

MAY 07 1999

Department of Water Resources
Southern Region

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: **A43-00088**
Date Received: 6/14/1989
Receipt No: S008223
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

8 1. Name: ALBERT JAY COTTLE 208-645-2567
Address: ~~HC 61~~ BOX 1232
1750 S COTTLE LN MALTA ID 83342
AND/OR
Name: JULENE COTTLE 208-645-2567
Q Address: ~~HC 61~~ BOX 1232
1750 S COTTLE LN MALTA ID 83342

2. Date of Priority: MAR 1, 1880

3. Source: CASSIA CREEK Trib. to: RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13S	26E	12	NW	SW			CASSIA

5. Description of diverting works:
CEMENT DAM, HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.060		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	26E	12	SW	NW		IRR	3.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	3.0
					Total Acres	3.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
A43-04192

14. Remarks:
WELL WATER ALSO USED ON ACRES.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

ALBION-IDAHO LAND CO.
Decree Plaintiff

JOBE ADAMS ET AL
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):

Robert J. Leath
Julene Lott

Date: 6 May 1999

Date: 5/6/99

State of Idaho)
County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 6th day

of May 19 99

Seal

Sherrie Erickson
Notary Public

Residing at Almo

My Commission Expires 3/14/02



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

February 10, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ALBERT JAY COTTLE
1160 E TELEGRAPH ST 186
WASHINGTON UT 84780

RE: SNAKE RIVER BASIN ADJUDICATION CLAIM: A43-00088

Dear Mr Cottle

Enclosed is an amended claim form with the place of use Range changed from 27E to 26E. It is my understanding that this is the only error in the description of the water right. You must sign the amended claim form, have your signature notarized, and then return the form to this office. Once we receive the signed and notarized form we can update the claim.

If the above address is your new mailing address, please cross out your old address on the claim form and enter the new address.

If you have any questions please call this office.

Sincerely

A handwritten signature in black ink that reads "Kelly K. Christensen".

Kelly K Christensen
Senior Water Resource Agent
Enclosure

50

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: A43-00088
Date Received: 4/13/1989
Receipt No: 500 8223
Received By: AD~

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALBERT JAY COTTLE 208-645-2567
Address: HC 61 BOX 1232
MALTA, ID 83342
AND/OR
Name: JULENE COTTLE 208-645-2567
Address: HC 61 BOX 1232
MALTA, ID 83342

2. Date of Priority: MAR 01, 1880

3. Source: CASSIA CREEK Trib. to: RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13S	26E	12	NW	SW			CASSIA

5. Description of diverting works:
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IRRIGATION	03/15	11/15	0.060		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A43-00088

Page 1

Date: 04/13/89

MICROFILMED
MAR 02 1993

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
13S	27E	12	SW NW		IRR	3.0
Section Acres						3.0
Total Acres						3.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
A43-04192

14. Remarks:
WELL WATER ALSO USED ON ACRES.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

ALBION-IDAHO LAND CO.
Decree Plaintiff

vs

JOBE ADAMS ET AL
Decree Defendant

MICROFILMED
MAR 02 1993

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: NONE

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): Albert P. Lott Date: 8 June 89
Julene Lott Date: 8 June 1989

State of Idaho)
County of Cassia) SS.

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

of June 19 89

Boyd Boock
Notary Public

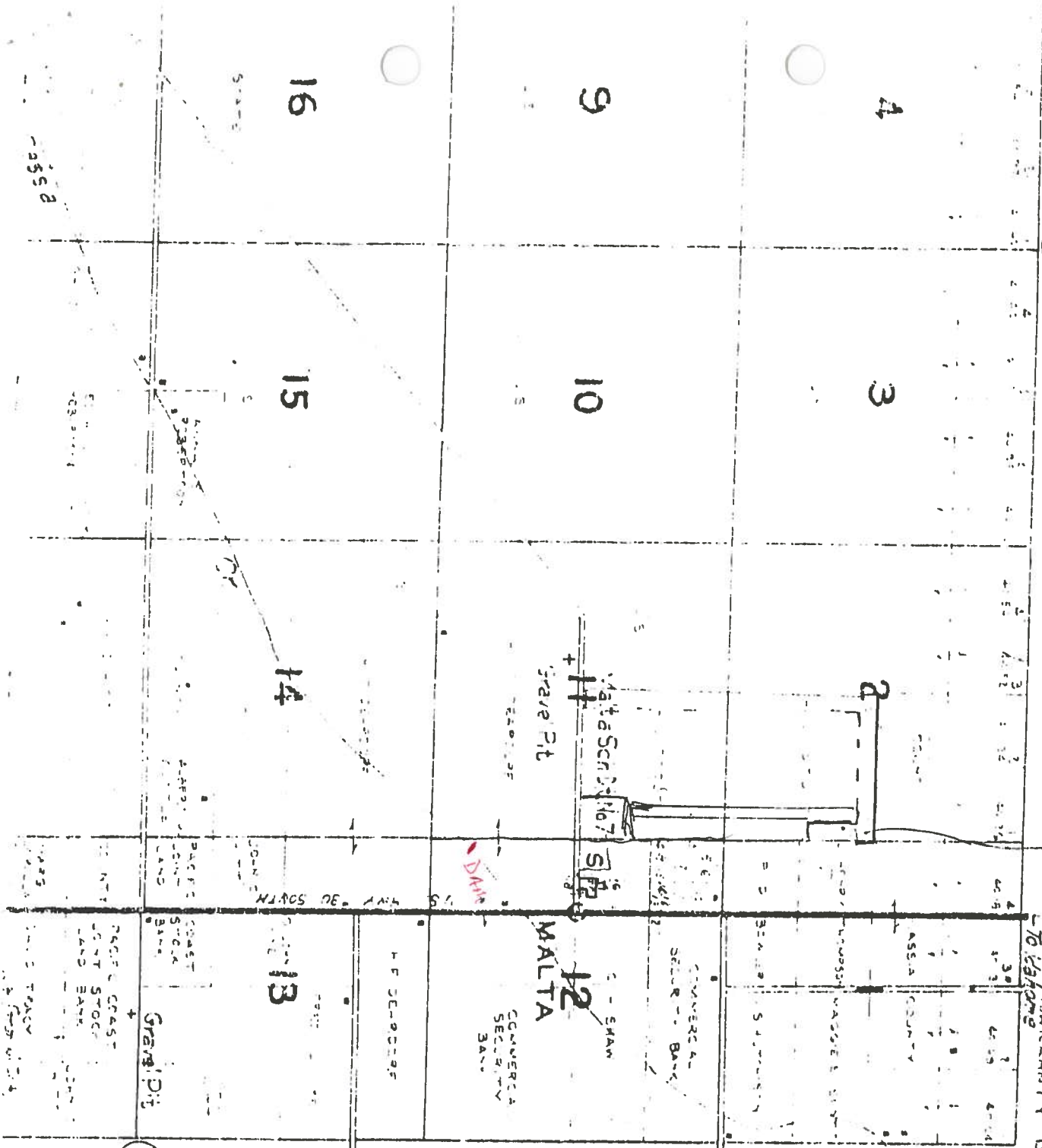
Seal

Residing at 11212 Idaho

My Commission Expires 10-15-91

TOWNSHIP 13 S., RANGE 26 E. B. M. CASSIA COUNTY, IDAHO

(55)



100' WIDE STRIP PURCHASED BY
 CITY OF MALTA
 FROM JAMES L. LARSEN
 MALTA, IDAHO
 (47 18 ACRES)

See 43-04192
 for plat map.

COMMERCIAL
 SECURE BANK
 MALTA
 COMMERCIAL
 SECURITY BANK
 MALTA

MICROFILMED
 MAR 02 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Re: A43-10508
A43-02046A
A43-04191
A43-02271
A43-00088
A43-04192
A43-04193
A43-10102
A43-00412
A43-10501

July 17. 1989

Albert Jay Cottle
HC 61 Box 1232
Malta, Id 83342

Dear Claimant(s):

Please find enclosed your receipt and a copy of a computer generated claim based on the information from your original claim(s) which has been entered in our computer records.

Please review the computer generated claim for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of your claim(s), please contact this office.

Yours truly,

Judy Givens
Adjudication Secretary

/jg

Enclosures:

MICROFILMED
MAR 02 1993

06/11/2001

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

RIGHT NUMBER: 43-88

NAME AND ADDRESS: ALBERT JAY COTTLE
JULENE COTTLE
1750 S COTTLE LN BOX 1232
MALTA, ID 83342

SOURCE: CASSIA CREEK TRIBUTARY: RAFT RIVER

QUANTITY: 0.06 CFS

VERIFIED BY *LKC*

PRIORITY DATE: 03/01/1880

POINT OF DIVERSION: T13S R26E S14 NENENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03-15 11-15

QUANTITY
0.06 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County
T13S R26E S12 SWNW 2.4

2.4 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 2.4 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS. 43-88 AND 43-4192.

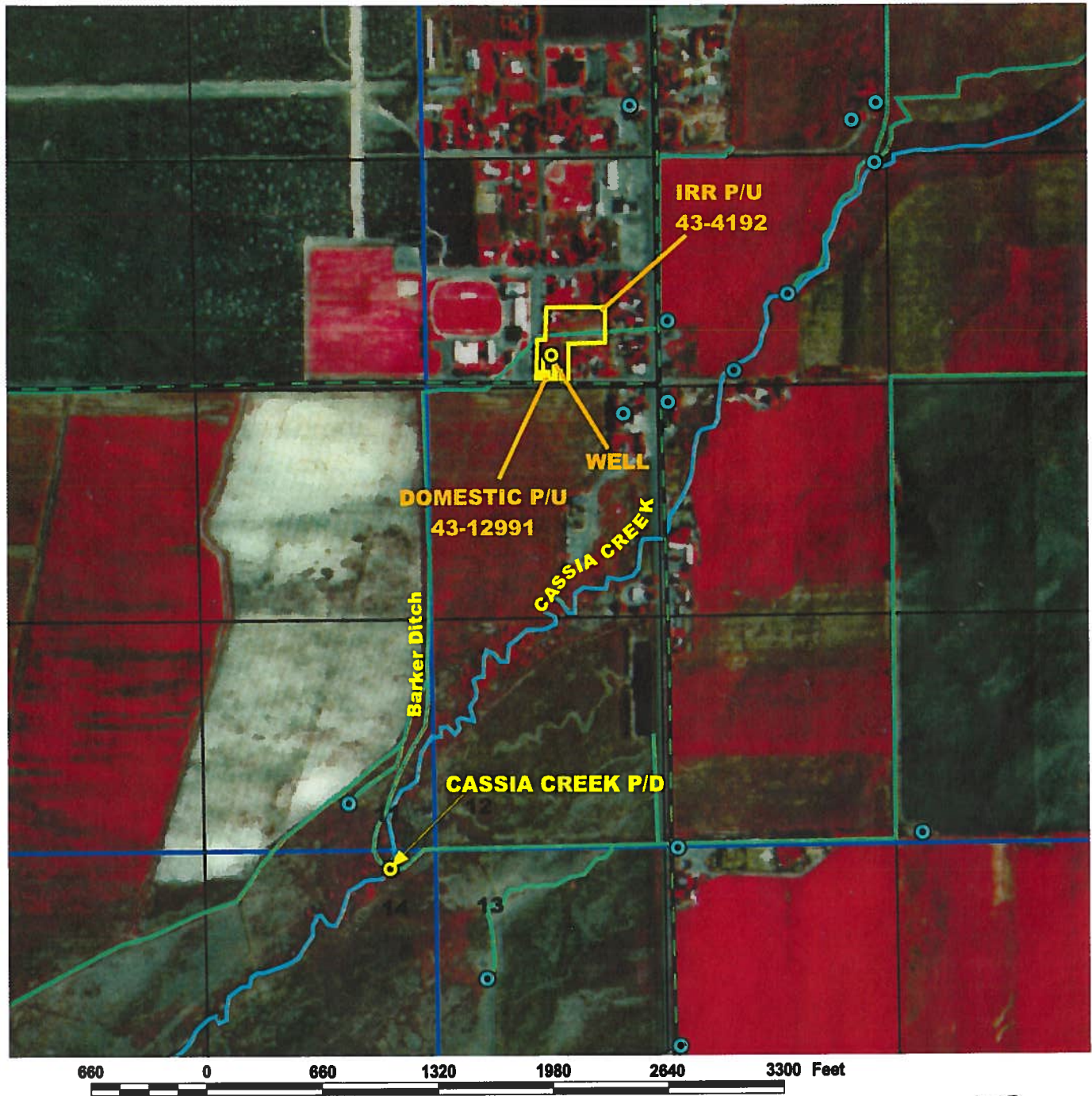
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

WATER IS DELIVERED THROUGH THE HARPER DITCH.

RECOMMENDED PLACE OF USE FOR 43-88, 43-4192, AND 43-12991



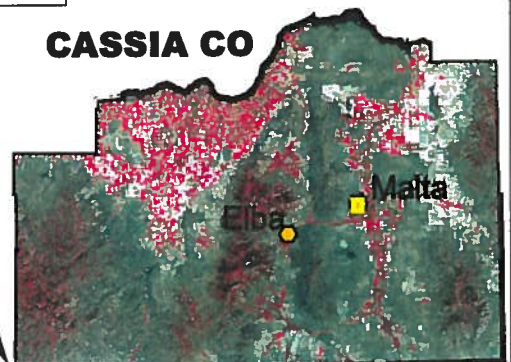
PLACE OF USE
TWP 13S, RNG 26E, SEC 12
Data entry on March 27, 2001

GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

- RECOMMENDED POINT OF DIVERSION
- RECOMMENDED PLACE OF USE
- SECTION LINES
- QUARTER/QUARTER LINES



CASSIA CO



43-88

Change Epp Remark to Harper ditch

43-2241

Add Remark

Source Locally Known as
Parke Creek

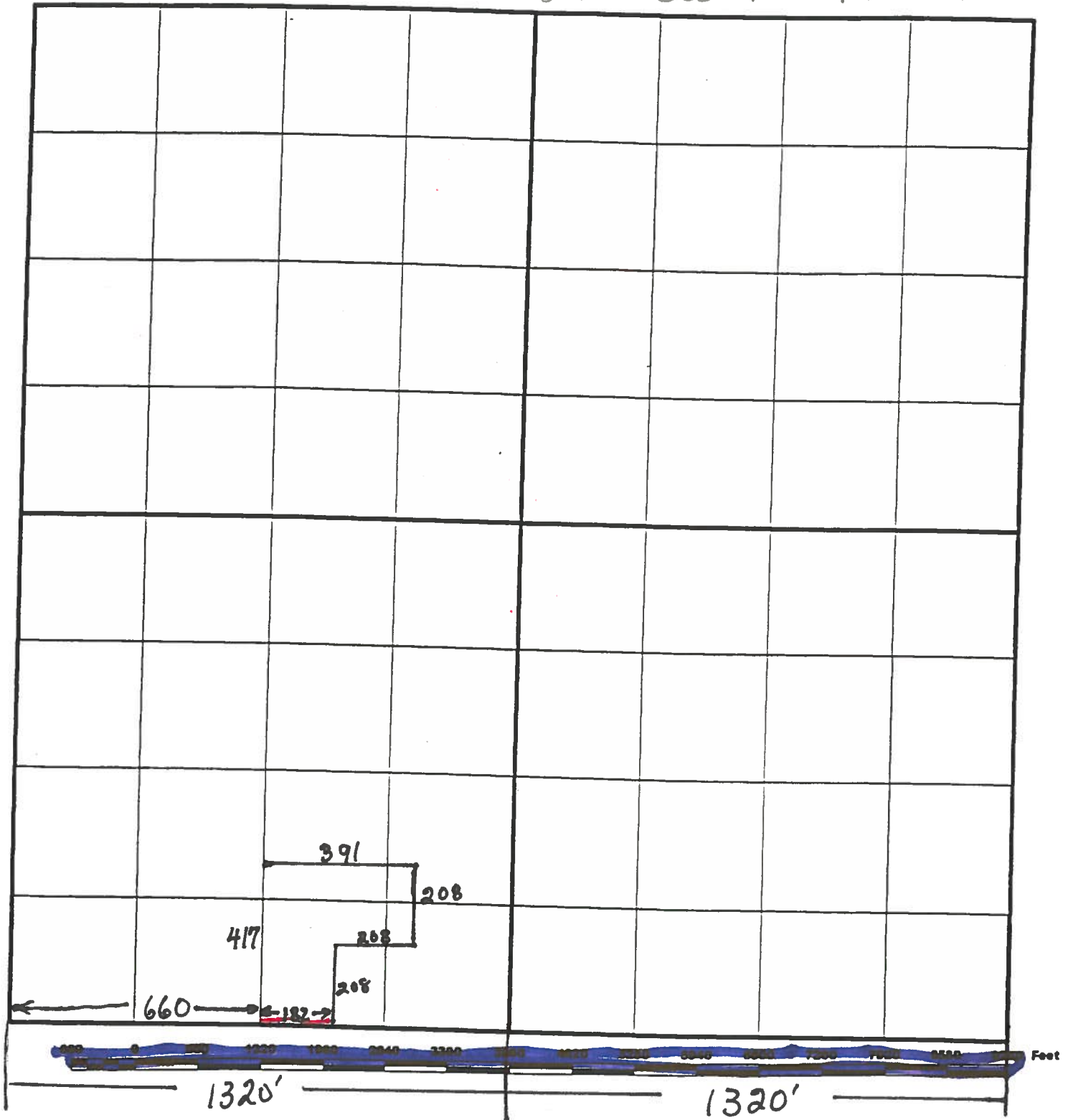
Response to NOE

Office Visit on 6-11-01

Kelly H. Christensen

IDAHO DEPARTMENT OF WATER RESOURCES

13S 26E Sec 12 NW 1/4



3-31-1880 - 20" described in T-210 and
4-30-1882 - 80" Warranty deed Shambroich to Cottle (1941)

43-88 priority date = 3-1-1880

03/27/2001

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

RIGHT NUMBER: 43-88

NAME AND ADDRESS: ALBERT JAY COTTLE
JULENE COTTLE
HC 61 BOX 1232
MALTA, ID 83342

SOURCE: CASSIA CREEK

TRIBUTARY: RAFT RIVER

QUANTITY: 0.06 CFS

VERIFIED BY KKC

PRIORITY DATE: 03/01/1880

POINT OF DIVERSION: T13S R26E S14

NENENE

Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03-15 11-15

QUANTITY
0.06 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County
T13S R26E S12 SWNW 2.4

2.4 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 2.4 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS. 43-88 AND 43-4192.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

WATER IS DELIVERED THROUGH THE BARBER DITCH.

~~Barber Ditch~~ Chg to Harper Ditch
6-11-01
KKC

Allocations 43-88

43-88 priority 3-1-1880 decreed to 13S 26E S-6 NW 1/4

CLAIM

43-88 priority 3-1-1888 claimed on 13S, 26E, 12, SW 1/4
documentation accompanying claim 43-4192

1. T-212 approved 10-30-1917 to move 3" of water to 2 3/4 ac in 13S, 26E, 12 SW NW.

Water appurtenant to above lands decreed in
Darby vs Jones with following priority dates:

20 in 3-31-1880

80 in 4-30-1882

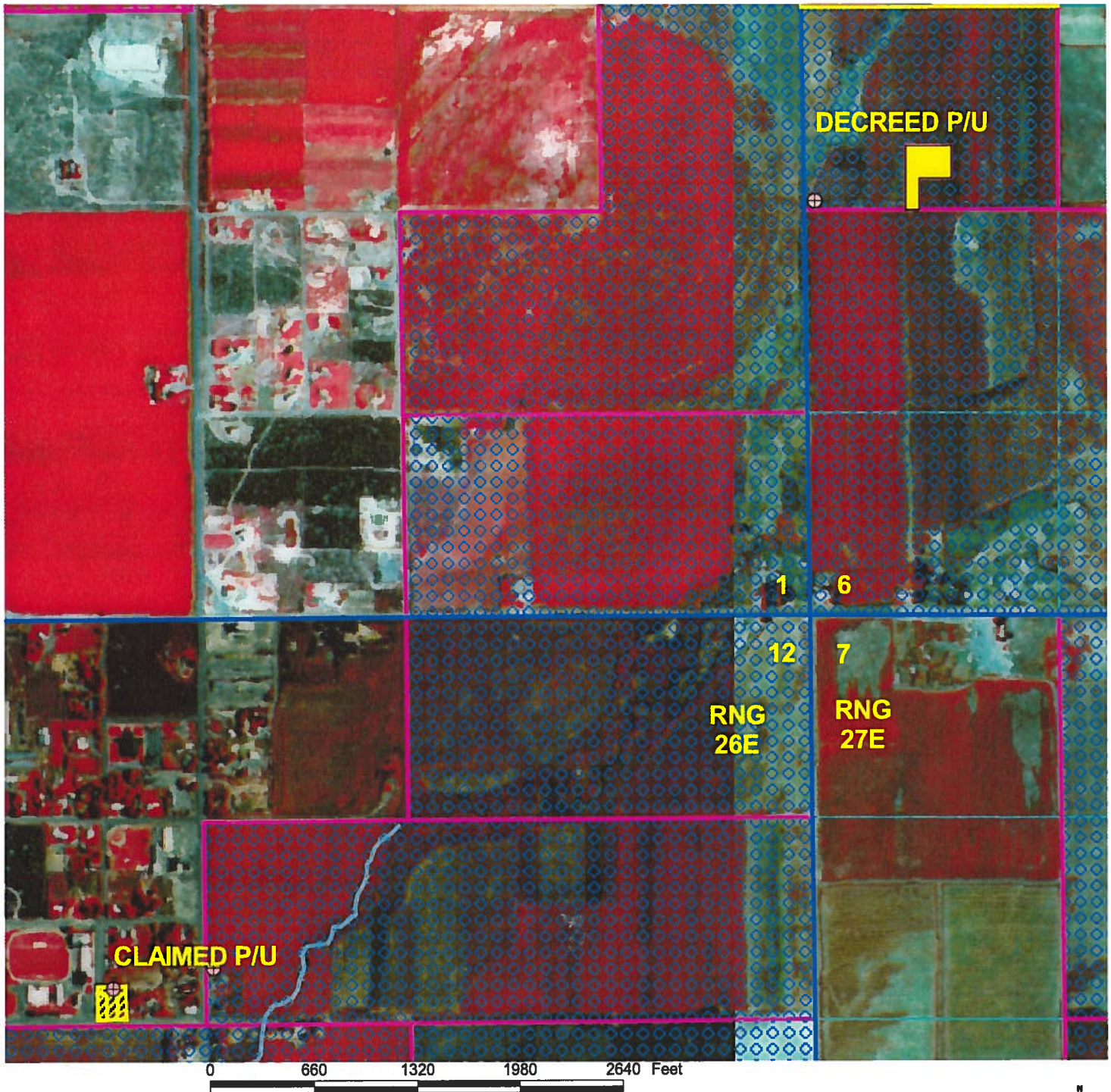
2. Issue is that if the transfer was pre Jobe Adams it should have been included in that decree.
3. The transfer identifies 2 rights with different priority dates.
4. Warranty deed in 1938 identifies the same water rights as listed in item 1 above.

WATER RIGHTS LISTED IN ALLOCATIONS DATABASE									
FOR 13S 26E SEC 12 NW1/4									
Basin Number	Sequence Number	Basis	Priority Date	Diversion Rate	Source List	Water Use List	Owner List	Source Table	
43	4153	Statutory Claim	10/30/17	0.06	CASSIA CREEK	IRRIGATION	ALBERT J COTTLE (Current Owner)	wrWaterRight	
43	4157	Statutory Claim	1/1/33	0.05	GROUND WATER	COMMERCIAL, IRRIGATION	JAMES L BENNETT (Current Owner), JEANETTE B BENNETT (Current Owner)	wrWaterRight	
43	4161	Statutory Claim	7/1/53	0.09	GROUND WATER	IRRIGATION	CHURCH OF JESUS CHRIST LATTER DAY SAINTS (Current Owner)	wrWaterRight	
43	4163	Statutory Claim	3/1/63	0.04	GROUND WATER	DOMESTIC	CHURCH OF JESUS CHRIST LATTER DAY SAINTS (Current Owner)	wrWaterRight	
43	4192	Statutory Claim	10/30/17	0.12	GROUND WATER	DOMESTIC, IRRIGATION	ALBERT J COTTLE (Current Owner)	wrWaterRight	
43	4197	Statutory Claim	6/29/61	2.4	GROUND WATER	IRRIGATION	DBA C & Y FARMS (Current Owner), J R SIMPLOT CO (Current Owner)	wrWaterRight	
43	7019	License	1/15/71	0.1	GROUND WATER	FIRE PROTECTION	RAFT RIVER FIRE PROTECTION DISTRICT (Current Owner)	wrWaterRight	
43	10838	Decreed	8/29/56	0.04	GROUND WATER	DOMESTIC	RAFT RIVER RURAL ELECTRIC CO-OP INC (Directors Report Owner), SHAWN KNUDSEN (Current Owner)	wrWaterRight	
WATER RIGHTS LISTED IN ALLOCATIONS DATABASE									
FOR 13S 27E SEC 6 NW1/4									
Basin Number	Sequence Number	Basis	Priority Date	Diversion Rate	Source List	Water Use List	Owner List	Source Table	
43	15	Decreed	1883-09-11	1.6		DOMESTIC, IRRIGATION	CASSIA CREEK IRRIGATION CO (Current Owner)	wrWaterRight	
43	86	Decreed	1880-03-01	0.34		IRRIGATION	SARAH BOULWARE (Current Owner)	wrWaterRight	
43	87	Decreed	1882-04-30	1.6		IRRIGATION	SARAH BOULWARE (Current Owner)	wrWaterRight	
43	88	Decreed	1880-03-01	0.06		IRRIGATION	SARAH BOULWARE (Current Owner)	wrWaterRight	
43	2362	License	2/24/51	1.89	GROUND WATER	IRRIGATION, STOCKWATER	R J HARPER (Current Owner)	wrWaterRight	
43	2526	License	6/5/61	1.88	GROUND WATER	IRRIGATION, STOCKWATER	R J HARPER (Current Owner)	wrWaterRight	

IDAHO DEPARTMENT OF WATER RESOURCES

43-00088

CLAIM P/U VS DECREED P/U



TWP 13S; RNG 27E
FIELD EXAM DATE AGENT

JPEG LAYOUT CREATED

GIS PLACE OF USE PRESENTATION
1987 AND/OR 1988 NAPP PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

- AREA STREAMS
- AREA DITCH SYSTEM
- OUTSIDE CLAIMED P/U
- CLAIMED POINT OF DIVERSION
- CLAIMED PLACE OF USE
- SECTION LINES
- QUARTER QUARTER LINES

CASSIA Co.





State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION
February 10, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ALBERT JAY COTTLE
1160 E TELEGRAPH ST 186
WASHINGTON UT 84780

RE: SNAKE RIVER BASIN ADJUDICATION CLAIM: A43-00088

Dear Mr Cottle

Enclosed is an amended claim form with the place of use Range changed from 27E to 26E. It is my understanding that this is the only error in the description of the water right. You must sign the amended claim form, have your signature notarized, and then return the form to this office. Once we receive the signed and notarized form we can update the claim.

If the above address is your new mailing address, please cross out your old address on the claim form and enter the new address.

If you have any questions please call this office.

Sincerely

Kelly K Christensen
Senior Water Resource Agent
Enclosure

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A43-00088

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent D Jones Date 2/5/99

Contact Person(s) Albert Cottle

Nature of Contact Error in DOU.

Substance of Communication BLM told him his place
of use on his claim is in error.

Presently described as 135 27E 12 SWNW
Should be 135 26E 12 SWNW

Prepare Amended claim and send
it to: Albert Cottle

1160 East Telegraph St #186
Washington UT 84780

His map shows proper location,
but was data entered & notarized
wrong.