

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: A43-00251A

Date Received: 3/22/1989

Receipt No: 5006637 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: APR 01, 1894

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	24	SW	NW	NW		CASSIA

5. Description of diverting works:
CHECKDAM & DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.533		

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

8. Total consumptive use is 231.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	26E	13	SE	NW		IRR	38.0
			NE	SW		IRR	39.0
						Section Acres	77.0
						Total Acres	77.0

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:

THIS CLAIM IS BASED ON 2/3 OF ORIGINAL DECREE 43-0251.
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

JOBE ADAMS ET AL
Decree Defendant

vs

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 Mzp

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

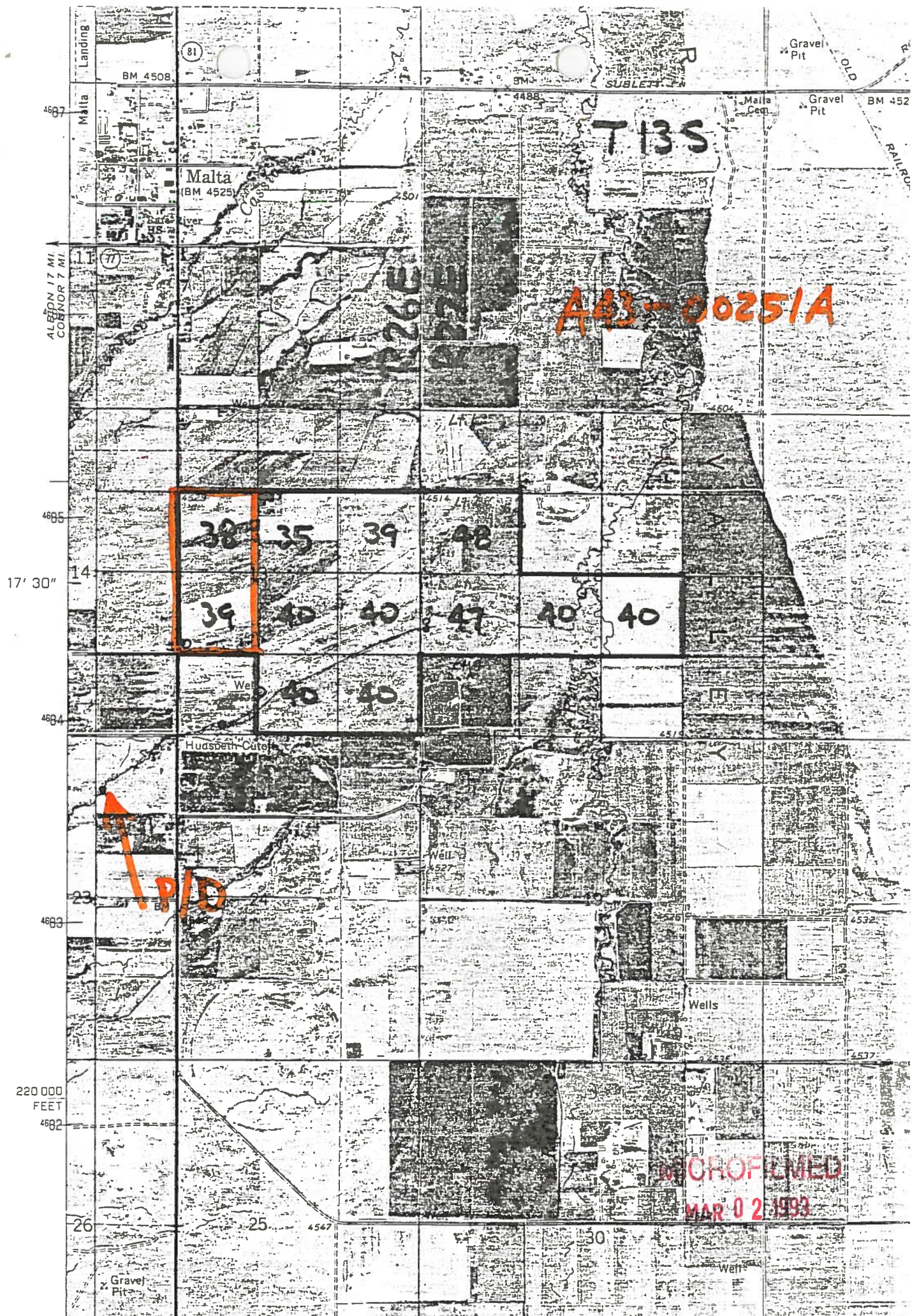
Signature of Claimant(s): *R. D. Nye* Date: 3/22/89
Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 22nd day
of March 19 89 *Red Menna*
Notary Public

Seal

Residing at Kimberly, Idh
My Commission Expires 6/30/92



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: 43-251A

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

ANN 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
A. D. Nye

Please print your name:

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

05/15/2001

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

RIGHT NUMBER: 43-251A

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

SOURCE: CASSIA CREEK TRIBUTARY: RAFT RIVER

QUANTITY: 0.53 CFS

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

PRIORITY DATE: 04/01/1894

POINT OF DIVERSION: T13S R26E S24 SWNNW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03-15 11-15	0.53 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>			
T13S R26E S13	SENW	38	T13S R26E S13
			NESW 38

76 ACRES TOTAL

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

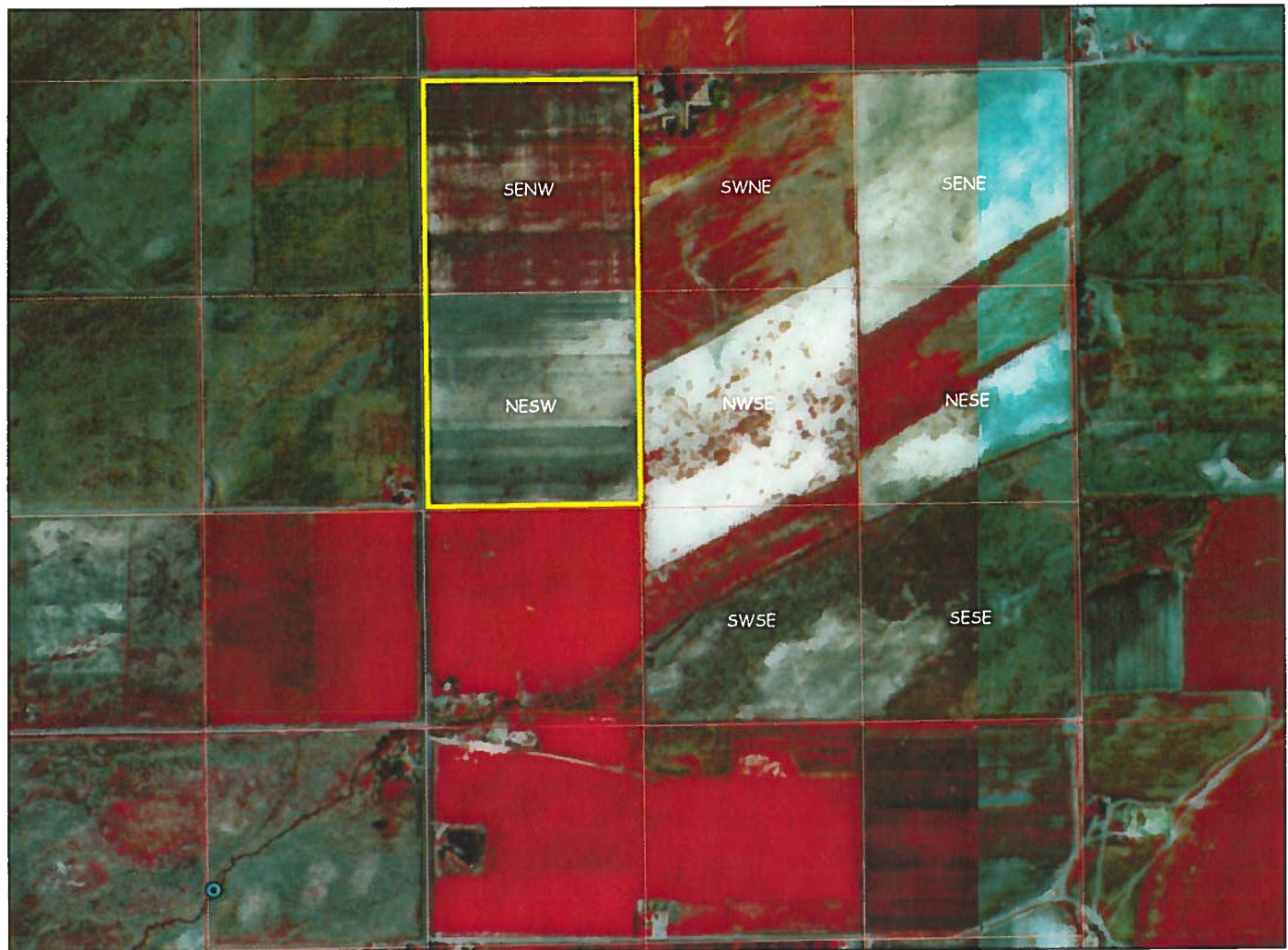
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.
RIGHT NO. 43-221 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

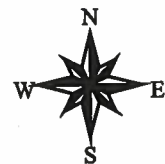
Idaho Department of Water Resources

Place of Use Layout 43-251A



0 0.5 1 Miles

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

- Point of Diversion (Cassia Creek)
- 43-251A Place of Use
- Section lines
- Quarter-quarter lines

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 ac * 0.02 cfs = 3.44 cfs.

CLAIM NUMBER

A43-00251A

DATE

TRANSFER NUMBER

AGENT

CLAIMED ACRE TOTAL

77

GIS ACRE TOTAL

	TWP	RNG	SEC	NE D				NW				D D SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM	13S	26E	13								38	39							77
GIS											38	38							76
RECOM											38	38							76
Decree POW	13S	26E	13				D					D	D						
CLAIM																			
GIS																			
RECOM																			
CLAIM																			
GIS																			
RECOM																			

B43-DBPOU.SHP

SHAPE NOS.

43-DBPOD.SHP

NOS. DESCRIPTION

the NESW is part of the decreed P/4, the SENW is not part of the decreed P/4.

Simplot has claimed a part of the decreed D. P/4 for this right under A43-00099C then 00104B. Simplot has not claimed against this right as of 5-25-99.

KRC

Decreed diversion rate is 0.8 cfs. This decree is under claimed. The balance has not been claimed.

Decree: A.J. & Laura Peterson 0.8 cfs 1894-Apr 1

To be diverted from Cassia Creek for irrigation 9/3/99

DBF TABLES UPDATED

POD ID 396490

Coincident

(43-221)
396441

B43-DBPOU.DBF

POW ID 383167

B43-DBPOD.DBF

PEG LAYOUT

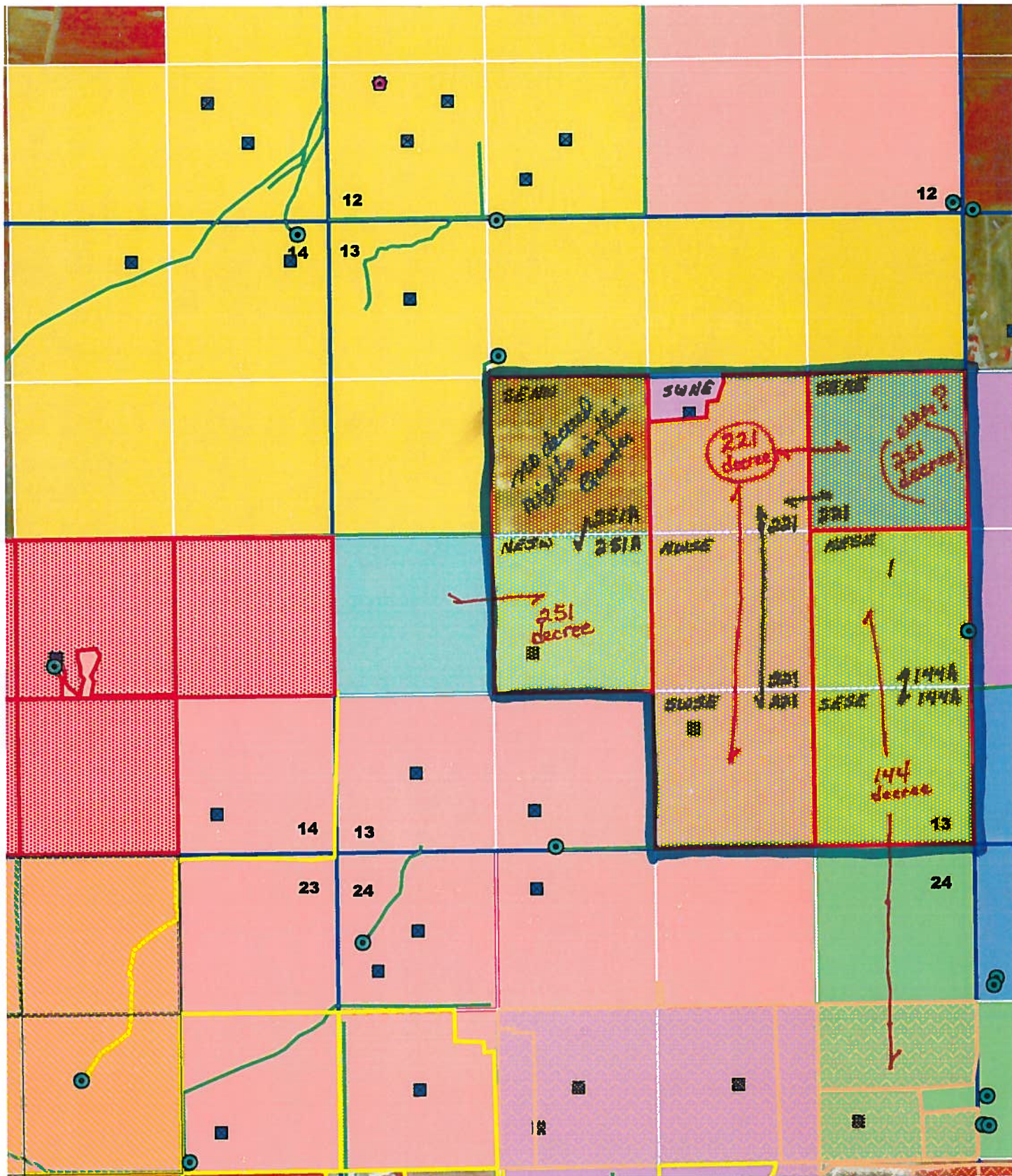
FIELD NOTES

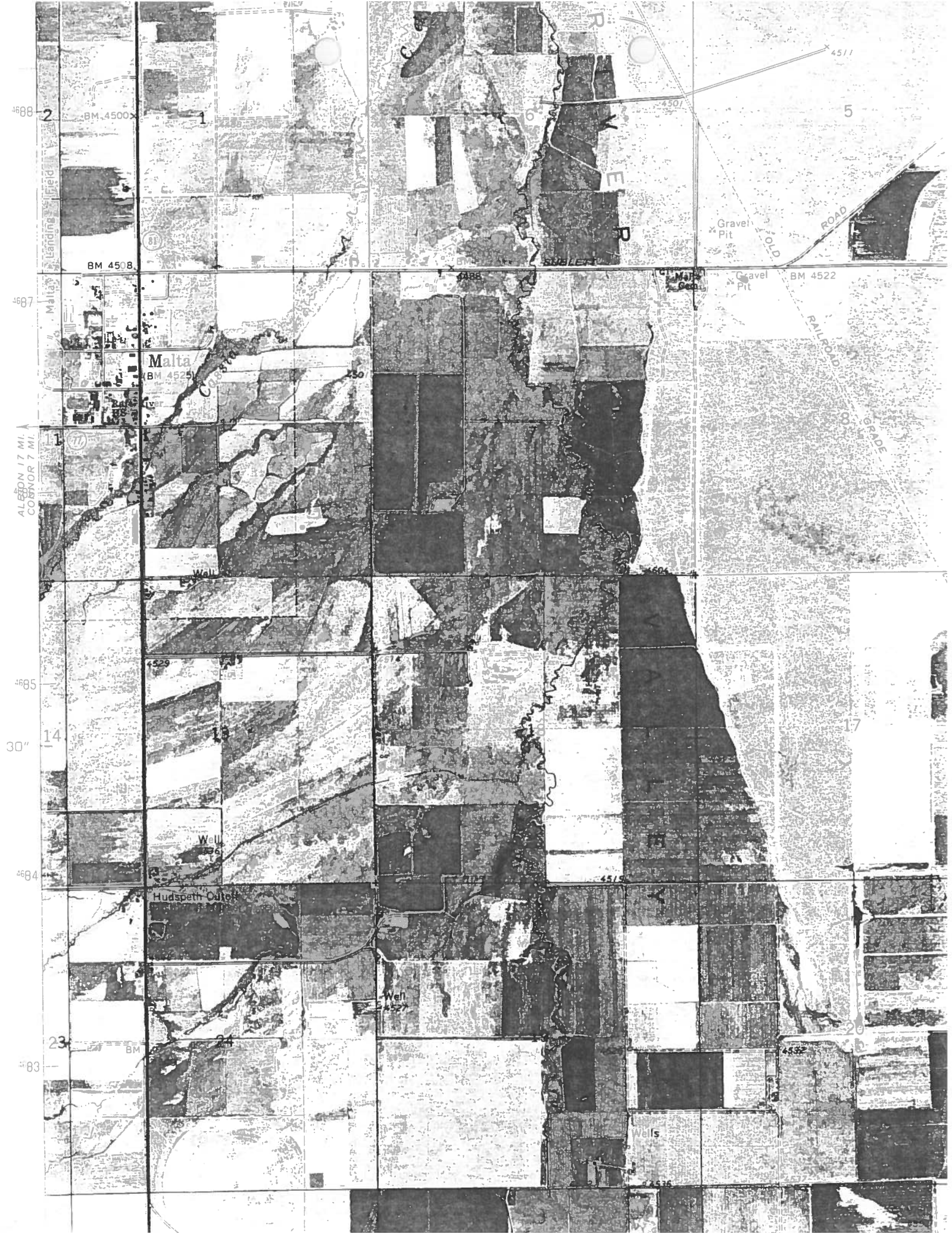
43-221

43-221

43-251A

TWP 13S, RNG 26E





SD-0607-2 Prefix: A Basin: 43 Starting Water Right: 00251 STATE

Water Right No.	Name Last, First	W N	Priority Date	Stg/ Sts	Source	Use Code Desc
A43-00251	SPLIT RIGHT,	C	04/01/1894	/Z	CASSIA CREEK	01 IRR
A43-00251A	NYE, A D	C	04/01/1894	D/	CASSIA CREEK	01 IRR
A43-00252	HAWKER, RYAN	C	04/30/1881	D/	CASSIA CREEK	01 IRR

Water Right Number: A43-00251A TOTAL DIV RATE 0.533 CFS FIRST PAGE

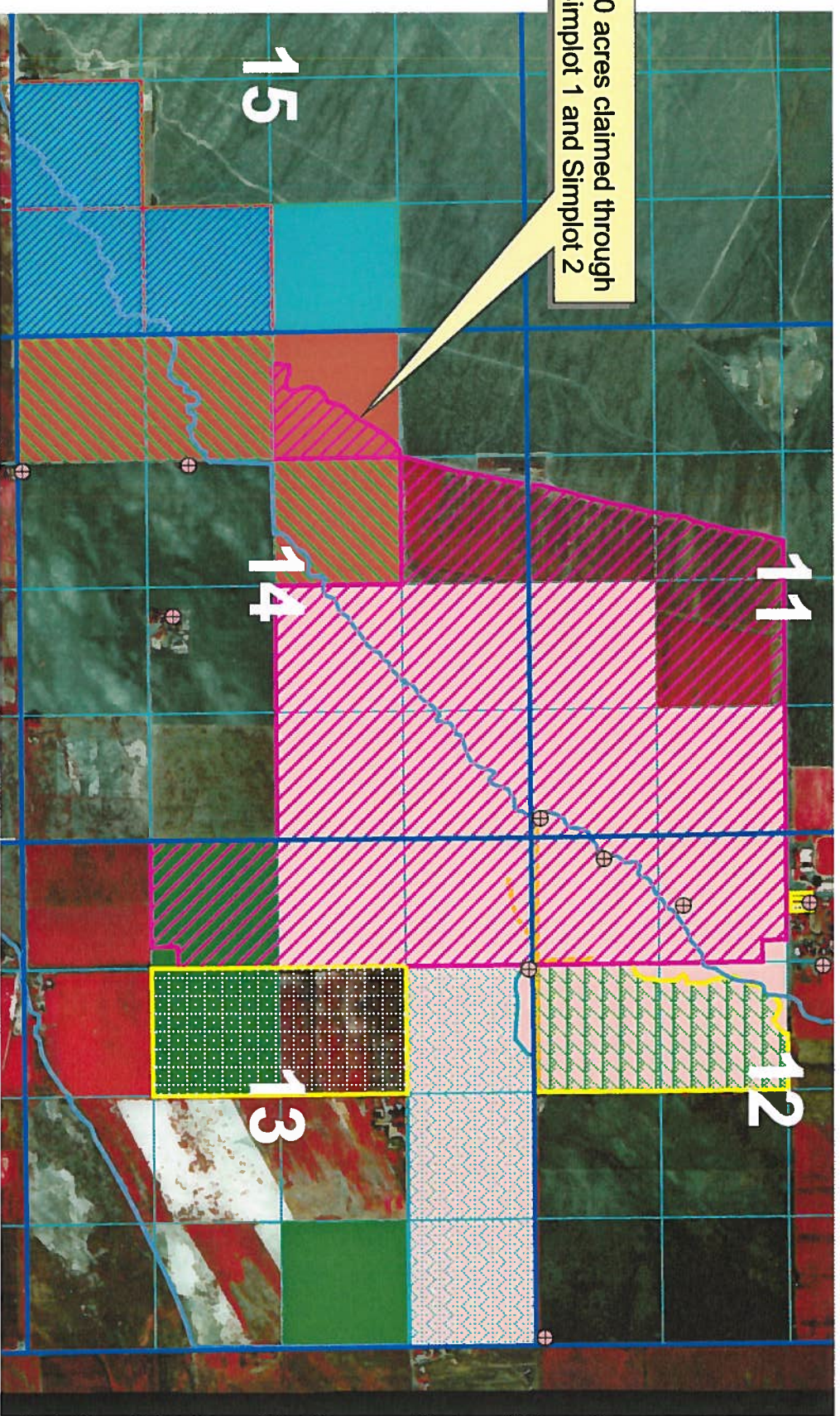
GEN THIS CLAIM IS BASED ON 2/3 OF ORIGINAL DECREE 43-0251.
CASSIA CREEK IS SPLIT INTO TWO STREAMS WITHIN THE NENWSE S.21
T13S, R26E. THIS WATER IS DIVERTED FROM THE SOUTHERN STREAM OR
WHAT IS ALSO KNOWN AS THE MIDDLE STREAM.

SD-0604-2 Township: 13S Range: 26E Section: 13 Tract: NWSW Lot:

S	L	STATE	O	S	Max # Records				
E	O	Water	Name	W	T	Priority	Use		
L	Tract	T	Right No.	Last, First	N	AC	G	Date	Code Desc
_	NWSW	A43-04197	J R SIMPLOT COMPANY	C	40	S	06/29/1961	01 IRR	
_	NWSW	A43-00099C	DEARDORFF, H F	O	39	D	04/01/1879	01 IRR	
_	NWSW	A43-00100C	YOUNG OR TERRY UHLING, A	39	D	11/30/1880	01 IRR		
_	NWSW	A43-00101C	DEARDORFF, H F	O	39	D	04/30/1883	01 IRR	
_	NWSW	A43-00104B	J R SIMPLOT COMPANY	C	39	D	08/30/1904	01 IRR	

IDAHO DEPARTMENT OF WATER RESOURCES

- Decreed P/U for 43-00275 thru 43-00277
- Decreed P/U for 43-00105 thru 43-00107
- Decreed P/U for 43-00099 thru 43-00104
- Decreed P/U for 43-00251
- Simplot 1, P/U for A43-00099C thru A43-00104B
- Simplot 2, P/U for A43-00105 thru A43-00107
- Simplot 3, P/U for A43-00275 thru A43-00277



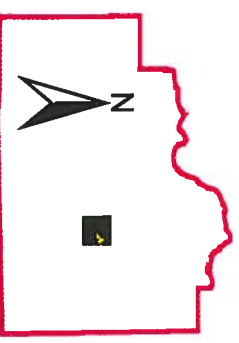
TWP 13S, RNG 26E;
FIELD EXAM DATE AGENT

JPEG LAYOUT CREATED

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

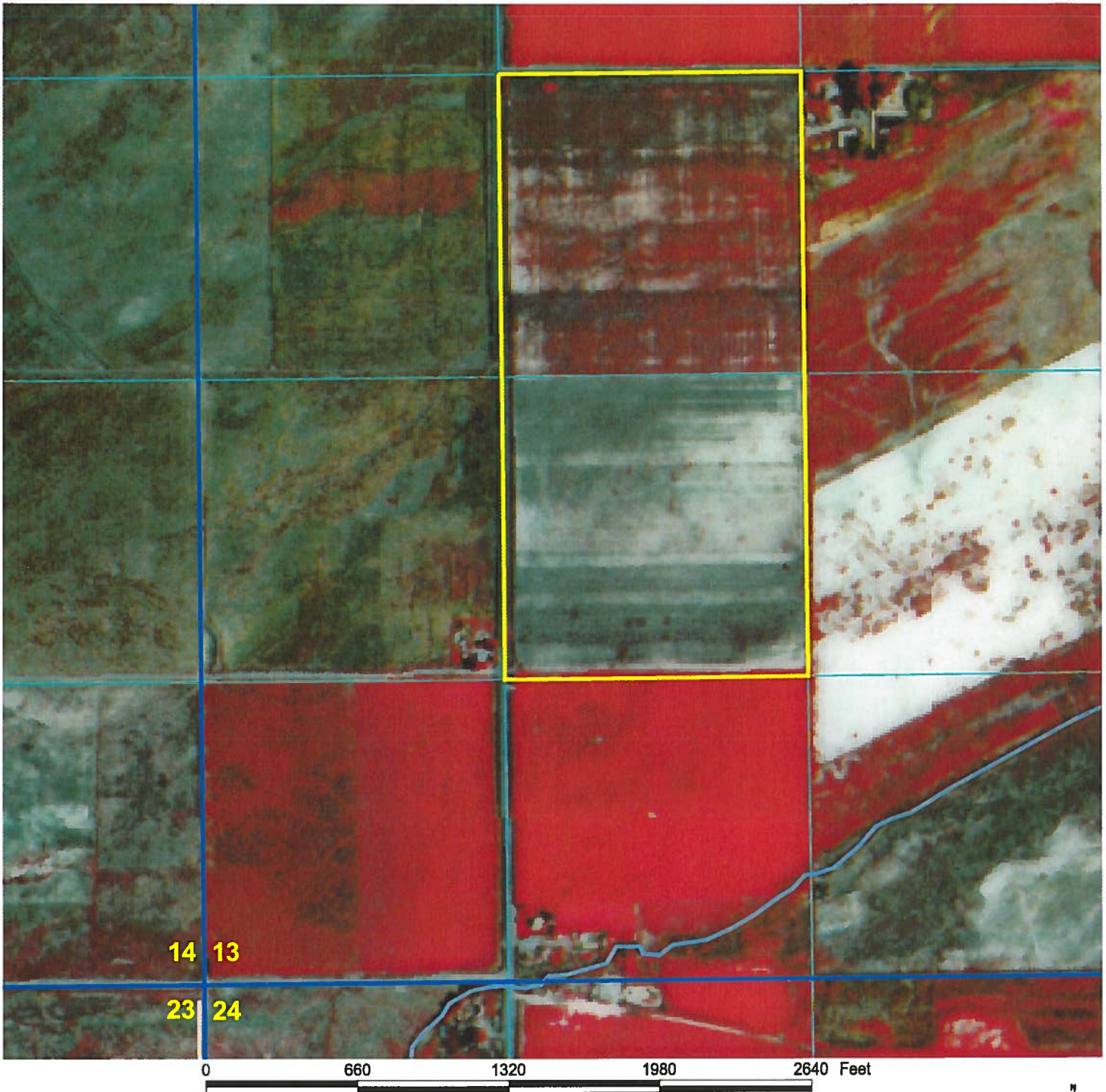
- Byler / Higley, P/U for A43-00099A thru A43-00104A
- Higley, P/U for A43-00099B thru A43-00104B
- A D Nye, P/U for A43-00251A

CASSIA Co.



IDAHO DEPARTMENT OF WATER RESOURCES

CLAIMED P/U FOR
43-00251A



TWP 13S; RNG 26E
FIELD EXAM DATE AGENT

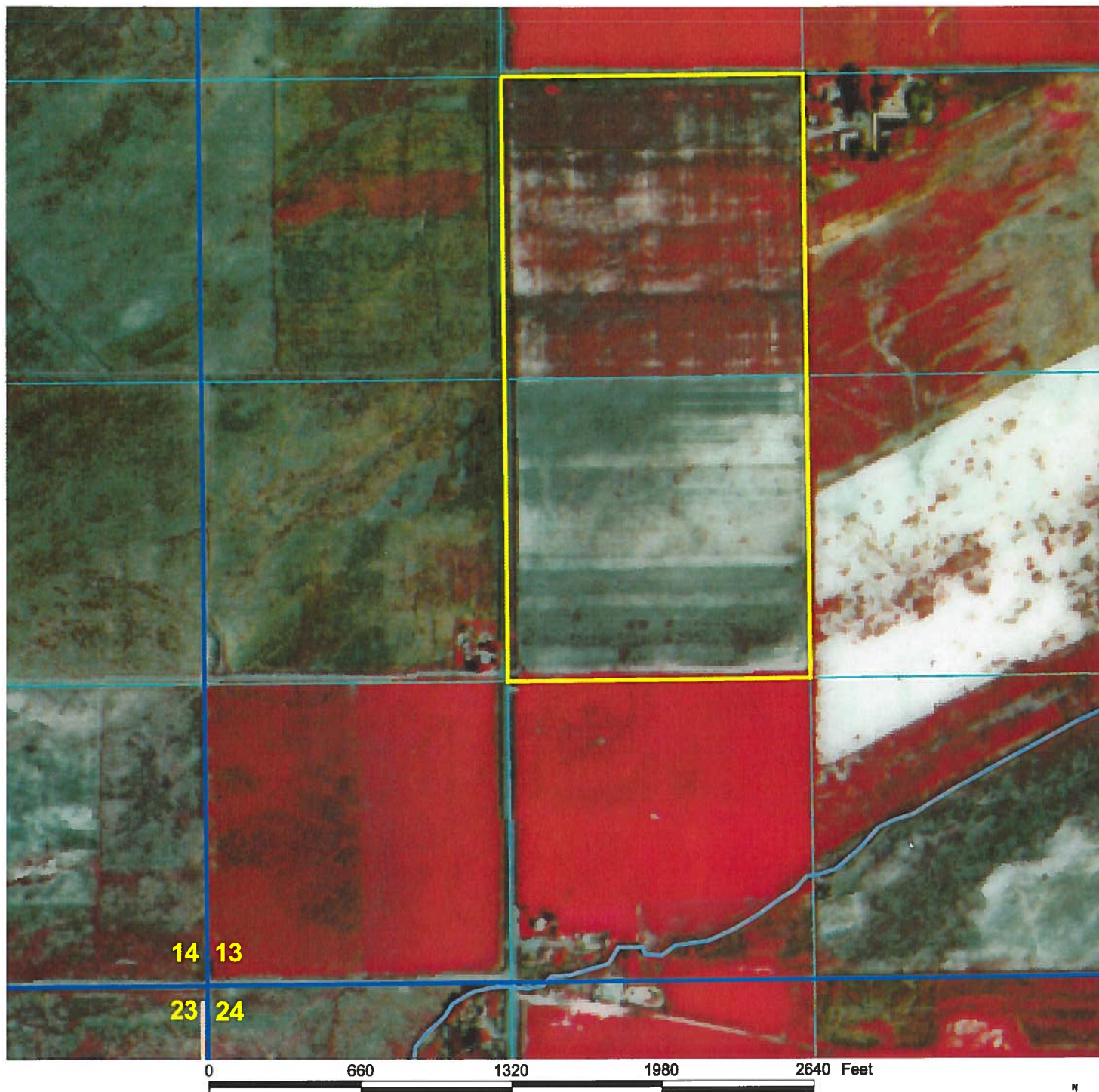
JPEG LAYOUT CREATED _____

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

■ LICENSED AND/OR DECREED P/U
■ SECTION LINES
■ QUARTER QUARTER LINES



**CLAIMED P/U FOR
43-00 251A**



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

- LICENSED AND/OR DECREED P/U
- SECTION LINES
- QUARTER QUARTER LINES

