

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 43-229 V2

WATER RIGHT NUMBER: 43-229 V2

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	YVONNE F OTTLEY 904 E OTTLEY RD 1370 ELBA, ID 83342-8658 (208)638-5585
Current Owner	MERLIN W OTTLEY 904 E OTTLEY RD 1370 ELBA, ID 83342-8658 (208)638-5585

Priority Date: 04/30/1887

Basis: Decreed

Status: Parent

<u>Source</u>	<u>Tributary</u>
DRY CREEK	CROSS CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	0.160 CFS	
	<u>Total Diversion:</u>	0.160 CFS	

Location of Point(s) of Diversion

DRY CREEK	SW1/4NE1/4NE1/4	Sec. 10, Twp 14S, Rge 24E, 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	
14S	24E	2									12.8								14.0

Total Acres: 14

Conditions of Approval:

1. 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:

1. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 47.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-00228 AND 43-00229
2. General THE USE OF WATER UNDER THIS RIGHT IS LIMITED TO HOMESTEAD ENTRY SURVEY

206.

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: A43-00229
Date Received: 6/07/1989
Receipt No: S008474
Received By: *[Signature]*

*address chg
4-12-00
KCC*

*Dated
KCC
4-6-00*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MERLIN W. OTTLEY 208-638-5585
Address: BOX 434
ELBA, ID 83326
AND/OR
Name: YVONNE F. OTTLEY 208-638-5585
Address: BOX 434
ELBA, ID 83326

2. Date of Priority: APR 30, 1887

3. Source: DRY CANYON CREEK. Trib. to: CASSIA CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
14S	24E	10	SW	NE	NE		CASSIA

5. Description of diverting works:
HEADGATES & DITCHES TO P/U, FLOOD IRRIG. & SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.160		

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

8. Total consumptive use is 102.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
14S	24E	2	SW		NW		IRR	12.0
			SE		NW		IRR	2.0
			NE		SW		IRR	17.0
			NW		SW		IRR	4.0
			NW		SE		IRR	6.0
							Section Acres	41.0
							Total Acres	41.0

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:
43-0228

14. Remarks:
P. U. IS H. E. S. #206.

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: _____

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 _____



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

DIRK KEMPTHORNI
GOVERNOR

KARL J. DREHER
DIRECTOR

April 12, 2000

MERLIN OTTLEY
904 E OTTLEY RD 1370
ELBA ID 83342

RE: AMENDMENT TO A43-00228

Dear Merlin

Enclosed is the electronic record as updated. Please review the information to confirm that everything is correct. I changed your address on A43-00229 also but as no other elements of that claim changed I did not generate additional paper for your files.

Sincerely

Kelly K Christensen

Enclosures

**First
Security
Bank®**

Dear Kelley-

Note my address
Change on the sticker below

MERLIN OTTLEY
904 E Ottley Rd. # 1370
Elba, ID 83342-8658

Thank
Merlin

Member F.D.I.C.

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 A43-10562-0022
Date Received 6-7-1989
Receipt Number 5008474

RECEIVED

JUN 7 1989

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Merlin W. &/or Yvonne F. Ottley Phone (208) 638-55-85
Mailing Address Box 434 Elba, ID. Zip 83326

2. Date of Priority (Only one (1) per claim) 4/30/1987

3. Source of water supply (a) Dry Canyon Creek
which is tributary to (b) Cassia Creek

4. a. Location of existing point of diversion is: Township 14S Range 24E Section 10,
SW 1/4 of NE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Cassia

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. The diversion of the water is
by ditches and headgates. Flood Irrigation sprinklers

COPY

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MAR 02 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 11/15 amount .16 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .16 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 102.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) None

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
14S	24E	2							12	2	17	4				6			41

Total number of acres irrigated 41 Ac

11. In which county (ies) are lands listed above as place of use located? Cassia

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

43-0022 P or None ()

14. Remarks:

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MAR 02 1993

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

A 16x16 grid of squares. Each square contains a crosshair pattern formed by two dashed lines intersecting at the center. The grid is composed of 16 columns and 16 rows of these squares.

14-00000
MAR 02 1993

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number 43-00229
Court Albion Idaho Land Co. Case Number _____ Decree Date 10/20/1922
Plaintiff vs 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Merlin W. Ottley Date May 30 1989
Norman F. Ottley Date 5/30/89

For Organizations: I do solemnly swear or affirm that I am _____ Title _____

of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or Id)
County of Conia) SS.

Subscribed and sworn (or affirmed) before me this 30 day of May 19 89

SEAL

Notary Public Joh Dan Carlson

Residing at Boise Id

My Commission Expires 4/2/94

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

MICROFILMED
MAR 02 1993

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant



4678

ELBA 4.5 MI.

4679

T. 1. 1. 3

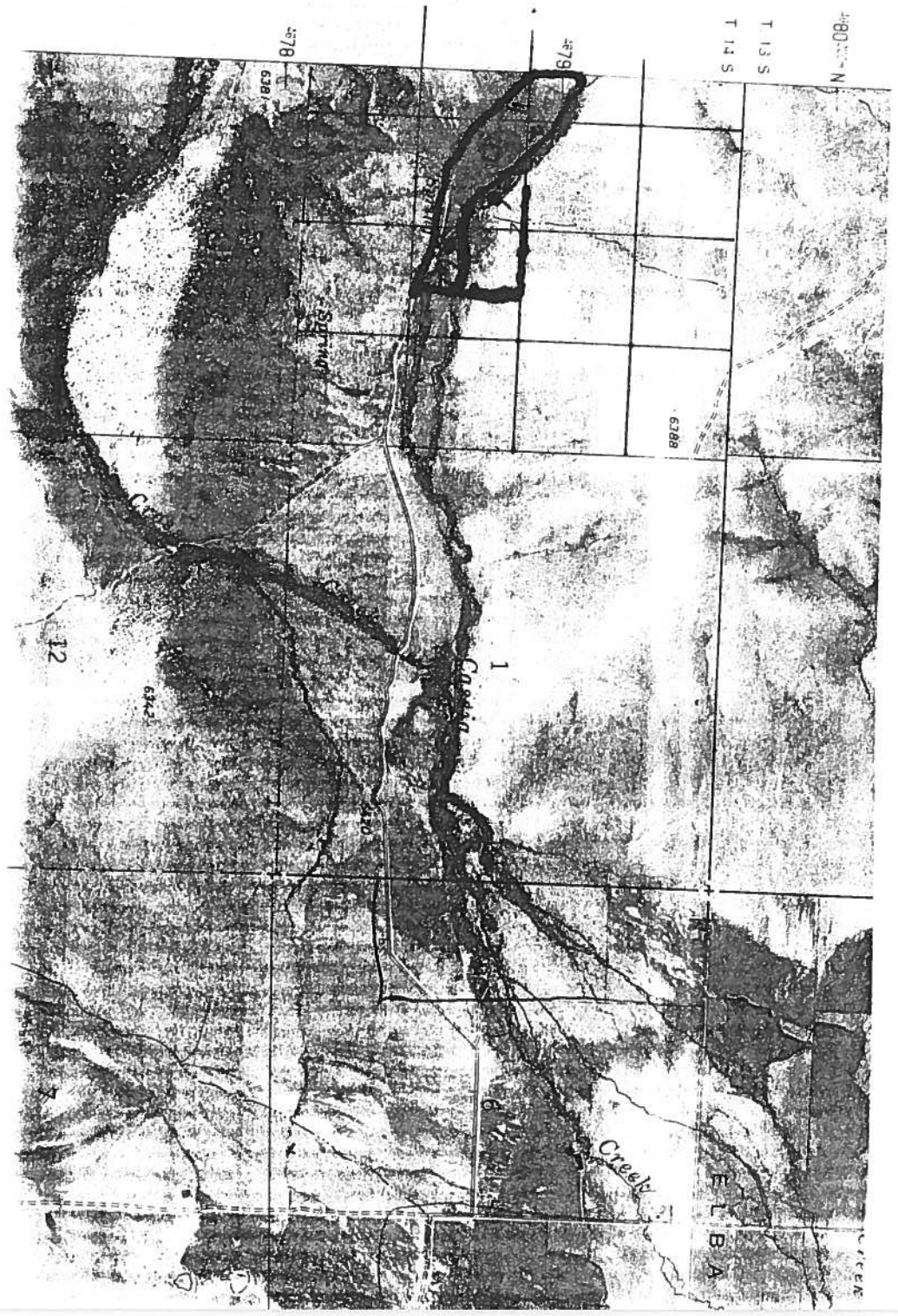
4680

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210

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T13S
T14S



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State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 731-1111

CECIL D. ANDRUS
Governor

R. KEITH HIGGINS
Director

KKC

June 23, 1989

Merlin W. or Yvonne F. Utley
Box 434
Elba, ID 83326

443-10273

00228

00229

RE: SRBA Claim

Dear Claimant:

Please find enclosed your claim and your check # 181 for \$ 165⁰⁰ which you submitted to our office. I am returning these pursuant to Rule 10,4 of the Department's Adjudications Rules and Regulations. In checking your claim it appears that the following items need clarification:

- ☐ Item #2 Priority
- ☐ Item #4 Point of Diversion Legal Description
- ☐ Item #6 Uses descriptions
- ☐ Item #9 Description of Non-irrigation Uses
- ☐ Item #10 Place of Use Legal Description
- ☐ Item #16 Signature & Notorization
- ☒ Improper fee (THE CORRECT FEE IS \$ 166⁰⁰)
- ☐ Other or Remarks

If you wish to continue to press your claim please find enclosed instructions and another claim form to use. If you will make the necessary corrections and return your claim with the correct fee and a copy of this letter within 30 DAYS of the date of this letter, your filing will be considered timely and will not be assessed an additional late fee of \$ 50.00.

BEFORE RETURNING THE CLAIM PLEASE READ THE ENCLOSED DRAFT TEXT FOR D&S BROCHURE. Due to recent rulings by the court you may defer filing the claim if you so desire but it is recommended by the Department that you continue to press your claim. If you have any questions contact our office.

Sincerely,

* DOMESTIC + STOCK

B. L. Worstell

~~Water Rights Supervisor~~
Agent

~~ADJUDICATION~~

Enclosures:



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

Aug. 25, 1989

Re: A43-10273
A43-00228
A43-00229

MERLIN OTTLEY
BOX 434
ELBA ID 83326

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,

A handwritten signature in cursive script, appearing to read 'Judy'.

Judy Givens
Adjudication Secretary

/jg

Enclosures:

MICROFILMED
MAR 02 1993