

AA-26

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T1490

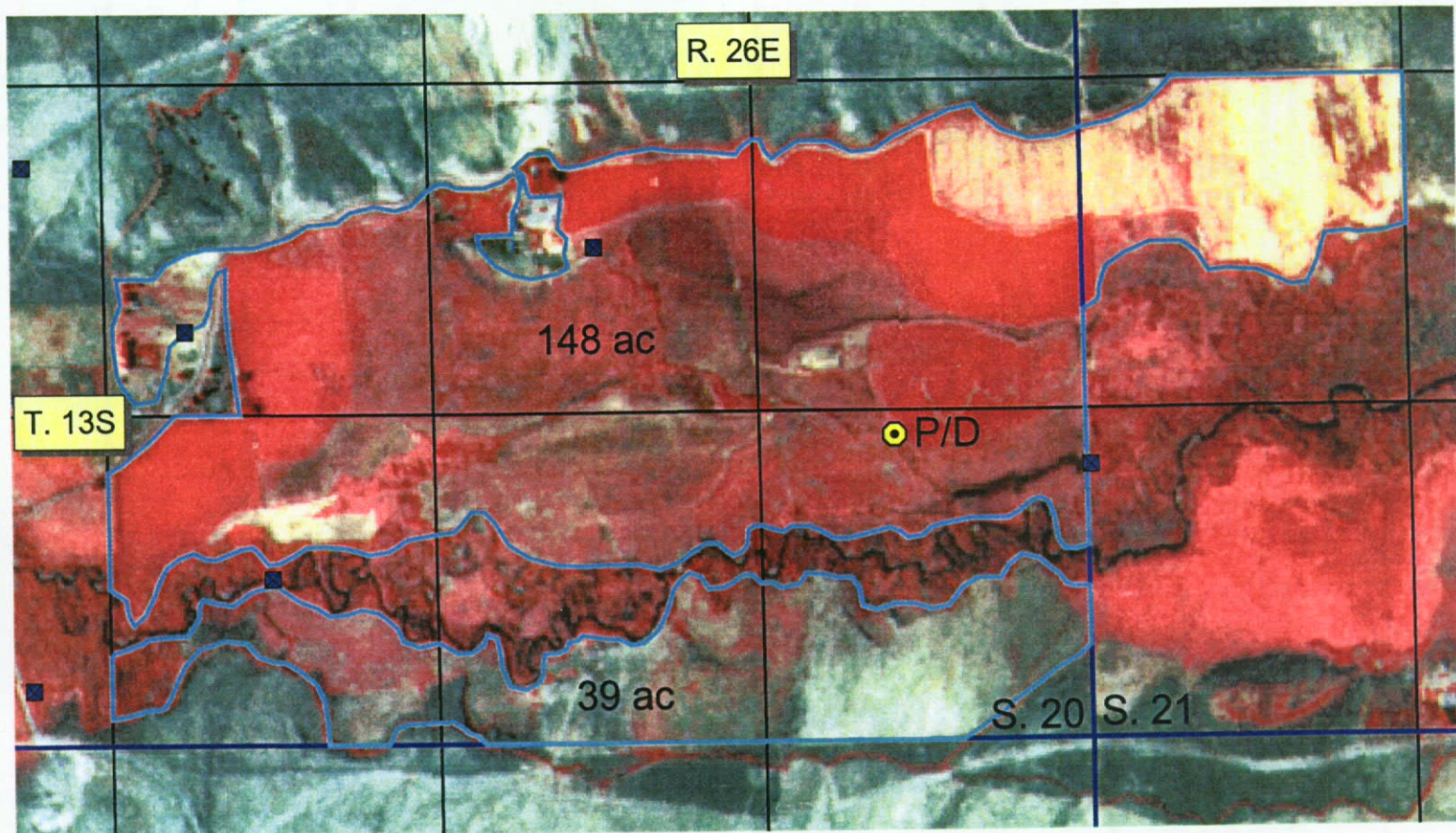
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T69385

IDAHO DEPARTMENT OF WATER RESOURCES

App for Transfer - Charles Ward

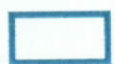


Section Lines



Quarter/Quarter Lines

General Location: About 4 miles SW of Malta on both sides of Cassia Creek



Proposed PPU (Recommend Land On Ward Farm)

MICROFILMED
JUN 11 2002



Prepared By J E Stanton 9-5-01

1986/87 NAPP Data
T69385

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 43-10268

202 AUG 14 PM 4:49
DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED

NAME AND ADDRESS: CHARLES R WARD
JANET O WARD
2075 E 1700 S
MALTA, ID 83342

RECEIVED
AUG 16 2002

Department of Water Resources

SOURCE: SPRINGS TRIBUTARY: CASSIA CREEK
QUANTITY: 0.16 CFS
18.70 APY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.
WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE
THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 43-272, 43-273,
43-274, 43-2558, AND 43-10268.

PRIORITY DATE: 10/19/1928

POINT OF DIVERSION: T13S R26E S20 NWSESE Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.12 CFS 16.00 APY
	Stockwater	01-01 TO 12-31	0.04 CFS 2.70 APY

PLACE OF USE:	Irrigation	Within Cassia County
	T13S R26E S20	NESW 18.0 SESW 26.0 NESE 33.0 NWSE 28.0 SWSE 30.0 SESE 31.0 S21 187.0 Acres Total
	Stockwater	Within Cassia County
	T13S R26E S20	SESE

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 187 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 43-272, 43-273, 43-274, 43-2558, AND
43-10268.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 4 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

THESE SPRINGS RISE IN THE WASTE WATER DRAIN DITCH AND ARE USED
WITH THE WASTE WATER TO IRRIGATE LANDS COVERED UNDER THE OTHER
WATER RIGHTS LISTED. INSTREAM USE FOR STOCKWATER IS ALSO USED.
THIS WATER RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER
OF WATER DISTRICT 43-C.

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

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Byrdick
Presiding Judge of the
Snake River Basin Adjudication

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69385

This is to certify that: CHARLES R WARD And/Or
JANET O WARD
2075 E 1700 S
MALTA ID 83342
(208)645-2576

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
43-10268	AJC/Beneficial Use	10/19/1928	0.16 cfs		4.0	148.0	SPRINGS

Purpose of Transfer (Changes Proposed)

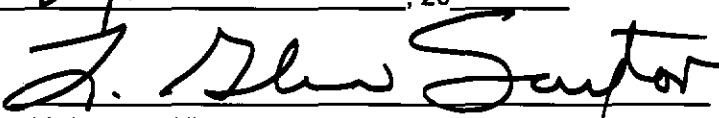
Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
43-10268	NO	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
43-10268	43-10268	0.16 cfs	18.7 af	4.0	187.0		N/A	N/A	N/A	N/A
TOTALS		0.16 cfs	18.7 af	4.0	187.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 5th day of

April, 2002

Chief, Water Allocation Bureau

MICROFILMED

JUN 11 2002

WATER RIGHT NO. 43-10268
As Modified by Transfer No. 69385

In accordance with the approval of Transfer No. 69385, Water Right No. 43-10268 is now described as follows.

Right Holder: CHARLES R WARD And/Or
 JANET O WARD
 2075 E 1700 S
 MALTA ID 83342

Priority Date: 10/19/1928

Source: SPRINGS

Tributary: CASSIA CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01 to	12/31	0.04 CFS	2.7 AF
IRRIGATION	04/01 to	10/31	0.12 CFS	16.0 AF
			0.16 CFS	18.7 AF

LOCATION OF POINT(S) OF DIVERSION:

SPRINGS NWSESE Sec. 20 Twp 13S Rge 26E CASSIA County

PLACE OF USE: 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	
13S 26E 20																X	

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	
13S 26E 20								18.0				26.0	33.0	28.0	30.0	31.0	166.0
13S 26E 21								21.0									21.0

Total Acres: 187

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 4.0 acres within the place of use described above in a single irrigation season.
2. Rights 43-272, 43-273, 43-274, 43-2558 and 43-10268 when combined shall not exceed the irrigation of 187.0 acres in a single irrigation season.
3. Use of water under this water right will be regulated by the watermaster of State Water District No. 43-C.

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JUN 11 2002

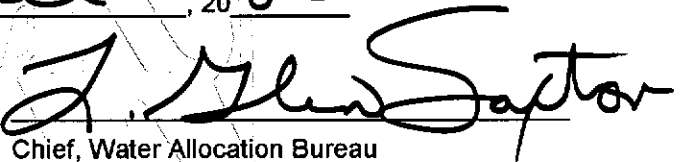
WATER RIGHT NO. 43-10268
As Modified by Transfer No. 69385

CONDITIONS OF APPROVAL

4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
6. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
10. These springs rise in the waste water drain ditch and are used with the waste water to irrigate lands covered under the other water rights listed. Instream use for stockwater is also used.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 5th day of April, 2002


Chief, Water Allocation Bureau

MICROFILMED
JUN 11 2002

Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 69385APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED

JUL 25 2001

Department of Water Resources
Southern RegionName of applicant Charles R. & Janet O. Ward Phone 645-2576
Post Office address 2075 E 1700 S, Maltz, ID 83342

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Create PPU Partially
2. Describe the reason for the proposed changes Irrigation system is being converted totally to sprinkler irrigation for maximum efficiency of water use. Spring right needs to be legally available for use on all the land already recommended for Cassia Creek & ground water rights.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use
43-10268 10-19-1928 0.12 cfs Irrigation 4-1 to 10-31
0.04 cfs Stockwater 1-1 to 12-31
to
to
2. Total amount of water being transferred 0.16 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Springs tributary to Cassia Creek
4. Point(s) of Diversion: No Change

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

5. Lands irrigated or place of use: PPU of 4 ac/yr

Twp.	Rge.	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	
195	26E	20									18			26	33	28	30	31	166
																		5	
		21									21								21

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Total acres 187

PART 1

6. General Information:

a. Description of diversion system Pond at spring. Pump in pond to sprinklers. Other water sources will also enter this pond, via either ditch or pipeline.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? N/A Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

The land now irrigated on this farm will not change due to this transfer.

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

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JUN 11 2002

Page 3 of 6

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 43-10268

Priority Date: 10/19/1928

Origin: Adjudication Recommendation

Basis: Beneficial Use

Status: Active

SPRINGS Tributary to: CASSIA CREEK

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	01/01 12/31	0.04 CFS		
IRRIGATION	04/01 10/31	0.12 CFS		
Total Diversion		0.16 CFS		

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
SPRINGS	13S	26E	20	NWSESE		CASSIA

PLACE OF USE: 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	
13S 26E 20																	X

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	
13S 26E 20									18.0				17.0	33.0	28.0	17.0	14.0
13S 26E 21									21.0								21.0

Total Acres: 148

Conditions/Remarks:

1. THESE SPRINGS RISE IN THE WASTE WATER DRAIN DITCH AND ARE USED WITH THE WASTE WATER TO IRRIGATE LANDS COVERED UNDER THE OTHER WR'S LISTED. INSTREAM USE FOR STOCKWATER IS ALSO USED.^^
2. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 187 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-272, 43-273, 43-274, 43-2558, AND 43-10268.

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JUN 11 2002

Page 4 of 6

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

Current Water Right No. 43-10268

3. WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 43-272, 43-273, 43-274, 43-2558, AND 43-10268.
4. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 4 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
5. 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.
6. THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
7. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

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JUN 11 2002

PART 3

B. CHANGES IN NATURE OF USE

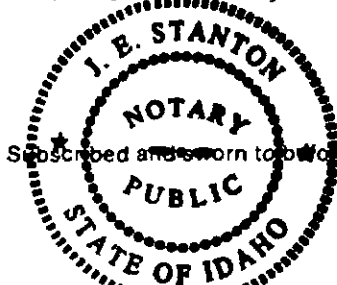
1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to _____
				to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.



Subscribed and sworn to before me this

25th

day of

July10 2006

(Signature of Applicant)

J. E. Stanton
(Notary Public)

My commission expires

10-25-2006

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 1 attachmentsReceived by J. E. Stanton

Date

7-25-01

Protest filed by

NonePrelim. check by JS

Fee

\$100.50 24/81Received by JS

Date

7-25-01Published in Id. Press

Copies of protest forwarded by _____

Pub. dates

10/22 & 10/29/01

Hearing held by _____

Date _____

Watermaster recommendation requested on

N/A

Recommended for

☒ approval☐ denialby AD

rec'd. _____

Copy of transfer sent to lien holder _____

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JUN 11 2002

AA-26

1992

8 11.7
9 12.0

1390

17 11.6

18 12.1

5
11.2

13

13.5
7.0

29

29

3
14.7

13.5

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12.1

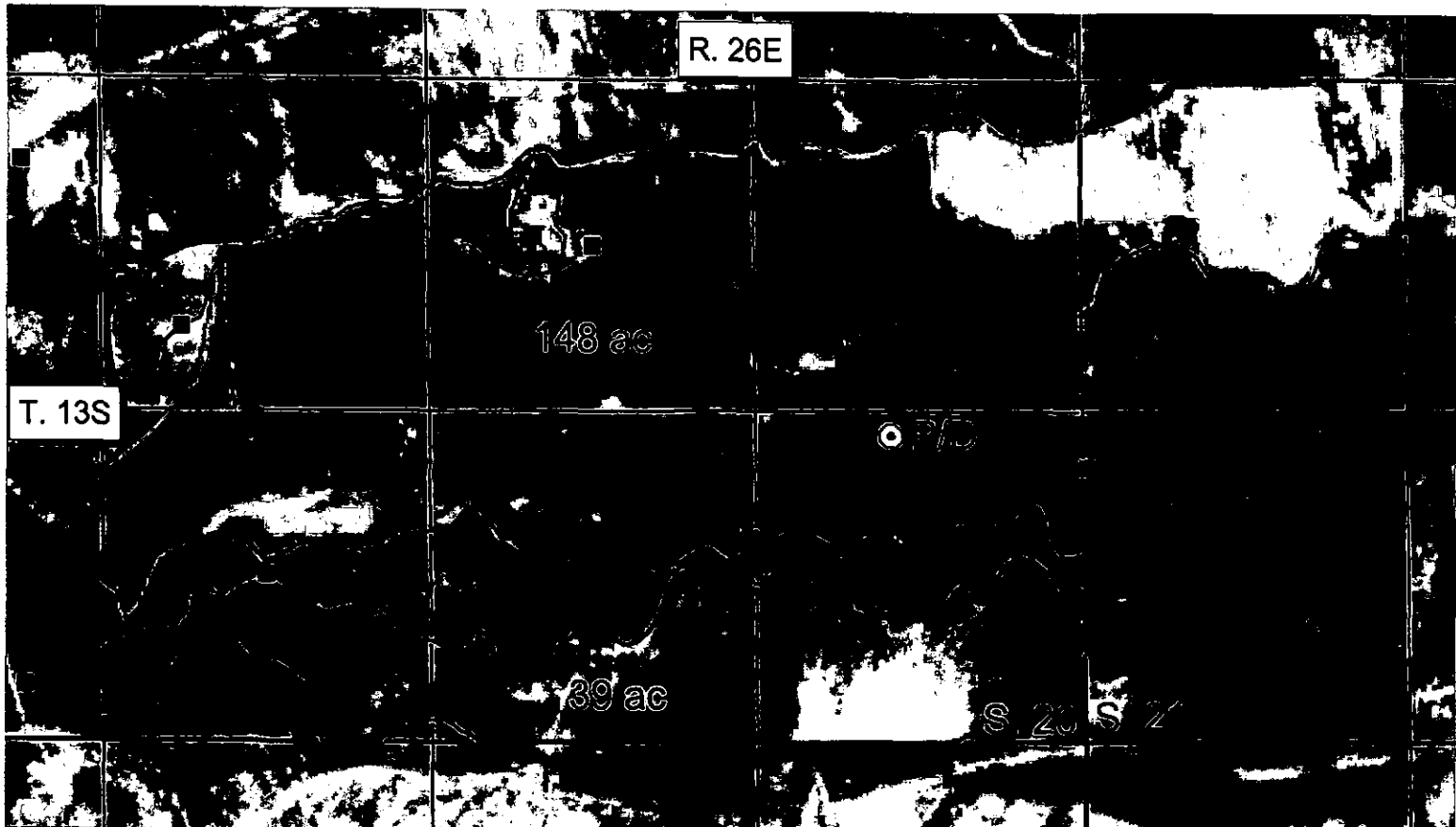
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13.8
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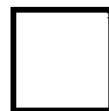
169385

IDAHO DEPARTMENT OF WATER RESOURCES

App for Transfer - Charles Ward



Section Lines



Quarter/Quarter Lines

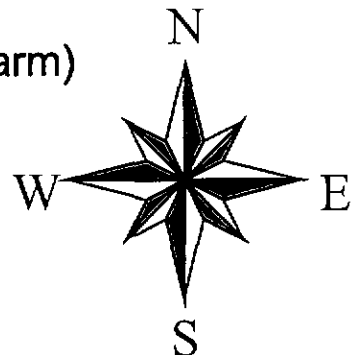
General Location: About 4 miles SW of Malta on both sides of Cassia Creek



Proposed PPU (Recommend Land On Ward Farm)

MICROFILMED

JUN 11 2002



Prepared By J E Stanton 9-5-01

1986/87 NAPP Data
T69385



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 8, 2002

CHARLES R WARD
JANET O WARD
2075 E 1700 S
MALTA ID 83342

RE: Transfer No.: 69385 - Water Right 43-10268 - Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7940.

Sincerely,

Camela S. Skaggs
for Jeff Peppersack, Manager
Water Rights Permits Section

MICROFILMED

APR 11 2002

JP:klt

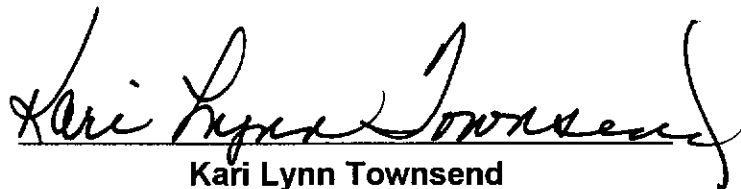
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on April 8, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 69385 - WATER RIGHT 43-10268

**CHARLES R WARD
JANET O WARD
2075 E 1700 S
MALTA ID 83342**

A handwritten signature in cursive script, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

MICROFILMED

JUN 11 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 8, 2002

TOM HUTCHISON
WATERMASTER
PO BOX 1380
ELBA ID 83342

RE: TRANSFER OF WATER RIGHT 43-10268 - (Transfer 69385)

Dear Lee:

Enclosed is a copy of the recently approved Transfer of Water Right for the above referenced water rights (Transfer 69385) in the names Charles R Ward and/or Janet O. Ward.

If you have any questions, please call me at 208-327-7940.

Sincerely,

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

JUN 11 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

MICROFILMED
JUN 11 2002

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JUN 11 2002

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED
JUN 11 2002

01-99

State of Idaho
Department of Water Resources

RECEIVED

APR - 5 2002

RECEIVED
Hand delivered
APR 03 2002

Department of Water Resources
Southern Region

RECOMMENDATION OF WATERMASTER

Application No:

T# 69385 (43-10268)

Applicant's Name:

Charles or Janet Ward

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as

follows: _____

- c) ☐ I oppose approval of this application for the following reasons:

- d) Additional Comment: _____

Dated this 26 day of march, 2002.

Water District No:

43C

Tommy [Signature]
Watermaster's Signature

Use reverse side of page if you need more space.

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TRANSFER REVIEW SHEET

(05-01)

TRANSFER # 69385

DATE REVIEWED 2-19-2002 CR

SPLIT POD ADD POD POU ☒ PERIOD or NATURE of USE

ALL OF RIGHT(S) W=Water Right C=SRBA Claim R=SRBA Recommendation

<u>R/43-102108</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>

PART OF RIGHTS(S)

(Unchanged)

(Changed)

<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
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<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>

Standard Season 4-1 to 10-31

Standard Volume 4.0/3.0

- (1) ☒ Priority (2) ☒ Use (3) ☒ Season/W61 (4) ☒ Rate (5) Volume
.03 cfs/acre < 5 acres
 (6) ☒ Source (7) ☒ P/D (8) P/U (9) Proof/Owner (10) ☒ Map
SRBA

- (11) 43C Water District (12) Yes Pertinent Conditions (13) Expansion
WM/Rcvd 4-5-2002 Requested that Region obtain WM comment + forward. No Luck.

- (5) Standard IRR 4x4=16 acs 200 range cattle = 2.7 acs 18.7 acs TOTAL
(8) Add 39 acres + create 187 acre PPU with other rts.

*3-22-02- Spoke w/ Tom Hutchinson WM. Said he hadn't received notices, but would return form to me. Sent out same day.

Conditions/Remarks W27, W135, R04, R43, R64, W62, T07, T08, T19
Curry Gen Comment

WRs for Update Comments NA

Database Updated to Reflect Final Action 4-5-2002 CR

IDWR TRANSFER ANALYSIS SHEET

APPLICANT

Charles R. Ward

TRANSFER NO. 69385

1. Right number(s)

43-10268

2. Type of right

☒ Decree ☐ License ☐ Statutory Claim
☒ SRBA Beneficial Use Claim

3. Purpose of transfer

☐ Change P/D ☐ Add P/D ☒ Change P/U
☐ Change N/U ☐ Change Source ☐ Split Right
☒ Other: Enlarge existing PPU

4. Check Existing
Right:

☒ Source ☒ Priority ☒ Amount ☒ Purpose
☒ Period ☒ SRBA Claim
☒ Description of original point(s) of diversion
☒ Description of original place of use
☒ Overlapping rights on original place of use

Comments: SRBA said recommendation may be contested by neighbor of applicant. Condition limiting right to 4 acres is not enforceable in this co-mingled system. Approving transfer would constitute enlargement of historic use - recommend denial.

5. Check Proposed Right for amount of land &/or water transferred:

☒ Also see attached memo for more analysis information

- a. ☒ All of right
- b. ☐ Part of right (NOTE! Part B should be filled in only if part of right is owned by the applicant)
- c. ☒ Description of point(s) of diversion
- d. ☒ Description of place of use
- e. ☒ Map showing P/D & P/U after transfer from SABA files
- f. ☒ Correct notarized signature and \$100 fee
- g. ☒ Proof of ownership of right &/or land from which water is transferred Applicant is recommended owner
- h. ☒ Expansion in use of right - Comments: _____

See attached memo.

69385

i. ☒ Existing rights from same source, on land water is being transferred to; right number(s): _____

43-272, 273, 274, 2558

j. ☒ SRBA claim(s) - Comments (NOTE: Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain) _____

None

k. ☒ Comment letters _____ Yes ☒ No
 If yes _____ Water District # _____
 _____ Lienholder, others, see #2
 below for name and address

INITIAL ALLOCATION REVIEW BY J. Stanton
 SRBA SUPERVISOR REVIEW BY _____
 PUBLICATION REVIEW BY _____

DATE 10-8-01
 DATE _____
 DATE _____

1. Legal Notice electronically sent to DWR03::VAULT _____ Yes

2. COMMENT LETTERS _____ Copy of Pg 1 to AJ _____ Yes

Watermaster recommendation requested on _____, Received on _____

Other comments letters - send to the following name(s) & address(es): _____

3. Transfer published correctly? ☒ Yes _____ No

4. Affidavit of publication received? ☒ Yes _____ No

5. Protests received? _____ Yes _____ No; Acknowledgement sent? _____ Yes

6. Copies made for Region file (see attached supplemental page)? _____ Yes

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny due to _____

3. Conditions (special conditions in Water Districts) _____

☒ Also see attached memo for recommendation dated: 11/20/01

4. By AD _____

Date 11/20/01

DEC - 3 2001

Department of Water Resources

MEMO

FROM: Allen Merritt 

DATE: November 30, 2001

TO: Transfer File No. T69385

In the name of: Charles &/or Janet Ward

Water Right(s): 43-10268

SUBJECT: Review and Recommendation

This transfer proposes to enlarge the PPU of a right recently recommended in the SRBA. The right is associated with other rights on the Ward property including rights: 43-272, 43-273, 43-274, and 43-2558. The entire property is split by Cassia Creek. Rights 43-272 and 43-273 both from Cassia Creek and 43-2558 from ground water are recommended for the entire property (both sides of creek) with a PPU of 187 acres. Right 43-274 from Rice Springs and right 43-10268 (subject of this transfer) were recommended in a 148 acre PPU being the property on the north side of the creek. Jim Stanton's 9/27/01 memo describes in detail the relationship of this uses and questions the SRBA recommendations and recommends the transfer be disallowed. I have discussed this matter with Kelly Christensen (SRBA agent who did the initial recommendations); Kelly points out that regardless of approval or denial the Wards could put a pump in a pond as they propose and pump commingled water from Cassia Creek and groundwater which may also have Rice Springs water and this spring water mingled without any IDWR approvals. Kelly also suspects that this subject spring is greatly waste water influenced and may in fact be diffused waste water from lands above. If the spring water is actually waste water then again use of this waste water would not require IDWR approval. In light of this I see no reason to deny the application. I see not great difference in this request to place a right in a PPU which IDWR has approved in the past as long as appropriate limiting conditions are provided.

The transfer was processed without protest.

Recommendation

I recommend that this transfer be approved subject to the following conditions:

WATER RIGHT NO. 43 10268

GEN These springs rise in the waste water drain ditch and are used with the waste water to irrigate lands covered under the other water rights listed. Instream use for stockwater is also used.

E28 When combined the following rights shall provide no more than 0.02 cfs per acre. Combined right Nos. 43-272, 43-273, 43-274, 43-2558, and 43-10268.

T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point

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in time no later than the entry of the final unified decree.

- W62 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.
- W27 This right is limited to the irrigation of 4 acres within the place of use described above in a single irrigation season.
- E14 Use of the rights listed below is limited to the irrigation of a combined total of 187 acres in a single irrigation season. Combined right Nos. 43-272, 43-273, 43-274, 43-2558, and 43-10268.
- T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- R04 Use of water under this water right will be regulated by the watermaster of State Water District No. 43-C.
- R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

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