERICKSON
PATRICK N. GEORGE
SCOTT J. SMITH

CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101
FACSIMILE (208) 232-6109

SENDER'S E-MAIL ADDRESS: rcb@racinelaw.net

BOISE OFFICE

CONRAD J. AIKEN

101 SOUTH CAPITOL
BOULEVARD
U.S. BANK PLAZA, SUITE 202
BOISE, IDAHO 83702
TELEPHONE: (208) 395-0011
FACSIMILE: (208) 433-0167

RECEIVED

OCT 04 2001

Department of Water Resources
Eastern Region

October 3, 2001

Paul Meyer, Senior Agent
Idaho Department of Water Resources
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

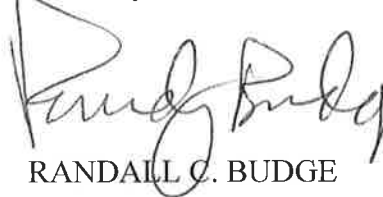
Re: *Ward Farms/Adjudication Claim No. 29-2180*

Dear Paul:

In response to Senior Agent Bryce A. Contor's September 18, 2001 letter to Ward Farms (copy enclosed), enclosed please find an additional new Notice of Claim to a Water Right we are submitting on behalf of Ward Farms, together with filing fee check in the amount of \$100 representing the claim fee and late fee. This claim is being submitted as a "beneficial use" right.

We are in the process of securing supporting evidence which will be enclosed is available and otherwise will be subsequently submitted.

Sincerely,



RANDALL C. BUDGE

RCB:rr
Enclosures
cc: Ward Farms



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

September 18, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Ward Farms
5336 ARBON HIGHWAY
ARBON ID 83212

Re: Adjudication Claim 29-2180

Dear Water Users:

This adjudication claim is for 0.05 cfs for domestic uses, and 0.45 cfs for irrigation of 15 acres. It is based upon license 29-2180, issued in 1916. I've enclosed a copy of the claim and a copy of the original license. The original license was for 0.01 cfs for domestic use. We cannot recommend more water than originally licensed, on a license-based claim.

It looks like the irrigation right was developed sometime after the license. If it was developed before May 20, 1971, it can be recommended as a "beneficial use" right. However, this will require another adjudication claim, as well as "evidence of beneficial use" and "evidence of priority."

The enclosed pamphlet describes some sources of evidence that you may wish to consider. Keep in mind that affidavits must clearly show "first person" knowledge (I saw..., I irrigated...) and clearly state the earliest date that the person saw the beneficial use of water.

If you wish to file another claim, you can use the enclosed form. The fee will be \$50 for a claim fee, and \$50 for late fee. The acreage fee was paid with claim 29-2180. You may also contact Senior Agent Paul Meyer, who will be investigating your claims and making recommendations to the court. He can prepare a computer-generated claim for your signature, or can meet with you in the office to help you fill out the claim. His number is 525-7161.

Sincerely,

Bryce A. Contor
Bryce A. Contor
Senior Water Resource Agent

Idaho Department of Water Resources Receipt

Receipt ID E027159

Payment Amount Date Received Region Status
Payment Type Check Number

Payer Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$100.00	ADJUDICATION FILING FEE	0337		43503	1155



Signature Line (Dept. Representative)

**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

29-13243

Date Received

10-3-01

Receipt Number

5627159

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

Please type or print clearly

1. Name of Claimant (s) Ward Farms Phone (208) 335-2263Mailing Address PO Box 51, Arbon, Idaho Zip 832122. Date of Priority (Only one (1) per claim) May 22, 19143. Source of water supply (a) Spring
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 11S Range 33E Section 28,
SW 1/4 of NE 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of Power

Additional points of diversion if any: _____

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, 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.Spring, concrete collector to pipe with gravity flow to home and field.

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Domestic purposes from 1/01 to 12/31 amount 0.04 or _____

For Irrigation purposes from 3/15 to 11/15 amount 0.450 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.49 cfs (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.) Domestic for one home

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
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
11S	33E	27				D													
						15													15

Total number of acres irrigated 15

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

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.
A29-02180 (Domestic) or None ()

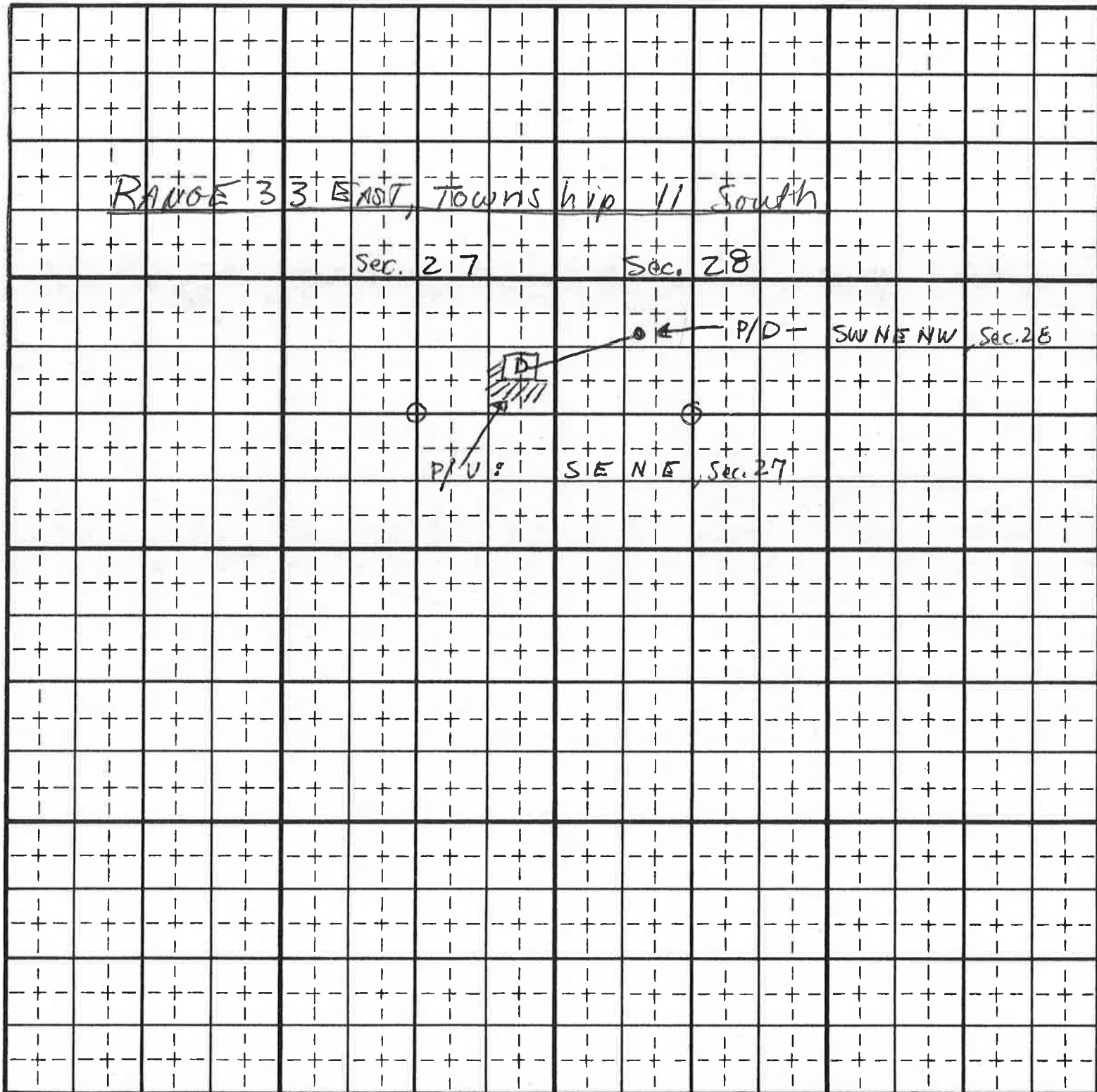
14. Remarks:

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

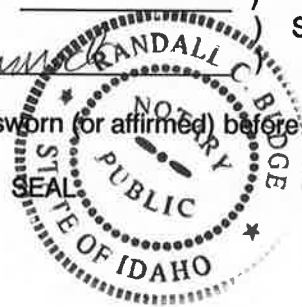
15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Managing General Partner Title _____
of Ward Farms General Partnership Organization _____, that I have signed the foregoing
document in the space below as Managing Partner Title _____ of Ward Farms Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent X James E. Ward
Title and Organization Manager - Ward Farms Date 10/2/01

State of Idaho/or _____)
County of Bannock) SS.
Subscribed and sworn (or affirmed) before me this 2 day of October 19 2001
Notary Public Randall C. Budge
Residing at Pocatello, ID
My Commission Expires 10/11/2006



Please Print Name
17. Notice of Appearance:
Notice is hereby given that I, Randall C. Budge 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 Randall C. Budge
Address P.O. Box 1391 Pocatello, ID
Date 10/2/01