

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-220 V1

WATER RIGHT NUMBER: 43-220 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TRUDY TRACY 2262 E 1500 S MALTA, ID 83342-8628 (208)645-2432
Current Owner	KEVIN W TRACY 2262 E 1500 S MALTA, ID 83342 (208)645-2432
Original Owner	ALVIN NEDDO 2252 E 1500 S MALTA, ID 83342-8628 (208)645-2270
Original Owner	ROSELLA NEDDO HC 67 BOX 1000 MALTA, ID 83342 (208)645-2270

Priority Date: 05/10/1908

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
CASSIA CREEK	RAFT RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	1.200 CFS	
	<u>Total Diversion:</u>	1.200 CFS	

Location of Point(s) of Diversion

CASSIA CREEK	SE1/4SE1/4NW1/4	Sec. 12, Twp 13S, Rge 26E, B.M.
CASSIA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	6									39.0	50.0	45.0	37.0				38.0	209.0
											L 6	L 7							

Total Acres: 219

Conditions of Approval:

1. E51 RIGHT NOS. 43-00217, 43-00218, 43-00219, 43-00220, 43-02249, 43-02502 AND 43-12954 ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.50 CFS.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-220 V1

2. E55 RIGHT NOS. 43-00217, 43-00218, 43-00219, 43-00220, 43-02249, 43-02502 AND 43-12954 ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 209 ACRES IN A SINGLE IRRIGATION SEASON.
3. C18 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.

Remarks:

Comments:

1. CFRITSCH 1/30/2001 Copied from remarks

Comment: 4.38 CFS LICENSED GROUNDWATER, 5.5 CFS DECREED CASSIA CREEK WATER & 4.0 CFS RAFT RIVER WATER USED ON PROPERTY.

Water Supply Bank:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
 JAN 24 2006
 Department of Water Resources
 Southern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
43-217 ✓			43-2445		
43-218			43-2502		
43-219			43-12945 ⁵⁴		
43-220					
43-2249					

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Alvin Neddo and Rosella Neddo
2252 East 1500 South, Malta, ID 83342
4. New Owner/Claimant(s) Kevin W. Tracy and Trudy Tracy
 Name Connector (Check one): [] and, [] or, ☒ and/or
2262 East 1500 South, Malta, ID 83342
- New Mailing Address _____
- City, State and ZIP Code _____
- New Telephone Number (208) 645-2432
5. Date you acquired the property January 6, 2006

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7.

Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

Kevin D. Tracy
Judy Tracy

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by *[Signature]*
Receipted by *[Signature]*
Processed by _____

Date 1/24/06
Date 1/25/06
Date _____

Fee 200.00
Receipt No. 8028335
WR _____ Date _____

WARRANTY DEED

FOR VALUE RECEIVED BEING THE LOVE AND AFFECTION FOR THE GRANTEES, Charles Alvin Neddo, aka Alvin Neddo, and Rosella Neddo, husband and wife, the Grantors, do hereby grant, bargain, sell and convey to Kevin W. Tracy and Trudy Tracy, husband and wife, whose present address is 2262 East 1500 South, Malta, Idaho 83342, the Grantees, the following described premises, located in Cassia County, Idaho, to-wit:

East Half of Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$) of Section Thirty (30), Township Twelve (12) South, Range Twenty-seven (27) East, Boise Meridian; and Lots Six (6) and Seven (7), East Half Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$) and Southwest Quarter Southwest Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Six (6), Township Thirteen (13) South, Range Twenty-seven (27) East, Boise Meridian, SAVE AND EXCEPTING the following three (3) parcels described as follows:

Parcel 1:

Commencing 162 feet North of the Southwest corner of Lot 7, Section 6, Township 13 South, Range 27 East of the Boise Meridian; Thence running North 84 feet; Thence East 168 feet; Thence South 246 feet; Thence West 108 feet; Thence North 162 feet; Thence West 60 feet to the Point of Beginning.

Parcel 2:

Township 13 South, Range 27 East, Boise Meridian, Cassia County, Idaho.

Section 6: A part of Lot 7 of said Section 6, more particularly described as follows: Beginning at a point located North 89°43' West 4606.34 feet from the Southeast corner of said Section 6; Thence North 89°43' West 323.87 feet along the South section line; Thence North 0°43'57" West 134.50 feet; Thence South 89°43' East 323.87 feet; Thence South 0°43'57" East 134.50 feet to the Point of Beginning.

Parcel 3:

Township 13 South, Range 27 East, Boise Meridian, Cassia County, Idaho.

Section 6: A part of Lot 7 of said Section 6, more particularly described as follows:

Beginning at a point located North 89°43' West 4930.21 feet from the Southeast corner of said Section 6; Thence North 89°43' West 157.83 feet along the South section line; Thence North 0°43'57" West 276.00 feet; Thence South 89°43' East 157.83 feet; Thence South 0°43'57" East 276.00 feet to the Point of Beginning.

Together with all water and water rights appurtenant thereto including, but not limited to the following:

Idaho Department of Water Resources Water Right Nos: 43-217; 43-218; 43-219; 43-220; 43-2249; 43-2445; 43-2502; and 43-12945.

Subject to property taxes for 2006 and subsequent years and any easements or rights of way apparent or recorded on said real property

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees that Grantors the owners in fee of said premises, that said premises are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 6th day of January, 2006.

Charles Alvin Neddo
Charles Alvin Neddo

Rosella Neddo
Rosella Neddo

STATE OF IDAHO)
) ss.
County of Minidoka.)

On this 6th day of January, 2006 before me the undersigned Notary Public in and for said State, personally appeared Charles Alvin Neddo and Rosella Neddo, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

(SEAL)

WILLIAM T. GOODMAN
NOTARY PUBLIC
STATE OF IDAHO

William T. Goodman
Notary Public
Residing at Rupert, Idaho
My Commission Expires: 12/24/10

RECORDED AT THE REQUEST OF
William T. Goodman
Notary Public
Rupert ID 83350

2006 JAN 9 AM 11 00

CASSIA COUNTY, IDAHO
LARRY A. MICKELSEN
RECORDER
FEE 900 DEPUTY W



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

January 25, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

KEVIN & TRUDY TRACY
2262 E 1500 S
MALTA ID 83342

Re: #43-217, #43-218, #43-219, #43-220, #43-2249, #43-2445, #43-2502,
#43-12954

Dear Mr. and Mrs. Tracy,

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the records of current ownership to you. Please find the enclosed copies of the computer records of the water rights noting the change in owners. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

Carrie Hahn
Office Specialist

Enc.

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: A43-00220
Date Received: 4/20/1989
Receipt No: S006917
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALVIN NEDDO 208-645-2270
Address: HC 67, BOX 1000
MALTA, ID 83342

AND/OR

Name: ROSELLA NEDDO 208-645-2270
Address: HC 67, BOX 1000
MALTA, ID 83342

2. Date of Priority: MAY 10, 1908

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	1	SE	NW			CASSIA

5. Description of diverting works:
HEADGATE & DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.200		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A43-00220

Page 1

Date: 04/20/89

MICROFILMED
MAR 02 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13S	27E	6	NE		SW		IRR	40.0
			NW		SW	6	IRR	50.0
			SW		SW	7	IRR	49.0
			SE		SW		IRR	40.0
			SW		SE		IRR	40.0
							Section Acres	219.0
							Total Acres	219.0

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:

A43-02502, 00218, 00219, 00220, 02249

14. Remarks:

4.38 CFS LICENSED GROUNDWATER, 5.5 CFS DECREED CASSIA CREEK
WATER & 4.0 CFS RAFT RIVER WATER USED ON PROPERTY.

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 _____ 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): X Alvin Treddo Date: X 4/20/1989

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 20th day
of April 1989

Robert V. Worstell
Notary Public

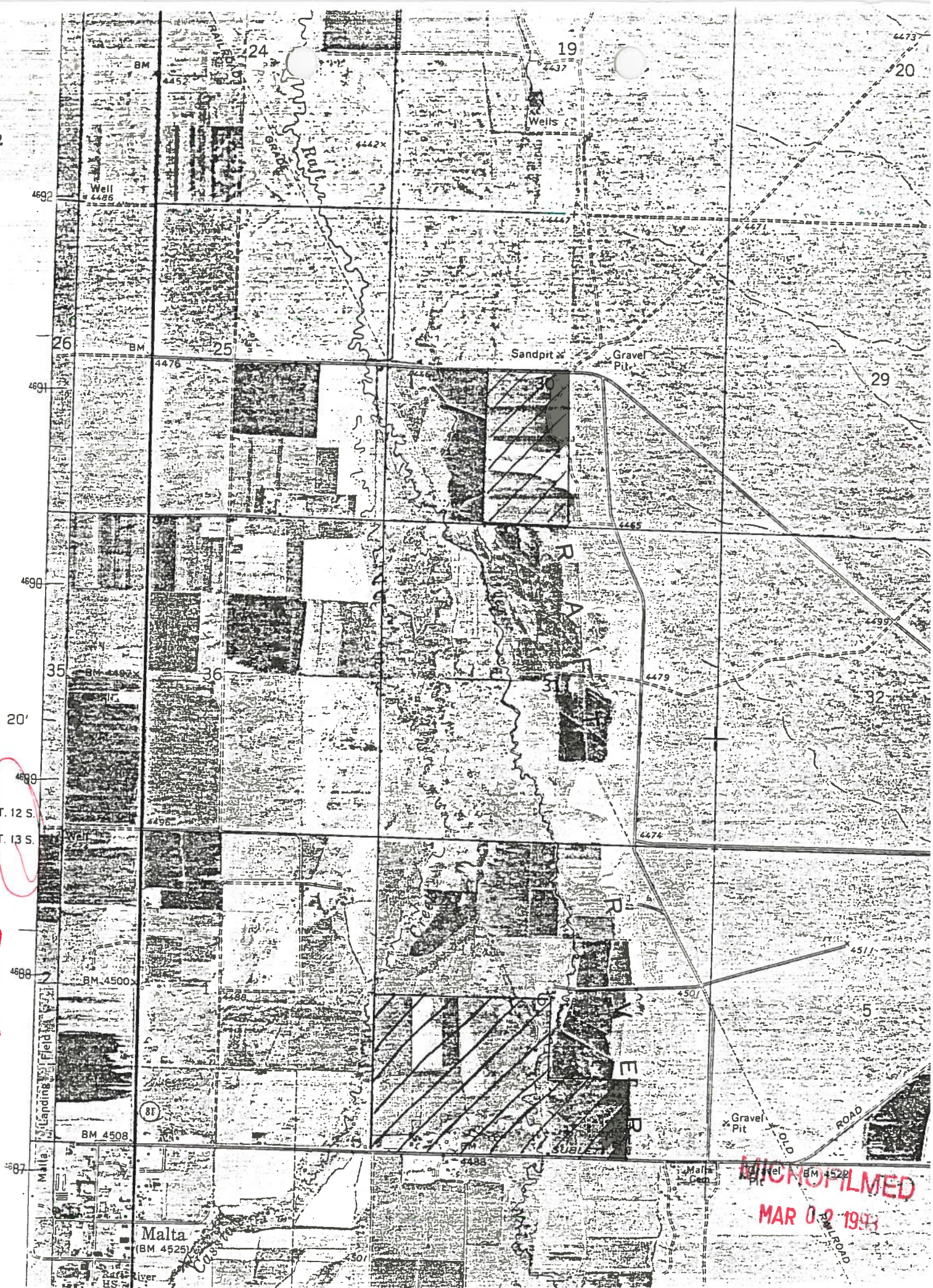
Seal



Residing at Twin Falls, Idaho
My Commission Expires 1/16/1995

T. 12 S.
T. 13 S.

R 27 E



MICROFILMED
MAR 02 1993

05/10/2001

RECEIVED
JUN 18 2001
Department of Water Resources
Southern Region

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 15, 2001

Water right number: 43-220

ALVIN NEDDO
HC 67 BOX 1000
MALTA ID 83342
Telephone Number: (208)645-2270

ROSELLA NEDDO
HC 67 BOX 1000
MALTA ID 83342
Telephone Number: (208)645-2270

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

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

DATE: 6/10/01 SIGNATURE: Alvin Neddo
Please print your name: ALVIN NEDDO

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, (208)736-3033

03/01/2001

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

RIGHT NUMBER: 43-220

NAME AND ADDRESS: ALVIN NEDDO
ROSELLA NEDDO
HC 67 BOX 1000
MALTA, ID 83342

SOURCE: CASSIA CREEK TRIBUTARY: RAFT RIVER

QUANTITY: 1.2 CFS

RIGHT NOS. 43-00217, 43-00218, 43-00219, 43-00220, 43-02249,
43-02502 AND 43-12954 ARE LIMITED TO A TOTAL COMBINED DIVERSION
RATE OF 5.50 CFS.

PRIORITY DATE: 05/10/1908

POINT OF DIVERSION: T13S R26E S12 SESENW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03-15 11-15	1.20 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>				
T13S R27E S6	NESW	39	T13S R27E S6	LOT 6 NWSW 50
T13S R27E S6	LOT 7 SWSW	45	T13S R27E S6	SESW 37
T13S R27E S6	SWSE	38		

209 ACRES TOTAL

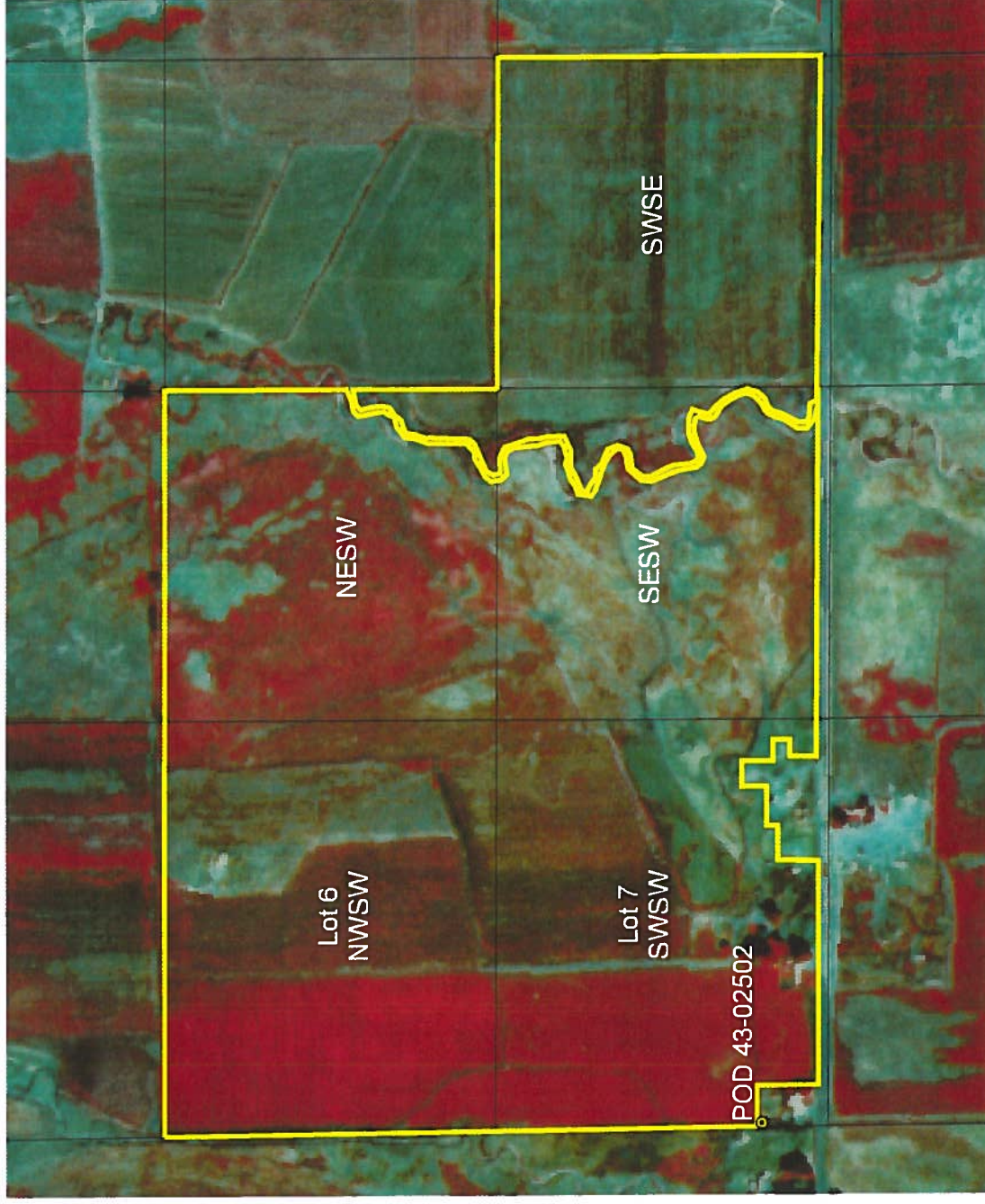
RIGHT NOS. 43-00217, 43-00218, 43-00219, 43-00220, 43-02249,
43-02502 AND 43-12954 ARE LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 209 ACRES IN A SINGLE IRRIGATION SEASON.

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

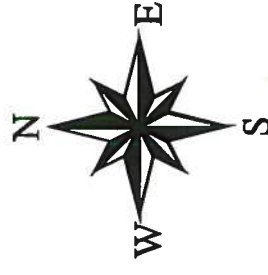
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO
CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

43-00217, 43-00218, 43-00219, 43-00220 43-02249, 43-02502 & 43-12954



T13S R27E S06



1000 0 1000 2000 Feet



Map prepared by: Carter Fritschle
Date prepared: 01/29/01
1987-1988 NAPP photography
Idaho Department of Water Resources

R PROOF

CVR

MAPS

PHOTOS

MISC

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