

Idaho Department of Water Resources

Claim Number: 57-00090

Legal: T03S, R01E, S36

T03S, R02E, S31

T04S, R01E, S01

T04S, R02E, S06

Reviewed By:



Point of Diversion
(located outside view)



Place of Use



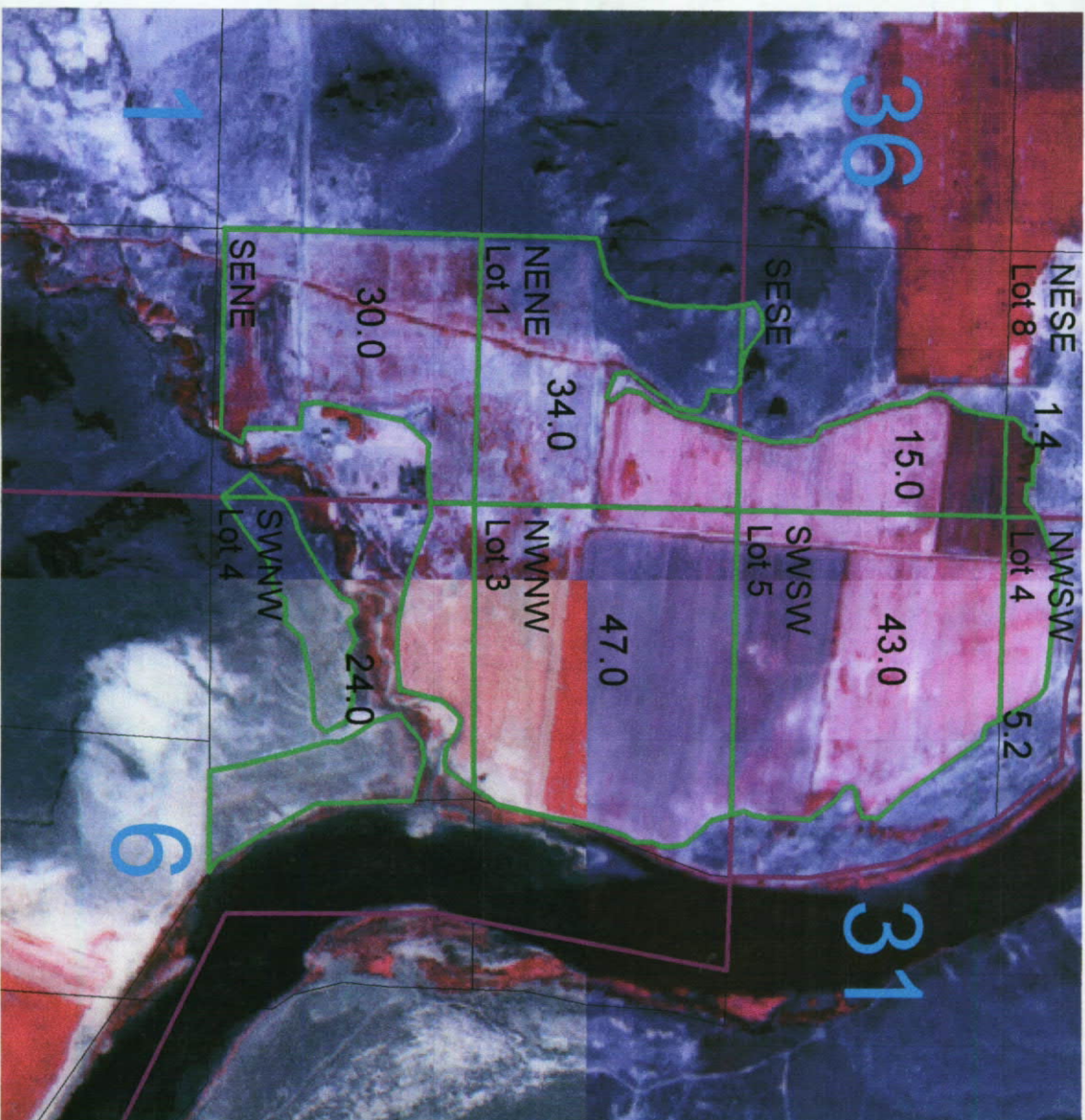
Section Lines



Quarter Quarter Lines



Township/Range Lines

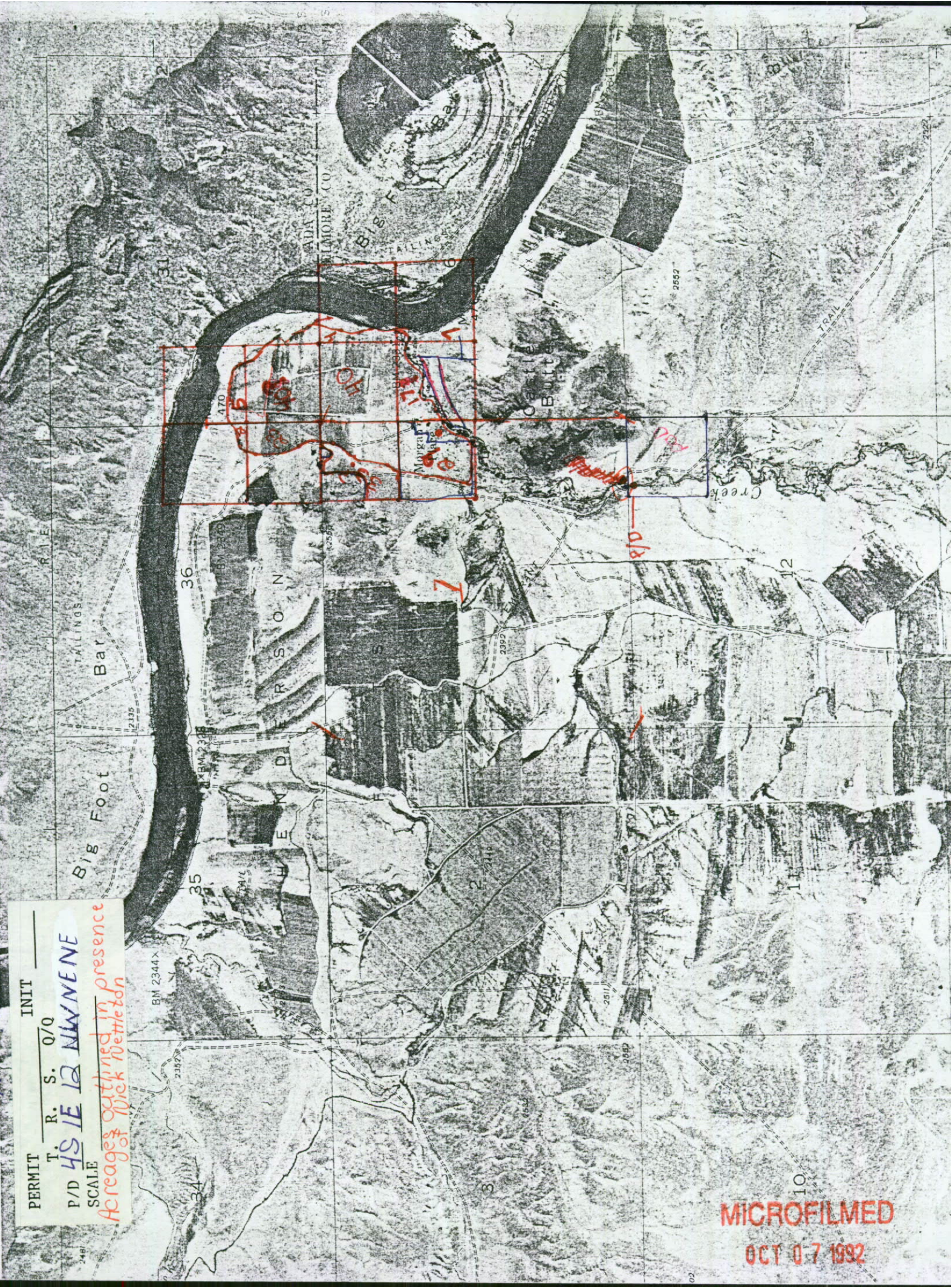


Nettleton

ADJ Claims

A 57-00090

PERMIT INIT
T. R. S. 0/0
P/D 4S IE 12 NW NE NE
SCALE
Acreage outlined in presence
of Wick Nettleton



MICROFILMED
OCT 07 1992

02-2100B 120 Ac @ 2.4 cfs

Nick Nettleton

CARD NO. 4S 2E

TOWNSHIP

RANGE

EAST

4S 1E

36 40 44 4 40 44 4 36 44 17 17 77 17 17 77 17 17 77	6	5	4	3	2	1	93 24 29 29
7	8	9	10	11	12		
18	17	16	15	14	13		
19	20	21	22	23	24		
30	29	28	27	26	25		
3S 2E							3S 1E
55 55 40 40 40	31	32	33	34	35	36	23 23 23

57-00090 - 200 Ac @ 0.02

139 = 200 @ 0.10

142 = 200 @ 0.10

144 = 200 @ 0.02

150 = 200 @ 0.12

154 = 200 @ 0.10

156 = 200 @ 0.30

57-00159 200 Ac @ 0.68 cfs

164 200 Ac @ 0.06

234 200 Ac @ 1.00

These claims total 200 Ac x 0.02 = 4.00 cfs
2.60 cfs

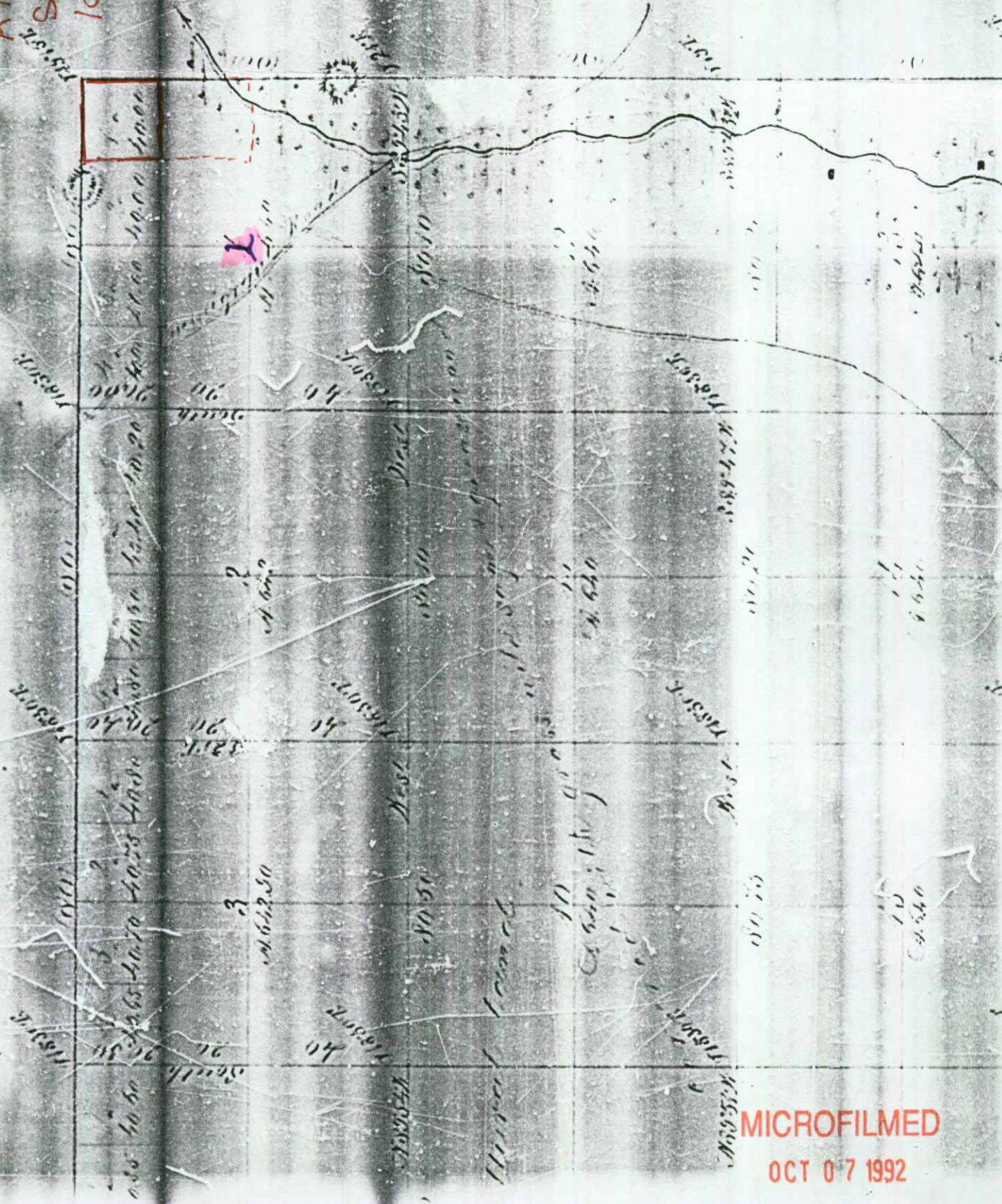
02-7261 80 Ac @ 1.6 cfs

OCT 07 1992

MICROFILMED

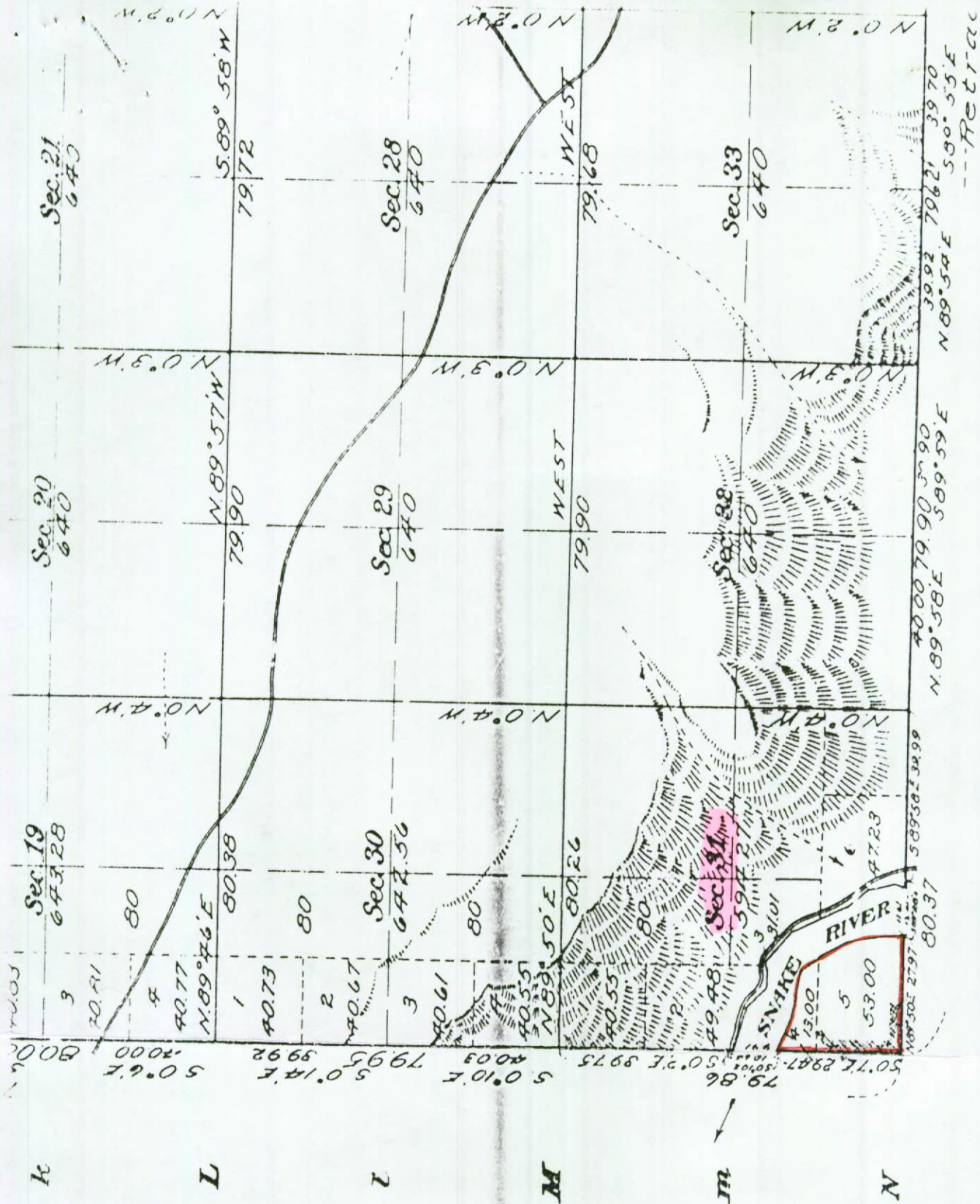
401 West. Bar 300

T4S
R1E
Sec. 1
lot 1



MICROFILMED
OCT 07 1992

T3S
R2E
Sec. 31



Surveys Designated.	By Whom Surveyed.		Group		Amount of Surveys	
	No.	Date	No.	Date	Acs.	lbs.
N & E Boundaries (Res.)	5	Sept. 2, 1910	5	Sept. 2, 1910	12	2
S & W Boundaries (Res.)					52	Qcr.

MICROFILMED

OCT 07 1992

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	LOT	COUNTY
4S	1E	12		NW	NE	OWY

SOURCE: CASTLE CREEK

TRIB: SNAKE RIVER

REVIEWED BY:

Linda Wurme

DATE:

2-23-91

7-30-90
Photo taken by
R. McCarthy

Castle creek diversion looking NW downstream.

MICROFILMED

OCT 07 1992



B 7.2
5.5

D

14.2

(25.8)

11.6

13.7

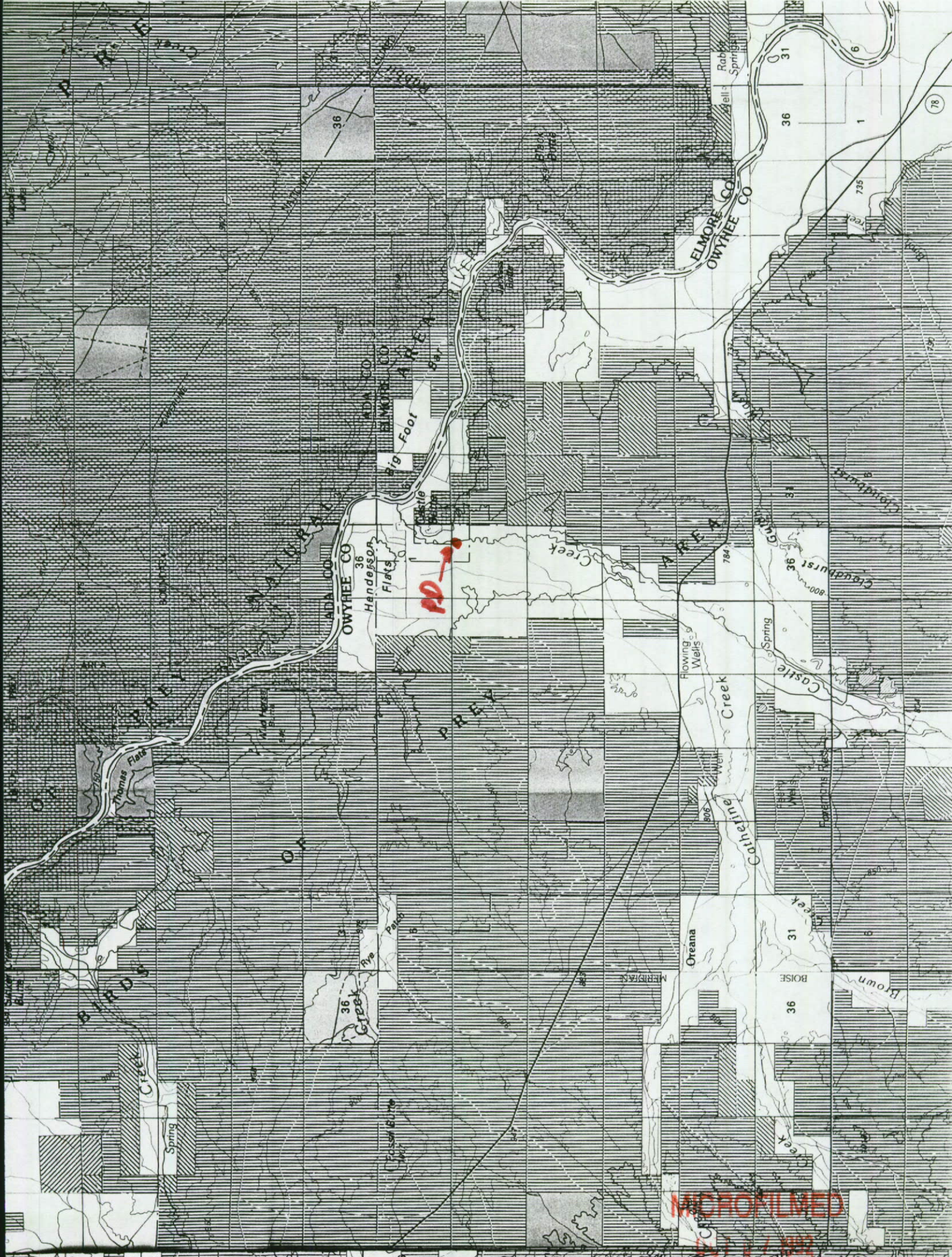
14.2

8.6

B-194

MICROFILMED

661 67 1002



MICROFILMED

1977

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

CIVIL CASE NUMBER: 39576

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER
FROM THE SNAKE RIVER BASIN WATER SYSTEM

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

U.S. DEPT. OF INTERIOR
BUREAU OF LAND MGMT.
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706
TELEPHONE: 208-334-1401

PRIORITY DATE: 1874-01-01
AGENCY NUMBER: 5701582013
BLM NUMBER: 5701582013
BASIS OF CLAIM: BENEFICIAL USE
BASIN NUMBER: 57

SOURCE		TRIBUTARY TO	
-----		-----	
BUCKAROO CREEK		BROWNS CREEK	
DESCRIPTION OF DIVERSION WORKS			

INSTREAM USE			
PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF U FROM TO
-----	-----	-----	-----
STOCKWATER	0.350	0.00	0101 1231
WILDLIFE	0.020	0.00	0101 1231
TOTAL:		0.370 CFS	0.00 AF

NON-IRRIGATION USES

S/1469 RANGE CATTLE W/ VAR AMOUNTS

				POINT OF DIVERSION				
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY	
---	---	---	-----	-----	-----	---	-----	-----
06S	02W	14		NE	NW	00	OWYHEE	
06S	02W	14		NE	NE	00	OWYHEE	

PLACE OF USE							IRRIGATED	
TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY	OWNED	ACRES
---	---	---	-----	-----	---	-----	-----	-----
06S	02W	14	NE	NW	00	OWYHEE	YES	0.

MICROFILMED

JUL 20 1994

BLM NUMBER: 5701582439

PAGE: 2

06S	01W	23	NW	SW	00	OWYHEE	0.0
06S	01W	22	NE	SE	00	OWYHEE	0.0
06S	01W	22	SE	NE	00	OWYHEE	0.0
06S	01W	22	NE	NE	00	OWYHEE	0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

REMARKS

FIRST DATE OF BENEFICIAL USE - 1874

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 57-00090 Date: 1-27-03

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	35	1E	36													8-2			23	25
GIS																1.4			15	16.4
Claim	35	2E	31										4-5	5-40						45
GIS													5.2	43						48.2
Claim	45	1E	1	1-33			29													62
GIS				34			30													64
Claim	45	2E	6					3-4	3-40	4-17	4-7									68
GIS									47	24										71

Number of POD's 1

Total Claimed Acres: 200

Total GIS Acres: 199.6

Overlapping FOU Claim #'s:

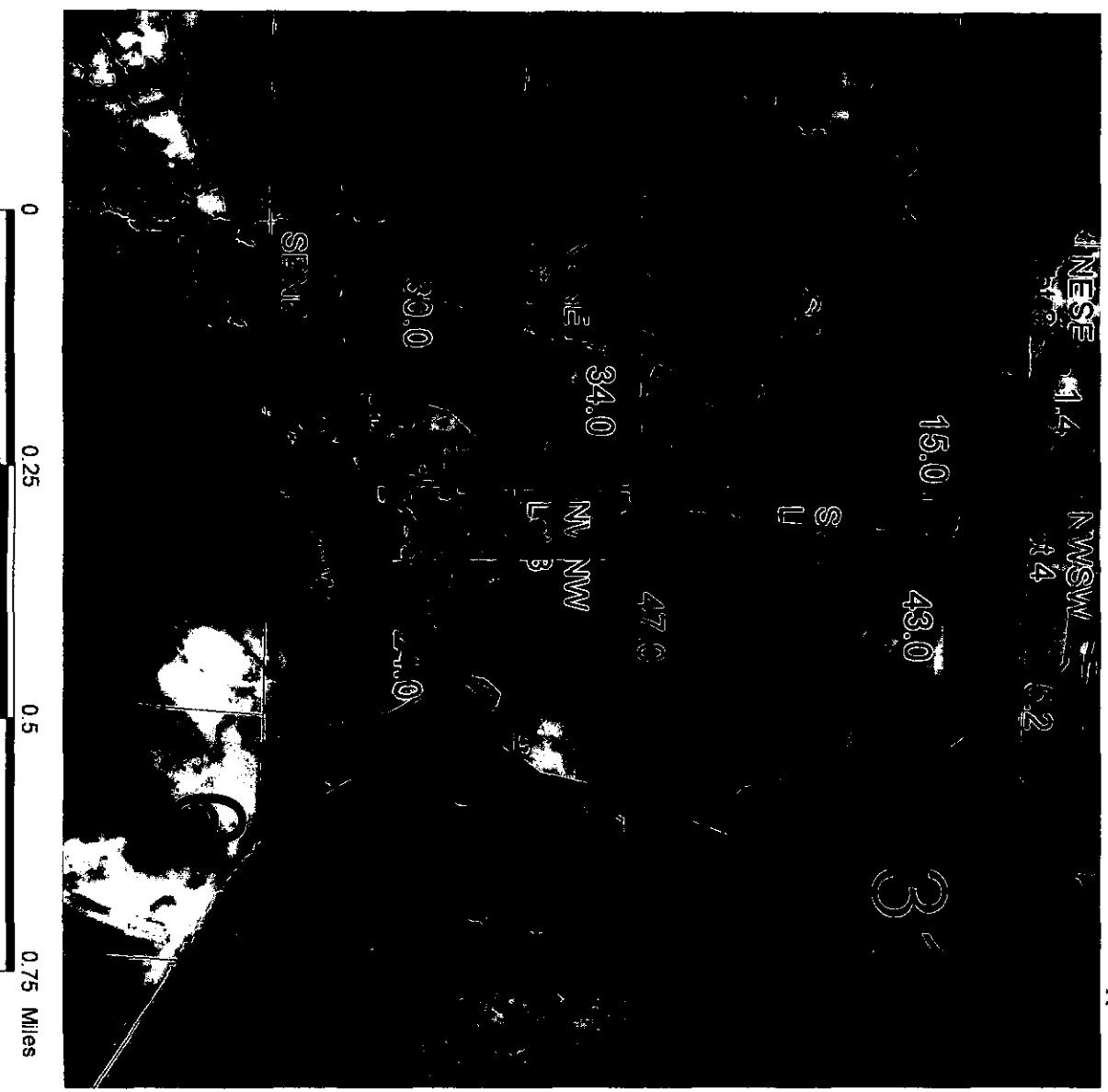
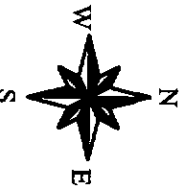
57-00139, 00142, 00144, 00150, 00154, 00156, 00159, 00164
00234

COMMENTS:

digitized per claim map; county data shows applicant as owner
image is cut off at top of claim

Claim Number: 57-00090
Legal: T03S, R01E, S36
T03S, R02E, S31
T04S, R01E, S01
T04S, R02E, S06
Reviewed By:

	Point of Diversion (located outside view)
	Place of Use
	Section Lines
	Quarter Quarter Lines
	Township/Range Lines



OWNER
CODE

NAME & ADDRESS

PRIORITY
DATE

WATER USE

USE PERIOD
FROM TO

DIVERSION
RATE

DIVERSION
VOLUME

C

NICK NETTLETON
RT 1 BOX 460
GLENN'S FERRY ID 83623
(208) 366-7364

04/01/1874

IRRIGATION

04-01 10-15

0.02 CFS

0.02 CFS

TOTAL DIVERSION:

0.02 CFS

Water Source:

CASTLE CREEK

Tributary to:

SNAKE RIVER

Stage:

DECREED

Point(s) of Diversion:

T04S R01E S12

NWNE

OWYHEE County

Place of use Legal Description for: IRRIGATION

		NE		NW		SW		SE			
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
03S	01E	36	:	:	:	:	:	:	:	:	25.0
03S	02E	31	:	:	:	:	:	:	:	:	45.0
04S	01E	1	:	01-33	:	:	04-05	05-40	:	:	62.0
04S	02E	6	:	:	03-04	03-40	04-17	04-07	:	:	68.0
										TOTAL ACRES	200.0

POU County: OWYHEE

Other Rights: NONE

Remarks: QNT

USE OF THIS RIGHT WITH RIGHT NO. 57-00139, 57-00142, 57-00144, 57-00150, 57-00154, 57-00156, 57-00159, 57-00164, 57-00234, 02-02100B AND 02-07261 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.00 CFS.

PQU1

USE OF THIS RIGHT WITH RIGHT NO. 57-00139, 57-00142, 57-00144, 57-00150, 57-00154, 57-00156, 57-00159, 57-00164, 57-00234, 02-02100B AND 02-07261 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 200 ACRES IN A SINGLE IRRIGATION SEASON.

EXP

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 57-00139, 57-00142, 57-00144, 57-00150, 57-00154, 57-00156, 57-00159, 57-00164, 57-00234.

Dates:

Exam Made Date:

Verified Date:

Objection Filed Date:

Misc:

Water District Number: 57C

Field Inspection Flag: D

Presumption Flag:

AJ0749NP
No. 57-00090

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 03/25/98
PAGE: 2

Comments:

Date: 10/28/1991 User-ID: WERNER Subject: COPIED FROM REMARKS
**ON 8/8/90 THE PRIORITY DATE WAS AMENDED TO REFLECT THE MONTH
AND DAY SHOWN ON THE DECREE. L.W.***

Date: 01/19/1996 User-ID: DSMITH Subject: NAME AND/OR ADDRESS CHANGE
THE NAMES OR ADDRESSES IN THE NAME FILE WERE CHANGED WITHOUT THE
ABOVE USER NOTING EXACTLY WHAT WAS CHANGED. THE CHANGE FOR A
K-OWNER OR ATTORNEY MAY HAVE BEEN MADE WITHOUT A WATER RIGHT
OWNER CHANGE.

*NAME/ADDRESS CONFORMED TO AVOID DUPLICATE MAILING LABELS

Date: 05/12/1997 User-ID: RBROWN Subject: SPECIAL MASTER'S RECOMMENDATION
PREPARED THIS DATE. OBJECTION WITHDRAWN.

Date: 03/25/1998 User-ID: SSHERMAN Subject: ADDRESS CHANGE
ADDRESS CHANGE BY IDWR FORM REC'D 03/23/1998.

Audit: 03/25/98 SSHERMAN

Nick Nettleton WR's

CHANGE IN ADDRESS OF NOTICE OF CLAIM

RECEIVED

MAR 17 1998

WATER RESOURCES
WESTERN REGION

RECEIVED

MAR 23 1998

[] Water Right Number (s): ^{WR} A57-10121 ^{154K} A57-00157
A57-00142 ^{KS} A57-00234 ^{KS} A57-00139
00144 ^{KS} A57-00164 ^{KS} A57-00090
00150 ^{KS} A57-00159
00156
~~A57-00139~~

[] Old Mailing Address: HC 79 Box 2320
Oreana ID 83650
Department of Water Resources

[] New Mailing Address: RT 1 Box 460
Glenris Ferry ID 83623

New Telephone Number: (208) 366-2364

[] Signature of Claimant: _____

Date: 3/17/98

PER ~~Nettleton~~ Nettleton, Nick - OFFICE VISIT JFW

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 03-25-98

By: D. Sherman All "AS" rites
Modified 03-25-98. "WR" has

Further Action Needed:

Further Action Taken

Date:

By:

Final Review and Data-Entry

Date:

By:

copy of this form.

1997 NOV 25 PM 4: 37

DISTRICT COURT-5
TWIN FALLS CO., IDAHO
FILED _____

**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	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right 57-00090
_____	)	

On August 19, 1997, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 57-00090 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED November 25, 1997.



DANIEL C. HURLBUTT, JR.
Presiding Judge
Snake River Basin Adjudication

RECEIVED

DEC - 1 1997

Department of Water Resources
Adjudication BureauIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIn Re SRBA)
)
Case No. 39576)
_____)PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 57-000901997 NOV 25 PM 4:37
DISTRICT COURT-SNAKE
TWIN FALLS CO., IDAHO
FILEDNAME & ADDRESS: NICK NETTLETON
HC 79 BOX 2320
OREANA ID 83650

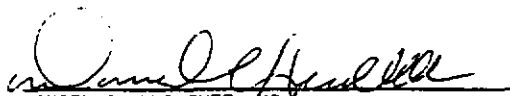
SOURCE: CASTLE CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.02 CFS

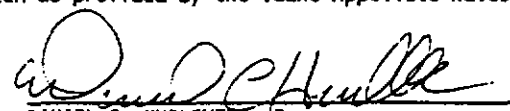
USE OF THIS RIGHT WITH RIGHT NO. 57-00139, 57-00142, 57-00144,
57-00150, 57-00154, 57-00156, 57-00159, 57-00164, 57-00234,
02-021008 AND 02-07261 IS LIMITED TO A TOTAL COMBINED DIVERSION
RATE OF 4.00 CFS.

PRIORITY DATE: 04/01/1874

POINT OF DIVERSION: T04S R01E S12 NWNE Within Owyhee County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION Irrigation Season 0.02 CFSPLACE OF USE: IRRIGATION Within Owyhee County
T03S R01E S36 Lot 8 (NESE) 2 SESE 23
R02E S31 Lot 4 (NWSW) 5 Lot 5 (SWSW) 40
T04S R01E S01 Lot 1 (NENE) 33 SENE 29
R02E S06 Lot 3 (NENW) 4 Lot 3 (NWNW) 40 Lot 4 (SWNW) 17 Lot 4 (SENW) 7
200 ACRES TOTALUSE OF THIS RIGHT WITH RIGHT NO. 57-00139, 57-00142, 57-00144,
57-00150, 57-00154, 57-00156, 57-00159, 57-00164, 57-00234,
02-021008 AND 02-07261 IS LIMITED TO THE IRRIGATION OF A COMBINED
TOTAL OF 200 ACRES IN A SINGLE IRRIGATION SEASON.
DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

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.
DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin AdjudicationPARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 57-00090PAGE 1
NOV-20-1997

RECEIVED

JUN 23 1997

Department of Water Resources
Adjudication Bureau

1997 JUN 20 AM 11:13

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED JL

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

) Subcase 57-00090

Case No. 39576

)
) PRELIMINARY SPECIAL
) MASTER'S REPORT
)

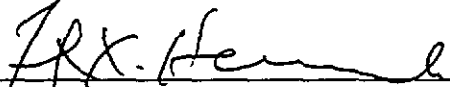
FINDINGS OF FACT AND CONCLUSIONS OF LAW

A notice of claim was filed for this water right pursuant to I.C. § 42-1409 (1990) by Nick Nettleton. The director of the State of Idaho Department of Water Resources examined the water system for areas 1, 2, and 3 and investigated and abstracted the notices of claims for those Reporting Areas. The Director of the Idaho Department of Water Resources then filed a *Director's Report* which asserted how the elements of this water right should be decreed by the court.

An objection to the *Director's Report* for water right 57-00090 was filed by United States (BLM). Subsequently, the objection was withdrawn by stipulation of the parties; now therefore,

IT IS THEREFORE RECOMMENDED that subcase 57-00090 be decreed as recommended in the attached *Preliminary Special Master's Report and Recommendation*.

DATED June 20, 1997.


FRITZ X. HAEMMERLE
Special Master, Reporting Area 2
Snake River Basin Adjudication

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)
_____)

PRELIMINARY

SPECIAL MASTER'S RECOMMENDATION FOR

PARTIAL DECREE FOR
Water Right 57-00090

1997 JUN 20 AM 11:13

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED DL

NAME & ADDRESS: NICK NETTLETON
HC 79 BOX 2320
OREANA ID 83650

SOURCE: CASTLE CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.02 CFS

USE OF THIS RIGHT WITH RIGHT NO. 57-00139, 57-00142, 57-00144,
57-00150, 57-00154, 57-00156, 57-00159, 57-00164, 57-00234,
02-021008 AND 02-07261 IS LIMITED TO A TOTAL COMBINED DIVERSION
RATE OF 4.00 CFS.

PRIORITY DATE: 04/01/1874

POINT OF DIVERSION: T04S R01E S12 NWNENE Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.02 CFS

PLACE OF USE: IRRIGATION Within Owyhee County

T03S R01E S36	Lot 8 (NESE)	2.0	SESE	23.0
R02E S31	Lot 4 (NWSW)	5.0	Lot 5 (SWSW)	40.0
T04S R01E S01	Lot 1 (NENE)	33.0	SENE	29.0
R02E S06	Lot 3 (NENW)	4.0	Lot 3 (NWNW)	40.0
			Lot 4 (SWNW)	17.0
			Lot 4 (SENW)	7.0
200.0 ACRES TOTAL				

USE OF THIS RIGHT WITH RIGHT NO. 57-00139, 57-00142, 57-00144,
57-00150, 57-00154, 57-00156, 57-00159, 57-00164, 57-00234,
02-021008 AND 02-07261 IS LIMITED TO THE IRRIGATION OF A COMBINED
TOTAL OF 200 ACRES IN A SINGLE IRRIGATION SEASON.

DATED: 6/20/97

Fritz X. Haemmerle
FRITZ X. HAEMMERLE
Special Master
Snake River Basin Adjudication

1997 JUN 20 AM 11:13

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

In Re SRBA)
Case No. 39576)
_____)

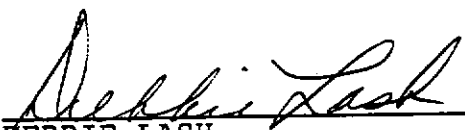
NOTICE OF ISSUANCE OF
PRELIMINARY SPECIAL MASTER'S
REPORT AND RECOMMENDATION

Water Right(s): 57-00090

On June 20, 1997, Special Master FRITZ X HAEMMERLE
lodged a PRELIMINARY SPECIAL MASTER'S REPORT and a PRELIMINARY
SPECIAL MASTER'S RECOMMENDATION pursuant to SRBA Administrative
Order 1 section 9 (f).

These documents are served only on parties to the subcase.
They are not served on the Presiding Judge. Parties to this subcase
may file a Motion to Alter or Amend with the Special Master, but
must do so before July 07, 1997.

DATED June 20, 1997.


DEBBIE LASH
Deputy Clerk

1997 JUN 20 AM 11:13

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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

CERTIFICATE OF MAILING

Water Right(s): 57-00090

CERTIFICATE OF MAILING

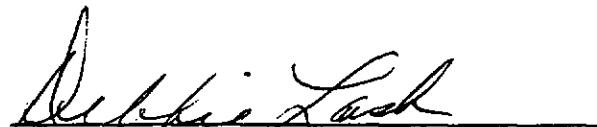
I certify that a true and correct copy of PRELIMINARY SPECIAL MASTER'S REPORT, PRELIMINARY SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF PRELIMINARY SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on June 20, 1997, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

U.S. DEPT. OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

NICK NETTLETON
HC 79, BOX 2320
OREANA, ID 83650

CLIVE STRONG
OFFICE OF ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-4449


DEBBIE LASH

CERTIFICATE OF MAILING

PAGE 1
06/20/97

RECEIVED

AUG 2 1997

Department of Water Resources
Adjudication Bureau

1997 AUG 19 AM 9:23

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED DL

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

) Subcase 57-00090

Case No. 39576

)
)
) SPECIAL MASTER'S REPORT
)

FINDINGS OF FACT AND CONCLUSIONS OF LAW

A notice of claim was filed for this water right pursuant to I.C. § 42-1409 (1990) by Nick Nettleton. The director of the State of Idaho Department of Water Resources examined the water system for areas 1, 2, and 3 and investigated and abstracted the notices of claims for those Reporting Areas. The Director of the Idaho Department of Water Resources then filed a *Director's Report* which asserted how the elements of this water right should be decreed by the court.

An objection to the *Director's Report* for water right 57-00090 was filed by United States (BLM). Subsequently, the objection was withdrawn by stipulation of the parties.

A *Preliminary Special Master's Report and Recommendation* was issued. No motion to alter or amend was filed and the time for filing such a motion has now expired; therefore,

IT IS THEREFORE RECOMMENDED that subcase 57-00090 be decreed as recommended in the attached *Special Master's Report and Recommendation for Partial Decree*.

DATED August 19, 1997.


FRITZ X. HAEMMERLE
Special Master, Reporting Area 2
Snake River Basin Adjudication

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)
_____)

1997 AUG 19 AM 9:23
SPECIAL MASTER'S RECOMMENDATION FOR
PARTIAL DECREE FOR DISTRICT COURT - SRBA
Water Right 57-00090 TWIN FALLS CO., IDAHO
FILED *[Signature]*

NAME & ADDRESS: NICK NETTLETON
HC 79 BOX 2320
OREANA ID 83650

SOURCE: CASTLE CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.02 CFS

USE OF THIS RIGHT WITH RIGHT NO. 57-00139, 57-00142, 57-00144,
57-00150, 57-00154, 57-00156, 57-00159, 57-00164, 57-00234,
02-021008 AND 02-07261 IS LIMITED TO A TOTAL COMBINED DIVERSION
RATE OF 4.00 CFS.

PRIORITY DATE: 04/01/1874

POINT OF DIVERSION: T04S R01E S12 NWNENE Within Owyhee County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.02 CFS

PLACE OF USE:	IRRIGATION	Within Owyhee County
	T03S R01E S36 Lot 8 (NESE) 2.0	SESE 23.0
	R02E S31 Lot 4 (NWSW) 5.0	Lot 5 (SWSW) 40.0
	T04S R01E S01 Lot 1 (NENE) 33.0	SENE 29.0
	R02E S06 Lot 3 (NENW) 4.0	Lot 3 (NWNW) 40.0 Lot 4 (SWNW) 17.0 Lot 4 (SENW) 7.0
	200.0 ACRES TOTAL	

USE OF THIS RIGHT WITH RIGHT NO. 57-00139, 57-00142, 57-00144,
57-00150, 57-00154, 57-00156, 57-00159, 57-00164, 57-00234,
02-021008 AND 02-07261 IS LIMITED TO THE IRRIGATION OF A COMBINED
TOTAL OF 200 ACRES IN A SINGLE IRRIGATION SEASON.

DATED: 8/19/97

[Signature]
FRITZ X. HAEMMERLE
Special Master
Snake River Basin Adjudication

1997 AUG 19 AM 9:23

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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)
_____)

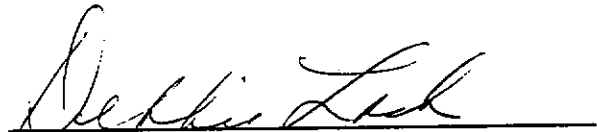
NOTICE OF ISSUANCE OF
SPECIAL MASTER'S REPORT
AND RECOMMENDATION

Water Right(s): 57-00090

On August 19, 1997, Special Master FRITZ X HAEMMERLE issued a SPECIAL MASTER'S REPORT AND RECOMMENDATION for the above subcase pursuant to SRBA Administrative Order 1 (AO1), Section 9.

Pursuant to SRBA Administrative Order 1, Section 14b, any party to the adjudication may file a Notice of Challenge to a SPECIAL MASTER'S REPORT AND RECOMMENDATION within 21 days following the date of publication of the filing of the Special Master's report in the Docket Sheet except parties to the subcase who failed to file a Motion to Alter or Amend before the Special Master (AO1, Section 9f). The Notice of Challenge shall appear on the Docket Sheet and shall be served on parties to the subcase(s) covered by the challenged report and the SRBA Court Reporter.

DATED August 19, 1997.


DEBBIE LASH
Deputy Clerk

1997 AUG 19 AM 9:23

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED *DL*

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

CERTIFICATE OF MAILING

Water Right(s): 57-00090

CERTIFICATE OF MAILING

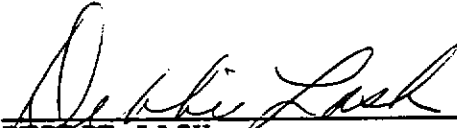
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on August 19, 1997, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

U.S. DEPT. OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

NICK NETTLETON
HC 79, BOX 2320
OREANA, ID 83650

CLIVE STRONG
OFFICE OF ATTORNEY GENERAL
STATE OF IDAHO
PO BOX 44449
BOISE, ID 83711-4449


DEBBIE LASH

CERTIFICATE OF MAILING

PAGE 1
08/19/97

SD-0410-2
MODIFY REMARK

Idaho Department of Water Resources
Adjudication Remarks Screen

Date: 05/12/97
Time: 09:51:05

Water Right Number: R57-00090

FIRST PAGE

13. Remarks Type : GEN

Remarks: USE OF THIS RIGHT WITH RIGHT NO. 57-00139, 57-00142, 57-00144, 57-00150, 57-00154, 57-00156, 57-00159, 57-00164, 57-00234, 02-02100B AND 02-07261 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.00 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 700 AF AND TO THE IRRIGATION OF A COMBINED TOTAL OF 200 ACRES IN A SINGLE IRRIGATION SEASON. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 57-00139, 57-00142, 57-00144, 57-00150, 57-00154, 57-00156, 57-00159, 57-00164, 57-00234.

(ENTER=Continue/Exit)

(GOLD2=Update) (GOLD4=Prev Scrn) (GOLD6=End of Data) (GOLD8=Cancel)
(GOLD3=Delete) (GOLD5=Next Scrn) (GOLD7=Copy to Cmts) (Gold9=Add Std Rmk)

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 the Rights to the Use of Water)
from the Snake River Basin)
Water System)
_____)

Case No. 57-00090 -0001

The State of Idaho, ex rel.)
R. Keith Higginson in his)
official capacity as Director)
of the Idaho Department of)
Water Resources,)

RESPONSE TO OBJECTION

Petitioner,)

vs.)

The United States; the State)
of Idaho; and all Claimants to)
the use of water from the Snake)
River Basin Water System,)

Respondents.)
_____)

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

Address: IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Briefly describe your interest in this water right:

IDWR is required to file a response to an objection to part
I of the director's report pursuant to I.C. section 42-1412(2).

(Over)

1. ☒ Name and Address: I respond to the objection concerning the name and/or address of the owner of the water right.
2. ☒ Source: I respond to the objection concerning the source of water.
3. ☒ Quantity: I respond to the objection concerning:
4. ☒ Priority Date: I respond to the objection concerning the priority date.
5. ☒ Points of Diversion: I respond to the objection concerning the legal description of the points(s) of diversion.
7. ☒ Purposes of Use: I respond to the objection concerning the purpose(s) of use.
8. ☒ Period of Year: I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
10. ☒ Consumptive Use: I respond to the objection concerning the annual volume of consumptive use.

II. STATEMENT OF THE RESPONSE

2. Person who filed objection:
Name: US BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706-2544
3. If this response is filed by an attorney:
Attorney Name(s): DANIEL L. STECKEL
Attorney Address: DEPUTY ATTORNEY GENERAL(S)
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449
Attorney Phone No.: (208) 327-7900

11. ☒ Remarks: I respond to the objection concerning the "remarks" listed with the water right.
12. ☒ Water Right Recommendation: I respond to the objection concerning:
- 12a. ☒ This water right being recommended at all.

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 1, 2, 3, 4, 5, 7, 8, 10, 11, 12 and 12a. and all allegations of the objection regarding these items, IDWR responds as follows:

IDWR lacks sufficient information to form a belief as to whether any or all of the lands upon which water is diverted, conveyed, or used pursuant to this right are owned by the United States. The notices of claim attached to the objection were not filed with IDWR and IDWR has not recommended a water right based on these notices of claim. IDWR admits that the claims listed in the objection are recommended in the director's report. IDWR admits that the exercise of rights to water from the same source may impact each other. IDWR denies the objection and all allegations of the objection not expressly admitted herein.

CHANGES TO THE DIRECTOR'S REPORT

The director proposes no changes to the description of this claim in the Director's Report.

☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary:

	No. of Pages
Notice of Claim No. A57-00090	3

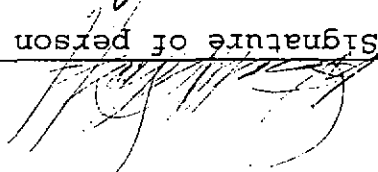
(Over)

VERIFICATION (Must be Completed)

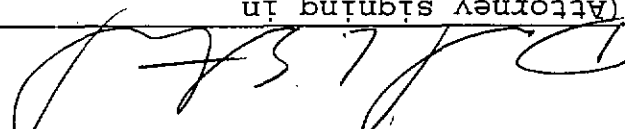
State of IDAHO
County of ADA

Donald V. Shaff, being first duly sworn, upon oath, deposes and says:

That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Section Manager for IDWR and am authorized by R. Keith Higginson, in his official capacity as director of IDWR, to verify this response; and that I have read the foregoing response, know its contents and that the statements contained therein are true to the best of my knowledge and belief.

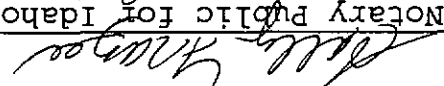


Signature of person filing response

By: 

(Attorney signing in representative capacity)

Subscribed and sworn to before me this 25th day of June, 1993.



Notary Public for Idaho
Residing at: Boise
My Commission expires: 11-14-1998

CERTIFICATE OF MAILING

I hereby certify that on the 25th day of June, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

Name: NICK NETTLETON
Address: HC 79 BOX 2320
OREANA ID 83650

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney; and you must fill in the following information:

Name: US DEPT OF JUSTICE
Address: K JACK HAUGRUD & DARIA J ZANE
550 W FORT ST
PO BOX 33
BOISE ID 83734



Signature of Respondent or attorney
mailing on Respondent's behalf

MICROFILMED

JUL 20 1994

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

The State of Idaho, ex rel.
R. Keith Higginson in his
official capacity as Director
of the Idaho Department of
Water Resources,

Petitioner,

vs.

The United States; the State
of Idaho; and all Claimants to
the use of water from the Snake
River Basin Water System,

Respondents.

Case No. 57-00090
(You must insert the
water right number you
are objecting to)

OBJECTION

RECEIVED

FEB 26 1993

Department of Water Resources
Adjudication Bureau

MICROFILMED

JUL 20 1994

INSTRUCTIONS

This form must be used to file an objection to any water right recommended in the Director's Report. You may object to one water right per objection form. The water right number you are objecting to must be indicated above in the blank space following "Case No." To object to more than one water right, you must file a separate objection form for each. Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form, as long as it is identical to the court's form. You must file your objection by the deadline shown in the notice that IDWR mailed to you. The objection must be received by the court on or before the deadline specified. Instructions for mailing this objection are found at Page 6, and must be strictly followed.

Any party physically filing 25 (twenty-five) or more objections must make an appointment with the Clerk of the Adjudication Court and arrange for an appointment to file multiple objections.

(Over)

By filing an objection form, you are certifying that the objection is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. Person objecting: United States of America
Bureau of Land Management
U.S. Department of the Interior
Address: 3380 Americana Terrace
Boise, Idaho 83706

Briefly describe your interest in this water right:
The United States, through the Bureau of Land Management, is the owner of land affected by this claimed water right and has a senior existing water right.

2. Owner of the water right:

Name: claimant Nick Nettleton
Address: HC 79, Box 2320
Oreana, ID 83650

3. If this objection is filed by an attorney:
K. Jack Haugrud
Daria J. Zane
U. S. Department of Justice
500 West Fort Street
P.O. Box 33
Boise, Idaho 83734
Attorney Name:
Attorney Address:
Attorney Phone No.: 202-272-4134/8351

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

II. STATEMENT OF THE OBJECTION

Please check each "box" which states your objection to the recommendation in the Director's Report.

1. ☒ Name and Address: I object to the name and/or address of the owner of the water right.
2. ☒ Source: I object to the source of water.
3. ☒ Quantity: I object to:
 - a. ☐ the total quantity of water used in cubic feet per second; or
 - b. ☐ the total quantity of water stored in acre-feet per year; or
 - c. ☐ the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☒ Priority Date: I object to the priority date.
5. ☒ Points of Diversion: I object to the legal description of the point(s) of diversion.
6. ☐ Instream Flow: I object to the legal description of the beginning and ending points of the instream flow.
7. ☒ Purpose(s) of Use: I object to the purpose(s) of use.
8. ☒ Period of Year: I object to the period of year when water is used or is necessary for the purpose stated.
9. ☐ Place of Use: I object to:
 - a. ☐ the legal description of the place of use; or
 - b. ☐ the number of irrigated acres within each forty (40) acre subdivision.
10. ☒ Consumptive Use: I object to the annual volume of consumptive use.
11. ☒ Remarks: I object to the "remarks" listed with the water right.

MICROFILMED

JUL 20 1994

(Over)

Please note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports.

The Directors report should be changed to recommend disallowance of this claim.

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

CHANGES TO THE DIRECTOR'S REPORT

In the space following, you must state the reason(s) by number for each box checked. You may use additional pages if necessary.

The United States of America, acting through the Bureau of Land Management, objects to this water right recommendation because the claimant is a private individual claiming a water right affecting public domain lands. The BLM, on behalf of the United States, has managed and controlled this property for the beneficial use of the American public. The claimant has no property interest in the claimed water right or any other water right appurtenant to federally owned lands. The United States objects to all aspects of the right because of these facts, including the recommended name and address, source, quantity, priority date, points of diversion, purpose of use, period of use, place of use, and consumptive use. BLM also objects to the recommendation in its entirety because claimant has not been the exclusive beneficial user of this water given that other members of the public have had access to this land and water source. BLM specifically objects to the quantity, priority date, point of diversion, and/or purpose of use of the claimed right because granting this right will adversely affect the United States senior water right.

REASONS SUPPORTING EACH BOX CHECKED

12. ☒ Water Right Recommendation: I object to:
 - a. ☒ this water right being recommended at all; or
 - b. ☐ this water right not being recommended.
13. ☐ Description of Reservation: I object to the legal description of the reservation.
14. ☐ Other: I object to:

☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary. _____

1.2. Conflicting USDI claims

VERIFICATION (Must be Completed)

State of Idaho

County of Ada

J. DAVID BRUNNER, BOISE DISTRICT MANAGER, being first duly
(Name of person filing objection)
sworn, upon oath, deposes and says:

That I am the person or entity filing this objection, that I am a water claimant or party in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and that I have read the foregoing objection, know its contents and that the statements contained therein are true to the best of my knowledge and belief.

J. David Brown
Signature of person filing objection

By: _____
(Attorney signing in
representative capacity)

Subscribed and sworn to before me this 23 day of February,
1993.

Clarence D. Bale
Notary Public for Ada County
Residing at: Boise, Idaho
My Commission expires: April 26, 1992

MICROFILMED

JUL 20 1994

(Over)

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. FAX filings will not be accepted by the Clerk of the Court. You must also send a copy to the owner of the water right, if other than yourself; to the Office of the Attorney General, State of Idaho; and to the United States Department of Justice, as set out below in the Certificate of Mailing. Finally, you must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I hereby certify that on the 26 day of February, 1993, I mailed the original and copies of the foregoing objection, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

owner name:

Nick Nettleton

owner's address:

HC 79, Box 2320

Oreana, ID 83650

3. One copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734

[Signature]
Signature of Objector or attorney
mailing on Objector's behalf

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

CIVIL CASE NUMBER: 39576

IN RE THE GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER
FROM THE SNAKE RIVER BASIN WATER SYSTEM

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

U.S. DEPT. OF INTERIOR
BUREAU OF LAND MGMT.
IDAHO STATE OFFICE
3380 AMERICANA TERRACE
BOISE ID 83706
TELEPHONE: 208-334-1401

PRIORITY DATE: 1874-01-01
AGENCY NUMBER: 5701582439
BLM NUMBER: 5701582439
BASIS OF CLAIM: BENEFICAL USE
BASIN NUMBER: 57

SOURCE	TRIBUTARY TO
CASTLE CREEK	SNAKE RIVER

DESCRIPTION OF DIVERSION WORKS

INSTREAM USE

PURPOSE OF USE	DIVERSION RATE	DIVERSION VOLUME	PERIOD OF USE FROM	TO
WILDLIFE	0.020	0.00	0101	1231
STOCKWATER	0.190	0.00	0101	1231
TOTAL:	0.210 CFS	0.00 AF		

NON-IRRIGATION USES

S/710 RANGE CATTLE W/VAR AMOUNTS

				POINT OF DIVERSION			
TWP	RNG	SEC	TRACT1	TRACT2	TRACT3	LOT	COUNTY
06S	01W	23		NW	SW	00	OWYHEE
06S	01W	22		NE	NE	00	OWYHEE

PLACE OF USE							IRRIGATED OWNED	ACRES
TWP	RNG	SEC	TRACT1	TRACT2	LOT	COUNTY		
06S	01W	23	NW	SW	00	OWYHEE		0.

MICROFILMED

JUL 20 1994

CLAIM NUMBER: 57-00090

CONFLICTING CLAIMS FOUND IN THE DIRECTORS REPORT

57-11105	57-07330
57-11115	57-11109
57-11117	57-11116
57-11120	57-11119
57-11123	57-11122
57-11143	57-11142
57-11328	57-11327
57-11333	57-11329
57-11114	57-11335
57-11326	57-11140
57-11331	57-11330
57-02387	57-11332
57-11025	57-11025A
57-11097	57-11096
57-11108	57-11106
57-11112	57-11110
57-11141	57-11113
57-11245	57-11353
57-11111	57-11257
57-11357	57-11357A
57-11027A	57-07047
57-02377	57-11027
57-11029A	57-02386
57-11209	57-11029
57-11038A	57-11354
57-11039A	57-11038
57-11121	57-11039
57-11145	57-11144
57-11255	57-11146
57-11347	57-11334
	57-11348

BLM NUMBER: 5701582013

PAGE: 2

06S	02W	14	NE	NW	00	OWYHEE	YES	0.0
06S	02W	14	NW	NE	00	OWYHEE	YES	0.0
06S	02W	14	NE	NE	00	OWYHEE	YES	0.0

TOTAL ACRES IRRIGATED: 0.0

TOTAL CONSUMPTIVE USE IS: DE MINIMUS ACRE FEET PER ANNUM

OTHER WATER RIGHTS

NONE

REMARKS

FIRST DATE OF BENEFICIAL USE - 1874

MICROFILMED

JUL 20 1994

AJ5809NP
No. 57-00090

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 02/05/93
PAGE: 7

OWNER
CODE
NAME & ADDRESS
C NICK NETTLETON
HC 79 BOX 2320
OREANA ID 83650
(208) 834-2718

PRIORITY
DATE
04/01/1874 IRRIGATION

WATER USE

USE PERIOD
FROM TO
04-01 10-15

DIVERSION
RATE
0.02 CFS

DIVERSION
VOLUME
0.02 CFS

Water Source: CASTLE CREEK
Tributary to: SNAKE RIVER
Point(s) of Diversion: T04S R01E S12 NWNE
Place of use Legal Description for: IRRIGATION

Stage: DECREE
OWYHEE County

Place of use Legal Description for: IRRIGATION

	NE	NW	SW	SE
T	NESE NWNE SWNE SENE	NESE NWNE SWNE SENE	NESE NWNE SWNE SENE	NESE NWNE SWNE SENE
R	Lt Ac Lt Ac Lt Ac Lt Ac	Lt Ac Lt Ac Lt Ac Lt Ac	Lt Ac Lt Ac Lt Ac Lt Ac	Lt Ac Lt Ac Lt Ac Lt Ac
S	36	31	31	31
03S 01E	36	31	31	31
03S 02E	31	31	31	31
04S 01E	1	01-33	04-05 05-40	08-02
04S 02E	6	29	03-04 03-40 04-17 04-07	23
				25.0
				45.0
				62.0
				68.0
				200.0

POU County: OWYHEE

Non-Irrigation Uses: NONE

Other Rights: NONE

Conditions of Approval:

- C01 - THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT TO IDAHO CODE 42-1416(1).
- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO IDAHO CODE 42-1416A.

Remarks:

USE OF THIS RIGHT WITH RIGHT NO. 57-00139, 57-00142, 57-00144, 57-00150, 57-00154, 57-00156, 57-00159, 57-00164, 57-00234, 02-021008 AND 02-07261 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.00 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 700 AF AND TO THE IRRIGATION OF A COMBINED TOTAL OF 200 ACRES IN A SINGLE IRRIGATION SEASON.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 57-00139, 57-00142, 57-00144, 57-00150, 57-00154, 57-00156, 57-00159, 57-00164, 57-00234.

Dates:

Exam Made Date: 07/30/1990 Verified Date:

Misc:

Water District Number: 57C Field Inspection Flag: D
Presumption Flag:

Comments: Date: 10/28/1991 User-ID: WERNER Subject: COPIED FROM REMARKS
ON 8/8/90 THE PRIORITY DATE WAS AMENDED TO REFLECT THE MONTH AND DAY SHOWN ON THE DECREE. L.W.*

MICROFILMED
JUL 20 1994

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

AJ5809NP
No. 57-00090

Audit: 10/28/91 WERNER 11/27/91 WERNER 07/29/92 PR-PRODM 10/13/92 CPSHAW
12/05/92 ADT-SHAW

MICROFILMED

JUL 20 1994

AJ5809NP
No. R57-00090

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/07/92
PAGE: 7

OWNER
CODE

C NICK NETTLETON
HC 79 BOX 2320
OREANA ID 83650
(208) 834-2718

PRIORITY
DATE

04/01/1874 IRRIGATION

WATER USE

IRRIGATION

USE PERIOD
FROM TO

04-01 10-15

DIVERSION
RATE

0.02 CFS

DIVERSION
VOLUME

0.02 CFS

TOTAL DIVERSION:

0.02 CFS

Water Source: CASTLE CREEK

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion:

T04S R01E S12

NWNE

OWYHEE County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE					
		NENE		NWNE		SWNW		SENE		NENW		SWNW		SENE					
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM		
03S	01E	36	:	:	:	:	:	:	:	:	:	:	:	:	:	:	25.0		
03S	02E	31	:	:	:	:	:	:	:	:	:	:	:	:	:	:	45.0		
04S	01E	1	:	01-33	:	:	:	:	:	:	:	:	:	:	:	:	62.0		
04S	02E	6	:	:	:	:	:	:	:	:	:	:	:	:	:	:	68.0		
																TOTAL ACRES	200.0		

POU County: OWYHEE

Non-Irrigation Uses: NONE

Other Rights: NONE

Conditions of Approval:

- C01 - THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT
- TO IDAHO CODE 42-1416(1).
C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- IDAHO CODE 42-1416A.

Remarks:

USE OF THIS RIGHT WITH RIGHT NO. 57-00139, 57-00142, 57-00144, 57-00150, 57-00154, 57-00156, 57-00159, 57-00164, 57-00234, 02-02100B AND 02-07261 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.00 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 700 AF AND TO THE IRRIGATION OF A COMBINED TOTAL OF 200 ACRES IN A SINGLE IRRIGATION SEASON.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 57-00139, 57-00142, 57-00144, 57-00150, 57-00154, 57-00156, 57-00159, 57-00164, 57-00234.

Dates: Exam Made Date: 07/30/1990 Verified Date:

Misc: Water District Number: 57C Field Inspection Flag: D
Presumption Flag:

Comments: Date: 10/28/1991 User-ID: WERNER Subject: COPIED FROM REMARKS
**ON 8/8/90 THE PRIORITY DATE WAS AMENDED TO REFLECT THE MONTH
AND DAY SHOWN ON THE DECREE. L.W.***

MICROFILMED
OCT 07 1992

AJ5809NP
No. R57-00090

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/07/92
PAGE: 8

Audit: 10/28/91 WERNER 11/27/91 WERNER 07/29/92 PR-PRODM

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OCT 07 1992

ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO. A57-00090

"R" RECORD

FIELD EXAM Y/N-IF NO, DO OFFICE VERIFICATION	IN-OFFICE VERIFICATION WHOM/DATE	VERIFIED BY CODE (SEE BELOW)	FIELD EXAM BY WHOM/DATE	CLAIMANT CONTACT NEEDED - Y/N*	REVIEW COMPLETED WHOM/DATE	DATA ENTRY COMPLETED WHOM/DATE	FINAL VERIFICATION DATE ENTERED WHOM/DATE
PRIORITY		<u>6</u>	<u>L. W. Werner</u>	<u>Y</u>	<u>L. W.</u>	<u>L. W.</u>	
PT. OF DIV.	<u>Y</u>	<u>5</u>	<u>R. McCarthy</u>	<u>N</u>	<u>5-24-90</u>	<u>5-24-90</u>	
SOURCE		<u>5, 6</u>	<u>7-30-90</u>	<u>N</u>			
PL. OF USE	<u>Y. Expansion</u>	<u>1, 2, 4, 5</u>		<u>Y</u>			
DIV. AMOUNT CFS/AF		<u>6</u>		<u>N</u>			
CONSUMPTIVE USE		<u>ADS. standards</u>		<u>Y</u>			
NATURE OF USE		<u>6</u>		<u>N</u>			
PERIOD OF USE		<u>6</u>		<u>N</u>			
BASIS OF CLAIM		<u>6</u>		<u>N</u>			
REMARKS		<u>6</u>		<u>N</u>			

VERIFICATION CODES

- TOPO MAP/ORTHO-PG = 1
- ASCS MAP = 2
- WATERMASTER RECORDS = 3
- NAAPP PHOTOS = 4
- FIELD EXAM = 5
- OTHER(SEE COMMENTS) = 6

IF CLAIMANT CONTACT IS NEEDED, COMPLETE
CLAIMANT CONTACT CHECKLIST AND ATTACH.

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COMMENTS: #6 = Same as above

C.U. & volume instructions will apply
Overlap w/ A57-00139, 142, 144, 150, 154, 156, 159, 164, 234
7-1-1 Elongation 4" x 7-1-1 10" x 11" A

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

12:35:22
07/26/90

CLAIM NUMBER: A57-00090

PAGE: 1
GENERAL INFORMATION

LAST: MORGAN
ADDRESS:
CITY: XXXXXX
PHONE NUMBER: 208-000-0000
OWNER CODE: 0

FIRST: J. M.
STATE: ID ZIP: 000000

LAST: NETTLETON
ADDRESS: HC 79 BOX 2320
CITY: OREANA
PHONE NUMBER: 208-834-2718

FIRST: NICK
STATE: ID ZIP: 83650

OWNER CODE: C

FIELD EXAM REQUIRED?

FIELD
EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
N

NO REMARKS IN CLAIM

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DEPARTMENT OF WATER RESOURCES

Staff Analysis Sheet For

SRBA Claim Verification Field Report

A. Prior to Conducting the Exam, the File Contains:

- ☒ Claim Verification Report(CVR)
- ☒ Copy of Adjudication Claim
- ☒ Copies of pertinent files(prev. rts., exams, etc.)
- ☐ Well Inspection Form (If Needed)
- ☒ Copy of U.S.G.S. Quad map, orthophotoquad, or NAPP photography
- ☒ Check P.D. & P.U. desc. for Govt. Lots(if a lot is found, a copy of the Govt. plat is needed to add the lot onto the R claim file later.)
- ☒ Check CVR for P.D. overlap(see page titled Pt. of Div. Review Sheet)
- ☒ Check AJ & WR P/D indexes(to ck. accuracy of CVR overlap ckd. above)
Overlap ☒ yes ☐ no If yes: NO copy of claims & water rights incl? Same claimant
Type of Overlap? ☐ Add acres or uses to existing system
☐ Increase rate of flow or volume
☐ Other: _____
- ☒ Check CVR for P.U. overlaps(see page titled Pl. of Use Review Sheet)
- ☒ Check AJ & WR P/U indexes(to ck. accuracy of CVR overlap ckd. above)
Overlap ☒ yes ☐ no If yes: NO copy of claims & water rights incl?
Type of Overlap? ☐ Increase rate of flow or volume
☐ Add P/D's
☐ Increase number of acres within tracts
☐ Different source for same acres
☐ Other: See overlap map
- ☒ Appointment Letter Sent? No (initial & date)
- ☒ Appointment Made and Telephone Conversation Memo Attached Yes

B. After Conducting the Exam, the File Contains:

- ☒ Fully Completed and Signed CVR Form
- ☒ Photographs of Point(s) of Diversion and Place of Use
- ☒ Completed map outlining Point(s) of Diversion and Place of Use

C. Review and Processing:

Claim No. submitted for weekly exam completed prog. report? ☒ Yes ☐ No
Exam completed date data entered on claim LRW 10/28/91 (initial & date)
Claim Verification Report completed L.R.W. 2-26-91 (initial & date)
Was CVR spot-checked by Supervisor? ☐ Yes ☒ No (initial & date)
R claim file created LRW 10/28/91 (initial & date)
Recommendations entered on R claim file LRW 10/28/91 (initial & date)

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CONTACT PERSON: Nick Nuttall

PHONE NUMBER: () 834-2718

DATE OF FIELD EXAM: 7/30/90

APPOINTMENT MADE: Y(X) N()

TIME: 1:30 A() P(X)

ACCOMPANIED BY: _____

PHONE NUMBER: () _____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

Saw phone conversation memo, this file.

MAR 25 8

FIELD EXAM
TELEPHONE CONVERSATION MEMO

I.D. NUMBER A57-00139 & etc.

NAME OF CONTACT Nick Nettleton

PHONE NO. 834-2718 ADJ. AGENT Linda Warner

DATE SET FOR EXAM 7-30-90

LOCATION Turn N on Wus Rd between milepost 47 & 48. Go 3.8 miles. See wooden sign w/ Nettleton's name.

Diverting at full rates? ~~YES~~ No

Type of measuring devices? None

Places to make measurements? Yes

Type of system? (pipeline, ditches) Sprinklers & ditches

How many laterals are used? with many lines sump at edge of ditch

Length and size of mainline? _____

Size of Motor used for each P/D? _____

Estimate of depth to water? _____

Pressure at well? _____

Pressure at sprinkler head? _____

COMMENTS: Diversion is hard to differentiate on the map.

all waters go to all land. Some land hasn't been irr.

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STAGE: D

PRIORITY DATE: 06-01-1874

A. AJ CLAIM: # A57-00090

STAGE: D

PRIORITY DATE: 06-01-1874

B. WR RECORD: # 57-00090

FIELD
EXAMINER

DATABASE
N

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

Y () N (X)

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? IF YES EXPLAIN.

REMARKS: Changed priority date as the decree indicates the irrigation season is 4-1 to 10-15

2-23-91: I will need to talk to Lynn K-H. in regard to the priority date before I can make a recommendation

2-26-91: Consultation with Sam. I wrote in re to the priority date. The priority date of 6-1-1874 was assigned without regard to the irrigation season. I had been listed a year only. Since the decree gives an irrigation season of 4-1 to 10-15 I decided to recommend a priority date of April 1, 1874.

RECOMMENDED PRIORITY DATE: 4-1-1874

DATE: 2-26-91

REVIEWED BY: Linda Warner

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OCT 07 1992

Name of Party	Source of Water	Date of Priority.	Amt. in inches.	Des. of All Owyhee County Land.	Sec.	Twp.	Range.	
J. M. Morgan	Castle Creek	57-00901874 ✓ 57-01501908 ✓ 57-01591908 ✓	1 6 34	{ Lot 3 Lot 4 Lot 4 Lot 5 }	6 31	4 S 3 S	2 E 2 E	B.M. B.M.
Thomas A. Foreman	Castle Creek	57-00911874 ✓ 57-00991885 ✓ 57-01091887 ✓ 57-01181895 ✓ 57-01221896 ✓ 57-01281898 ✓ 57-01361902 ✓ 57-01521906 ✓ 57-01631908 ✓	10 20 10 5 15 20 10 10 10	{ NE 1/4 E 1/2 S 1/2 S 1/2 S 1/2 S 1/2 S 1/2 S 1/2 S 1/2 }	27 28 28 28 28 28 28 28 28	4 S	1 E	B.M.
Thomas A. Foreman (successor to Charles H. More- house)	Castle Creek	57-01241887 ✓	30	{ NE 1/4 E 1/2 S 1/2 }	28	4 S	1 E	B.M.
Amsey Grill (successor to Wilbur Mossman (R.C.))	Castle Creek	57-00921873 ✓ 57-01301900 ✓	3 7 1/2	{ E. Sparks Bunch in S 1/2 Sec. 9, T. 4 S. R. 10 E, Sec. 10 }	7 1/2	4 S	1 E	B.M.
Amsey Grill	Castle Creek	57-00931884 ✓ 57-01411904 ✓ 57-01651911 ✓	3 2 2	{ E. Sparks Bunch in S 1/2 Sec. 9, T. 4 S. R. 10 E, Sec. 10 }	7 1/2	4 S	1 E	B.M.
Amsey Grill	Castle Creek	57-00221913 ✓	3	{ E. Sparks Bunch in S 1/2 Sec. 9, T. 4 S. R. 10 E, Sec. 10 }	7 1/2	4 S	1 E	B.M.
Amsey Grill	Pixley Creek	57-00291918 ✓	11	{ E. Sparks Bunch in S 1/2 Sec. 9, T. 4 S. R. 10 E, Sec. 10 }	10	4 S	1 E	B.M.
Thomas P. Henderson & Donald Henderson	Castle Creek	57-00971885 ✓ 57-01061887 ✓	10 10	{ W 1/2 SW 1/4 E 1/2 SE 1/4 }	24 23	4 S	1 E	B.M.
Walter E. Jones (successor to Maggie Devino & Robert J. Kelley.)	Castle Creek	57-00991885 ✓ 57-01071887 ✓ 57-01511906 ✓ 57-01601908 ✓	15 10 3 20	{ S 1/2 NW 1/4 NE 1/4 SW 1/4 }	24	4 S	1 E	B.M.

Donald F. Henderson, Permit No. 9901,

Thomas D. Henderson, Permit No. 6151, *in decree*

Robert W. Henderson (successor to Robert
W. Henderson and James Henderson), Per-
mit No. 11206,

Edna Munger, Permit No. 11494, *Adopted #2772 in Decree*

John E. Munger, Permit No. 6602, *in decree*

Anna Joyce, (successor to Alex
Belapp) Permit no 7743. *in decree*

IT IS FURTHER ORDERED, ADJUDGED AND DECREED:

That the foregoing rights are established and shall
be in operation during the irrigation season from the
1st day of April to and until the 15th day of October
of each year. It is further adjudged that the average
amount of water required each year for the irrigation
of the lands hereinbefore described during such season
is one inch of water to the acre. It is further ad-
judged that the waters hereinbefore decreed shall be
diverted and applied to the respective lands to which
they are made appurtenant as aforesaid, by means of the
headgates, ditches and laterals owned by the respective
parties at the date of this decree. It is further
adjudged and decreed that each party shall pay his
own costs herein.

Done in open court this 15th day of May

1923.

M. J. Church

District Judge.

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	LOT	CNTY
A57-00090	04S	01E	12	NW	NE	NE	OWYHEE

A PREFIX	R PREFIX
A57-00142	NONE

NONE

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

5700090 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

TRIB: SNAKE RIVER

C.	FIELD EXAM REQUIRED?	DUE TO POD DISCREPANCY? (Y/N)	DUE TO SOURCE DISCREPANCY? (Y/N)	DATABASE Y N	FIELD EXAMINER <u>X</u> <u>N</u>

REMARKS:

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OCT 07 1992

Nettleton

ADS Claims

A 57-00090

PERMIT INIT _____
T. R. S. O/Q
P/D 4S IE 12 NW NE NE
SCALE
Acres outlined in presence
of Nettleton

BM 2344X

Big Foot

Bar

Bar

Bar

Bar

Bar

Bar

Bar

36

35

34

33

32

31

30

29

28

27

26

25

24

23

22

21

20

19

18

17

16

15

14

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12

11

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0

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0

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SW	NW	4	NETTLETON , NICK	A02-07261	/16.0	02-07261	/23.0
SW	NW	4	NETTLETON , NICK	A57-00139	/1.0	57-00139	/
SW	NW	4	NETTLETON , NICK S.			A02-02100B	/1.0
SW	NW	4	NETTLETON , NICK			A02-07261	/16.0
04S 02E	6	SE	NW	4	NETTLETON , NICK		12.0
		SE	NW	4	NETTLETON , NICK	A57-00090	/7.0
		SE	NW	4	NETTLETON , NICK	A57-00142	/7.0
		SE	NW	4	NETTLETON , NICK	A57-00154	/7.0
		SE	NW	4	NETTLETON , NICK	A57-00156	/7.0
		SE	NW	4	NETTLETON , NICK	A57-00159	/7.0
		SE	NW	4	NETTLETON , NICK	A57-00164	/7.0
		SE	NW	4	NETTLETON , NICK	A02-07261	/7.0
		SE	NW	4	NETTLETON , NICK	A57-00139	/7.0
		SE	NW	4	NETTLETON , NICK	A57-00144	/7.0
		SE	NW	4	NETTLETON , NICK	A57-00150	/7.0
		SE	NW	4	NETTLETON , NICK	A57-00234	/7.0
		SE	NW	4	NETTLETON , NICK		
		SE	NW	4	NETTLETON , NICK	A02-07261	/7.0
TOTAL ACRES				A57-00090	200.00		371.00

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

PRESUMPTION FLAG: D

REMARKS:

Mr. Nettleton stated that the expansion occurred prior to the transfer in 1966. (I did since the early 1960s & possibly since the demise of 1962 (02-200B)

RECOMMENDATIONS:

TOTAL ACRES:

See P.O.U. Findings

REVIEWED BY:

DATE:

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OCT 07 1992

NICK NETTLETON

PLACE OF USE FINDINGS

				CLAIMED	O-P QUAD	ASCS	RECOMMENDED
03S	01E	36	NESE	^{Lot} 8 2.0	2.0	1.4	2.0
		36	SESE	23.0	23.0	16.5	23.0
	02E	31	NWSW	4 5.0	5.0	4.3	5.0
		31	SWSW	5 40.0	40.0	36.7	40.0
04S	01E	01	NENE	1 33.0	27.0	20.0	33.0
		01	SENE	29.0	29.0	36.9	29.0
	02E	06	NENW	3 4.0	4.0	3.2	4.0
		06	NWNW	3 40.0	40.0	34.0	40.0
		06	SWNW	4 17.0	20.0	9.2	17.0
		06	SENW	4 7.0	7.0	5.0	7.0
TOTAL ACREAGE				200.0	197.0	167.2	200.0

REMARKS:

R57-00090

Recommended Acres: 200

Reviewed By: Linda Warner Date: 3-21-91

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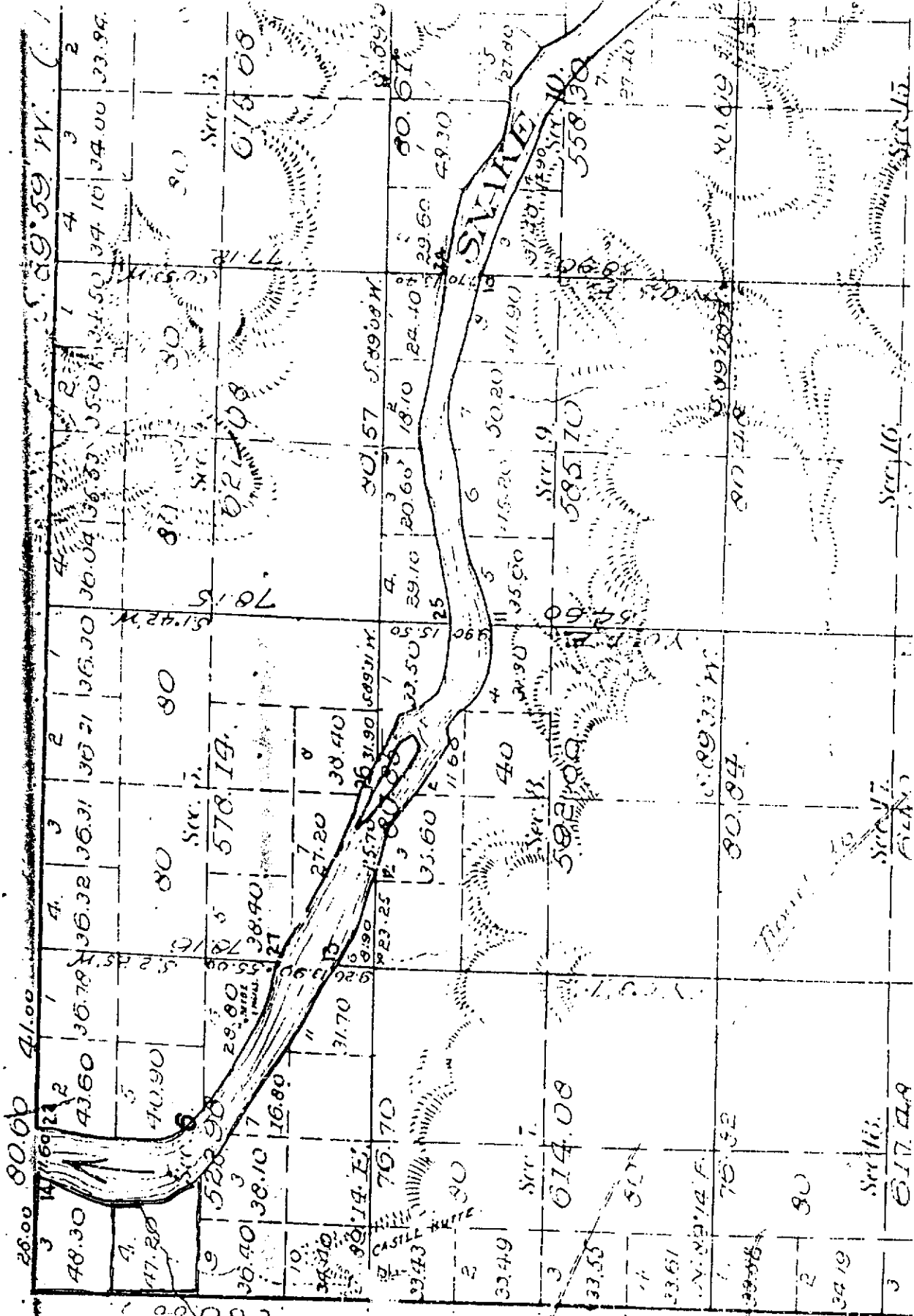
OCT 07 1992

Township No 4 South, Range No 2 East of

Sec. 6

lots 3, 4

E 1 D



Surveys Designated.	By Whom Surveyed.	Group		Amount of Surveys		in
		No.	Date	A.P. chs.	lbs.	
N & E Boundaries (Res.)	Jay P. Hester and George M. Hutchinsell	5	Sept 7 1910	12	2	52 Oct.

n o p q

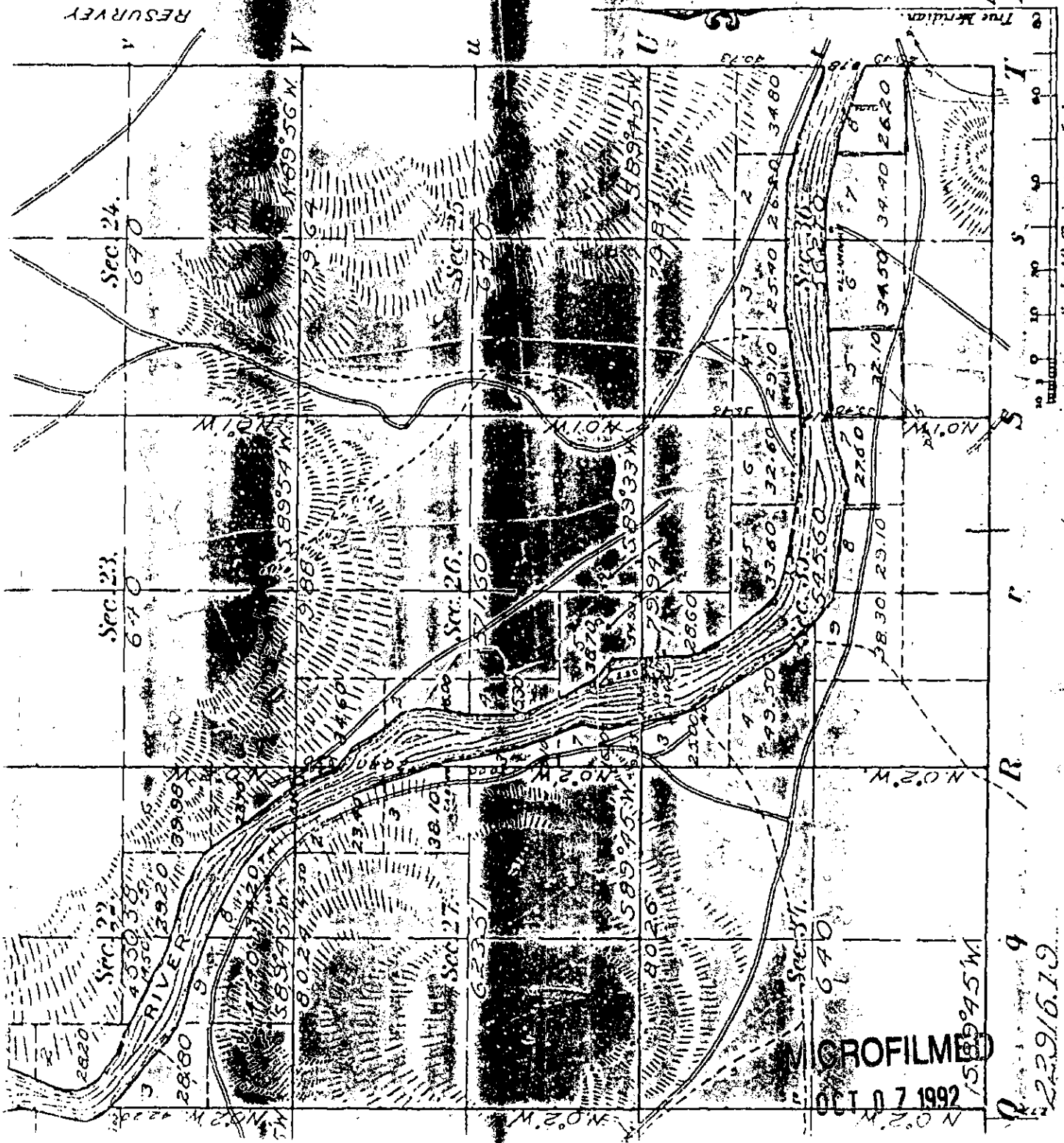
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T3S
R1E
Sec. 36
lots 5 & 8

Accepted by Official

Lat. 43°07'N
Long. 116°17'W



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2291619

Mean Declination

The above Map of Township No. 3 South of Range No. 1 East of

A57-00090

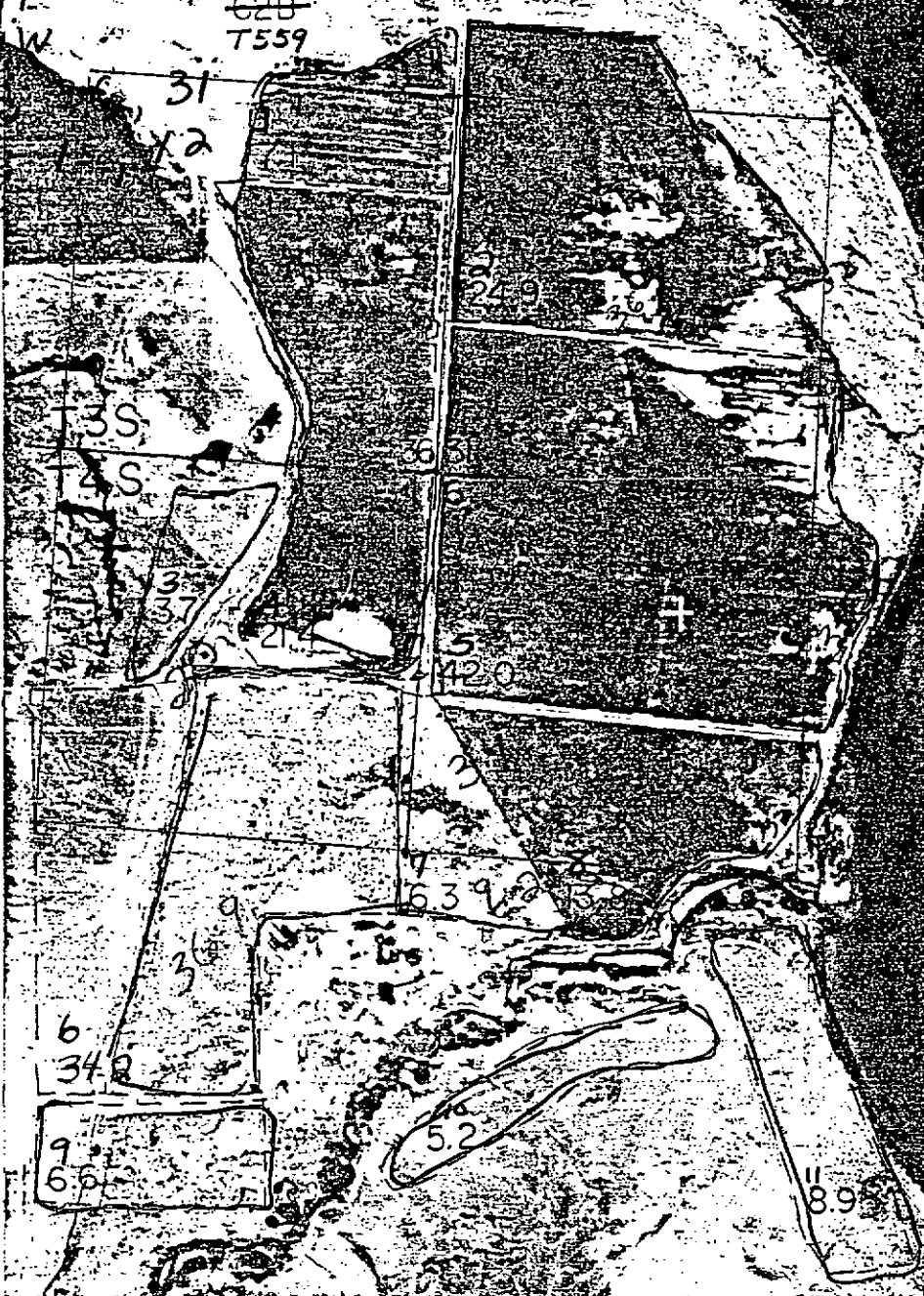
T3S
T4S
R1E
R1W
Sec

496

628
T559

31
x2

T3S
T4S
Sec 31
4S
2E



11
12
A
B
36/248

FILM
19
403

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A57-00090 IRRIGATION	FROM 04-01 TO 10-15	.020 CFS
	TOTAL DIVERSION RATE/VOLUME CLAIMED	.020 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
57-00090 IRRIGATION	FROM 04-01 TO 10-15	.020 CFS
57-00090 DOMESTIC	FROM TO	.020 CFS
57-00090 STOCKWATER	FROM TO	.020 CFS
	TOTAL DIVERSION RATE/VOLUME CLAIMED	.020 CFS

PRESUMPTION FLAG: D

C. FIELD EXAM REQUIRED?

	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	Y
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	Y
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	Y

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(☒) N(☐)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(☐) N(☐)

Explain in remarks, below.

REMARKS:

Same As claimed

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Y(☒) N(☐)

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

AJ TOTAL CLAIMED DIVERSION RATE: 0.020 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.020 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N) N
FIELD DATABASE EXAMINER N

FLOW MEASUREMENT

MEASUREMENT METHOD N/A, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y() N() IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: 5700234,139,144,154,142,150,156,159,164,027261,2100B.

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A57-00090	CASTLE CREEK	NETTLETON, NICK	0.020			
A02-02100B	SNAKE RIVER	NETTLETON, NICK S.	2.400	0.020		
A57-00150	CASTLE CREEK	NETTLETON, NICK	0.120			
A57-00154	CASTLE CREEK	NETTLETON, NICK	0.100			
A57-00156	CASTLE CREEK	NETTLETON, NICK	0.300	0.001		
A57-00159	CASTLE CREEK	NETTLETON, NICK	0.680	0.003		
A57-00164	CASTLE CREEK	NETTLETON, NICK	0.060			
A02-07086	SNAKE RIVER	HEYWOOD, ALFRED L.	4.640	0.020	1160.00	5.00
A57-00234	CASTLE CREEK	NETTLETON, NICK	1.100	0.005		
A57-00139	CASTLE CREEK	NETTLETON, NICK	0.100			
A57-00144	CASTLE CREEK	NETTLETON, NICK	0.020			
A02-07261	SNAKE RIVER	NETTLETON, NICK	1.600	0.020		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

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COMBINED TOTAL
All Claims

1a. IRRIGATION RATE
ACRES 200 x 0.02 CFS/ACRE = 4.0 CFS
(Taken from P/u review)

1b. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y () N (X)

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y () N () ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = AF/A

ACRES 200 x CONSUMPTIVE VOL. AF/A FOR AREA 3.5 =

TOTAL CONSUMPTIVE USE 700 AF/A

3. IRRIGATION DIVERSION VOLUME - N/A

CLAIMED DIVERSION VOLUME = AF/A

ACRES 200 x DIVERSION VOL. AF/A FOR AREA 5.0 = 0 R V(d.r.)

TOTAL DIVERSION VOLUME 1000 AF/A

0.02 cfs x 1.9835 AF/dx 198d = 7.8 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y () N ()

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

STD. Remarks: EOL - Use of this right w/ right no's. 57-00139, 142, 144, 150, 154, 156, 159, 164 & 234, is limited to a total combined diversion rate of 2.60 cfs, a total combined ann. can. use vol. of 700.0 AF & to the irr. of a total of 200 acres in a single irr. season.

~~K06 Heres =~~
FOG: Other rights w/ same POD: 57-00139, 142, 144, 150, 154, 156, 159, 164, 234
App. Conditions.
C01 - Expansion per 42-1416(1)
C05 - Right includes change in P.O.U.

Nick Nettleton

CARD NO. 43 2E

TOWNSHIP

RANGE

EAST

4S 1E

57-00090-260-Ac @ 0.02

57-00159 200 Ac. @ 0.68 cfs

139-20-6-40

1645 200 Ac @ 0.06

1.42 : 200 @ 0.10

239 300 Ac 6 IMCF

134-200 @ 000

2001-2002

750-200@0.1

0.02 = 4.00 OCT

54-	200	6	0.10
	200	0	0.30

2. 60 cts

56: 200 @ 0.20

261 8070 2600

These claims total $200 \text{ AC} \times 0.02 = 4.00 \text{ cfs}$
2.60 cfs

OCT 07 1992

02-7261 80Ae 16cf3

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
Irrigation	4-1 10-15	DATABASE 0.02 EXAMINER 0.02	DATABASE 7.85 EXAMINER 7.8	DATABASE 700.0 EXAMINER 7.8
TOTAL FOR THIS RIGHT				

REVIEWED BY: Linda Wilson DATE: 2-26-91

A. CHECK ONLY THE FOLLOWING THAT APPLY:

ACCEPTED
AS CLAIMED (X)
()
()
()

NEEDS
REVIEW ()
()
()

OWNERSHIP
FORFEIT/ABANDON
ADDITIONAL DIV. AMOUNT

B. SPLIT WATER RIGHT REVIEW *N/A*

ROOT WATER RIGHT NUMBER: 57-00090

TOTAL DIVERSION RATE OF WR SPLITS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A57-00090	0.020	-		57-00090	0.020
TOTAL CFS		0.020				0.020

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

REMARKS:

AUTHENTICATION:

SIGNATURE: *Linda A. Werner*

DATE: *9-17-90 & 2-26-91*

NAME OF FIELD EXAMINER: *Linda Werner*

TITLE: *Sr. W.R. Agent*

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OCT 07 1992

POINT OF DIVERSION REVIEW SHEET CONTINUED

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:		1/4	1/4	LOT	COUNTY
TWP.	RGE.	SEC.			
48	1E	12	NW	NE	OWY

SOURCE: CASTLE CREEK
TRIB: SNAKE RIVER

REVIEWED BY: Linda Warner DATE: 2-23-91



7-30-90
Photo taken by
R. McCarthy

Castle creek diversion looking NW downstream.

MICROFILMED

OCT 07 1992

January 24, 1992

Nick Nettleton
HC 79, Box 2320
Oreana, ID 83650

Dear Mr. Nettleton;

I am sending you two proof reports which outline the way that water uses were claimed by YT Farms and Arthur Merrick. However, the way they were claimed may differ then the way they will be recommended in the SRBA.

Also-the following claims filed by Petroleum Company will show this condition:

A57-00097A, A57-00098A, A57-00106A, A57-00107A, A57-00151A, A57-00160B and A57-00237A.

The right holder is entitled to divert at the present point of diversion in the SWSW, Section 24, T4S, R1E, only the amount of water at the old point of diversion located in the SESW, Section 26, T4S, R1E, less a 20 percent loss. Measuring devices shall be maintained in castle creek at the old point of diversion and in the ditch at the present point of diversion. Water will not be impounded at the present point of diversion if there is not water to which the applicant is entitled.

I have enclosed a listing of the claims filed by Petroleum Company. While this listing will not show any detailed information it will give you an idea as to how much water was filed on and for what purposes.

In about one month we will be sending each claimant a copy of their recommended water rights in the adjudication. At that time you will be able to go to the courthouse and review the proposed preliminary report for all claims that were made in basin 57. Then there will be 30 days in which we can correct any clerical errors. After that the final report will be submitted and it is after this time that objections to water uses will be reviewed.

I hope this answers some of your questions. Give me a call if you have any more.

Sincerely,

Linda A. Werner
Adjudication Section

MICROFILMED

OCT 07 1992

October 28, 1991

Nick Nettleton
HC 79 Box 2320
Oreana, ID 83650

Dear Mr. Nettleton;

I am writing in regard to your claims in the Snake River Basin Adjudication. These are the claims based upon your previously decreed water rights from Castle creek, numbers A57-00090, A57-00139, A57-00142, A57-00144, A57-00150, A57-00154, A57-00156, A57-00159, A57-00164 and A57-00234. I have completed the review on these claims and am prepared to submit my recommendations to the Director.

Each of your claims will be recommended with a permissible place of use of 200 total acres, as claimed. There are some considerations which need to be addressed when using permissible place of use. For instance, if the rights are decreed with the permissible place of use and a portion of the property is later sold and nothing is said in the deed about the water rights, then the buyer will acquire a portion of each of the water rights. If each water right is decreed for the original portion of the tract now irrigated by a single system, and that portion is later sold but nothing is said in the deed about the water rights, then the buyer will acquire the entire right appurtenant to the portion and none of the other water rights.

Also, Claim number A57-00144 was decreed an amount of 0.10 cfs; however, when I was writing up my report I noticed that in item 7 on the claim the total quantity was listed as 0.02 cfs. I have changed this to 0.10 cfs.

You will be receiving a preliminary report which will outline your water rights and how they're being recommended to the Court. In the meantime, if you have any questions regarding the above, be sure to contact me as soon as possible.

Sincerely,

Linda A. Werner
Sr. Water Resource Agent
Adjudication Section

MICROFILMED

OCT 07 1992

Water Right Number - 57-00090

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - - + + - - - - First Name - - - - + + - - - - Address - - - - - + - - - -

*** C - CURRENT OWNER ***

MORGAN

J. M.

1 -

2 -

3 -

City -

Phone -

State -

Zip -

+ - - Priority Date - - + + - - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/01/1874 14 D - DECREED+ - - Source - - - - - + + - - - - Tributary - - - - - + - - - -
CASTLE CREEK SNAKE RIVER+ - - - - - - - - - - - Point of Diversion - - - - - Stream Index (Blank if no Index Code) - - - - - +
Twn Rng Sec Tract Lot Rflg County+ - - - - - - - - - - - Water Use - - - - - Diversion Rate Diversion Volume - - - - - +
Code Description Period From Period To01 - IRRIGATION
43 - DOMESTIC
04 - STOCKWATER

04/01 10/15

0.020

+ - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Div. Capacity - + + - - Total Consumptive Use - + + - - KW Usage - + +
0.020+ - - - - - - - - - - - Place of Use - - - - - Description - - - - - County - - - - - +
Twn Rng Sec Tract Lot Acres Code

03S	02E	31	NW SW	4	01	IRRIGATION	73	OWYHEE
03S	02E	31	SW SW	5	01	IRRIGATION	73	OWYHEE
04S	02E	6	NW NW	3	01	IRRIGATION	73	OWYHEE
04S	02E	6	SW NW	4	01	IRRIGATION	73	OWYHEE

Total Acres:

+ - - Diversion Means -
+ - - Non-Irrigation Use -
+ - - Other Rights for Same Use -+ - - - - - - - - - - - Remarks - - - - - + - - - - - +
No Remarks found.+ - - - - - - - - - - - Conditions of Approval - - - - - + - - - - - +
No Conditions of Approval found.

MICROFILMED

OCT 07 1992

Water right number - 57-00090 Adj. flag translation: Standard Water Right Number

+ - - - Decree Plaintiff - - - +
JAMES L. DAVEY

+ - - - Decree Defendant - - - +
GEORGE F. BROWN ET. AL.

+ - Decree Date - - +
05/15/1923

+ - - Microfilm Rolls -

+ - - Audit Fields - 02/11/86

05/01/88 CONVERT

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 57C
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 05/15/1923				

MICROFILMED
OCT 07 1992

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: A57-00090
Date Received: 12/05/1988
Receipt No: M002052
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: NICK NETTLETON
Address: HC 79 BOX 2320
OREANA, ID 83650

208-834-2718

2. Date of Priority: APR 01, 1874

3. Source: CASTLE CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04S	01E	12	NW	NE	NE		OWYHEE

5. Description of diverting works:
EARTHEN DIV. DAM DITCH TO PROP. WITH FLOOD AND SPRINKLER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/15	0.020		

7. Total Quantity Appropriated is:
0.020 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 700.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03S	01E	36	NE	SE	8	IRR	2.0
			SE	SE	5	IRR	23.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
						Section Acres	25.0
	02E	31	NW	SW	4	IRR	5.0
			SW	SW	5	IRR	40.0
						Section Acres	45.0
04S	01E	1	NE	NE	1	IRR	9.0
			NE	NE	1	IRR	24.0
			SE	NE		IRR	29.0
						Section Acres	62.0
	02E	6	NE	NW	3	IRR	4.0
			NW	NW	3	IRR	36.0
			NW	NW	3	IRR	4.0
			SW	NW	4	IRR	1.0
			SW	NW	4	IRR	16.0
			SE	NW	4	IRR	7.0
						Section Acres	68.0
						Total Acres	200.0

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

5700234,139,144,154,142,150,156,159,164,027261,2100B.

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 5/15/1923

JAMES L. DAVEY

Decree Plaintiff

vs

GEORGE F. BROWN ET. AL.

Decree 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/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *Rich Felt* Date: 8/8/90
_____ Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 8 day
of Aug 19 90

Linda Werner
Notary Public

Seal

Residing at LINDA WERNER
RESIDING AT EAGLE, IDAHO
My Commission Expires MY COMMISSION EXPIRES DEC. 8, 1994

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
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AMENDED

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ACQUIRED UNDER STATE LAW

AMENDED

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OREANA, ID 83650
208-834-2718

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4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04S	01E	12	NW	NE	NE		OWYHEE

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8. Total consumptive use is 700.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03S	01E	36	NE	SE	8	IRR	2.0
			SE	SE	5	IRR	23.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	25.0
	02E	31	NW	SW	4	IRR 5.0
			SW	SW	5	IRR 40.0
					Section Acres	45.0
04S	01E	1	NE	NE	1	IRR 9.0
			NE	NE	1	IRR 24.0
			SE	NE		IRR 29.0
					Section Acres	62.0
	02E	6	NE	NW	3	IRR 4.0
			NW	NW	3	IRR 36.0
			NW	NW	3	IRR 4.0
			SW	NW	4	IRR 1.0
			SW	NW	4	IRR 16.0
			SE	NW	4	IRR 7.0
					Section Acres	68.0
					Total Acres	200.0

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13. Other Water Rights Used:

5700234,139,144,154,142,150,156,159,164,027261,2100B.

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 5/15/1923

JAMES L. DAVEY

Decree Plaintiff

vs

GEORGE F. BROWN ET. AL.

Decree Defendant

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(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/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *Rich Gettleman* Date: 8/8/90

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 8 day
of Aug 19 90

Linda Werner
Notary Public

Seal

Residing at LINDA WERNER
RESIDING AT EAGLE, IDAHO
My Commission Expires MY COMMISSION EXPIRES DEC. 8, 1994

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: A57-00090
Date Received: 12/05/1988
Receipt No: MO02052
Received By: gpc

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NICK NETTLETON 208-834-2718
Address: HC 79 BOX 2320
OREANA, ID 83650
2. Date of Priority: JUN 01, 1874
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IRRIGATION	04/01	10/15	0.020		
7. Total Quantity Appropriated is:
0.020 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 700.0 Acre Feet Per Annum.
9. Non-irrigation uses:
NONE
10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03S	01E	36	NE	SE	8	IRR	2.0
			SE	SE	5	IRR	23.0
Section Acres							25.0

A57-00090

Page 1

Date: 12/05/88

MICROFILMED
OCT 07 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03S	02E	31	NW	SW	4	IRR	5.0
			SW	SW	5	IRR	40.0
Section Acres							45.0
04S	01E	1	NE	NE	1	IRR	9.0
			NE	NE	1	IRR	24.0
			SE	NE		IRR	29.0
Section Acres							62.0
	02E	6	NE	NW	3	IRR	4.0
NW			NW	3	IRR	36.0	
NW			NW	3	IRR	4.0	
SW			NW	4	IRR	1.0	
SW			NW	4	IRR	16.0	
SE			NW	4	IRR	7.0	
Section Acres							68.0
Total Acres							200.0

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

5700234,139,144,154,142,150,156,159,164,027261,2100B.

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 5/15/1923

JAMES L. DAVEY

Decree Plaintiff

vs

GEORGE F. BROWN ET. AL.

Decree 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/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *Jack Hesterton* Date: 12-5-88
_____ Date: _____

State of Idaho)
County of *Owyhee*) SS.

Subscribed and sworn (or affirmed) before me this 5 day

of *Dec* 19 *88*

John Dale Cochran
Notary Public

Seal

Residing at *Boise Id*

My Commission Expires *4/7/94*



D-194

UNCLASSIFIED

001 01 002

