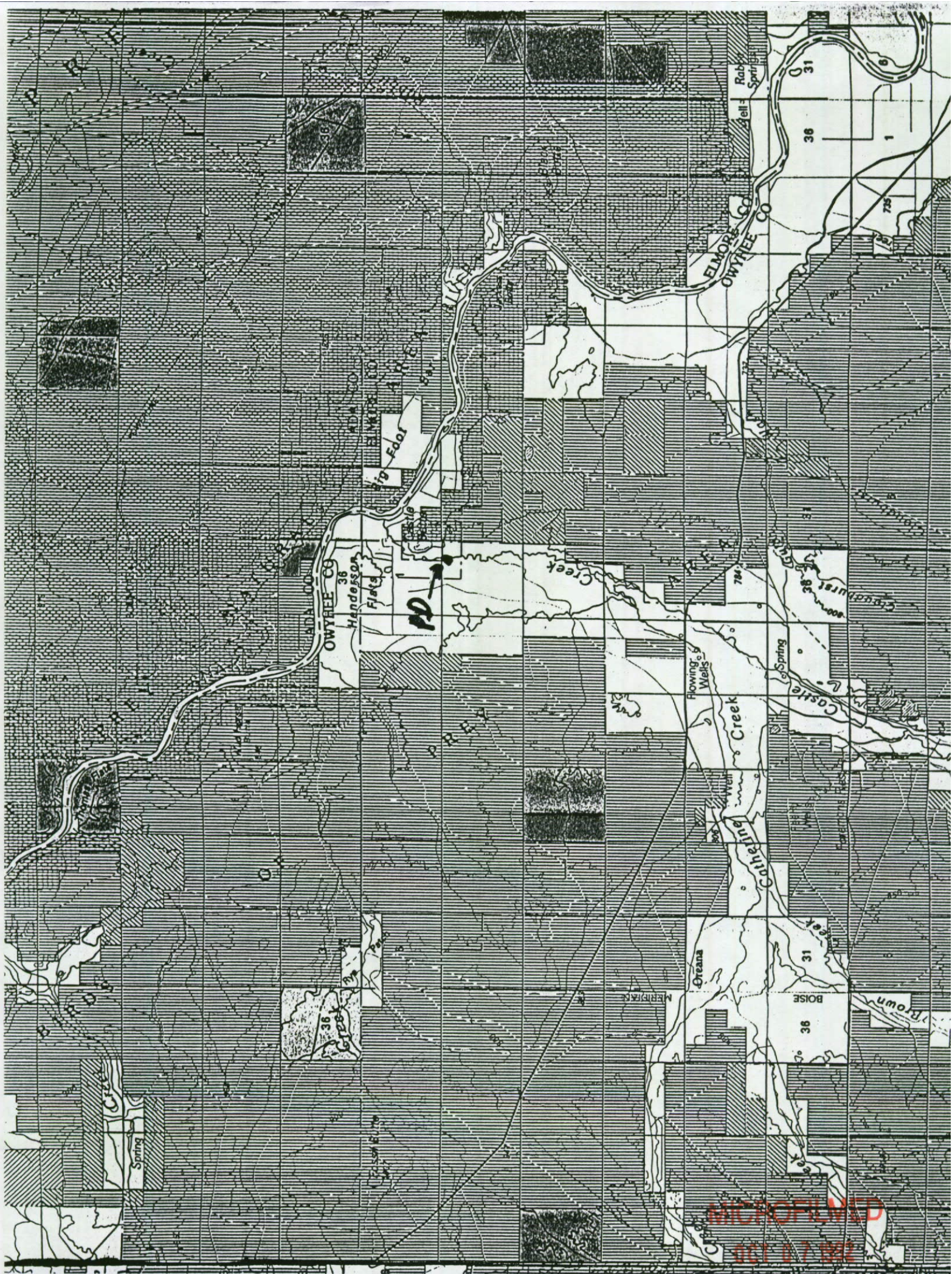




MICROFILMED
OCT 17 1992



MICROFILMED

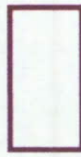
OCT 17 1982

Idaho Department of Water Resources

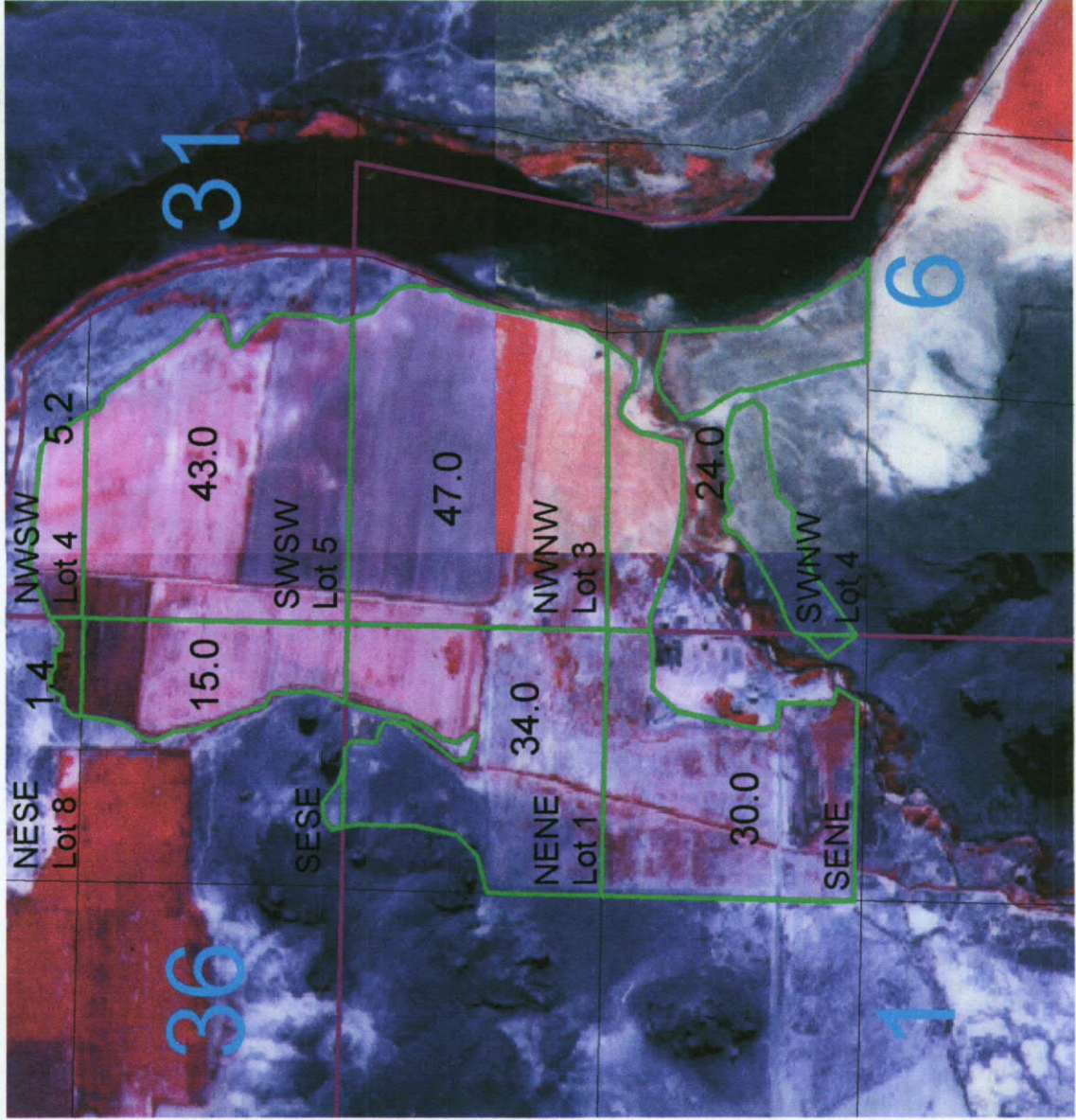
Claim Number: 57-00234
 Legal: T03S, R01E, S36
 T03S, R02E, S31
 T04S, R01E, S01
 T04S, R02E, S06

Reviewed By:

Point of Diversion
 (located outside view)



1987 Napp Photo



Accepted by Official letter

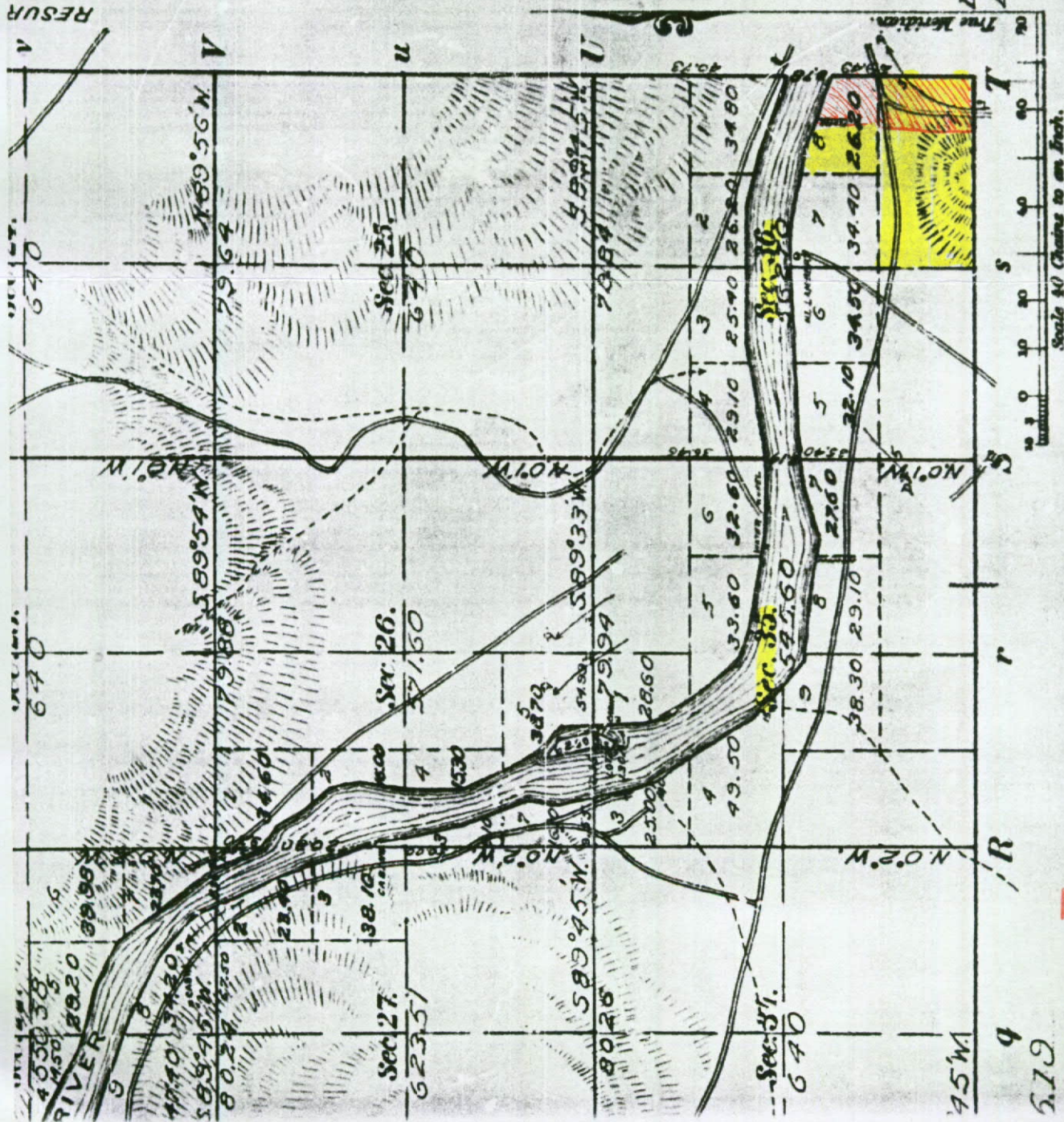
T35, R1E

Lots 78, v9 in 335

Lots 5 + 6 in 536

Lat. 43° 04' N.

Long. 116° 17' W.



The above Map of Township N. 3 South, of Range N. 2 East of the Boise Meridian, Idaho, is strictly conformable to the field notes of the survey thereof on file in this Office, which I have ~~been~~ examined and approved.

Surveyor General's Office
Bismarck

MICROFIL MED

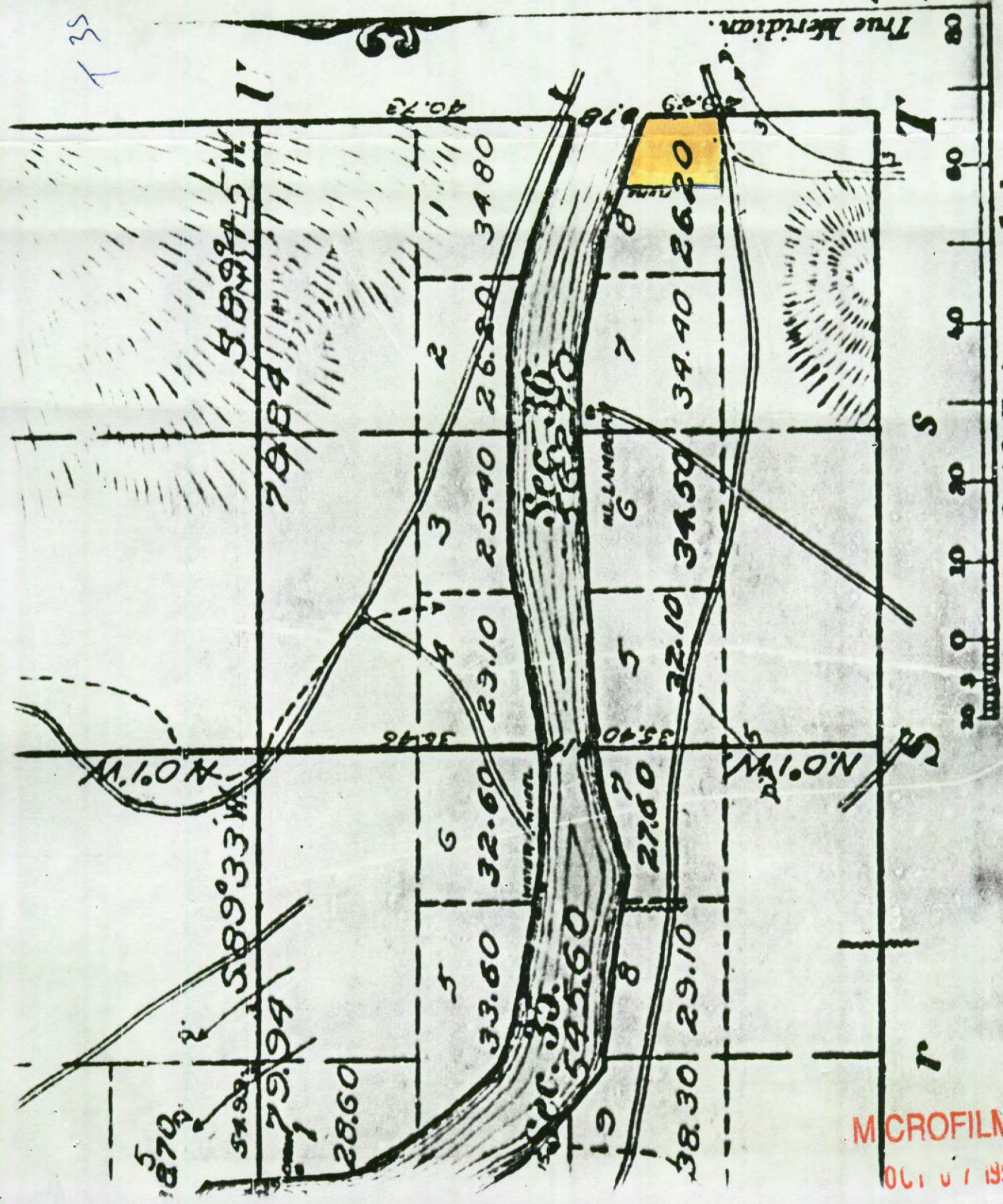
66-01106

ination

67.9

T 32 R 1 E

Lat. 43° 07' N
Long. 116° 17' W



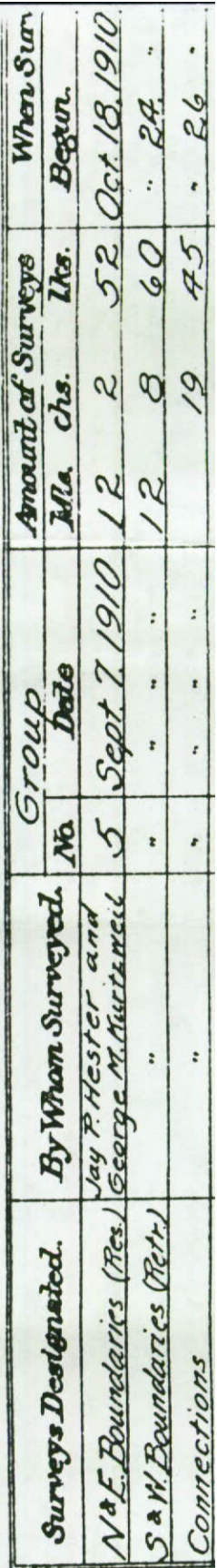
Scale 40 Chains to an Inch.

MICROFILMED

061 0 / 1992

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

061 01 1992



Decree 57-00239

Transfer 1070

T3S R1E & 2E

JPB

LRW

Place of Use After Transfer 1070

Canal
Laterals

Place of Use Before Transfer 1070

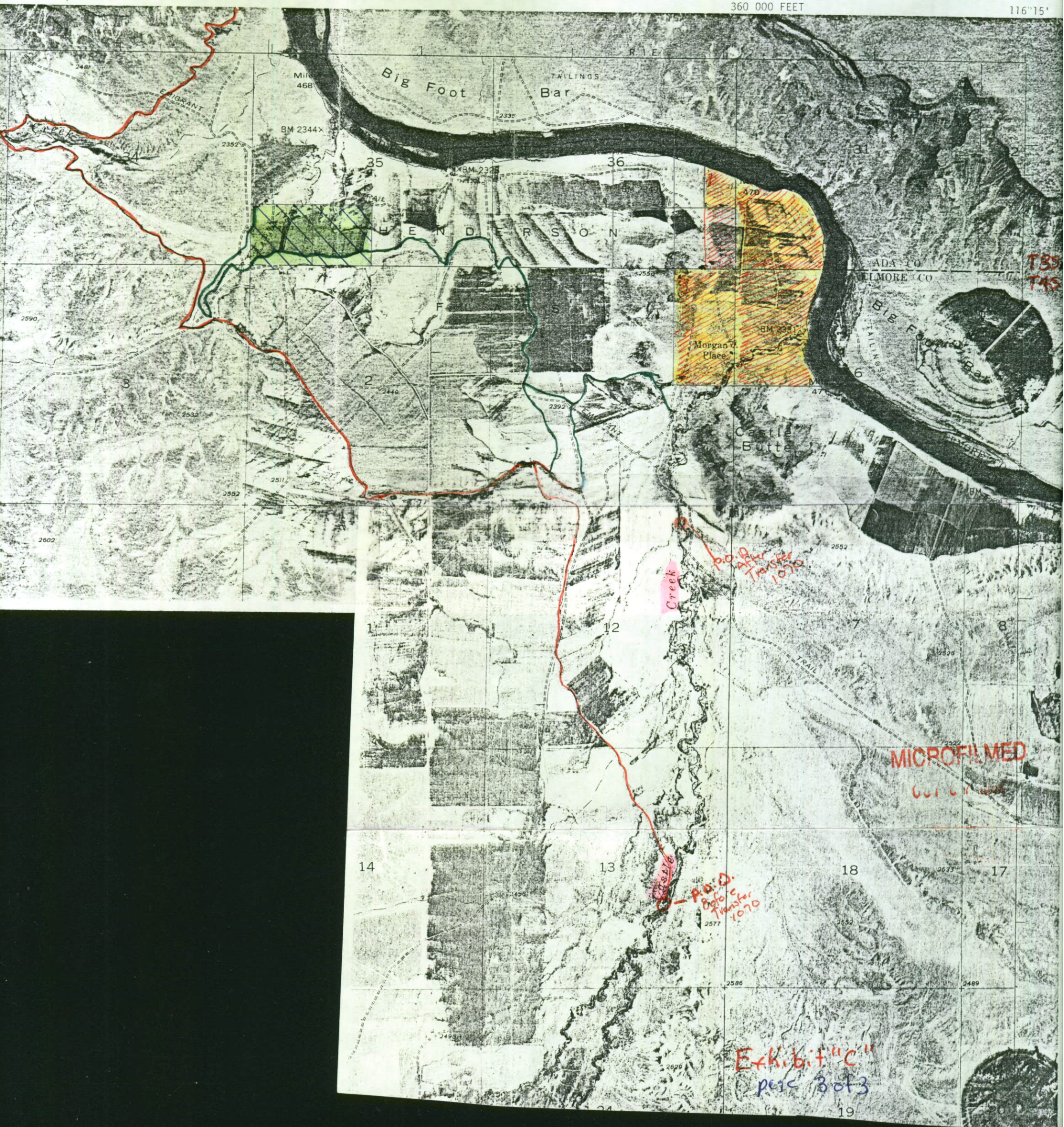
CASTLE BUTTE ORTHOPHOTOQUAD
IDAHO

R1E R2E

360 000 FEET

116°15'

note: "place of use before" is
where 55 inch 1907
right only was used



RECEIVED

MAR 15 1969

DSOA-FHA
Form FHA-427-12 Idaho
(Rev. 1-8-65)
(COMMUNITY)

Warranty Deed
(IDAHO)

KNOW ALL MEN BY THESE PRESENTS, That

TIMOTHY J. NETTLETON and CHARLENE G. NETTLETON a/k/a
L. CHARLENE NETTLETON, his wife,

of the County of Owyhee, State of Idaho,

parties of the first part, for and in consideration of the sum of SEVENTY-THREE THOUSAND ONE
HUNDRED TWENTY-FIVE & NO/100 - - - - - Dollars (\$ 73,125.00),

in lawful money of the United States of America, and other valuable consideration, to them

in hand paid by ALFRED L. HEYWOOD and PHYLLIS S. HEYWOOD

of Grandview, Owyhee County, Idaho,
his wife, hereinafter called party of the second part, do hereby GRANT, BARGAIN, SELL and CON-
VEY unto the party of the second part, as a community property estate, and to the heirs and assigns of the second

party, all of the following-described property situate, lying and being in the County of Owyhee
State of Idaho, to wit:

W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Lots 7, 8 and 9 in Section 35; Lots 5 and 6 in
Section 36; all in Township 3 South, Range 1 East of the Boise Meridian.

Together with all water and water rights, ditches and ditch rights,
used thereon or appurtenant thereto, including but not limited to,
the waters of Castle Creek, especially under Permit No. 32239, priority
date of February 26, 1965, for 8.64 Sec. Ft., and to the waters of
Snake River, especially under Water License No. 22912, priority date
of July 15, 1952, for 5.42 Sec. Ft.

Subject to exceptions and reservations contained in patents from the
United States.

Subject to existing easements for roads, highways, ditches, canals,
laterals and power and transmission lines, including but not limited
to, a reservation of all minerals in Lots 5 and 6 of Section 36, and
to rights of way for ditches constructed by authority of the United
States pursuant to the provisions of Sections 56-504 and 46-701, Idaho
Code Annotated, as contained in deed from the State of Idaho, recorded
May 1, 1941, in Book 31 of Deeds, at page 502, records of Owyhee
County, Idaho.

Subject to an easement over and across said premises for transmission
lines granted the Idaho Power Company, a corporation, as revealed by
Deeds recorded August 25, 1955, in Book 47 of Deeds, at page 242; and
on March 9, 1956, in Book 48, at page 75; and on August 16, 1965, in
Book 58 of Deeds, at page 239, records of Owyhee County, Idaho.

Subject to the rights of way for ditches, as revealed by deeds
recorded June 12, 1961, in Book 54 of Deeds, at page 67; and on
April 16, 1962, in Book 55 of Deeds, at page 30, records of Owyhee
County, Idaho.

Subject to the \$46,730.00 mortgage executed by Timothy J. Nettleton
and Charlene G. Nettleton, his wife, in favor of the United States
of America, acting through the Farmers Home Administration, recorded
January 14, 1966, as Instrument No. 115217, in Book 39 of Mortgages,
at page 484, records of Owyhee County, Idaho, which mortgage and the
obligations secured thereby, Alfred L. Heywood and Phyllis S. Heywood,
his wife, have by a separate instrument in writing assumed and agreed
to pay.

Warranty deed
Pg. 1 of 3

day 19 71
A.M. at
of
county
order.

parties of the first part, for and in consideration of the sum of **SEVENTY-THREE THOUSAND ONE**
HUNDRED TWENTY-FIVE & NO/100 - - - - - Dollars (\$ 73,125.00):

in lawful money of the United States of America, and other valuable consideration, to them

in hand paid by **ALFRED L. HEYWOOD** and **PHYLLIS S. HEYWOOD**

of Grandview, Owyhee County, Idaho,
his wife, hereinafter called party of the second part, do hereby GRANT, BARGAIN, SELL and CON-
VEY unto the party of the second part, as a community property estate, and to the heirs and assigns of the second
party, all of the following-described property situate, lying and being in the County of **Owyhee**
State of Idaho, to wit:

W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Lots 7, 8 and 9 in Section 35; Lots 5 and 6 in
Section 36; all in Township 3 South, Range 1 East of the Boise Meridian.

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January 14, 1966, as Instrument No. 115217, in Book 39 of Mortgages,
at page 484, records of Owyhee County, Idaho, which mortgage and the
obligations secured thereby, Alfred L. Heywood and Phyllis S. Heywood,
his wife, have by a separate instrument in writing assumed and agreed
to pay.

Alfred L. Heywood, et ux

STATE OF IDAHO, } ss.
Owyhee County.

Filed for record this 12th day
of March, 1971
at 11:45 o'clock A.M. at
request of
Owyhee County Abstract Co.
and recorded in Book
Micro-filmed
page , of the records of said county.

NICK HILL
Ex-Officio Recorder.

By *C. Nettleton*
Deputy.

Fee, \$ 2.00

Warranty Deed Pg. 2 of 3

Together with all and singular the tenements, hereditaments and appurtenances therunto belonging or in anywise appertaining and all improvements, water and water rights appurtenant thereto or reasonably necessary to the use of the real property, and the rents, issues and profits thereof.

To HAVE AND TO HOLD the said premises together with the appurtenances thereto unto the party of the second part, as community property, and to the heirs and assigns of the second party forever.

The parties of the first part, for themselves and for their heirs, executors and administrators, do hereby covenant to and with the party of the second part, and with the heirs and assigns of second party, that they are lawfully seized in fee simple of said premises, that they are free from all encumbrances, and that they will and their heirs, executors and administrators shall warrant and forever defend the title thereto against all lawful claims and demands whatsoever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hand(s) and seal(s) this _____ day of _____, 19 70

WITNESSES:

Timothy J. Nettleton [SEAL]
Timothy J. Nettleton (Husband)

Charlene G. Nettleton [SEAL]
Charlene G. Nettleton (Wife)
a/k/a L. Charlene Nettleton

ACKNOWLEDGMENT

STATE OF IDAHO
COUNTY OF OWYHEE

ss:

On this 12th day of March, 19 70, before me, a Notary Public in

TIMOTHY J. NETTLETON

and for said County and State, personally appeared
CHARLENE G. NETTLETON a/k/a
and L. CHARLENE NETTLETON

, his wife, to me known to be the identical indi-

vidual(s) described in and who executed the within and foregoing instrument and whose name(s) are

subscribed thereto, and acknowledged to me that they signed, sealed and executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above mentioned.



Timothy J. Nettleton
Notary Public in and for the State of Idaho
Residing at Boise, Idaho
My commission expires: 11-6-73

Recorded in _____

County, Idaho, on _____

_____ in Book _____

at Page _____

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: A57-00234
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 208-834-2718
Address: HC 79 BOX 2320
OREANA, ID 83650

2. Date of Priority: DEC 10, 1907

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:
EARTHERN 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	1.100		

7. Total Quantity Appropriated is:
1.100 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

A57-00234

Page 1

Date: 08/08/90

MICROFILMED
OCT 07 1992

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:

PD. HAS BEEN AT THE SAME LOCATION SINCE THE 1940'S.

POU HAS BEEN EXPANDED TO SHOW LANDS WHICH THESE RIGHTS COVER.

04/06/89... SEE MASTER FILE BEFORE MAKING RECOMMENDATIONS. THIS

MAY BE AN INVALID CLAIM. ELR

ON 8/8/90 THE PRIORITY DATE WAS AMENDED TO REFLECT THAT WHICH IS SHOWN ON THE DECREE. L.W.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

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): *Frank Hatcher* Date: 8/8/90

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 8 day

of Aug. 19 890

Linda Werner
Notary Public



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: A57-00234
Date Received: 12/05/1988
Receipt No: 4602052
Received By: JPC

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

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:
EARTHERN 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	1.100		

7. Total Quantity Appropriated is:
1.100 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
Section Acres							25.0

A57-00234

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.

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PD. HAS BEEN AT THE SAME LOCATION SINCE THE 1940'S.

POU HAS BEEN EXPANDED TO SHOW LANDS WHICH THESE RIGHTS COVER.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

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): *Nick Mattison* Date: 12-5-88

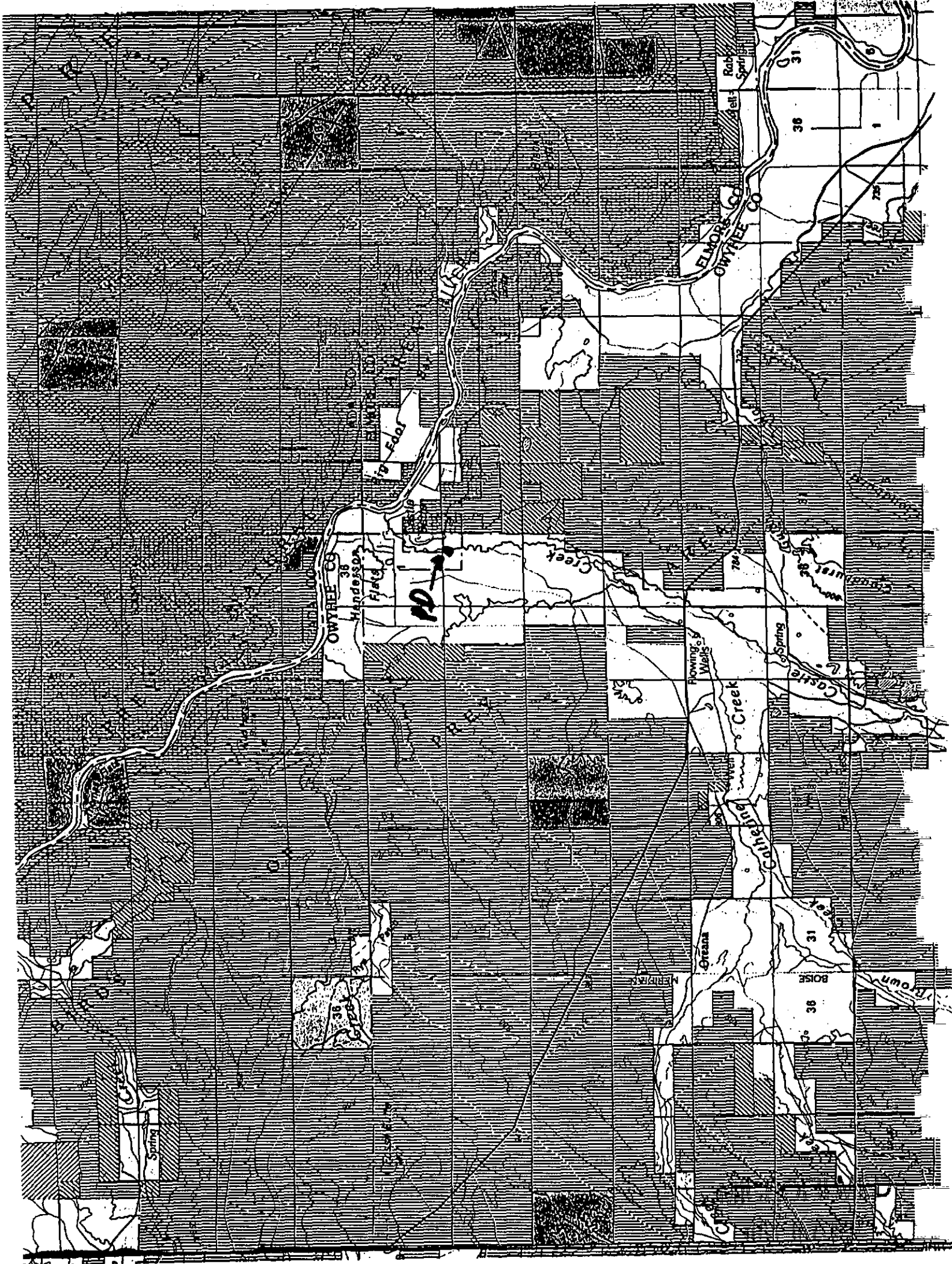
Date: _____

State of Idaho)
County of Owyhee) SS.

Subscribed and sworn (or affirmed) before me this 5 day
of Owyhee 19 88 *John Dale Cochran*
Notary Public

Seal

Residing at *Boise Id*
My Commission Expires *6/2/94*





IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT

Water Right Number - 57-00234
Adj. Flag Translation: Standard Water Right Number
+ - - - - Last Name - - - + - - - - - Address - - - - -
+ - - - - First Name - - - + - - - - -

*** C - CURRENT OWNER ***
NETTLETON
JAMES W.
1 -
2 -
3 -
City- OREANA
Phone -

State- ID Zip- 83659
1 -
2 -
3 -
City-
Phone -

State- Zip-
1 -
2 -
3 -
City-
Phone -
+ - - - - Priority Date - - - + - - - - - Region - - - + - - - - - Stage - - - + - - - - - Status - - - + - - - - -
12/10/1907
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
04S 01E 23 NW SE (73) OWYHEE

+ - - - - Code Description Period From Period To Water Use Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/15 1.100
04 - STOCKWATER
43 - DOMESTIC

+ - - - - Total Div. Rate - + - - - - - Total Div. Volume - + - - - - - Total Div. Capacity - + - - - - - Total Consumptive Use - + - - - - - KW Usage - + - - - - -
1.100

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
03S	01E	36	NE SE	8		01	IRRIGATION	(73) OWYHEE
03S	01E	36	SE SE			01	IRRIGATION	(73) OWYHEE
03S	02E	31	NW SW	4		01	IRRIGATION	(73) OWYHEE
03S	02E	31	SW SW	5		01	IRRIGATION	(73) OWYHEE
04S	01E	1	NE NE			01	IRRIGATION	(73) OWYHEE
04S	01E	1	SE NE			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 -

Field Exam Fee	-
Swan Falls	-
Temporary Right	-
DLE/Carey Act	-
Water District	-
Transfer/Amended	-

MICROFILMED
OCT 07 1992 -

OWNER CODE NAME & ADDRESS PRIORITY DATE WATER USE USE PERIOD FROM TO DIVERSION RATE DIVERSION VOLUME
C NICK NETTLETON 12/10/1907 IRRIGATION 04-01 10-15 1.10 CPS
HC 79 BOX 2320
OREANA ID 83650
(208) 834-2718
TOTAL DIVERSION: 1.10 CPS

Water Source: CASTLE CREEK Tributary to: SNAKE RIVER Stage: DECREED
Point(s) of Diversion: T04S R01E S12 NWNE County: OWYHEE

Place of use Legal Description for: IRRIGATION									
NE					NW				
T	R	S	Lt	Ac	NE	SE	SW	SE	SUM
03S	01E	36	:	:	NESE	NWSE	SWSE	SESE	:
03S	02E	31	:	:	Lt	Ac	Lt	Ac	Lt
04S	01E	1	:	01-33	29	:	:	:	:
04S	02E	6	:	:	:	:	:	:	:
TOTAL ACRES									200.0

POU County: OWYHEE
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'S. 57-00090, 57-00139, 57-00142, 57-00144, 57-00150, 57-00154, 57-00156, 57-00159, 57-00164, 02-02100B AND 02-07261 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.0 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 700.0 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: 57-00090, 57-00139, 57-00142, 57-00144, 57-00150, 57-00154, 57-00156, 57-00159, 57-00164

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
PD. HAS BEEN AT THE SAME LOCATION SINCE THE 1940'S.
POU HAS BEEN EXPANDED TO SHOW LANDS WHICH THESE RIGHTS COVER.

04/06/89... SEE MASTER FILE BEFORE MAKING RECOMMENDATIONS. THIS

MICROFILMED
JUL 20 1994

AJ5809NP
No. 57-00234

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/29/93
PAGE: 2

Comments: Date: 10/28/1991 User-ID: WERNER Subject: COPIED FROM REMARKS
MAY BE AN INVALID CLAIM. ELR

**ON 8/8/90 THE PRIORITY DATE WAS AMENDED TO REFLECT THAT WHICH
IS SHOWN ON THE DECREE. L.W.**
Audit: 10/28/91 WERNER 12/02/91 WERNER 07/29/92 PR-PROD 10/13/92 CP SHAW
12/05/92 ADT-SHAW

MICROFILMED
JUL 20 1994

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 57-00234 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:

57-00090, 00139, 00142, 00144, 00150, 00154, 00156, 00159
00164

COMMENTS:

1987 Napp Photo

Legal: T03S, R01E, S36

T04S, R01E, S01

Reviewed By:

1001

1141

Township/Range Lines



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 57-00234

1997 DEC 15 AM 10:48

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

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

SOURCE: CASTLE CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 1.1 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.0 CFS. COMBINED RIGHT NOS.:
57-00090, 57-00139, 57-00142, 57-00144, 57-00150, 57-00154,
57-00156, 57-00159, 57-00164, 02-02100B & 02-07261.

PRIORITY DATE: 12/10/1907

POINT OF DIVERSION: T04S R01E S12 NWNENE Within Owyhee County

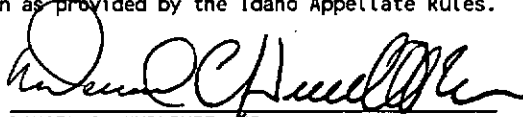
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	1.1 CFS

PLACE 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 TOTAL	

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 200 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 57-00090, 57-00139,
57-00142, 57-00150, 57-00154, 57-00156, 57-00159, 57-00164,
57-00144, 02-02100B & 02-07261.

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 Adjudication

AJ0749NP
No. 57-00234

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
PD. HAS BEEN AT THE SAME LOCATION SINCE THE 1940'S.
POJ HAS BEEN EXPANDED TO SHOW LANDS WHICH THESE RIGHTS COVER.

04/06/89... SEE MASTER FILE BEFORE MAKING RECOMMENDATIONS. THIS
MAY BE AN INVALID CLAIM. ELR

**ON 8/8/90 THE PRIORITY DATE WAS AMENDED TO REFLECT THAT WHICH
IS SHOWN ON THE DECREE. L.W.**

Date: 01/19/1996 User-ID: DSWITH 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: 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 ^{154 K} A57-00157
A57-00142 } A57-00234 A57-00139
00144 }
00150 }
00156 }
A57-00139 } A57-00164 A57-00090
A57-00159 }

[] 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

Further Action Needed:

Further Action Taken

Date:

Final Review and Data-Entry

Date:

By:

By:

all "AS" nites
modified 03-25-98. "WR" has
copy of this form.

AJ0749NP
No. R57-00234

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

DATE: 11/14/97
PAGE: 1

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

PRIORITY
DATE
12/10/1907

WATER USE
IRRIGATION

USE PERIOD
FROM TO
04-01 10-15

DIVERSION
RATE
1.10 CFS

DIVERSION
VOLUME
1.10 CFS

TOTAL DIVERSION:
1.10 CFS

Water Source: CASTLE CREEK Tributary to: SNAKE RIVER Stage: DECREEED
Point(s) of Diversion: T04S R01E S12 NWNEE County

Place of use Legal Description for: IRRIGATION

NE		NW		SW		SE		SUM	
T	R	S	NE	SE	NE	SW	SW	SE	SE
Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
03S 01E 36	:	:	:	:	:	:	:	:	:
03S 02E 31	:	:	:	:	:	:	:	:	:
04S 01E 1	:	29	:	:	04-05 05-40	:	:	:	:
04S 02E 6	:	:	03-04 03-40 04-17 04-07	:	:	:	:	:	:
TOTAL ACRES									200.0

PDU County: OMWHEE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

57-00090	57-00139	57-00142	57-00144	57-00150	57-00156	57-00159	57-00164	57-00234
A57-00090	A57-00139	A57-00142	A57-00144	A57-00150	A57-00156	A57-00159	A57-00164	A57-00234
R57-00090	R57-00139	R57-00142	R57-00144	R57-00150	R57-00156	R57-00159	R57-00164	

Other Water Rights Listing Overlapping Place(s) of Use:

57-00090	57-00139	57-00142	57-00144	57-00150	57-00156	57-00159	57-00164	57-00234
A02-02100A	A02-02100B	A02-07086	A02-07261	A57-00090	A57-00139	A57-00144	A57-00150	A57-00154
A57-00156	A57-00159	A57-00164	A57-00234	R02-02100B	R02-07261	R57-00090	R57-00142	R57-00144
R57-00150	R57-00154	R57-00156	R57-00159	R57-00164				

Conditions of Approval:
C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

Remarks: QNT
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.0 CFS. COMBINED RIGHT NOS.:
57-00090, 57-00139, 57-00142, 57-00144, 57-00150, 57-00154,
57-00156, 57-00159, 57-00164, 02-02100B & 02-07261.

PQU
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 200 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 57-00090, 57-00139,
57-00142, 57-00150, 57-00154, 57-00156, 57-00159, 57-00164,
57-00144, 02-02100B & 02-07261.

AJ0749NP
No. R57-00234

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

DATE: 11/14/97
PAGE: 2

Remarks: EXP

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 57-00090, 57-00139, 57-00142, 57-00144
57-00150, 57-00154, 57-00156, 57-00159, 57-00164

Dates: Exam Made Date:

Verified Date: 11/14/1997 Objection Filed Date:

Misc:

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

Comments:

Date: 10/28/1991 User-ID: WERNER Subject: COPIED FROM REMARKS
PD. HAS BEEN AT THE SAME LOCATION SINCE THE 1940'S.
POU HAS BEEN EXPANDED TO SHOW LANDS WHICH THESE RIGHTS COVER.

04/06/89... SEE MASTER FILE BEFORE MAKING RECOMMENDATIONS. THIS
MAY BE AN INVALID CLAIM. ELR

**ON 8/8/90 THE PRIORITY DATE WAS AMENDED TO REFLECT THAT WHICH
IS 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

Audit:

11/14/97 MSCHULTE

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: NOV-14-1997

PAGE: A-1

 RIGHTS FROM: SOURCE: CASTLE CREEK TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 57-00234

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

SOURCE: CASTLE CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 1.1 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 4.0 CFS. COMBINED RIGHT NOS.:
57-00090, 57-00139, 57-00142, 57-00144, 57-00150, 57-00154,
57-00156, 57-00159, 57-00164, 02-02100B & 02-07261.

PRIORITY DATE: 12/10/1907

POINT OF DIVERSION: T04S R01E S12 NWNENE Within OWYHEE County

PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	<u>Irrigation Season</u>	1.1 CFS
		<u>04/01 10/15</u>	

PLACE 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 (SENE) 7

200 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 200 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 57-00090, 57-00139,
57-00142, 57-00150, 57-00154, 57-00156, 57-00159, 57-00164,
57-00144, 02-02100B & 02-07261.

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

USE OF THIS RIGHT WITH RIGHT NOS/ 57/00090/ 57/00139/ 57/00142/
57/00144/ 57/00150/ 57/00154/ 57/00156/ 57/00159/ 57/00164/
02/02100B AND 02/07261 IS LIMITED TO A TOTAL COMBINED DIVERSION
RATE OF 4.0 CFS/ A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME
OF 70010 AF AND TO THE IRRIGATION OF A COMBINED TOTAL OF 200
ACRES IN A SINGLE IRRIGATION SEASON/

57-00234 (CONT.)

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE: 57-00090, 57-00139, 57-00142, 57-00144,
57-00150, 57-00154, 57-00156, 57-00159, 57-00164

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

THIS RIGHT INCLUDES AN EXPANSION IN IRRIGATED ACRES PURSUANT
TO IDAHO CODE 42-1416(1)(1)

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 57-00090, 57-00139, 57-00142, 57-00144
57-00150, 57-00154, 57-00156, 57-00159, 57-00164

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

AJ0749NP
No. R57-00234

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

PRIORITY DATE 12/10/1907
WATER USE IRRIGATION
USE PERIOD FROM 04-01 TO 10-15
DIVERSION RATE 1.10 CFS
DIVERSION VOLUME 1.10 CFS

TOTAL DIVERSION: 1.10 CFS

Water Source: CASTLE CREEK
Tributary to: SNAKE RIVER
Stage: DECREED
OWNYHEE County

Point(s) of Diversion:									
T04S R01E S12 NWNE									
Place of use Legal Description for: IRRIGATION									
NE									
NW									
SW									
SE									
T	R	S	NE	ENE	SENE	SENE	SENE	SENE	SUM
Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
03S 01E 36	:	:	:	:	:	:	:	:	:
03S 02E 31	:	:	:	:	:	:	:	:	:
04S 01E 1	:	01-33	:	:	:	:	:	:	:
04S 02E 6	:	:	:	:	:	:	:	:	:
: 03-04 03-40 04-17 04-07 :									:
: 04-05 05-40 :									:
: 08-02 :									:
: 23 :									:
: 25.0 :									:
: 45.0 :									:
: 62.0 :									:
: 68.0 :									:
: 200.0 :									:
TOTAL ACRES									:

POU County: OWYHEE

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
57-00090 57-00139 57-00142 57-00144 57-00150 57-00154 57-00156 57-00159 57-00164 57-00234
A57-00090 A57-00139 A57-00142 A57-00144 A57-00150 A57-00154 A57-00156 A57-00159 A57-00164 A57-00234
R57-00090 R57-00139 R57-00142 R57-00154 R57-00156 R57-00159 R57-00164 R57-00234

Other Water Rights Listing Overlapping Place(s) of Use:
57-00090 57-00139 57-00142 57-00144 57-00150 57-00154 57-00156 57-00159 57-00164 57-00234
A02-02100A A02-02100B A02-07086 A02-07261 A57-00090 A57-00139 A57-00142 A57-00154 A57-00156 A57-00159
A57-00156 A57-00159 A57-00164 A57-00234 R02-02100B R02-07261 R57-00090 R57-00139 R57-00142 R57-00154 R57-00156 R57-00159 R57-00164 R57-00234

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 SECTION 42-1425, IDAHO CODE.

Delete

EXP

Remarks: GEN

QNT E04

USE OF THIS RIGHT WITH RIGHT NO'S. 57-00090, 57-00139, 57-00142, 57-00144, 57-00150, 57-00154, 57-00156, 57-00159, 57-00164, 02-02100B AND 02-07261 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.0 CFS. A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 700-0-4F AND TO THE IRRIGATION OF A COMBINED TOTAL OF 200 ACRES IN A SINGLE IRRIGATION SEASON.

POU E14

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION

EXP

AJ0749NP
No. R57-00234

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

DATE: 11/13/97
PAGE: 2

Remarks:

DESCRIBED ABOVE: 57-00090, 57-00139, 57-00142, 57-00144, 57-00150, 57-00154, 57-00156, 57-00159, 57-00164

EXP

Dates:

Exam Made Date: Verified Date:

Objection Filed Date:

Misc:

Water District Number: 57C Field Inspection Flag: 0
Presumption Flag:

Comments:

Date: 10/28/1991 User-ID: WERNER Subject: COPIED FROM REMARKS
PD. HAS BEEN AT THE SAME LOCATION SINCE THE 1940'S.
POU HAS BEEN EXPANDED TO SHOW LANDS WHICH THESE RIGHTS COVER.

04/06/89... SEE MASTER FILE BEFORE MAKING RECOMMENDATIONS. THIS

MAY BE AN INVALID CLAIM. ELR

**ON 8/8/90 THE PRIORITY DATE WAS AMENDED TO REFLECT THAT WHICH
IS SHOWN ON THE DECREE. L.W.**

Date: 01/19/1996 User-ID: DSWITH 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

Audit:

11/13/97 MSCHULTE

AJ5809NP
No. R57-00234

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/03/92
PAGE: 3

OWNER CODE NAME & ADDRESS PRIORITY DATE WATER USE USE PERIOD FROM TO DIVERSION RATE DIVERSION VOLUME

C NICK NETTLETON 12/10/1907 IRRIGATION 04-01 10-15 1.10 CFS

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

TOTAL DIVERSION: 1.10 CFS

Water Source: CASTLE CREEK Tributary to: SNAKE RIVER Stage: DECREED
Point(s) of Diversion: T04S R01E S12 NWENE OWYHEE County

Place of Use Legal Description for: IRRIGATION

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

TOTAL ACRES

POU County: OWYHEE

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'S. 57-00090, 57-00139, 57-00142, 57-00144, 57-00150, 57-00154, 57-00156, 57-00159, 57-00164, 02-02100B AND 02-07261 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.0 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 700.0 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: 57-00090, 57-00139, 57-00142, 57-00144, 57-00150, 57-00154, 57-00156, 57-00159, 57-00164

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
PO. HAS BEEN AT THE SAME LOCATION SINCE THE 1940'S.
POU HAS BEEN EXPANDED TO SHOW LANDS WHICH THESE RIGHTS COVER.

04/06/89... SEE MASTER FILE BEFORE MAKING RECOMMENDATIONS. THIS

MICROFILMED
OCT 10 1992

AJ5809NP
No. R57-00234

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 08/03/92
PAGE: 4

Comments: Date: 10/28/1991 User-ID: WERNER Subject: COPIED FROM REMARKS
MAY BE AN INVALID CLAIM. ELR

**ON 8/8/90 THE PRIORITY DATE WAS AMENDED TO REFLECT THAT WHICH
IS SHOWN ON THE DECREE. L.W.**

Audit: 10/28/91 WERNER 12/02/91 WERNER 07/29/92 PR-PROD

MICROFILMED
OCT 6 1992

ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO. A57-00234

VR ELEMENT	FIELD EXAM Y/N-IF NO, DO OFFICE VERIFICATION	FIELD EXAM OR IN-OFFICE VERIFICATION WHOM/DATE	CLAIM VERIFIED BY CODE (SEE BELOW)	CHANGE CLAIM Y/N	CLAIMANT CONTACT NEEDED - Y/N**	REVIEW COMPLETED WHOM/DATE	"R" RECORD
PRIORITY*		L. Werner	6	Y	N	L. R. W. 5-29-90	
PT. OF DIV.		R. McCarthy	5	N			
SOURCE		7-30-90	6				
PL. OF USE			1, 2, 4, 5	Y	Y		
DIV. AMOUNT CFS/AF			6	Y	N		
CONSUMPTIVE USE			ADJ. STD.				
NATURE OF USE			6	N			
PERIOD OF USE			6	N			
BASIS OF CLAIM			6	N			
REMARKS			6	Y	N		

VERIFICATION CODES

TOPO MAP/ORTHO PHOTO = 1
 ASCS MAP = 2
 WATERMASTER RECORDS = 3
 NAPP PHOTOS = 4
 FIELD EXAM = 5
 OTHER (SEE COMMENTS) = 6*

*IF REQUIRED HAS EVIDENCE OF PRIORITY BEEN
SUBMITTED - YES NO

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

COMMENTS: *6 = Same as document

MICROFILMED

OCT 07 1992

12:35:22
07/26/90

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A57-00234

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

FIRST: NICK

STATE: ID ZIP: 83650

OWNER CODE: C

LAST: WEES

ADDRESS:

CITY: XXXXXX

PHONE NUMBER: 208-000-0000

FIRST: JAMES L.

STATE: ID ZIP: 00000

OWNER CODE: O

FIELD EXAM REQUIRED?

DATABASE Y
FIELD EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS:

PD. HAS BEEN AT THE SAME LOCATION SINCE THE 1940'S.
POU HAS BEEN EXPANDED TO SHOW LANDS WHICH THESE RIGHTS COVER.

04/06/89... SEE MASTER FILE BEFORE MAKING RECOMMENDATIONS. THIS
MAY BE AN INVALID CLAIM. ELR

MICROFILMED
OCT 07 1992

DEPARTMENT OF WATER RESOURCES

Staff Analysis Sheet For

* See A57-00090

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: ☐ copy of claims & water rights incl? No
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: ☐ copy of claims & water rights incl? No
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: _____
- ☒ Appointment Letter Sent? _____ (initial & date)
- ☒ Appointment Made and Telephone Conversation Memo Attached

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 LRW 3-21-91 (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: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

See A57-00090

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A. AJ CLAIM: # A57-00234 PRIORITY DATE: 06-01-1874 STAGE: J

B. WR RECORD: # 57-00234 PRIORITY DATE: 12-10-1907 STAGE: D

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE EXAMINER
Y

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y(☒) N(☐)
IF YES EXPLAIN.

REMARKS:

I amended the claim so priority date would be consistent with that which was decreed

RECOMMENDED PRIORITY DATE:

12-10-1907

REVIEWED BY

Anda Warner

DATE

10/25/91

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A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A57-00234	04S	01E	12	NW	NE	NE		OWYHEE

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A57-00090 NONE
A57-00142
A57-00150
A57-00154
A57-00156
A57-00159
A57-00164
A57-00139
A57-00144

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: CASTLE CREEK

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
57-00234	04S	01E	23	NW	SE			OWYHEE

OTHER WR RECORDS WITH SAME WR POD
NONE
AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
NONE

SOURCE: CASTLE CREEK

TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY?	DUE TO SOURCE DISCREPANCY?	DATABASE	FIELD EXAMINER
(Y/N)	(Y/N)	Y	X
		N	W

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001 07 1992

REMARKS:

The P.O.D. has always been used at the location shown below.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	LOT	COUNTY
4S	1E	12	NW	NE	6	OWY

SOURCE: CASTLE CREEK

TRIB: SNAKE RIVER

REVIEWED BY:

Linda Williams

DATE:

3-21-91

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OCT 6 / 1992

NICK NETTLETON

PLACE OF USE FINDINGS

				CLAIMED	O-P QUAD	ASCS	RECOMMENDED
				^{Lot}			
03S	01E	36	NESE	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:

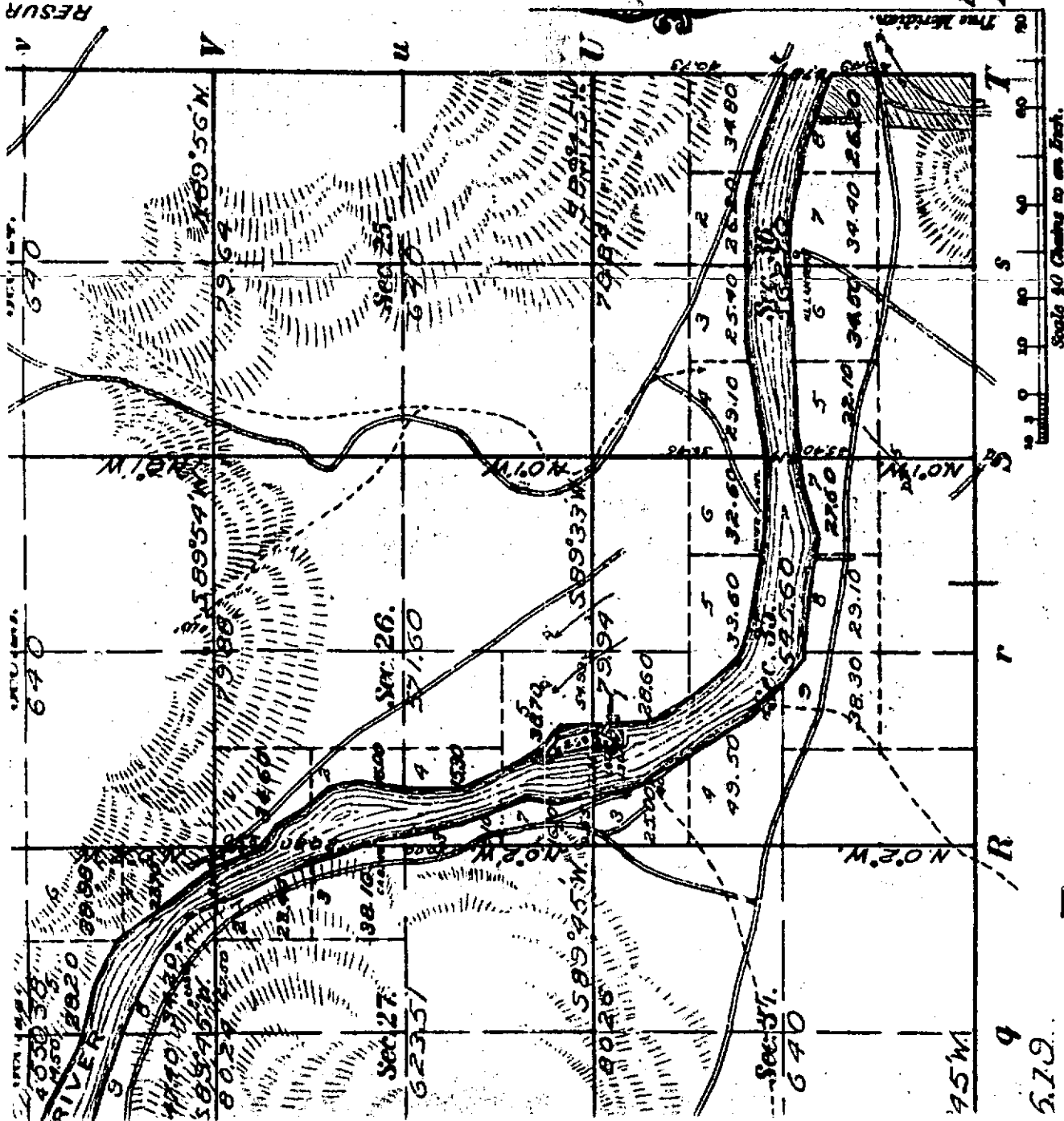
See A57-00090 for maps.

Recommended Acres: 200

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

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Accepted by Official letter

T35, R1E
 Lots 78, 49 in §35
 Lots 5 + 6 in §36

Lat. 43°04'N
 Long. 116°17'W

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1967

The above Map of Township 35 North, Range 12 East, of the Boise Meridian, Idaho, is strictly conformable to the field notes of the survey thereof on file in this Office, which have been examined and approved.

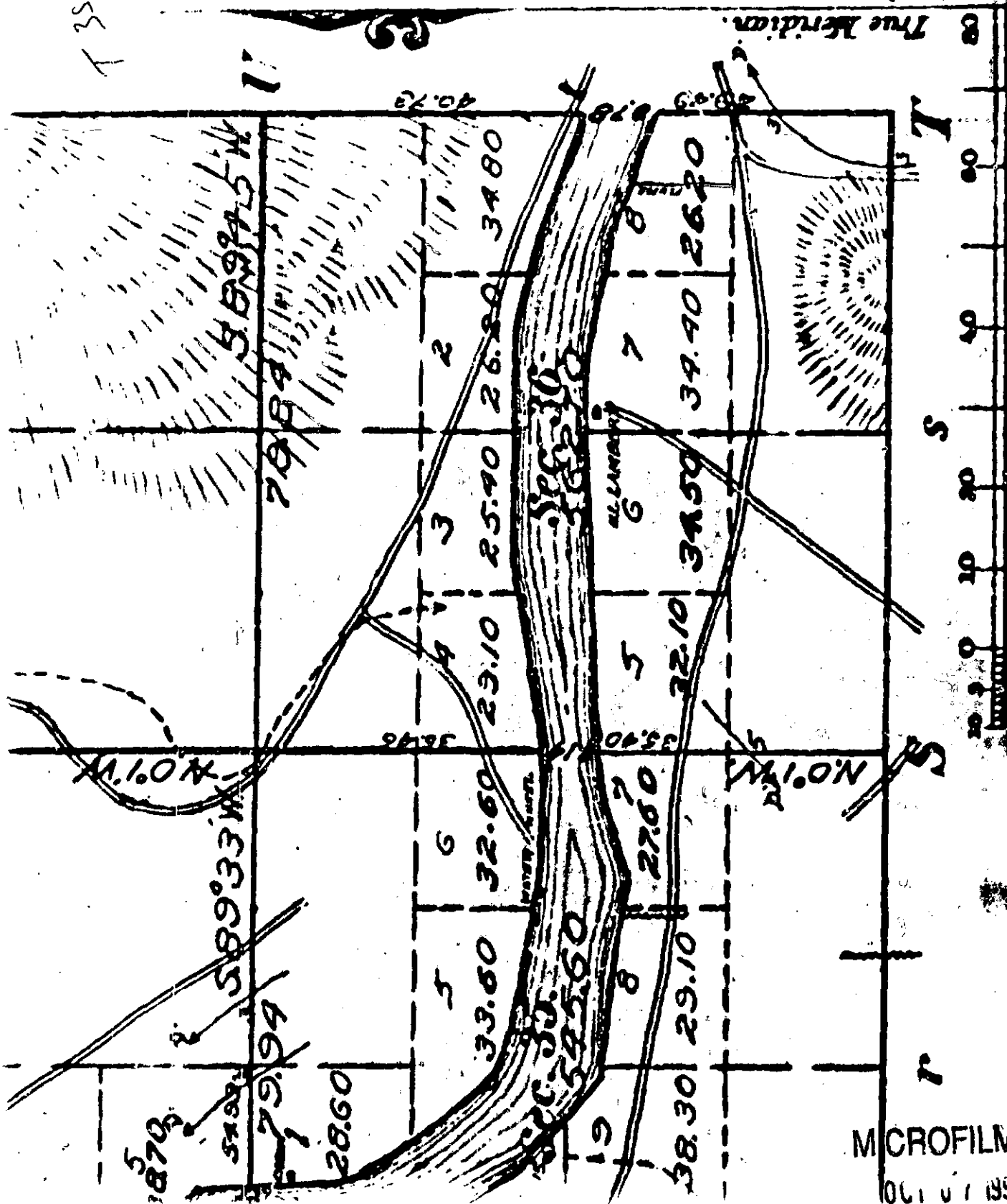
C. J. ...

Frederick M. ...

ination

5.72

Lat. $43^{\circ}07'N$
Long. $116^{\circ}17'W$



5703

589°33'48"

6/9/94

28.60

33.60

THE

45.60

10

0912

29.10

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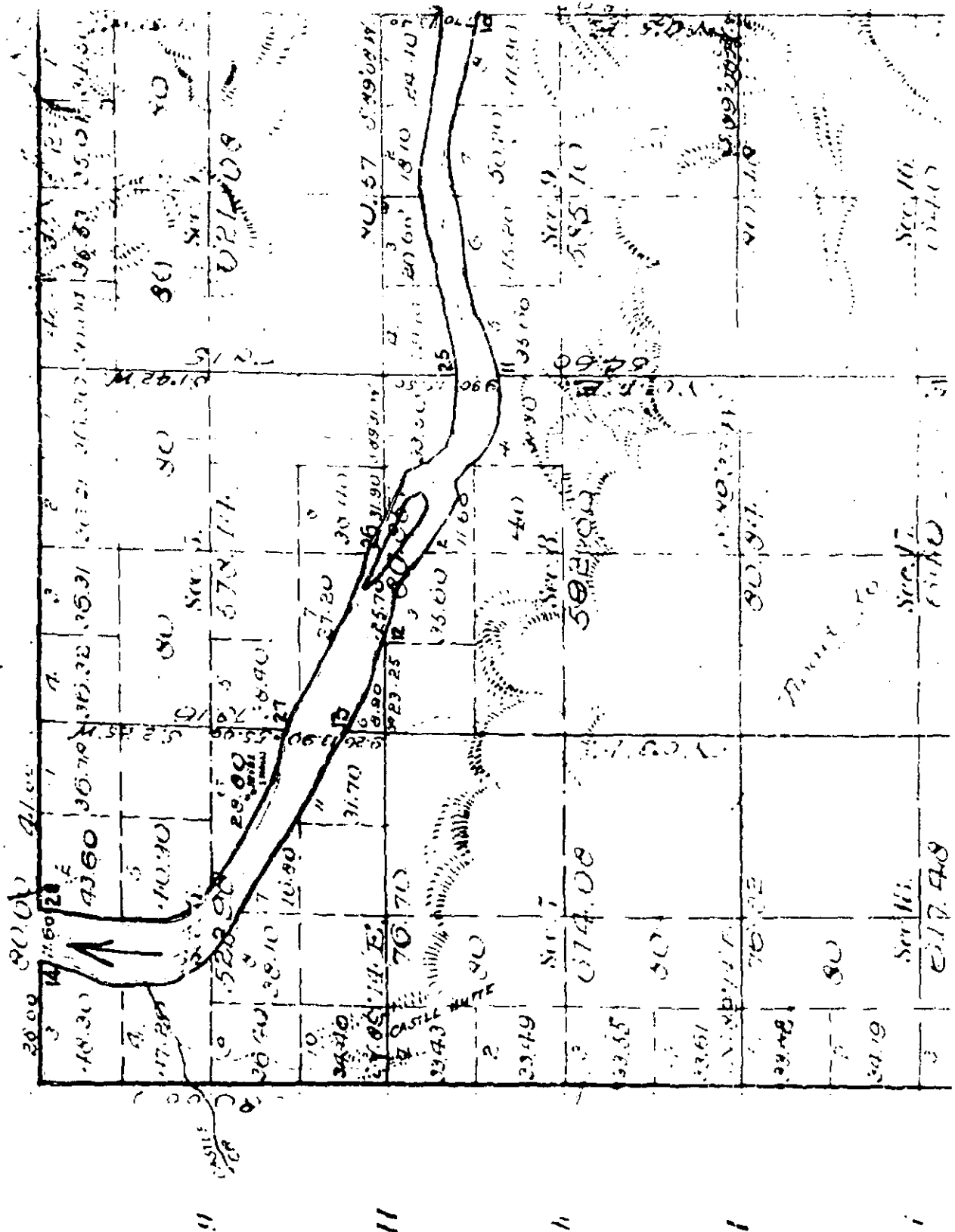
Oct 5 1992



Surveys Designated.	By Whom Surveyed.	Group		Amount of Surveys		When Started
		No.	Date	Mls. Chs.	Lks.	
N & E Boundaries (Res.)	Jay P. Hester and George M. Murtawell	5	Sept. 7, 1910	12 2	52	Oct. 18, 1910
S & W Boundaries (Retr.)	"	"	" "	12 8	60	" 24 "
Connections	"	"	" "	19	45	" 26 "

Township No 4 South, Range No 22 East

Sec 6



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A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A57-00234 IRRIGATION	FROM 04-01 TO 10-15	1.100 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		1.100 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
57-00234 IRRIGATION	FROM 04-01 TO 10-15	1.100 CFS
57-00234 STOCKWATER	FROM TO	1.100 CFS
57-00234 DOMESTIC	FROM TO	1.100 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		1.100 CFS

PRESUMPTION FLAG: D

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED? *Produce*

RECOMMEND TO WR STANDARDS OR OTHER?

Y(X) N()

Y() N() Explain in remarks, below.

REMARKS:

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 1.100 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 1.100 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

B.

FLOW MEASUREMENT

MEASUREMENT METHOD N/A, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y(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	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A57-00234	CASTLE CREEK	NETTLETON, NICK	1.100	0.005		
A02-02100B	SNAKE RIVER	NETTLETON, NICK S.	2.400	0.020		
A57-00142	CASTLE CREEK	NETTLETON, NICK	0.100			
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
A57-00139	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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D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

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

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 = 700.0 AF/A

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

TOTAL CONSUMPTIVE USE 700 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = N/A AF/A

ACRES 200 x DIVERSION VOL. AF/A FOR AREA 5.0 =

TOTAL DIVERSION VOLUME 1000.0 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N(X)

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

See overlap maps in A57-00080 - Also - list of conditions

STD. Remark:

E02: Flow: 4.0 cfs, C.U.: 700.0 AF/A, Acres = 200

FOG

App. Condition:

C01

C05

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RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
Irrigation	4-1 10-15	1.10	432.0	700 192.5
		1.10	432	432 192.5

TOTAL FOR THIS RIGHT

REVIEWED BY: Linda Warner

DATE: 3-21-91 + 10/25/91

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A. CHECK ONLY THE FOLLOWING THAT APPLY:

ACCEPTED AS CLAIMED (X)
NEEDS REVIEW (X)
()
()
()

OWNERSHIP
FORFEIT/ABANDON
ADDITIONAL DIV. AMOUNT

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 57-00234

TOTAL DIVERSION RATE OF WR SPLITS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A57-00234	1.100	-	57-00234	1.100
-	A57-00234A	1.100	-	-	-
TOTAL CFS		2.200			1.100

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:

This claim cannot be recommended as claimed until such time as legal review is completed to determine who actually has the water right.

- Above review complete - recommended as claimed - See A57-00234A.

AUTHENTICATION:

SIGNATURE: Linda A. Werner

DATE: 9-17-90 + 10/25/91

NAME OF FIELD EXAMINER: Linda A. Werner

TITLE: Sr. W.R. Agent

NOT RECORDED

OCT 07 1992

June 24, 1991

Nick Nettleton
HC 79, Box 2320
Oreana, ID 83650

Dear Mr. Nettleton:

Enclosed you will find a copy of a letter sent to Roger Heywood, attorney representing Alfred and Phyllis Heywood. This is in regard to the duplicate filing of Notice of Claim, (A57-00234,) filed by both you and Alfred Heywood.

This letter makes reference to copies of exhibits A through G. These would be warranty deeds in the name of James and Maude Nettleton and Timothy and Charlene Nettleton, transfer number 1070, your affidavit stating the water was meant to be transferred to your land plus copies of the Notices of Claim as filed by yourself and Mr. Heywood. I believe you have copies of all of the above. However; if you do not I will be glad to send them to you.

As mentioned in my letter to Roger Heywood, we hope to submit our report to the Director by August 1, 1991. As of this date I am in the process of soliciting information from the Castle Creek watermaster as to the delivery of water from the creek. In the meantime I will be awaiting a reply from Mr. Heywood.

This letter is for your information as to what is happening with these claims. If you have any questions or comments feel free to contact me.

Sincerely,

Linda A. Werner
Sr. Water Resource Agent
Adjudication Section

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IDAHO DEPARTMENT OF WATER RESOURCES

MEMO-REPLY

Date 3/4/91

To Linda Wiesner

From Lynne Krogh-Nampe

- | | |
|---|---|
| ☐ Take Appropriate Action | ☐ For Your Information |
| ☐ Draft A Reply | ☐ For Your Approval |
| ☐ Action Required By _____ | ☐ For Your Comments |
| ☐ See Me | ☐ As You Requested |
| ☐ Call Me | ☐ Copy (____ Copies) |
| ☐ Return To Me | ☒ File |

Comments *for reviewed claim nos. 157-00234 & 234A. The conclusion is that the transfer is valid. The claim should be recommended to Nick Nettleton. However, if Mr. Heywood has evidence that this right has been used on Mr. Heywood's property and not on Mr. Nettleton's property since 1966, we will look at that information. (Evidence merely that Mr. Heywood has used Castle Creek water is not sufficient.)*

Reply

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Signed _____ Date _____

INTER-DEPARTMENT MEMO — 1

FROM

Linda Warner

DATE

9-17-90

TO

Lynn Krogh-Hampe

SUBJECT

Nick Nettleton vs Alfred Heywood
A 57-00234

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Enclosed are the two files, A 57-00234 & A 57-00234A, filed by the above claimants. These claims were filed because each person believes the right to the use of water was transferred or held in ownership change. Eldon Roush has included some info. in each file which may be helpful.

Linda
SIGNATURE

DECREE 57-00234

PRELIMINARY FINDINGS---SUMMARY CONCLUSION

04/05/1989
REVISED 06/08/1989

Prepared by
Eldon L. Roush
Senior Water Resource Agent

05/15/1923.....JAMES L. WEES DECREED 55 MINERS INCHES OF CASTLE CREEK WATER FOR IRRIGATION OF LANDS LOCATED AS FOLLOWS:
SWSW AND SESW OF SECTION 35, T03S, R01E.
SEE EXHIBIT "A".

01/12/1966.....APPLICATION FOR TRANSFER 1070 REFERED TO IN ORDER GRANTING TRANSFER BY THE DEPARTMENT OF RECLAMATION.
SEE EXHIBIT "A-1"

01/13/1966.....WARRANTY DEED SIGNED BY JAMES W. AND MAUDE NETTLETON ON 01/13/1966 CONVEYING TO TIMOTHY J. AND CHARLENE G. NETTLETON THE SWSW AND THE SESW OF SECTION 35, T03S, R01E (AND OTHER PROPERTY), TOGETHER WITH ALL WATER AND WATER RIGHTS APPURTENANT TO THE PROPERTY, IS RECORDED IN OWYHEE COUNTY.
SEE EXHIBIT "B".

05/11/1966.....TRANSFER 1070 APPROVED BY STATE RECLAMATION ENGINEER FOR THE TRANSFER OF 55 MINERS INCHES OF THE WATERS OF CASTLE CREEK DECREED TO JAMES L. WEES (57-00234) AND APPURTENANT TO THE SWSW AND THE SESW OF SECTION 35, T03S, R01E TO OTHER LANDS.
SEE EXHIBIT "C" & "C-1".

03/12/1970.....WARRANTY DEED SIGNED BY TIMOTHY J. AND CHARLENE G. A/K/A L. CHARLENE NETTLETON ON 03/12/1970 CONVEYING TO ALFRED L. AND PHYLLIS S. HEYWOOD THE SWSW AND SESW OF SECTION 35, T03S, R01E, (AND OTHER PROPERTY), TOGETHER WITH ALL WATER AND WATER RIGHTS, IS RECORDED IN OWYHEE COUNTY.
SEE EXHIBIT "D".

12/05/1988.....SNAKE RIVER BASIN ADJUDICATION NOTICE OF CLAIM # A57-00234 FILED BY NICK NETTLETON (SUCCESSOR IN DEED TO JAMES W. AND CHARLENE G. A/K/A/ L. CHARLENE NETTLETON ?) FOR 55 MINERS INCHES FOR LANDS LOCATED IN SECTION 36, T03S, R01E; SECTION 31, T03S, R02E; SECTION 1, T04S, R01E; AND SECTION 6, T04S, R02E.
SEE EXHIBIT "E".

01/19/1989.....SNAKE RIVER BASIN ADJUDICATION NOTICE OF CLAIM # A57-00234A FILED BY ALFRED HEYWOOD FOR 55 MINERS INCHES FOR THE SWSW AND SESW OF SECTION 35, T03S, R01E.
CLAIM WAS GIVEN "A" PORTION IN ORDER TO AVOID

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OCT 07 1992

DUPLICATE FILING AND SUBSEQUENT COMPUTER "ERROR".
SEE EXHIBIT "F".
06/08/1989.....NICK NETTLETON FILES AFFIDAVIT TO "CLEARLY SHOW" THAT DECREED
WATER RIGHT 57-00234 WAS NOT INTENDED TO BE CONVEYED WITH THE
PROPERTY AT THE TIME THE LAND WAS SOLD ON 01/13/1966.
SEE EXHIBIT "G".

SUMMARY CONCLUSION

ON 01/13/1966, JAMES W. AND MAUDE NETTLETON DEEDED LANDS APPURTENANT
TO DECREE 57-00234 TO TIMOTHY J. AND CHARLENE G. NETTLETON.

ON 05/11/1966, JAMES W. NETTLETON'S TRANSFER (1070) WAS APPROVED BY
THE STATE RECLAMATION ENGINEER. THIS TRANSFER ABANDONED THE USE OF DECREED
WATER (57-00234) ON THE LANDS APPURTENANT TO THE DECREE, TO WIT, THE SWSW AND
THE SESW OF SECTION 35, T03S, R01E.

IDAHO CODE SECTION 42-222 STATES IN PART; "any person entitled to the
use of water whether represented by license issued by the department of water
resources,.....or by decree of court, who shall desire to change the point
of diversion or place of use of all or part of the water under the right shall
first make application to the department of water resources for approval of
such change".

IN THE CONVEYANCE OF THE LAND APPURTENANT TO DECREE 57-00234 BY JAMES
W. AND MAUDE NETTLETON TO TIMOTHY J. AND CHARLENE G. NETTLETON ON 01/13/1966,
THE WARRANTY DEED STIPULATES THAT THE LAND IS "TOGETHER WITH ALL WATER AND
WATER RIGHTS USED THEREON OR APPURTENANT THERETO, INCLUDING BUT NOT LIMITED TO
THE WATERS OF CASTLE CREEK, ...

"A CONVEYANCE OF LAND, TOGETHER WITH THE APPURTENANCES, CARRIES WITH
IT THE WATER RIGHTS APPURTENANT TO THE LAND AT THE TIME OF THE CONVEYANCE,
UNLESS SUCH WATER RIGHTS WERE SPECIFICALLY RESERVED IN THE DEED, OR UNLESS IT
CAN BE CLEARLY SHOWN THAT IT WAS KNOWN TO BOTH PARTIES THAT THE WATER RIGHTS
WERE NOT INTENDED TO BE CONVEYED". *Russell v. Irish*, 20 Idaho 194, 198-199,
118 Pac. 501 (1911); *Hunt v. Bremer*, 47 Idaho 490, 493, 276 Pac. 964 (1929).

EVIDENCE SUBMITTED HAS SHOWN THAT JAMES W. AND MAUDE NETTLETON SOLD
THE PROPERTY LOCATED WITHIN DECREE 57-00234 WHILE TRANSFER 1070 WAS STILL IN
APPLICATION FORM. IN PRINCIPLE, AN APPLICATION IS NOT BINDING UNTIL APPROVED,
THUS IT STANDS TO REASONING THAT AN APPLICANT FOR A TRANSFER OF A WATER RIGHT
PLACE OF USE MUST BE IN OWNERSHIP OF THE PLACE OF USE AT THE TIME OF THE
APPROVAL OF THE TRANSFER. FURTHERMORE, THE WARRANTY DEED SIGNED BY JAMES W.
AND MAUDE NETTLETON DID NOT RESERVE ANY WATER RIGHTS APPURTENANT TO THE
PROPERTY.

THEREFORE IT APPEARS THAT IN ORDER FOR TRANSFER 1070 TO BE VALID,
JAMES W. AND MAUDE NETTLETON MUST CLEARLY SHOW THAT THEY AND THEIR SUCCESSORS
OF DEED KNEW THAT WATER RIGHT DECREE 57-00234 WAS NOT INTENDED TO BE CONVEYED
WITH THE PROPERTY AT THE TIME THE LAND WAS SOLD ON 01/13/1966.

revision 06/08/1989

NICK NETTLETON'S AFFIDAVIT SUBMITTED TO THIS DEPARTMENT ON 06/08/1989
APPEARS TO CLEARLY SHOW THAT DECREED WATER RIGHT 57-00234 WAS NOT INTENDED TO
BE CONVEYED WITH THE PROPERTY AT THE TIME THE LAND WAS SOLD ON 03/13/1966 IN
ACCORDANCE WITH CASE LAW CITED IN THE SUMMARY CONCLUSION.

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OCT 07 1992

DETERMINATION

BASED ON ALL EVIDENCE SUBMITTED AS OF 06/08/1989, THE FOLLOWING DETERMINATION CAN BE MADE:

THAT NICK NETTLETON BE DECREED AND ADJUDGED AS THE RIGHTFULL OWNER OF WATER RIGHT 57-00234, AND THAT ALFRED HEYWOOD'S CLAIM TO THE WATER RIGHT BE DISALLOWED.

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Edna Minger Castle Sept. 8, 1915 57-0224 20 {SW SW} 34 4 S 1E B.
(water license Creek (.4 sec.
#2776) feet.)

Charles John- Alder Cr. 1894 57-02410 {SW SW} 15 3 1E B.
son. and John- 1903 57-022532
son Reser- 1913 57-022425
voir. Mar. 31, 1921 57-022754
(1.08
sec. ft.
water
distance
(13125.))

✓ Thomas D. Hen- Castle May 23, 1910 50 {SW SW} 13 4 S 1E B.1
derson. Creek 57-0236 {NE SW} 24
(water license
#6151) ←

✓ Fred D. Hen- D. Henderson. Nov. 11, 1913 70 {SW SW} 33 1 1E B.M.
and Thomas D. Henderson. Castle 57-0237 {NE SW} 34
(water license
#9895)

James L. Rees Castle Dec. 10, 1907 55 {SW SW} 35 3 S 1E B.1
(water license Creek 57-0234 {SE SW}

Mina B Torrence Castle Creek Dec. 10, 1907 55 {SW SW} 1 1 S 1E B.M.
(water license 57-0235 {NE SW}

That the water so decreed to the said parties shall be appurtenant to the lands owned by them respectively and which are described above.

The water above decreed to the said parties shall be measured under a four-inch pressure.

The several parties to this action shall have rights to the use of the waters of said streams not of even date, are entitled, whenever the amount of water flowing in the channel of said streams is insufficient in quantity to sup-

Exhibit "A" page 1 of 2

cribed as her homestead entry and the water right
thereof decreed is involved; and agreement having been
reached pursuant to said stipulation; and findings
of fact and conclusions of law having been specificall-
ly waived by all parties in open court,

It is, therefore, ordered, adjudged and decreed:

1. That the waters of Castle Creek, Cuyahoga
County, Idaho, be and the same are hereby allotted
and decreed to the several parties to this suit in
the amount, priorities and for the lands, hereinafter
set forth, for the irrigating of the lands owned by
them respectively at the date hereof and described in
the complaint, answers and cross-complaints of the
parties hereto and for domestic use and for live stock
according to the date of priority on which the said
waters were first diverted and used upon said lands and
in the quantity so diverted as hereinafter specifically
set forth. That where more than one right is fixed upon
the same date, they will all take equal rank as to
priority. That the various rights so decreed and
allotted, with the date of the right, the party to
whom allotted and decreed, and the amount of water
allotted, and the lands for which allotted, are as
follows:

S T A T E O F I D A H O
D E P A R T M E N T O F R E C L A M A T I O N

In the Matter of the Application of)		
	)	
James W. Nettleton	)	
of	)	ORDER GRANTING TRANSFER
Oreana, Idaho	)	
	)	NO. 1070
For a Transfer of Water Right	)	
in the County of Owyhee, State	)	
of Idaho	)	

WHEREAS, On the 12th day of January, 1966, at the Department of Reclamation of the State of Idaho at Boise, Idaho, this matter of the application of James W. Nettleton of Oreana, Idaho, for a transfer of water right came on regularly for hearing, pursuant to the published notice in due and statutory form, and

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant with the application shows that the water will be put to a higher and more efficient beneficial use and no one will be injured thereby;

NOW, THEREFORE, IT IS ORDERED, That the said application be, and the same is, HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicant herein as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 11th day of May, 1966.

Carl E. Tappan

CARL E. TAPPAN
State Reclamation Engineer

Exhibit "A-1"

Warranty Deed
(IDAHO)

KNOW ALL MEN BY THESE PRESENTS, That

JAMES W. NETTLETON

Oreana
of the County of

OWYHEE

and

MAUDE NETTLETON

State of

IDAHO

parties of the first part, for and in consideration of the sum of
FORTY EIGHT THOUSAND AND NO/100-----Dollars (\$ 48,000

in lawful money of the United States of America, and other valuable consideration, to the

in hand paid by TIMOTHY J. NETTLETON and CHARLENE G. NETTLETON, wife, of Oreana, Owyhee County, State of Idaho,

hereby GRANT, BARGAIN, SELL and CONVEY unto the party of the second part, as a community property estate, and to the heirs and assigns of the second party, all of the following-described property situate, lying and being in the County of
State of Idaho, to wit:

TOWNSHIP 3 SOUTH, RANGE 1 EAST OF THE BOISE MERIDIAN
N1/4SW1/4, SE1/4SW1/4, S1/4SE1/4, LOTS 7, 8 and 9 in SECTION 35
LOTS 5 and 6 in SECTION 36.

Together with all water and water rights, ditches and ditch rights used thereon or appurtenant thereto, including but not limited to the waters of Castle Creek, especially under Permit No. 32239, priority date of February 26, 1965 for 8.64 Sec. Ft., and to the waters of Snake River, especially under Water License No. 22912, priority date of July 15, 1965 for 5.42 Sec. Ft.

Subject to exceptions and reservations contained in patent from the United States.

Subject to existing easements for roads, highways, ditches, canals, laterals and power and transmission lines, including but not limited to a reservation of all minerals in LOTS 5 and 6 of SECTION 36 and to rights of way for ditches constructed by authority of the United States pursuant to the provisions of Section 56-504 and 46-701, Idaho Code Annotated, as contained in deed from the State of Idaho, recorded May 1, 1941 in Book 31 of Deeds at Page 502, records of Owyhee County, Idaho.

Subject to an easement over and across said premises for transmission lines granted by the Idaho Power Company, a Corporation, as revealed by Deeds recorded August 25, 1955 in Book 47 of Deeds at Page 242, on March 9, 1956 in Book 48 at Page 75, and on August 16, 1965 in Book 58 of Deeds at Page 75, records of Owyhee County, Idaho.

Subject, as to a portion of the above land, namely: LOTS 7 and 8, the S1/4SE1/4 and the NW1/4SW1/4 of SECTION 35 to Rights of Way for ditches as revealed by Deeds recorded June 12, 1962 in Book 54 of Deeds at Page 67, and on April 16, 1962 in Book 55 of Deeds at Page 30, records of Owyhee County, Idaho.

500

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and all improvements, water and water rights appurtenant thereto or reasonably necessary to the the real property, and the rents, issues and profits thereof.

To HAVE AND TO HOLD the said premises together with the appurtenances thereto unto the party of the first part, as community property, and to the heirs and assigns of the second party forever.

The parties of the first part, for themselves and for their heirs, executors and administrators, do hereby covenant to and with the party of the second part, and with the heirs and assigns of second party, that they are lawfully seized in fee simple of said premises, that they are free from all encumbrances, and that they will and their heirs, executors and administrators shall warrant and forever defend the title thereto against all lawful claims and demands whatsoever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals this _____ day of _____, 1966.

James W. Nettleton
James W. Nettleton (Husband)

WITNESSES:

Maude Nettleton
Maude Nettleton (Wife) [SEAL]

ACKNOWLEDGMENT

STATE OF IDAHO } ss.
COUNTY OF OWYHEE }

On this 18th day of January, 1966, before me, a Notary Public in and for said County and State, personally appeared JAMES W. NETTLETON and MAUDE NETTLETON, his wife, to me known to be the identical individual(s) described in and who executed the within and foregoing instrument and whose name(s) are subscribed thereto, and acknowledged to me that they signed, sealed and executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above mentioned.

Notary C. Ford
Notary Public in and for the State of Idaho
Residing at _____, Idaho
My commission expires: _____

Recorded in Owyhee
County, Idaho, on January 14, 1966
in Book 58
of Deeds
at Page 499
NICK HILL: Owyhee County Recorder
By: *[Signature]* Deputy
\$1.80



15210

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

CERTIFICATE OF DECREED WATER RIGHT
TRANSFERRED RIGHT NO. 1070

THIS IS TO CERTIFY, That James W. Nettleton of Oreana, Idaho, is the owner of and using certain water rights as follows: 38 inches or 0.76 cubic feet per second of the waters of Castle Creek with priority as follows:

1903 - 5 inches; 1904 - 5 inches; 1905 - 5 inches;
1906 - 5 inches; 1907 - 15 inches; 1908 - 3 inches;

said water being decreed to George F. Brown, successor to Harlan Clark; and 55 inches or 1.1 cubic feet per second of the waters of Castle Creek, with priority of December 10, 1907, decreed to James L. Wees, by decree of Judge M. I. Church of the Third Judicial District of the State of Idaho, in and for the County of Owyhee in the case of

JAMES L. DAVEY

Plaintiff

vs.

GEORGE F. BROWN, et al

Defendants

said decree bearing date of May 15, 1923, and being appurtenant to the following described lands, to-wit:

SW¹/₄, Section 36, Township 3
South, Range 1 E.B.M., and

S¹/₂SW¹/₄, Section 35, Township 3
South, Range 1 E.B.M.,

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho in Volume 4 of Decrees, beginning at Page 617;

And that now, upon the application of James W. Nettleton for the transfer of 38 inches or 0.76 cubic feet per second, and 55 inches or 1.1 cubic feet per second, of the waters of Castle Creek, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of 38 inches or 0.76 cubic feet per second, and 55 inches or 1.1 cubic feet per second, of the waters of Castle Creek upon the above described lands is hereby abandoned, and the lands under such

Exhibit "C"
page 1 of 3

MICROFILMED

right and to which the water right HEREBY CONFIRMED, shall become appurtenant by this Certificate for irrigation purposes, is described as follows, to-wit:

E½ of Lot 8; E½SE¼SE¼ of Section 36,
Township 3 South, Range 1 E.B.M.,
E½NE¼, Section 1, Township 4 South,
Range 1 E.B.M.,
Lots 4 and 5, Section 31, Township 3
South, Range 2 E.B.M., and Lots 3 and
4, Section 6, Township 4 South, Range 2
E.B.M.,

That the said water is to be limited at any given time to an amount actually needed and beneficially used for such purpose and shall not exceed the following amounts, to-wit:

38 inches or 0.76 cubic feet per
second of the waters of Castle
Creek, bearing date of priority
as follows:

1903 - 5 inches; 1904 - 5 inches;
1905 - 5 inches; 1906 - 5 inches;
1907 - 15 inches; 1908 - 5 inches;

and

55 inches or 1.1 cubic feet per
second of the waters of Castle
Creek, bearing priority date of
December 10, 1907;

That the water right hereby transferred has heretofore been conducted from Castle Creek to the first above described land through a ditch or canal, with point of diversion in the NW¼SE¼, Section 13, Township 4 South, Range 1 E.B.M.,

That the water right hereby transferred will hereafter be conducted to the last above described land with no change in point of diversion;

That the right to the use of the waters aforesaid, hereby confirmed, is restricted to the lands last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 11th day of May, 1966.

CARL E. TAPPAN
State Reclamation Engineer

Exhibit "C"
page 2 of 3

Dece 57-00239

Transfer 1070

T35 R1E & 2E

JPB

rew

Place of Use After Transfer 1070

Canal
Laterals

Place of Use Before Transfer 1070

CASTLE BUTTE ORTHOPHOTOQUAD
IDAHO

RIE R2E

360 000 FEET

116°15'

note: "place of use before" is
where 55 inch 1907
right only was used

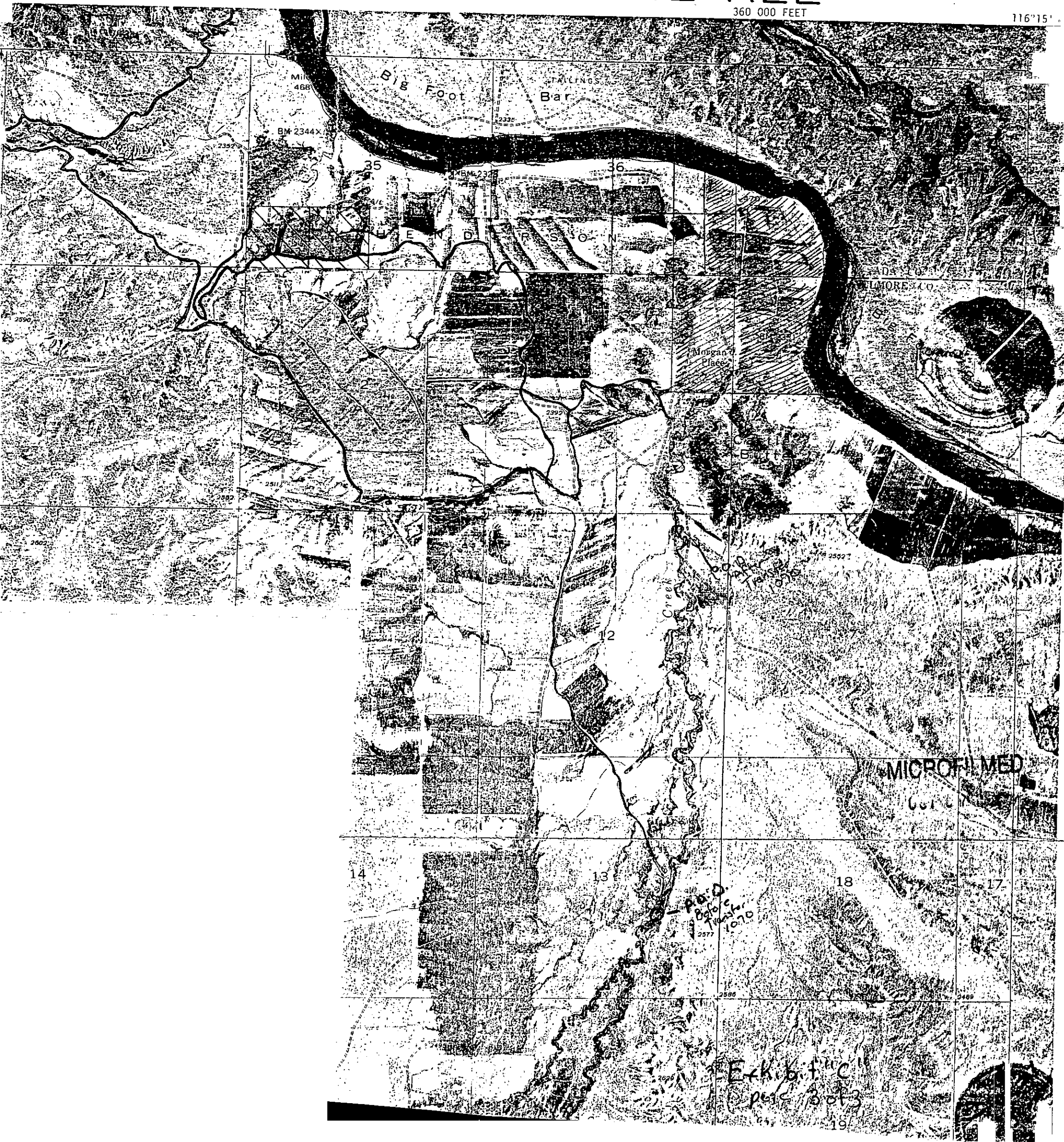


Exhibit "C"
page 3 of 3

S T A T E O F I D A H O
D E P A R T M E N T O F R E C L A M A T I O N

In the Matter of the Application of)	
James W. Nettleton)	
of)	ORDER GRANTING TRANSFER
Oreana, Idaho)	NO. 1070
For a Transfer of Water Right)	
in the County of Owyhee, State)	
of Idaho)	

WHEREAS, On the 12th day of January, 1966, at the Department of Reclamation of the State of Idaho at Boise, Idaho, this matter of the application of James W. Nettleton of Oreana, Idaho, for a transfer of water right came on regularly for hearing, pursuant to the published notice in due and statutory form, and

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant with the application shows that the water will be put to a higher and more efficient beneficial use and no one will be injured thereby;

NOW, THEREFORE, IT IS ORDERED, That the said application be, and the same is, HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicant herein as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 11th day of May, 1966.

Carl E. Tappan

CARL E. TAPPAN
State Reclamation Engineer

C-1

Barry Deed
(IDAHO)

Know All Men by These Presents, That

TIMOTHY J. NETTLETON and **CHARLENE C. NETTLETON a/k/a**
L. CHARLENE NETTLETON, his wife,

of the County of **Owyhee** State of **Idaho**

parties of the first part, for and in consideration of the sum of **SEVENTY-THREE THOUSAND ONE**
HUNDRED TWENTY-FIVE & NO/100 Dollars (\$73,125.00)

in lawful money of the United States of America, and other valuable consideration, to them

in hand paid by **ALFRED L. HEYWOOD** and **PHYLLIS S. HEYWOOD**

of **Grandview, Owyhee County, Idaho**,

his wife, hereinafter called party of the second part, do hereby GRANT, BARGAIN, SELL and CON-
VEY unto the party of the second part, as a community property estate, and to the heirs and assigns of the second

party, all of the following-described property situate, lying and being in the County of **Owyhee**
State of Idaho; to wit:

W1SW1/4, SE1SW1/4, S1SE1/4, Lots 7, 8 and 9 in Section 35; Lots 5 and 6 in
Section 36; all in Township 3 South, Range 1 East of the Boise Meridian.

Together with all water and water rights, ditches and ditch rights,
used thereon or appurtenant thereto, including but not limited to,
the waters of Castle Creek, especially under Permit No. 32239, priority
date of February 26, 1965, for 8.64 Sec. Ft., and to the waters of
Snake River, especially under Water License No. 22912, priority date
of July 15, 1952, for 5.42 Sec. Ft.

Subject to exceptions and reservations contained in patents from the
United States:

Subject to existing easements for roads, highways, ditches, canals,
laterals and power and transmission lines, including but not limited
to, a reservation of all minerals in Lots 5 and 6 of Section 36, and
to rights of way for ditches constructed by authority of the United
States pursuant to the provisions of Sections 56-504 and 46-701, Idaho
Code Annotated, as contained in deed from the State of Idaho, recorded
May 1, 1941, in Book 31 of Deeds, at page 502, records of Owyhee
County, Idaho.

Subject to an easement over and across said premises for transmission
lines granted the Idaho Power Company, a corporation, as revealed by
Deeds recorded August 23, 1955, in Book 47 of Deeds, at page 242; and
on March 9, 1956, in Book 48, at page 75; and on August 16, 1965, in
Book 58 of Deeds, at page 239, records of Owyhee County, Idaho.

Subject to the rights of way for ditches, as revealed by deeds
recorded June 12, 1961, in Book 54 of Deeds, at page 67; and on
April 16, 1962, in Book 55 of Deeds, at page 30, records of Owyhee
County, Idaho.

Subject to the \$46,730.00 mortgage executed by Timothy J. Nettleton
and Charlene C. Nettleton, his wife, in favor of the United States
of America, acting through the Farmers Home Administration, recorded
January 16, 1966, as Instrument No. 115217, in Book 39 of Mortgages,
at page 484, records of Owyhee County, Idaho, which mortgage and the
obligations secured thereby, Alfred L. Heywood and Phyllis S. Heywood,
his wife, have by a separate instrument in writing assumed and agreed

day
1971
A.M. at
of
county.
order.

parties of the first part, for and in consideration of the sum of SEVENTY-THREE THOUSAND ONE HUNDRED TWENTY-FIVE & NO/100 - - - - - Dollar \$73,125.00

in lawful money of the United States of America, and other valuable consideration, to them

in hand paid by ALFRED L. HEYWOOD and PHYLLIS S. HEYWOOD

of Grandview, Owyhee County, Idaho, his wife, hereinafter called party of the second part, do hereby GRANT, BARGAIN, SELL and CONVEY unto the party of the second part, as a community property estate, and to the heirs and assigns of the second party, all of the following-described property situate, lying and being in the County of Owyhee State of Idaho, to wit:

W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Lots 7, 8 and 9 in Section 35; Lots 5 and 6 in Section 36; all in Township 3 South, Range 1 East of the Boise Meridian.

Together with all water and water rights, ditches and ditch rights, used thereon or appurtenant thereto, including but not limited to, the waters of Castle Creek, especially under Permit No. 32239, priority date of February 26, 1965, for 8.64 Sec. Ft., and to the waters of Snake River, especially under Water License No. 22912, priority date of July 15, 1952, for 5.42 Sec. Ft.

Subject to exceptions and reservations contained in patents from the United States.

Subject to existing easements for roads, highways, ditches, canals, laterals and power and transmission lines, including but not limited to, a reservation of all minerals in Lots 5 and 6 of Section 36, and to rights of way for ditches constructed by authority of the United States pursuant to the provisions of Sections 56-504 and 46-701, Idaho Code Annotated, as contained in deed from the State of Idaho, recorded May 1, 1941, in Book 31 of Deeds, at page 502, records of Owyhee County, Idaho.

Subject to an easement over and across said premises for transmission lines granted the Idaho Power Company, a corporation, as revealed by Deeds recorded August 25, 1955, in Book 47 of Deeds, at page 242, and on March 9, 1956, in Book 48, at page 75; and on August 16, 1965, in Book 58 of Deeds, at page 239, records of Owyhee County, Idaho.

Subject to the rights of way for ditches, as revealed by deeds recorded June 12, 1961, in Book 54 of Deeds, at page 67; and on April 16, 1962, in Book 55 of Deeds, at page 30, records of Owyhee County, Idaho.

Subject to the \$46,730.00 mortgage executed by Timothy J. Nettleton and Charlene G. Nettleton, his wife, in favor of the United States of America, acting through the Farmers Home Administration, recorded January 14, 1966, as Instrument No. 115217, in Book 39 of Mortgages, at page 484, records of Owyhee County, Idaho, which mortgage and the obligations secured thereby, Alfred L. Heywood and Phyllis S. Heywood, his wife, have by a separate instrument in writing assumed and agreed to pay.

Alfred L. Heywood, et ux

STATE OF IDAHO, } ss.
Owyhee County,

Filed for record this 12th day of March 1971 at 11:45 o'clock A.M. at request of Owyhee County Abstract Co. and recorded in Book Micro-filmed page of the records of said county.

NICK HILL
Ex-Officio Recorder

By C. Nettleton Deputy

Fee \$ 2.00

Exhibit "O"
r 2 of 3

Together with all and singular the tenements, buildings and appurtenances thereto in anywise appertaining and all improvements, water and water rights appurtenant thereto or reasonably necessary to the use of the real property, and the rents, issues and profits thereof.

To HAVE AND TO HOLD the said premises together with the appurtenances thereto unto the party of the second part, as community property, and to the heirs and assigns of the second party forever.

The parties of the first part, for themselves and for their heirs, executors and administrators, do hereby covenant to and with the party of the second part, and with the heirs and assigns of second party, that they are lawfully seized in fee simple of said premises, that they are free from all encumbrances, and that they will and their heirs, executors and administrators shall warrant and forever defend the title thereto against all lawful claims and demands whatsoever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hand(s) and seal(s) this _____ day of _____, 19 70.

Witnesses:

[SEAL]
Timothy J. Nettleton (Husband)

[SEAL]
Charlene G. Nettleton (Wife)
a/k/a L. Charlene Nettleton

ACKNOWLEDGMENT

STATE OF IDAHO } ss:
COUNTY OF OWYHEE }
On this 12th day of March, 19 70, before me, a Notary Public in and for said County and State, personally appeared TIMOTHY J. NETTLETON CHARLENE G. NETTLETON a/k/a and L. CHARLENE NETTLETON, his wife, to me known to be the identical individual(s) described in and who executed the within and foregoing instrument and whose name(s) are subscribed thereto, and acknowledged to me that they signed, sealed and executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above mentioned.



Notary Public in and for the State of Idaho
Residing at _____
My commission expires: 11-6-73

Recorded in _____
County, Idaho, on _____
in Book _____
at Page _____

OPO 618-080

Exhibit "D"

page 3 of 3

COPY

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: A57-00234
Date Received: 12/05/1988
Receipt No: M002052
Received By: _____

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

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:
EARTHERN 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	1.100		

7. Total Quantity Appropriated is:
1.100 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
Section Acres							25.0

A57-00234

Page 1

Date: 04/05/89

COPY

Exhibit "E"
page 1 of 3

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:
PD. HAS BEEN AT THE SAME LOCATION SINCE THE 1940'S.
POU HAS BEEN EXPANDED TO SHOW LANDS WHICH THESE RIGHTS COVER.

15. Basis of Claim: BENEFICIAL USE

COPY

Exhibit "E"
page 2 of 3

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____
Notary Public

Seal

Residing at _____
My Commission Expires _____

COPY

Exhibit "E"
page 3 of 3

COPY

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: A57-00234A

Date Received:

Receipt No: _____

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALFRED HEYWOOD 208-834-2716
Address: HC 79 BOX 2310
OREANA, ID 83650

2. Date of Priority: DEC 10, 1907

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	13	NW	SE			OWYHEE

5. Description of diverting works:
HEADGATE IN CREEK TO DITCH TO LATERALS TO P.O.U.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/15	1.100		
STOCKWATER	04/01	10/15	0.050		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/VARIABLE AMOUNTS AT VARIABLE TIMES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03S	01E	35	SW	SW		IRR	28.0
			SE	SW		IRR	27.0
						Section Acres	55.0

A57-00234A

Page 1

Date: 04/06/89

Exhibit "F"
Page 1 of 3

10. Place of Use: Continued

Total Acres 55.0

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:
NOT LISTED

14. Remarks:

TRANSFER 1070 APPLIED FOR BY JAMES NETTLETON TO TRANSFER 1.10 CFS (55 MINERS INCHES) FROM DECREE 57-00234 TO OTHER PROPERTIES NOT APPURTENANT TO DECREE. TRANSFER 1070 APPROVED BY STATE RECLAMATION ENGINEER 05/11/1966. JAMES NETTLETON SOLD PROPERTY APPURTENANT TO DECREE 57-00234 ON 01/14/1966. THUS TRANSFER 1070 WAS APPROVED WHEN APPLICANT WAS NOT IN OWNERSHIP OF PROPERTY. SEE PRELIMINARY FINDINGS-SUMMARY CONCLUSION, DECREE 57-00234. ELR

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

Decree Plaintiff

vs

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

IDAHO DEPARTMENT OF WATER RESOURCES

In Re:)
)
Transfer No. 1070) AFFIDAVIT
Decree 57-00234)
_____)

STATE OF IDAHO,)
) (ss.
COUNTY OF ADA,)

COMES NOW Maude Nettleton, Timothy J. Nettleton and Charlene G. Nettleton, aka L. Charlene Nettleton, after being duly sworn depose and state as follows:

1. That we are all over the age of 18 and residents of Owyhee County.

2. That we have personal knowledge of the facts contained herein.

3. That James W. Nettleton, the former spouse of Maude Nettleton, is deceased.

4. An application was filed by James Nettleton with the Idaho Department of Water Resources to transfer the water rights in Decree 57-00234 from land owned by James and Maude Nettleton to the land now owned by Nick Nettleton. This matter came on for hearing before the Department of Water Resources on the 12th day of January, 1966. A copy of this application is attached hereto as Exhibit A.

5. Following this application for transfer, on January 14, 1966, James and Maude Nettleton deeded the property described in

AFFIDAVIT - 1

MICROFILMED

OCT 07 1992

Exhibit "G"

Decree 57-00234 to Timothy and Charlene Nettleton.

6. That both the Grantors on that Deed and the Grantees on that deed knew that the water rights in Decree 57-00234 were in the process of being transferred to the property now owned by Nick Nettleton and that the water rights described in Decree 57-00234 were not included in the transfer to Timothy and Charlene Nettleton and were never intended to be transferred to Timothy and Charlene Nettleton.

7. That on May 11, 1966, the Department of Water Resources issued an "Order Granting Transfer No. 1070" wherein the water rights in Decree 57-00234 were transferred from the lands of James and Maude Nettleton/Timothy and Charlene Nettleton to the lands now owned by Nick Nettleton. A copy of this Order is attached hereto as Exhibit B.

8. That the lands described in that Order as the lands to which the water rights in Decree 57-00234 were ordered appurtenant to and transferred to are the lands now owned by Nick Nettleton.

9. That subsequently in 1970 Timothy and Charlene transferred their property to Alfred and Phyllis Heywood. It was not their intent to transfer any water rights to Decree 57-00234 to the Heywoods since those water rights had a) not been transferred to them by Maude and James Nettleton, and b) had already been transferred to that real property now owned by Nick Nettleton by that "Order Granting Transfer No. 1070".

Dated: June 5th, 1989

Maude Nettleton
Maude Nettleton

Dated: 6-5-89

Tim Nettleton
Timothy J. Nettleton

Dated: 6/5/89

L. Charlene Nettleton
Charlene G. Nettleton, aka
L. Charlene Nettleton

SUBSCRIBED AND SWORN To before me this 5th day of ^{June}~~May~~, 1989.

Nicholas K. Ishli
Notary Public for Idaho
Residing at Murphy, Id
Commission Expires: 1/31/94

Tract, Situate, Syst. Lots 7, 8 and 9 in Section 35; Lots 5 and 6 in Section 36; all in Township 3 North, Range 1 East of the Boise Meridian.

Subject to exceptions and reservations contained in patents from the United States.

Subject to an easement over and across said premises for transmission lines granted the Idaho Power Company, a corporation, as revealed by records recorded August 25, 1955, in Book 47 of Deeds, at page 242; and on March 9, 1956, in Book 46, at page 75; and on August 16, 1965, in Book 48 of Deeds, at page 259, records of Cuyahoga County, Idaho.

... to the signs of any sex ditcher, as revealed by deeds
... 12, 1931, in Book 54 of Deeds, at page 67; and on
... 1932, in Book 55 of Deeds, at page 30, records of Wythe Co.

On the 24th, 1930, mortgage executed by Timothy J. Nettleton to G. Nettleton, his wife, in favor of the United States Department, through the Farmers Home Administration, recorded in 1930, as Instrument No. 115217, in Book 39 of Mortgages, recorded in Cayuse County, Idaho, which mortgage and the record of the same, Alfred L. Heywood and Phyllis S. Heywood, as witnesses, in and to said instrument in writing assumed and agreed

Warranty deed
Pg. 1 of 3

day
71922
A. M. RE
of
county.
inver.

parties of the first part, for and in consideration of the sum of **SEVENTY-THREE THOUSAND ONE**
HUNDRED TWENTY-FIVE & NO/100 - - - - - Dollars (\$ 73,125.00),

in lawful money of the United States, of America, and other valuable consideration, to them

in hand paid by **ALFRED L. HEYWOOD** and **PHYLLIS S. HEYWOOD**

of Grandview, Owyhee County, Idaho,
his wife, hereinafter called party of the second part, do hereby GRANT, BARGAIN, SELL, and CON-
VEY unto the party of the second part, as a community property estate, and to the heirs and assigns of the second
party, all of the following described property situate, lying and being in the County of **Owyhee**
State of Idaho, to wit:

W1/2SW1, SE1/2SW1, S1/2SE1, Lots 7, 8 and 9 in Section 35; Lots 5 and 6 in
Section 36; all in Township 3 South, Range 1 East of the Boise Meridian.

Together with all water and water rights, ditches and ditch rights,
used thereon or appurtenant thereto, including but not limited to,
the waters of Castle Creek, especially under Permit No. 32239, priority
date of February 26, 1963, for 8.64 Sec. Ft., and to the waters of
Snake River, especially under Water License No. 22912, priority date
of July 15, 1952, for 5.42 Sec. Ft.

Subject to exceptions and reservations contained in patents from the
United States.

Subject to existing easements for roads, highways, ditches, canals,
laterals and power and transmission lines, including but not limited
to, a reservation of all minerals in Lots 5 and 6 of Section 36, and
to rights of way for ditches constructed by authority of the United
States pursuant to the provisions of Sections 56-504 and 46-701, Idaho
Code Annotated, as contained in deed from the State of Idaho, recorded
May 1, 1941, in Book 31 of Deeds, at page 502, records of Owyhee
County, Idaho.

Subject to an easement over and across said premises for transmission
lines granted the Idaho Power Company, a corporation, as revealed by
Deeds recorded August 25, 1955, in Book 47 of Deeds, at page 242; and
on March 9, 1956, in Book 48, at page 75; and on August 16, 1965, in
Book 58 of Deeds, at page 239, records of Owyhee County, Idaho.

Subject to the rights of way for ditches, as revealed by deeds
recorded June 12, 1961, in Book 54 of Deeds, at page 67; and on
April 16, 1962, in Book 55 of Deeds, at page 30, records of Owyhee
County, Idaho.

Subject to the \$46,730.00 mortgage executed by Timothy J. Nettleton
and Charlene G. Nettleton, his wife, in favor of the United States
of America, acting through the Farmers Home Administration, recorded
January 14, 1966, as Instrument No. 115217, in Book 39 of Mortgages,
at page 484, records of Owyhee County, Idaho, which mortgage and the
obligations secured thereby, Alfred L. Heywood and Phyllis S. Heywood,
his wife, have by a separate instrument in writing assumed and agreed
to pay.

Alfred L. Heywood, et ux

STATE OF IDAHO,)
County of)

Filed for record this 12th day
of March, 1971,
at 11:15 o'clock A.M. at
the County Abstract Co.
and recorded in Book _____ of
Mortgages
page _____ of the records of said county.

THOMAS HILL
Ex-Officio Recorder.

By *C. Nettleton* Deputy.

Fee, \$ 2.00

Warranty Deed Pg. 2 of 3

Together with all and singular the tenements, hereditaments and appurtenances thereto in anywise appertaining and all improvements, water and water rights appertaining thereto or reasonably necessary to the real property and the rents, issues and profits thereof.

To Have and to Hold the said premises together with the appurtenances thereto unto the heirs of the second part, as community property, and to the heirs and assigns of the second party forever.

The parties of the first part, for themselves and for their heirs, executors and administrators, do hereby covenant to and with the party of the second part, and with the heirs and assigns of second party, that they are lawfully seized in fee simple of said premises, that they are free from all encumbrances, and that they will and their heirs, executors and administrators shall warrant and forever defend the title thereto against all lawful claims and demands whatsoever.

In Witness Whereof, the said parties of the first part have hereunto set their hand(s) and seal(s) this day of , 19 70

Timothy J. Nettleton (husband) [SEAL]

WITNESSES:

Charlene G. Nettleton (wife) [SEAL]
a/k/a L. Charlene Nettleton

ACKNOWLEDGMENT

STATE OF IDAHO
COUNTY OF OWYNEE

} ss:

On this 12th day of March, 19 70, before me, a Notary Public in

and for said County and State, personally appeared
CHARLENE G. NETTLETON a/k/a
and L. CHARLENE NETTLETON

TIMOTHY J. NETTLETON

, his wife, to me known to be the identical indi-

vidual(s) described in and who executed the within and foregoing instrument and whose name(s) are

subscribed thereto, and acknowledged to me that they signed, sealed and executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

Whereof, I have hereunto set my hand and official seal the day and year last above mentioned.



Notary Public in and for the State of Idaho
Residing in _____
My commission expires: _____

Recorded in _____

County, Idaho, on _____

_____ in Book _____

at Page _____

warranty deed
Pg. 3 of 3



CARL E. TAPPAN
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

107 STATE HOUSE

BOISE, IDAHO 83701

May 12, 1966

Re: Transfer of Water Right
No. 1070

Mr. James W. Nettleton,
Oreana, Idaho.

Dear Mr. Nettleton:

We are enclosing Order Granting Transfer and Certificate of Transfer of Water Right No. 1070, together with Departmental Receipt No. 33206, which was issued covering payment in the amount of \$1.00 for the recording fee.

Very truly yours, .

Robert W. Hamilton

ROBERT W. HAMILTON
Supervisor of Water Distribution

Encl. - Certificate
Receipt

RWH:pmk

cc: Francis Thorne, Watermaster
Water District No. 14-A
Oreana, Idaho

MICROFILMED
OCT 07 1992

June 24, 1991

Nick Nettleton
HC 79, Box 2320
Oreana, ID 83650

Dear Mr. Nettleton:

Enclosed you will find a copy of a letter sent to Roger Heywood, attorney representing Alfred and Phyllis Heywood. This is in regard to the duplicate filing of Notice of Claim, A57-00234, filed by both you and Alfred Heywood.

This letter makes reference to copies of exhibits A through G. These would be warranty deeds in the name of James and Maude Nettleton and Timothy and Charlene Nettleton, transfer number 1070, your affidavit stating the water was meant to be transferred to your land plus copies of the Notices of Claim as filed by yourself and Mr. Heywood. I believe you have copies of all of the above. However; if you do not I will be glad to send them to you.

As mentioned in my letter to Roger Heywood, we hope to submit our report to the Director by August 1, 1991. As of this date I am in the process of soliciting information from the Castle Creek watermaster as to the delivery of water from the creek. In the meantime I will be awaiting a reply from Mr. Heywood.

This letter is for your information as to what is happening with these claims. If you have any questions or comments feel free to contact me.

Sincerely,

Linda A. Werner
Sr. Water Resource Agent
Adjudication Section

MICROFILMED

OCT 07 1992

NICK NETTLETON
HC 79 BOX 2320
OREANA, ID. 83650

04/06/1989

DEAR MR. NETTLETON:

ENCLOSED IS A PRELIMINARY FINDING--SUMMARY CONCLUSION FOR DECREE 57-00234.

AS YOU WILL NOTICE, AN APPARENT PROBLEM EXISTS WITH THE TRANSFER (#1070) OF THIS DECREED WATER RIGHT BY JAMES W. AND MAUDE NETTLETON.

IF YOU HAVE ANY DOCUMENTATION TO REFUTE THE SUMMARY CONCLUSION, I ENCOURAGE YOU TO MAKE IT AVAILABLE TO THIS AGENT.

PLEASE FEEL FREE TO CONTACT THIS AGENT IF YOU NEED FURTHER ASSISTANCE.

SINCERELY,

ELDON L. ROUSH
SENIOR WATER RESOURCE AGENT
WESTERN REGION

CC: ALFRED HEYWOOD

MICROFILMED

OCT 07 1989

ALFRED HEYWOOD
HC 79 BOX 2310
OREANA, ID. 83650

04/06/1989

DEAR MR. HEYWOOD:

ENCLOSED IS CLAIM # A57-00234A FOR YOUR SIGNATURE AND NOTARIZATION. PLEASE
SUBMIT THE COMPLETED CLAIM WITH A FEE OF \$53.00 WITHIN 30 DAYS OF THIS LETTER
IN ORDER TO AVOID A LATE FEE BEING ASSESSED.

ALSO ENCLOSED IS A PRELIMINARY FINDING-SUMMARY CONCLUSION FOR DECREE 57-00234
FOR YOUR INFORMATION.

IF YOU HAVE ANY QUESTIONS, FEEL FREE TO CONTACT THIS AGENT.

SINCERELY,

ELDON L. ROUSH
SENIOR WATER RESOURCE AGENT
WESTERN REGION

CC: NICK NETTLETON

MICROFILMED

OCT 07 1987