

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: A43-00221

Date Received: 3/22/1989

Receipt No: 500 6637 AD

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: A. D. NYE 208-645-2591
Address: H.C. 72 BOX 2000
MALTA, ID 83342

AND/OR

Name: ANN NYE 208-645-2591
Address: H.C. 72 BOX 2000
MALTA, ID 83342

2. Date of Priority: OCT 01, 1905 ✓

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

4. Point of Diversion:

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

5. Description of diverting works:
CHECKDAMS & DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.200 ✓		

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

8. Total consumptive use is 462.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A43-00221

Page 1

Date: 03/22/89

MICROFILMED
MAR 02 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13S	26E	13	SW		NE		IRR	35.0
			SE		NE		IRR	39.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
Section Acres								154.0
Total Acres								154.0

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:
A43-10064

14. Remarks:

CASSIA CREEK IS SPLIT INTO TWO STREAMS WITHIN THE NENWSE S. 21 T13S, R26E. THIS WATER IS DIVERTED FROM THE SOUTHERN STREAM OR WHAT IS ALSO KNOWN AS THE MIDDLE STREAM.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

ALBION-IDAHO LAND CO.
Decree Plaintiff

vs

JOBE ADAMS ET AL
Decree Defendant

16. Signature(s)

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

Number of attachments: 1 M2p

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): A. D. Myer Date: 3/22/89
Date: _____

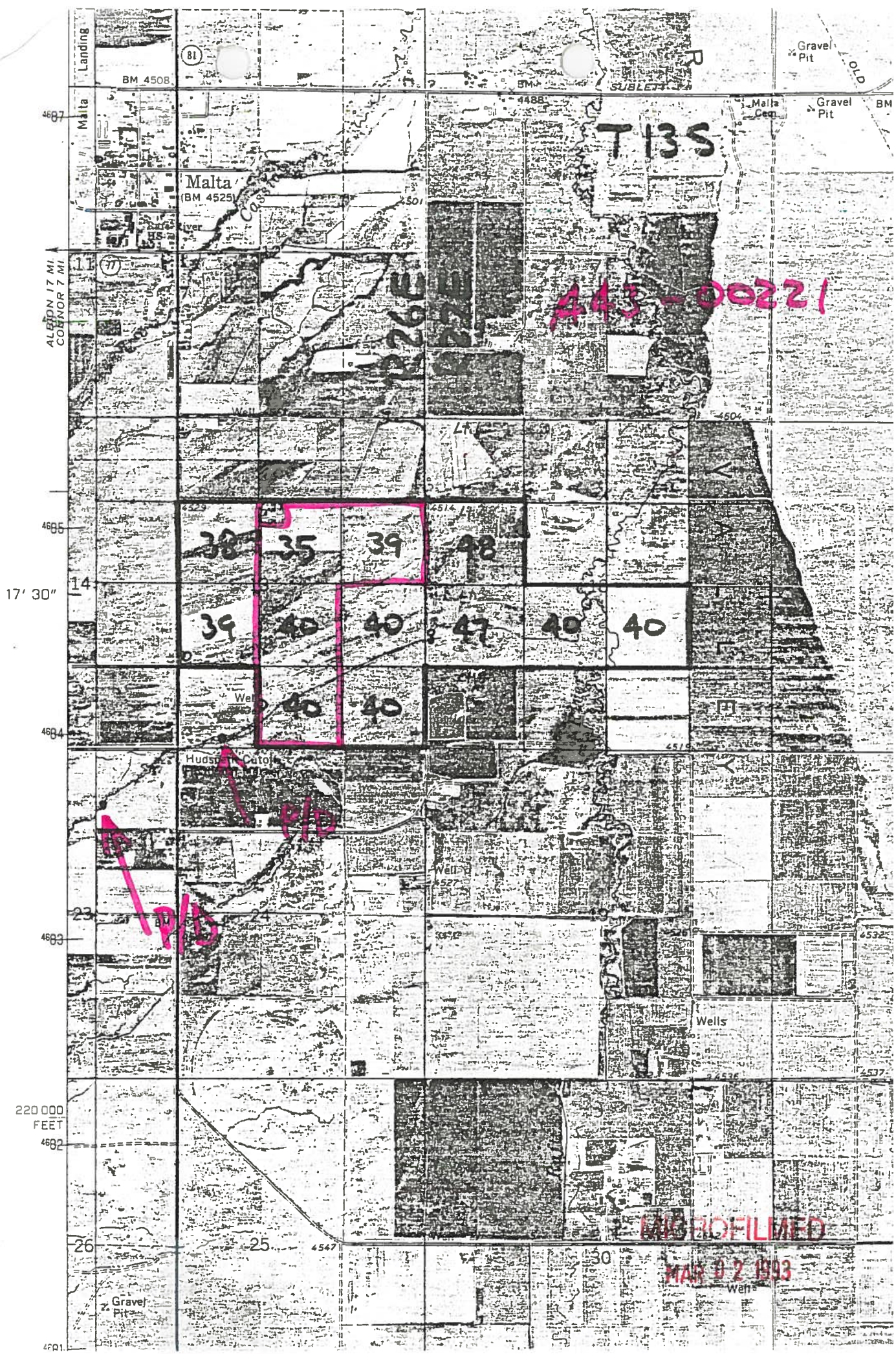
State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 22nd day
of March 19 89

[Signature]
Notary Public

Seal

Residing at Kimberly, Id.
My Commission Expires 6/30/92



NOTICE OF ERROR
REPLY

05/10/2001

RECEIVED
JUN 18 2001
Department of Water Resources
Southern Region

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: 43-221

ANN NYE
HC 72 BOX 2000
MALTA ID 83342
Telephone Number: (208)645-2591

A D NYE
HC 72 BOX 2000
MALTA ID 83342
Telephone Number: (208)645-2591

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:

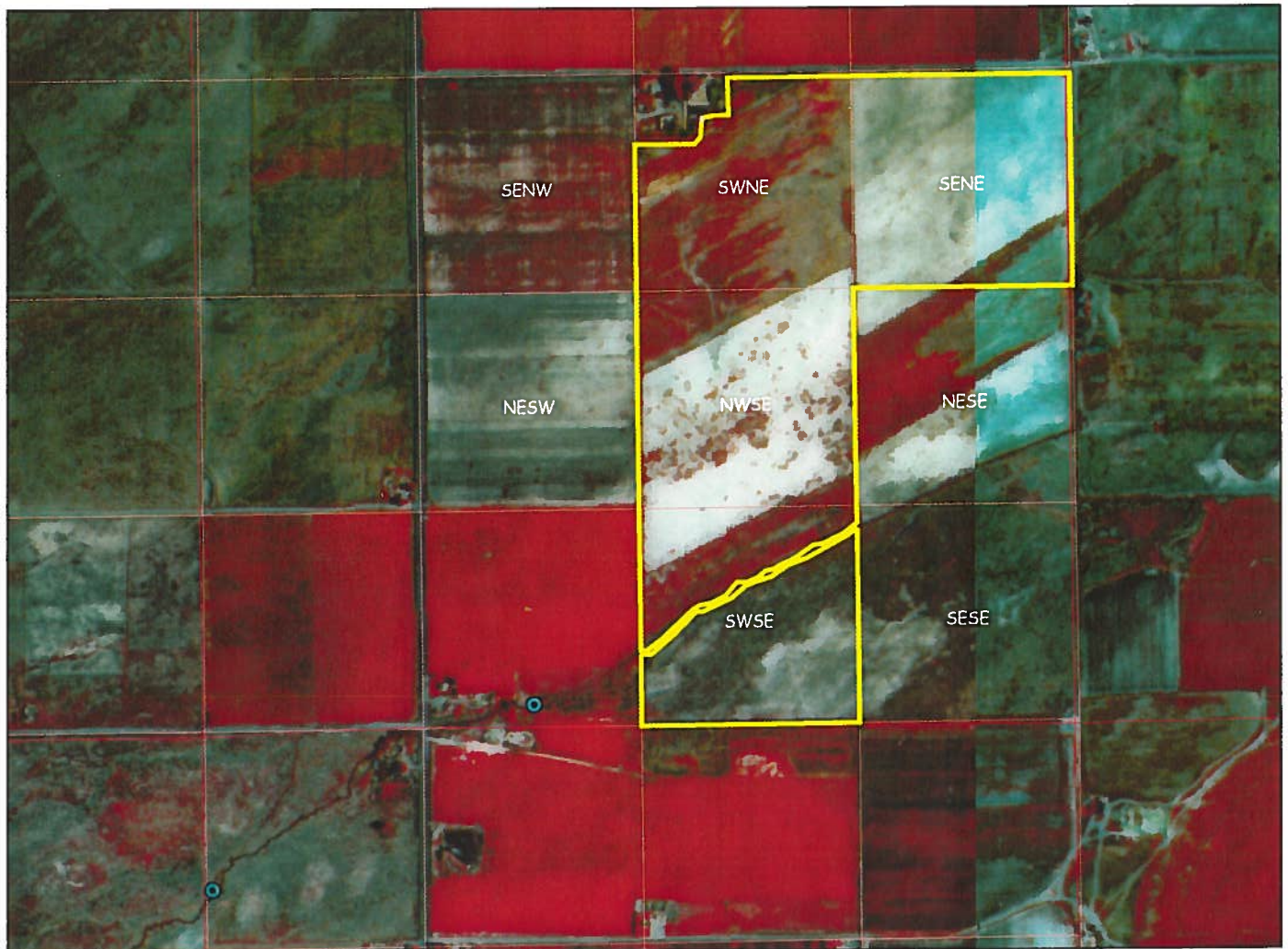
☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 6/8/01 SIGNATURE: A. D. Nye
Please print your name: A. D. Nye

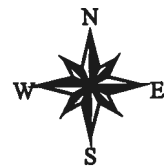
IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, (208)736-3033

Idaho Department of Water Resources

Place of Use Layout 43-221



Township 13S Range 26E Section 13



GIS Place of Use Presentation
1987 and/or 1988 NAPP photography.
Map prepared by: Scott King
Date prepared: May 8, 2001

- Points of Diversion (Cassia Creek)
- 43-221 Place of Use
- Section lines
- Quarter-quarter lines

05/09/2001

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

RIGHT NUMBER: 43-221

NAME AND ADDRESS: A D NYE
ANN NYE
HC 72 BOX 2000
MALTA, ID 83342

SOURCE: CASSIA CREEK

TRIBUTARY: RAFT RIVER

QUANTITY: 3.06 CFS

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 43-10064 SHALL
PROVIDE NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 10/01/1905

POINT OF DIVERSION: T13S R26E S13
T13S R26E S24

SESESW
SNNWNW

Within CASSIA County
Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03-15 11-15

QUANTITY
3.06 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

T13S R26E S13	SWNE	35	T13S R26E S13	SENE	39
T13S R26E S13	NWSE	40	T13S R26E S13	SWSE	39

153 ACRES TOTAL

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

RIGHT NO. 43-144A IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE (T13S R26E S13 SESESW).

RIGHT NO. 43-251A IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE (T13S R26E S13 SNNWNW).

Idaho Dept of Water Resources

Date: 3-21-2001

File: 43-149, 43-150, 43-151A, 43-152, 43-2535
43-221, 43-251A, 43-144A, 43-10064

Prepared by Scott King

Claims review notes and narrative Claimants: A. D. Nye, Ann Nye

43-149, 43-150, 43-151A, 43-152, 43-2535 SYSTEM ANALYSIS

Water rights 43-149, 43-150, 43-151 & 43-152 for Cassia Creek water are included in the Jobe Adams decree. Right 43-2535 is a license for ground water. The four decreed Cassia Creek rights all claim irrigation of the same acres in four quarter-quarter sections (175 acres total). The decree lists the same quarter-quarters but did not list a specific number of acres (typical for this decree). The ground water license (43-2535) provides 130 acres within the same quarter-quarters.

GIS analysis indicates a total of 172 irrigable acres in this tract with subtractions for roads, a ranch, and for Raft River.

The claimed point of diversion for surface water is identifiable on the imagery and appears to match the identified point in the file map. The ground water well is located near the surface water diversion and matches the licensed point.

All of the above rights, except for 43-151, were claimed only by Nye. 43-151B is claimed by Hutchison as 0.8 cfs for 45 acres. Part A is claimed by Nye at 1.6 cfs for 175 acres. As decreed, 43-151 provides 1.6 cfs for irrigation of four quarter-quarters (maximum possible of 177 acres in this tract, 172 irrigable). Although we were unable to find department records of this split, a statement by the watermaster indicates a long history of delivering this right with a 50/50 split (0.8 cfs delivered to each party). Therefore, 43-151B is recommended for 0.8 cfs, 44 acres. 43-151A is recommended for 0.8 cfs and 128 acres (172 irrigable less 44 for part B).

Three rights are recommended at a total 172 acres (43-149, 43-150 & 43-152); the remaining rights provide a specified number of acres within the 172-acre permissible place of use.

RECOMMENDATION SUMMARY

43-149	172 acres at	1.20 cfs, Cassia Creek, priority 4/30/1880
43-150	172 acres at	0.40 cfs, Cassia Creek, priority 4/30/1881
43-151A	128 acres within a 172 acre PPU at	0.80 cfs, Cassia Creek, priority 4/01/1894
43-152	172 acres at	0.80 cfs, Cassia Creek, priority 4/01/1905
43-2535	130 acres within a 172 acre PPU at	2.04 cfs, Ground water, priority 8/31/1961
	Total	5.24 cfs

ONE INCH PER ACRE LIMITATION
FOR THE FOUND PLACE OF USE
 $172 \text{ ac} \times 0.02 \text{ cfs} = 3.44 \text{ cfs}$

05/08/2001

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

RIGHT NUMBER: 43-221

NAME AND ADDRESS: A D NYE
ANN NYE
HC 72 BOX 2000
MALTA, ID 83342

SOURCE: CASSIA CREEK TRIBUTARY: RAFT RIVER

QUANTITY: 3.06 CFS

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 43-10064 SHALL
PROVIDE NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 10/01/1905

POINT OF DIVERSION: T13S R26E S13 SESESW Within CASSIA County
T13S R26E S24 SWNWNW 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	3.06 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>			
T13S R26E S13	SWNE	35	T13S R26E S13 SENE 39
T13S R26E S13	NWSE	40	T13S R26E S13 SWSE 39

153 ACRES TOTAL

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

RIGHT NO. 43-144A IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE (T13S R26E S13 SESESW).

RIGHT NO. 43-251A IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE (T13S R26E S13 SWNWNW).

CLAIM NUMBER

A 43-00221

DATE

TRANSFER NUMBER

AGENT

CLAIMED ACRE TOTAL

GIS ACRE TOTAL

	TWP	RNG	SEC	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM	13S	26E	13			35	39										40	40	15
GIS						35.2	39.0										39.9	40.0	15
RECOM						35	39										40	39	15
<i>John Adams Decree</i>						0	0										0	0	
CLAIM																			
GIS																			
RECOM																			
CLAIM																			
GIS																			
RECOM																			

B43-DBPOU.SHP

SHAPE NOS.

There is an overlap with 43-00251 in the SENE (as decreed). The decree may be in error for the P/U for 43-00251.

43-DBPOD.SHP

NOS. DESCRIPTION

43-00221 claimed in full. The claimed place of use matches the decreed place of use.

Decree: Frederick J & Hanna Nye

1905-Oct 1 3.2 cfs "Diverted for irrigation of ... (88's listed)"

POD 396441 = Sec 24 ^{SWNW1/4} Coincident 396490 (43-251A)
 396442 = Sec 13 ^{SESE1/4} Coincident 396406 (43-144)

DBF TABLES UPDATED

POU IO = #7137

B43-DBPOU.DBF

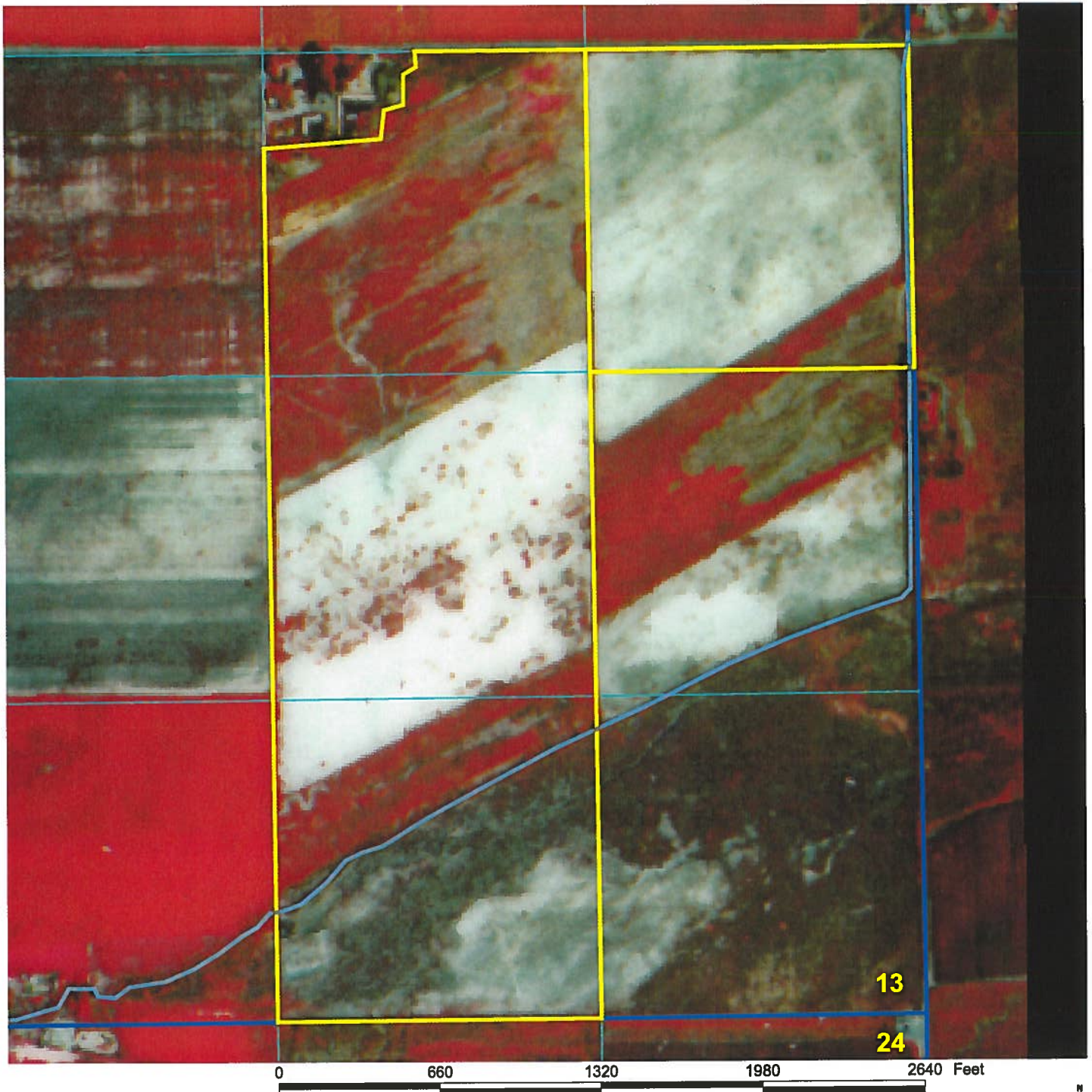
Division Rate = 0.02 cfs/acre x 153 = 3.06 cfs

B43-DBPOD.DBF

JPEG LAYOUT

IDAHO DEPARTMENT OF WATER RESOURCES

CLAIMED P/U FOR 43-00221



TWP 13S; RNG 26E
FIELD EXAM DATE AGENT

JPEG LAYOUT CREATED _____

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

CLAIMED P/U
SECTION LINES
QUARTER QUARTER LINES

CASSIA Co.

