

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 43-353
Date Received: 10/20/94
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

BESSIE D NYE Phone: (208)638-5528
O JOHN NYE
HC 61 BOX 1300
MALTA ID USA 83342

2. Date of Priority: 04/01/1894

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	25E	28	SW NE	CASSIA
14S	25E	6	NW NE	CASSIA

5. Description of diverting works:

HEADGATE AND LATERALS TO FLOOD IRRIGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.2	

7. Total Quantity Appropriated is:
0.2 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
13S	25E	21	SW SE	IRRIGATION	10
			SE SE	IRRIGATION	10
				Section Acres	20

13S	25E	28	NW	NE	IRRIGATION	40
			NE	NW	IRRIGATION	30
			SW	NW	IRRIGATION	40
			NE	SW	IRRIGATION	30
					Section Acres	140
					Total Acres	160

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:

14. Remarks:

CLAIM AMENDED TO REPRESENT THE DECREED RIGHT 43-00353 ONLY
 ***** OWNERSHIP CHANGE MADE ON 12-5-94 BASED UPON O JOHN
 NYE'S SIGNATURE. KKC ***** THIS RIGHT WAS
 ORIGINALLY CLAIMED AS A PART OF A43-10260 AND THE FEES FOR THAT CLAIM COVERS THIS
 CLAIM. OTHER RIGHTS SPLIT FROM A43-10260 HAD FEES PAID AT THE DATE OF THE SPLIT. KKC

15. Basis of Claim: Decreed

16. Signature(s)

**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: 43-353

BESSIE D NYE
HC 61 BOX 1300
MALTA ID 83342

Telephone Number: (208) 638-5528

O JOHN NYE
HC 61 BOX 1300
MALTA ID 83342

Telephone Number: (208) 638-5528

RECEIVED

JUN 18 2001

Department of Water Resource
Southern Region

RECEIVED

JUN 18 2001

Department of Water Resource
Southern Region

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: 9 June 2001 SIGNATURE: O. John Nye
Please print your name: O. John Nye

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

COPY

2001 NOV 23 PM 1:24

FILED
TWIN FALLS CO., IDAHO

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	SUBCASE NO. 43-319, 43-320,
	)	43-321, 43-353, 43-354, 43-4115,
Case No. 39576	)	43-10258, 43-10259, 43-10261,
	)	43-11275, 43-11277, 43-11281
	)	
	)	NOTICE OF COMPLETED
_____	)	ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: **CHANGE OF ADDRESS**

Name and New Address of Claimant:

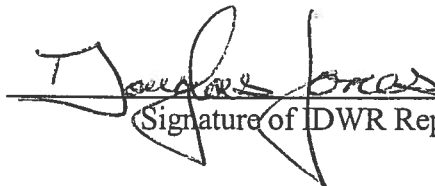
O John Nye
Bessie D Nye
1860 Elba Almo Rd Box 1300
Malta ID 83342

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated:

11/15/01



(Signature of IDWR Representative)

CERTIFICATE OF MAILING

I certify that on 11/23, 2001, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant or attorney of record:
O John Nye
Bessie D Nye
1860 Elba Almo Rd Box 1300
Malta ID 83342
3. One Copy to:
Each party in the subcase or attorney of record:
4. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
5. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

10/29/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-319

NAME AND ADDRESS: BESSIE D NYE
1860 ELBA ALMO RD BOX 1300
MALTA ID 83342

O JOHN NYE
1860 ELBA ALMO RD BOX 1300
MALTA ID 83342

SOURCE: CASSIA CREEK

TRIBUTARY: RAFT RIVER

QUANTITY: 2.200 CFS

PRIORITY DATE: 05/15/1873

POINT OF
DIVERSION:

T13S R25E S28 NWNWSW Within CASSIA County
T13S R25E S29 NENESE Within CASSIA County
T14S R25E S6 NWSWNE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	2.200 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T13S R25E S21	SWSE	11.0	T13S R25E S21	SESE	16.0
T13S R25E S28	NWNE	30.0	T13S R25E S28	SWNE	16.0
T13S R25E S28	NENW	21.0	T13S R25E S28	SENE	39.0
T13S R25E S28	NESW	10.0			

143 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 177 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-319, 43-320, 43-321, 43-353, 43-354, 43-4115 AND 43-10259.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 117 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-319, 43-320, AND 43-321.

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

10/29/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-320

NAME AND ADDRESS: BESSIE D NYE
1860 ELBA ALMO RD BOX 1300
MALTA ID 83342

O JOHN NYE
1860 ELBA ALMO RD BOX 1300
MALTA ID 83342

SOURCE: CASSIA CREEK

TRIBUTARY: RAFT RIVER

QUANTITY: 0.240 CFS

PRIORITY DATE: 04/30/1887

POINT OF
DIVERSION:

T13S R25E S28 NWNWSW Within CASSIA County
T13S R25E S29 NENESE Within CASSIA County
T14S R25E S6 NWSWNE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.240 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T13S R25E S21	SWSE	11.0	T13S R25E S21	SESE	16.0
T13S R25E S28	NWNE	30.0	T13S R25E S28	SWNE	16.0
T13S R25E S28	NENW	21.0	T13S R25E S28	SENE	39.0
T13S R25E S28	NESW	10.0			

143 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 177 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-319, 43-320, 43-321, 43-353, 43-354, 43-4115 AND 43-10259.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 117 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-319, 43-320, AND 43-321.

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

10/29/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-321

NAME AND ADDRESS: BESSIE D NYE
1860 ELBA ALMO RD BOX 1300
MALTA ID 83342

O JOHN NYE
1860 ELBA ALMO RD BOX 1300
MALTA ID 83342

SOURCE: CASSIA CREEK

TRIBUTARY: RAFT RIVER

QUANTITY: 0.200 CFS

PRIORITY DATE: 04/30/1889

POINT OF
DIVERSION:

T13S R25E S28 NWNWSW Within CASSIA County
T13S R25E S29 NENESE Within CASSIA County
T14S R25E S6 NWSWNE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.200 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T13S R25E S21	SWSE	11.0	T13S R25E S21	SESE	16.0
T13S R25E S28	NWNE	30.0	T13S R25E S28	SWNE	16.0
T13S R25E S28	NENW	21.0	T13S R25E S28	SENE	39.0
T13S R25E S28	NESW	10.0			

143 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 177 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-319, 43-320, 43-321, 43-353, 43-354, 43-4115 AND 43-10259.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 117 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-319, 43-320, AND 43-321.

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

10/29/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-353

NAME AND ADDRESS: BESSIE D NYE
1860 ELBA ALMO RD BOX 1300
MALTA ID 83342

O JOHN NYE
1860 ELBA ALMO RD BOX 1300
MALTA ID 83342

SOURCE: CASSIA CREEK

TRIBUTARY: RAFT RIVER

QUANTITY: 0.200 CFS

PRIORITY DATE: 04/01/1894

POINT OF
DIVERSION:

T13S R25E S28 NWNWSW Within CASSIA County
T13S R25E S29 NENESE Within CASSIA County
T14S R25E S6 NWSWNE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/30	0.200 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T13S R25E S21	SWSE	11.0	T13S R25E S21	SESE	16.0
T13S R25E S28	NWNE	30.0	T13S R25E S28	SWNE	16.0
T13S R25E S28	NENW	21.0	T13S R25E S28	SENE	39.0
T13S R25E S28	NESW	10.0			

143 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 177 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-319, 43-320, 43-321, 43-353, 43-354, 43-4115 AND 43-10259.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 26 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-353, AND 43-354.

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

10/29/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-354

NAME AND ADDRESS: BESSIE D NYE
1860 ELBA ALMO RD BOX 1300
MALTA ID 83342

O JOHN NYE
1860 ELBA ALMO RD BOX 1300
MALTA ID 83342

SOURCE: CONNOR CREEK

TRIBUTARY: BLACKSMITH CREEK

QUANTITY: 0.600 CFS

PRIORITY DATE: 04/30/1881

POINT OF
DIVERSION:

T13S R25E S15 SWSNW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.600 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T13S R25E S21	SWSE	11.0	T13S R25E S21	SESE	16.0
T13S R25E S28	NWNE	7.4	T13S R25E S28	NENW	15.0
T13S R25E S28	SENE	2.3			

51.7 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 20 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 177 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-319, 43-320, 43-321, 43-353, 43-354, 43-4115 AND 43-10259.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 26 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-353, AND 43-354.

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

THE FLOW RATE QUANTITY RECOMMENDED ABOVE INCLUDES .28 CFS FOR CONVEYANCE LOSS BETWEEN THE POINT OF DIVERSION AND THE FIELD HEADGATE.

10/29/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-4115

NAME AND ADDRESS: O JOHN NYE
1860 ELBA ALMO RD BOX 1300
MALTA ID 83342

BESSIE D NYE
1860 ELBA ALMO RD BOX 1300
MALTA ID 83342

SOURCE: SPRING

TRIBUTARY: CASSIA CREEK

QUANTITY: 0.100 CFS

PRIORITY DATE: 04/01/1935

POINT OF
DIVERSION:

T13S R25E S28 SENWNE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.100 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T13S R25E S28	NWNE	22.0	T13S R25E S28	SWNE	16.0
T13S R25E S28	NENW	6.6	T13S R25E S28	SENE	37.0
T13S R25E S28	NESW	10.0			

91.6 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 177 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-319, 43-320, 43-321, 43-353, 43-354, 43-4115 AND 43-10259. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE 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 - Beneficial Use

10/29/2001

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
43-10258	O JOHN NYE 1860 ELBA ALMO RD BOX 1300 MALTA ID 83342 BESSIE D NYE 1860 ELBA ALMO RD BOX 1300 MALTA ID 83342	Disallowed	NO BENEFICIAL USE FOUND.

10/29/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-10259

NAME AND ADDRESS: BESSIE D NYE
1860 ELBA ALMO RD BOX 1300
MALTA ID 83342

O JOHN NYE
1860 ELBA ALMO RD BOX 1300
MALTA ID 83342

SOURCE: UNNAMED STREAM TRIBUTARY: CASSIA CREEK

QUANTITY: 0.960 CFS

PRIORITY DATE: 10/19/1928

POINT OF
DIVERSION: T13S R25E S20 SESESE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.960 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T13S R25E S21	SWSE	11.0	T13S R25E S21	SESE	16.0
T13S R25E S28	NWNE	7.4	T13S R25E S28	NENW	19.0
T13S R25E S28	NWNW	29.0	T13S R25E S28	SENW	2.3
T13S R25E S29	NENE	1.3			

86 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 177 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-319, 43-320, 43-321, 43-353, 43-354, 43-4115 AND 43-10259.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 48 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-353, AND 43-354.

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 - Beneficial Use

10/29/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-10261

NAME AND ADDRESS: BESSIE D NYE
1860 ELBA ALMO RD BOX 1300
MALTA ID 83342

O JOHN NYE
1860 ELBA ALMO RD BOX 1300
MALTA ID 83342

SOURCE: CASSIA CREEK

TRIBUTARY: RAFT RIVER

QUANTITY: 1.300 CFS

PRIORITY DATE: 04/30/1881

POINT OF
DIVERSION:

T14S R25E S6 SESWNW Lot 5 Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 10/31	1.300 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T14S R25E S06 Lot 2 NWNE	28.0	T14S R25E S06	SWNE	2.0
T14S R25E S06 Lot 3 NENW	32.0	T14S R25E S06	SENE	4.7

66.7 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

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

THE COMBINED FLOW RATE FOR THE RIGHTS LISTED BELOW INCLUDES 0.11 CFS FOR CONVEYANCE LOSS BETWEEN THE POINT OF DIVERSION AND THE FIELD HEADGATE. COMBINED RIGHTS: 43-11275, 43-11277, 43-11279, and 43-11281.

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

THE COMBINED FLOW RATE FOR THE RIGHTS LISTED BELOW INCLUDES 0.11 CFS FOR CONVEYANCE LOSS BETWEEN THE POINT OF DIVERSION AND THE FIELD HEADGATE. COMBINED RIGHTS: 43-11275, 43-11277, 43-11279, and 43-11281.

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

THE COMBINED FLOW RATE FOR THE RIGHTS LISTED BELOW INCLUDES 0.11 CFS FOR CONVEYANCE LOSS BETWEEN THE POINT OF DIVERSION AND THE FIELD HEADGATE. COMBINED RIGHTS: 43-11275, 43-11277, 43-11279, and 43-11281.



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

November 23, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

O JOHN NYE
BESSIE D NYE
1860 ELBA ALMO RD BOX 1300
MALTA ID 83342

RE: SRBA Claim(s) 43-319, 43-320, 43-321, 43-353, 43-354,
 43-4115, 43-10258, 43-10259, 43-10261,
 43-11275, 43-11277, 43-11281
 43-10491

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

11/22/2000

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

RIGHT NUMBER: 43-353

NAME AND ADDRESS: BESSIE D NYE
O JOHN NYE
HC 61 BOX 1300
MALTA, ID 83342

SOURCE: CASSIA CREEK TRIBUTARY: RAFT RIVER

QUANTITY: 0.2 CFS

VERIFIED BY *KAC*

PRIORITY DATE: 04/01/1894

POINT OF DIVERSION:	T13S R25E S28	NWNWSW	Within CASSIA County
	T13S R25E S29	NENESE	Within CASSIA County
	T14S R25E S6	NWSWNE	Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-30	0.20 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T13S R25E S21	SWSE	11	T13S R25E S21	SESE	16
T13S R25E S28	NWNE	30	T13S R25E S28	SWNE	16
T13S R25E S28	NENW	21	T13S R25E S28	SENE	39
T13S R25E S28	NESW	10			

143 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 177 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS. 43-319, 43-320, 43-321, 43-353,
43-354, 43-4115 AND 43-10259.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 26 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 43-353, AND 43-354.

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

IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
222 SHOSHONE ST E
TWIN FALLS ID 83301
(208) 736-3033

PHILIP E BATT
GOVERNOR

KARL J DREHER
DIRECTOR

JOHN NYE CLAIMS SUMMARY

HOME PLACE

<u>DECREED RIGHT</u>	<u>PRIORITY DATE</u>	<u>DIVERSION RATE</u>	<u>CLAIMED AS</u>	<u>CLAIMED SOURCE</u>
43-00319	5-14-1873	2.20CFS	A43-00319	CASSIA CREEK
43-00320	4-30-1887	0.24CFS	A43-00320	CASSIA CREEK
43-00321	4-30-1889	0.20CFS	A43-00321	CASSIA CREEK
43-00353	4-30-1880	0.20CFS	A43-00353	CASSIA CREEK
43-00354	4-30-1881	0.60CFS	A43-00354	CONNOR CREEK
<u>BENEFICIAL USE CLAIMS</u>				
43-04115		0.84CFS	A43-04115	SPRING
-----		0.20CFS	A43-10258	SPRINGS
-----		0.96CFS	A43-10259	SPRINGS

HOME PLACE ANALYSIS

43-319, 43-320, and 43-321 were decreed to the same place of use and are all decreed from Cassia Creek. 43-00353 was decreed from Cassia Creek for property east of the previously identified system. This is the same ground that 43-354 was decreed for. The two decreed systems are being operated as one and has for many years, therefore I am recommending the combined place of use as common and limiting each of the rights to the number of found acres within the historic decreed place of use.

The four claims from Cassia Creek are diverted out of Cassia Creek at three different locations. One point of diversion is a shared system delivered through the Rice Lessey Ditch. Two other points of diversion are on the property of the western neighbor's property. One ditch is on the north side of the Cassia Creek and the other is on the South side that allows Cassia Creek water to reach the entire recommended place of use. The combined diversion rates for the Cassia Creek rights do not exceed one inch per acre for the recommended place of use.

43-354 was decreed from Connor Creek at 0.60 cfs. It is currently claimed on 20 acres within the decreed place of use. Using GIS I found 27 acres. An amendment to this claim is necessary to cover all 27 acres under this right.

43-10259 is claimed out of springs related to Kemp Hollow and/or a companion channel. The historic point of diversion may have been further north than the place of use, however, water is diverted at the point where the channel crosses the fence line and is carried in a ditch easterly to irrigate the recommended place of use. I am recognizing that point as the point of diversion for this system. I am recognizing the source as an unnamed stream. The source is often dry by the end of the irrigation season as was the case at the time of the field exam. I was unable to obtain a measurement on the system. With ditch maintenance, the system could carry the claimed one inch per acre as claimed, therefore I am recommending this right at the claimed rate.

The place of use irrigated only from this source is approximately 34 acres. The water from this source can also enter the ditch from the north Cassia Creek diversion and irrigate additional ground. I am recognizing the 48 claimed acres as valid within the irrigated ground north of Cassia Creek.

The claimed priority date is loosely based upon a decreed right listed in the Darby Vs Jones 1903 decree. That claim listed an April 30, 1886 priority date. A copy of the page listing that use was submitted as evidence of priority. As the Jobe Adams decree superceded the Darby Vs Jones decree, and there is some evidence that the system has always been in existence, I am recommending a priority date of one day after the Jobe Adams decree or 11-19-1928.

43-10258 is claimed for irrigation from a spring for the irrigation of 10 acres. I did not find any diversion or irrigation practices in the area of the claim. After discussing this with John Nye, he indicated that there was no actual irrigation. He really wanted to protect the water for stock water use. I indicated that the claim could be amended to claim the in-stream use. As of this date the amendment has not filed. Therefore, I am recommending this claim for disallowal.

43-4115 was claimed under the historic system consisting of a hydraulic ram and pipeline system to the yard and a diversion from the channel to irrigate a small portion of ground along the eastern portion of the recommended place of use. The ram system has not been used for many years and I am not recognizing any use with that system, however, I did find 5 irrigated acres as previously described. I am recognizing this right as valid for the 5 acres at 1" per acre and with a priority date as claimed. It probably was being used at the time of the Jobe Adams decree for the irrigation of the same 5 acres but was not claimed as such.

994 KKC
Pg 1/2

John Nye Preliminary Claim Review

A43-10260

Decreed Rights for Sec 31.

A portion of the NENE (approx 24.5 Acres)

and the SENE (excepting 1/2 Acre in SE corner).

43-00048 .65 CFS 4-30-84

- 00049 .20 CFS 4-30-81

- 00050 1.1 CFS 4-1-94

Total 1.95 CFS

a portion of the NENE (approx 15.5 acres)
and the NWNE

43-00133 .16 CFS 4-30-81

00134 .55 CFS 4-30-94

Total .71 CFS

Decreed Rights for Sec 21

5 1/2 SE Sec 21.

also SWSW Sec 22 & NENE Sec 28

43-00353 .20 CFS 4-30-80

00354 .60 CFS 4-30-81

Total .80 CFS

John Nye.
Preliminary review cont.

Pg 2/2

Decreed rights for Sec 28

NENE (43-4115)

43-00353 (see pg 1)

00354

NWNE, SWNE, NE NW, SENW, NESW

43-00319 2.20 CFS 5-15-73.

00320 .24 CFS 4-30-87

00321 .20 CFS 4-30-89

SWNW, NWSW, SWSW (43-2122)

43-00270 2.00 CFS 6-1-73

00271