

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

RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A43-00361
Date Received: 6/01/1989
Receipt No: M003795
Received By: QSL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: COLLEEN A. BODEN 208-638-5570
Address: P.O. BOX 653
MALTA, ID 83342
OR
Name: CARL F. BODEN 208-638-5563
Address: P.O. BOX 653
MALTA, ID 83342
2. Date of Priority: APR 30, 1885
3. Source: CONNOR CREEK Trib. to: CASSIA CREEK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13S	25E	23	SW	NE	NW		CASSIA
5. Description of diverting works:
HEADGATE IN CREEK WITH GRAVITY DITCHES
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.160		
7. Total Quantity Appropriated is:
0.160 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
STOCKWATERING INCIDENTAL TO IRRIGATION

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
13S	25E	23	SW NE		IRR	10.0
Section Acres						10.0
Total Acres						10.0

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:
N/A

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

Decree Plaintiff

vs

Decree Defendant

5E23
10Ac.

Times 25



MAR 03 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

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): Calvin A. Boden Date: June 1/1989
Carl F Boden Date: June 1, 1989

State of Idaho)
County of CASSIA) SS.

Subscribed and sworn (or affirmed) before me this 1st day
of JUNE 1989
James C. Luthy
Notary Public

Seal

Residing at BOISE, ID
My Commission Expires 11/08/1994

01/30/2001

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

RIGHT NUMBER: 43-361

NAME AND ADDRESS: CARL F BODEN
HC 61 BOX 1360
ELBA, ID 83342

COLLEEN A BODEN
PO BOX 653
MALTA, ID 83342

SOURCE: BLACKSMITH CREEK

TRIBUTARY: CASSIA CREEK

QUANTITY: 0.16 CFS

VERIFIED BY KKC

PRIORITY DATE: 04/30/1885

POINT OF DIVERSION: T13S R25E S23

NWSENW

Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
4-01 10-31

QUANTITY
0.16 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County
T13S R25E S23 SWNE 10

10 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

Water Right Number - R43-00361

Prefix Translation: RESEARCH

Old (D) Number -

--- Last Name ---

--- First Name ---

--- Address ---

*** C - CURRENT OWNER ***

BODEN

COLLEEN A

1 - PO BOX 653

VERIFIED BY: KKC

BODEN

CARL F

2 -

State- ID Zip- 83342

City- MALTA
Phone - 208-638-5570
1 - PO BOX 653
2 -
3 -
City- MALTA
Phone - 208-638-5563

State- ID Zip- 83342

--- Priority Date ---
04/30/1885

--- Region ---
ERROR IN REGION

--- Stage ---
D - DECREED

--- Status ---

--- Source ---
BLACKSMITH CREEK

--- Tributary ---
CASSIA CREEK

--- Point of Diversion ---

Twn Rng Sec Tract Lot Rflg County
13S 25E 23 NW ~~SW~~ NW (31) CASSIA

Code Description Period From Period To Water Use Diversion Rate Diversion Volume

01 - IRRIGATION

04/01 10/31

0.160

--- Total Div. Rate --- + --- Total Div. Volume --- +
0.160

--- Total Consumptive Use --- + --- KW Usage --- +
0.0

Twn Rng Sec Tract Lot Acres Code Description County
13S 25E 23 SW NE 10.0 01 IRRIGATION (31) CASSIA

Total Acres: 10.0

--- Diversion Means - HEADGATE IN CREEK WITH GRAVITY DITCHES

--- Non-Irrigation Use -

--- Other Rights for Same Use -

--- Remarks ---
No Remarks found.

--- Old Water Right Numbers ---
4300361

Prefix Translation: RESEARCH

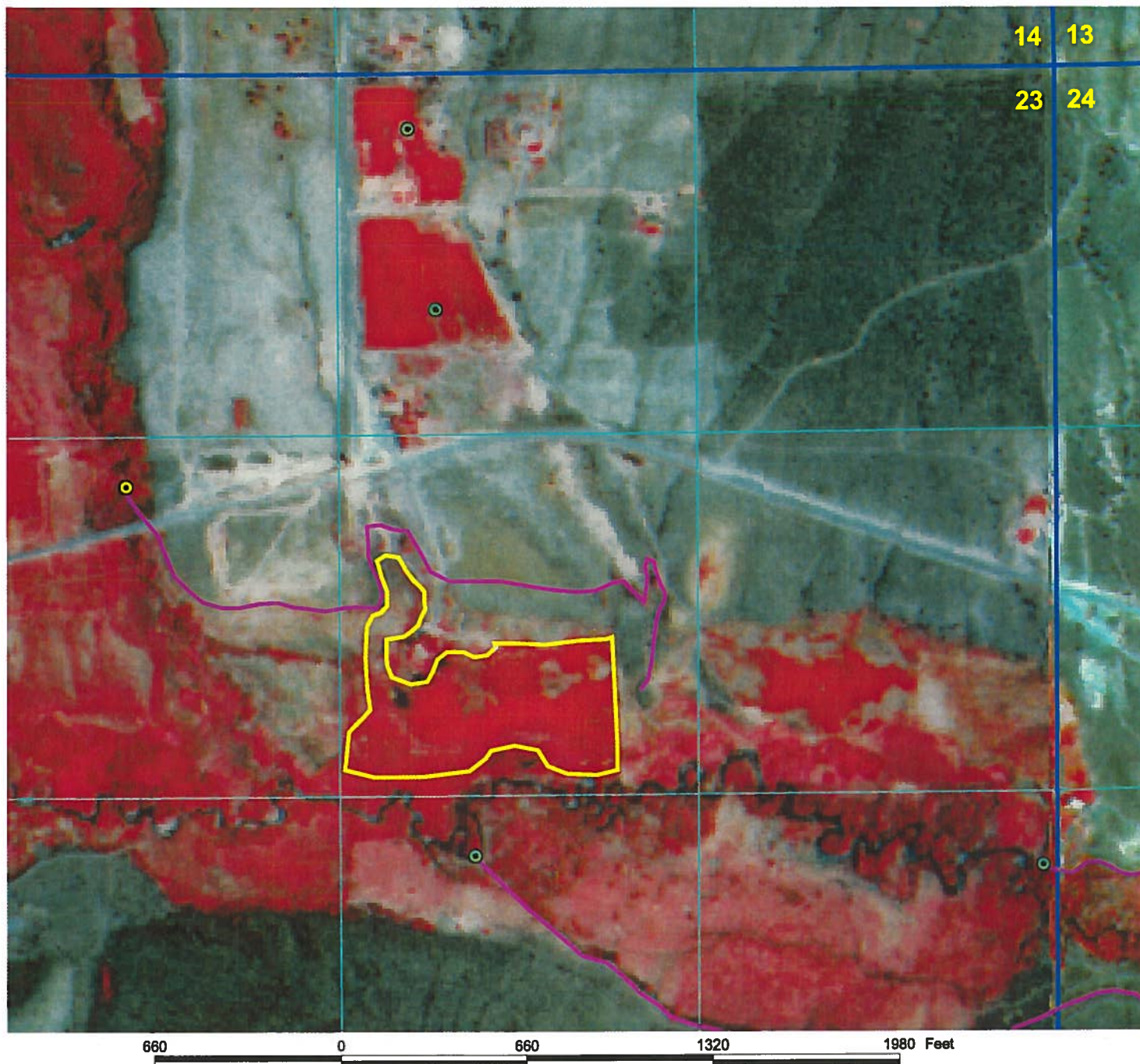
Decree Plaintiff	Decree Defendant	Decree Date
ALBION IDAHO LAND COMPANY	JOBE ADAMS	10/18/1928

04/06/00 KCHRISTE

+ Adjudication Rights Dates and Flags Area +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 10/27/1999	Civil Case Number	-	39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-	
Response Filed Date	- 00/00/0000	Verified Date	- 04/06/2000	Old Judicial District	-	
Claim Received Date	- 06/01/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P	
		Receipt Number	- M003795	Water District	-	
		POU Ownership Flag	- Y	Federal/State Indicator	- S	
		Name Connector	- OR	Presumption Flag	-	
				Notice of Error Flag	-	

RECOMMENDED PLACE OF USE FOR 43-00361

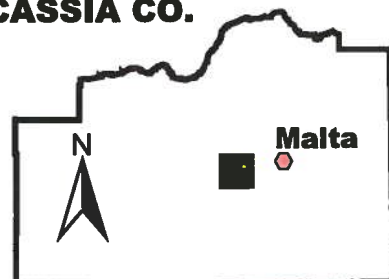


PLACE OF USE
TWP 13S RNG 25E, SEC 23
data entry on: April 6, 2000

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

- POINT OF DIVERSION
- PLACE OF USE
- SECTION LINES
- QUARTER/QUARTER LINES

CASSIA CO.



CLAIM NUMBER 43-00361 DATE 4-6-00
 AGENT KKC

TRANSFER NUMBER _____
 CLAIMED ACRE TOTAL 10
 GIS ACRE TOTAL 10

	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	25E	23			10														10
GIS			23			10														
RECOM			23			10														10
CLAIM																				
GIS																				
RECOM																				
CLAIM																				
GIS																				
RECOM																				

P/D is Shared by Udy. Claim # pending at this time. KKC 4-6-00

B43-POU.SHP
 SHAPE NOS.
196

B43-POD.SHP
 NOS. DESCRIPTION
133 Sec 23
NW SW NW

DBF TABLES UPDATED _____

B43-DBPOU.DBF 4-6-00
 B43-DBPOD.DBF "

JPEG LAYOUT 43-00361- Boden

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

PAGE: 12
QUICKLOOK INFORMATION

17:00:58
06/07/94
26
CLAIM NUMBER: A43-00361

MR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE			10-27-99 KRC	N		4-6-00 KRC	4-6-00 KRC	
POINT OF DIV	Y		6-12-95 KRC	Y		4-6-00 KRC		
SOURCE	Y		"	Y		4-6-00 KRC		
PLACE OF USE	Y		10-27-99 KRC	N		"		
DIV. AMOUNT CFS/VOLUME				N		"		
CONSUMPTIVE USE	-			-		"		
PURPOSES				N		"		
PERIOD OF USE	Y			Y		"		
BASIS OF CLAIM				N		"		
REMARKS				N		"		

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

-map used

CC-80 ascs-fiddler 1968

CC-80 ORTHO PHOTO

NAPP Rectified in GIS 1987-88 flight

ASCS 1987 flight. N-24

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

PAGE: 1
GENERAL INFORMATION

17:00:58
06/07/94
15
CLAIM NUMBER: A43-00361

LAST: BODEN
ADDRESS: P.O. BOX 653
CITY: MALTA
PHONE NUMBER: 208-638-5570
OWNER CODE: C
FIRST: COLLEEN A.
STATE: ID ZIP: 83342

LAST: BODEN
ADDRESS: P.O. BOX 653
CITY: MALTA
PHONE NUMBER: 208-638-5563
OWNER CODE: C
FIRST: CARL F.
STATE: ID ZIP: 83342

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS?
NO REMARKS IN CLAIM
DATABASE N
FIELD EXAMINER

CONTACT PERSON: COLLEEN BODEN

PHONE NUMBER: () -

DATE OF FIELD EXAM: 10/27/99

APPOINTMENT MADE: Y() N()

TIME: : A() P()

ACCOMPANIED BY: _____

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

I met Colleen at her home and she ceased her investigation practice. See field notes dated 10-27-99

A. AJ CLAIM: # A43-00361 PRIORITY DATE: 04-30-1885 STAGE: D
B. WR RECORD: # 43-00361 PRIORITY DATE: 04-30-1885 STAGE: D

C. FIELD EXAM REQUIRED?
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE EXAMINER

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N()
IF YES EXPLAIN.

NOTES: *claimed priority date matches the decern date and the claimed P/U matches a portion of the decerned P/U therefore I accept the date as claimed.*

RECOMMENDED PRIORITY DATE:
04-30-1885

REVIEWED BY *RKE* DATE *2-9-00*

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A43-00361	13S	25E	23	SW	NE	NW		CASSIA

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

SOURCE: CONNOR CREEK

TRIB: CASSIA CREEK

B. WR POINT OF DIVERSION AND SOURCE:

4300361 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: CONNER CREEK

TRIB: BLACKSMITH CREEK

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY?	(Y/N)	DATABASE	FIELD EXAMINER
DUE TO SOURCE DISCREPANCY?	(Y/N)	Y	
	Y		

NOTES:

I found the POD to be approx 175 ft south of the southern boundary of the N=NE1/4 therefore I am changing the POD legal description. This POD is on the Wickel property & I located the POD during a 6-12-95 field exam that was primarily concerning the Wickel claim.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:		1/4		LOT	COUNTY	DIVERSION NAME
TWP.	RGE.	SEC.	1/4			
135	25E	23	NW	SW	NW	
SOURCE:	Blacksmith	TRIB:	Cassia Co.			

REVIEWED BY: KKC DATE: 4-6-00

SYSTEM DESCRIPTION:

The USGS mapping convention has Cotton Creek tributary to Blacksmith Creek in the SW 1/4 of sec 14 and Blacksmith Creek tributary to Cassia Creek in the NW 1/4 of sec 23. This P/D comes out of Blacksmith Creek based upon USGS convention

A. ROOT WATER RIGHT NUMBERS: A43-00361

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
13S	25E	23	SW	NE		BODEN, COLLEEN A.	A43-00361 / 10.0	43-00361 /			20.0
			SW	NE		BODEN, COLLEEN A.	A43-10308 /	- /			
			SW	NE		BODEN, COLLEEN A.	R43-10308 /	- /			
			SW	NE		CASSIA CREEK IRRIGATION CO.	43-00015 /	/			

TOTAL ACRES A43-00361 10.00 20.00

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y () N (X)

C. FIELD EXAM REQUIRED? DATABASE EXAMINER POU COUNTY: CASSIA

DUE TO POU DISCREPANCY? (Y/N) Y

PRESUMPTION FLAG:

NOTES:

See attachment 43-00361 Analysis dated 4-6-00

RECOMMENDATIONS:

TOTAL ACRES: 10

REVIEWED BY: KKC DATE: 4-6-00

A. AJ CLAIMED USES:

PURPOSES
A43-00361 IRRIGATION

NOT depl
MONTH/DAY
FROM 04-15 TO 10-31
Standard
Season
DIVERSION QUANTITY
.160 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED
.160 CFS

B. WR RECORDED USES:

PURPOSES
43-00361 IRRIGATION

MONTH/DAY
FROM TO
DIVERSION QUANTITY
.160 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED
.160 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

DUE TO WATER-USE DISCREPANCY? (Y/N)
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)

FIELD EXAMINER
DATABASE EXAMINER

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?
RECOMMEND TO WR STANDARDS OR OTHER?

Y() N(X)
Y(X) N() Explain in notes, below.

NOTES:

Dept Standard is 4-1 10-31. Recommendation
no reason of use given in the decree

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y (X) N ()

AJ TOTAL CLAIMED DIVERSION RATE: 0.160 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.160 CFS

*** IF NO OR IF STATUTORY CLAIM OR BENEFICIAL USE THEN FLOW MEASUREMENT REQUIRED. ***
** IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS **
** CLAIMED AND AN EXAM IS NOT REQUIRED, EXPLAIN IN NOTES. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N) Y FIELD / DATABASE EXAMINER

B.

MEASUREMENT METHOD FLOW MEASUREMENT *Same system as de creek estate*
SEE ATTACHED CALCULATIONS. *Therefore did not measure rate*

C. ARE OTHER WATER RIGHTS USED? Y () N (X) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: N/A

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A43-10308	DOMESTIC	BODEN, COLLEEN A.	FROM 01-01 TO 12-31	.040 CFS	
R43-10308	DOMESTIC	BODEN, COLLEEN A	FROM 01-01 TO 12-31	.040 CFS	

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 10 x 0.02 CFS/ACRE = 20 CFS
(Taken from p/u review)

1b. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE?

Y() N(☒)

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

SEE DECREE FOR MORE INFO ON P. U.

NOTES: (Include limitations on CONSUMPTIVE USE for combined rights.)

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD		REC. DIV RATE CFS		REC. DIV VOL. AF/A		REC. CONS. USE	
	FROM	TO						
IRRIGATION	~~04-15~~ 4-1	~~10-15~~ 10-31	DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
			0.160	OK			0.0	
TOTAL FOR THIS RIGHT			0.160				0.0	

REVIEWED BY: KKC DATE: 4-6-00

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED
AS CLAIMED
()
()
()
()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 43-00361

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
0.160

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A43-00361	0.160	N/A		43-00361	0.160
	TOTAL CFS	0.160				

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
If NO, is the written review sheet attached? (Y/N)

DATABASE

FIELD
EXAMINER

NOTES:

See 43-00361 Analysis dated 4-6-00
KRC

AUTHENTICATION:

SIGNATURE:

Helley K. Christman

DATE:

4-6-00

NAME OF FIELD EXAMINER:

TITLE:

Siwater Resource Agent



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 KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

November 30, 1999

COLLEEN A BODEN
PO BOX 653
MALTA ID 83342

RE: SNAKE RIVER BASIN ADJUDICATION CLAIM:
A43-00361

COPY

Dear Colleen

I am following up on our conversation that we had at your home on 10-27-99.

Have you been able to determine the history and current use for this right? I would like to be able to finalize my recommendation for this right as soon as possible and need your input to complete my review. I have not contacted your neighbors as I have been waiting for your response.

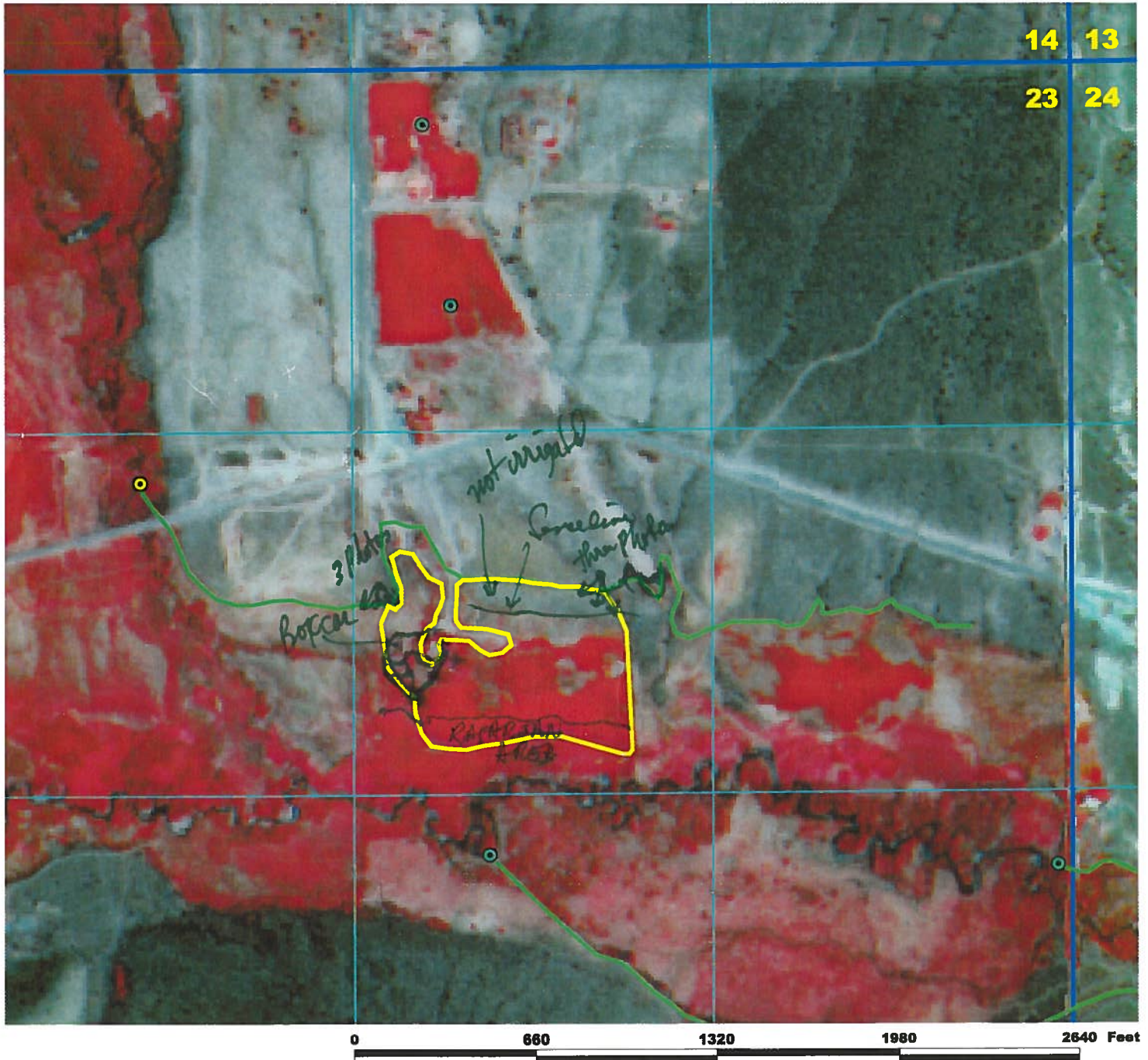
If you have any questions you can contact me at the number listed above.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

IDAHO DEPARTMENT OF WATER RESOURCES

FIELD MAP FOR
43-00361



TWP 13S, RNG 25E, SEC 23
JPEG LAYOUT CREATED _____

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

10-27-99
KKC

-  POINT OF DIVERSION
-  PLACE OF USE
-  SECTION LINES
-  QUARTER/QUARTER LINES

CASSIA CO.



U24

N-24 N

14 13
23 24

T1466 T1467
BLACKSMITH CREEK
CANNON CREEK
PER USGS
E251

Field notes
10-27-99
KKE
E111

ASCS Aerial photo
1987 flight.

Wild
Sp. 1987

cutbank

Pump in pond
Shared with Udy
Pond

T1468

Udy

17.4
3.4
3.4
Mudline

T192

AA 5.4

BB 2.0

CC 2.7

DD 3.7

sp. in A 5.4

E56

23 24
26 25

Boden - 43-00361

FIELD NOTES
10-27-99
KKC

Need to confirm P/U boundary.
Need to confirm distance from road, north
to the P/D.
Is there a measuring device on the ditch?

10-27-99 Field Exam

Visited with Colleen Boden

She indicated that the ditch crosses
their property and into the neighbor's property.

She stated that the water Dumps into a
small pond and that the water is then pumped
into hand lines to irrigate the field.

She stated that the neighbor shares the pump
system.

She further stated that both properties
were originally owned by Merlin Ottley.

She was not sure how the water ^{right} was handled
when she purchased a portion of the Place of
use. She indicated that she would check with
Merlin.

Kelly K. Christensen

43-00361 ANALYSIS

I conducted a field inspection of the place of use on 10-27-99 and discussed the irrigation practices with Colleen Boden. She stated that the Blacksmith delivery ditch came into her property and then crossed into the neighbor's property to the east and dumped into a small pond. From that pond water was delivered to both properties via a pump and sprinkler system. The place of use lays, from the ditch system south to Cassia Creek. The southern border of the place of use, laying against Cassia Creek, is difficult to differentiate between the irrigated place of use and the riparian area, however as irrigation water can flow into the riparian area, I am recommending the 10 acres claimed.

Colleen indicated that they have always shared the system. She thought that probably her neighbor (Lance Udy) should have some of the water as they both used it. I later contacted Mr Udy and he filed for a portion of the decreed right. He also did not know just how the sharing arrangement had initially been established or even the basis for his water use but that Merlin Ottely owned the entire property at one time and should know. Colleen indicated that she would contact Merlin to establish the historical use for the water. She never responded to me as of this date.

I subsequently reviewed the Jobe Adams decree and found that the meets and bounds description only described the Boden property. Therefore, I am recommending the entire decreed right to Colleen under the base number.

I had an opportunity to meet with Mr Ottley concerning his personal water rights and after discussing his use I asked him about the Boden/Udy water use. He indicated that he purchased the property in 1971 and that both parcels were being irrigated from Blacksmith Creek. He stated that Henry Ottley was the previous owner and that he had owned the property for some time. Merlin did not know when Blacksmith water was first applied to the Udy property. He did state that Bernice Chandler should have personal knowledge of the historical use. Based upon my conversation with Merlin, I feel that I could easily recommend the Udy use with a 4-1-1971 priority date. I have notified Mr Udy of this and am waiting for further correspondence from him concerning additional evidence of priority.

Kelly K. Christensen
4-6-00
File 43-00361 P-4 analysis
Boden-Udy



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 KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 6, 2000

LANCE UDY
HC 61 BOX 1257
MALTA, ID 83342

RE; ADJUDICATION CLAIM A43-00361A EVIDENCE OF PRIORITY

Dear Lance

I have conducted additional research concerning the decreed right 43-00361 and found a meets and bounds description for the place of use that only describes Colleen Boden's property. As your property is not part of the original place of use I do not feel that I can recommend it as such.

I had to verify some information concerning A43-00228 so I met with Mervin Ottley on 4-5-2000. During that meeting I questioned him about the historical water use on the property you and Colleen own. Mervin stated that he purchased the property in 1971 and that Blacksmith water was being used on your property at that time. He further stated that Henry Ottley owned the property previously and that he had also used Blacksmith water on the property. He did not know when he started using the water but suggested that Bernice Chandler likely would have information.

Based upon the information supplied by Mervin I do not feel that I can recommend your use as a portion of the decreed right, but every indication is that there was a beneficial use right perfected prior to the surface water mandatory permit statute enacted May 20, 1971.

Again, based upon the information currently available I feel that I could comfortably recommend your adjudication claim with a 4-1-1971 priority date, however, if you want an earlier priority date as suggested by Merlin, I will need evidence of priority to support that earlier date.

If you have any questions please give me a call.

Sincerely

Kelly K Christensen

**Property Boundary
fence line**

Riparian Area

A43-00361B Colleen Boden
Photo date: 10-27-99

Photos by Kelly K Christensen
File: 43-00361B p-u photos taken 10-27-99

Home Site



This photo set was taken from the northeast corner of the recommended place of use. The fence line on the left is the eastern boarder of the P/U. The irrigation is from the riparian area in the distance to the edge of the grass/sage area in the foreground. The ditch visible in the right side of the photos is the main ditch. This ditch continues to the left or east into the Udy property (A43-00361A). That claim is for the ground east of the division fence, again, shown on the left.

Home Site

Western Boarder of the P/U



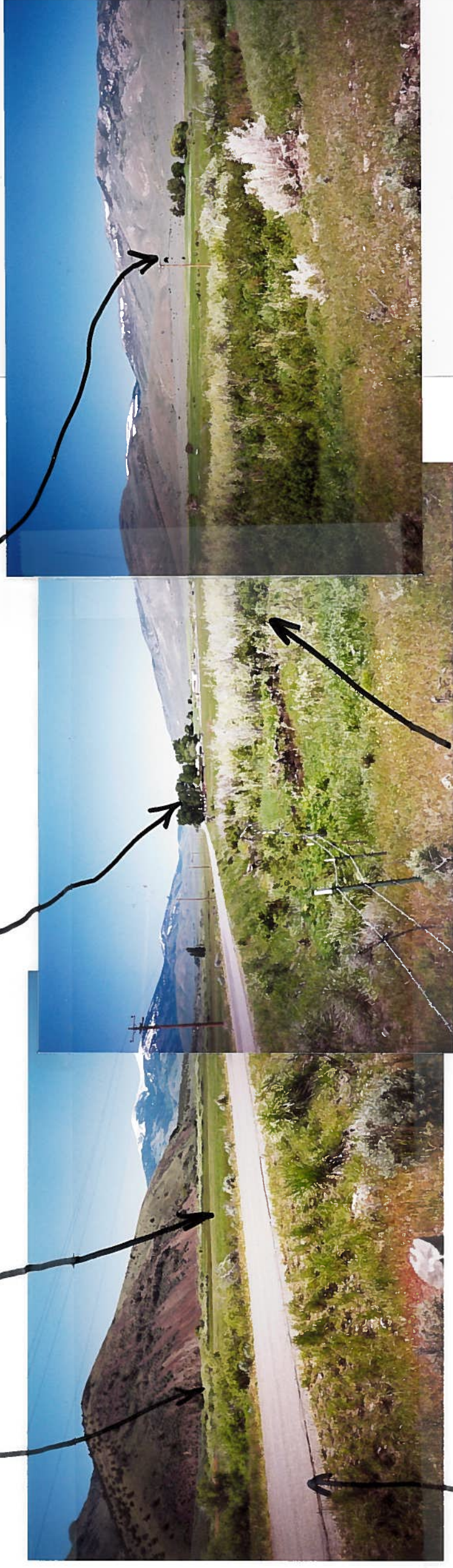
This photo set was taken from the northwest corner of the recommended place of use. The main ditch is in the foreground on the right and is the northern boarder of the P/U. Irrigation water from this system does not irrigate the lawn area around the home. The main road from the highway to the home is just out of camera range on the left. This ground is not part of the cropped meadow but is irrigated. The non-cropped area east of the main road from the ditch to the cropped field is also not irrigated.

CLAIM # A43-00361
DATE PHOTOS TAKEN; 06-12-95
PICTURE SET # 1

This photo shows the southeastern end of the P/U for Wickel and the P/D for Boden. You are looking southwest on the left to northwest on the right. The Boden P/U is out of the picture range to the left.

CASSIA CREEK WICKEL P/U

FARMSTEAD NORTHERN CONNOR CREEK DIVERSION



ROAD TO ELBA

BODEN P/D

CLAIM # A43-00361
DATE PHOTOS TAKEN; 06-12-95
PICTURE SET # 2

This photo set was taken to show the relationship between the Blacksmith Creek diversion and the approximate place of use. The place of use is just over the hill on the left. You are looking southeast on the left to southwest on the right.

P/U BEYOND HILL

CASSIA CREEK BLACKSMITH CREEK GOES UNDER HIGHWAY



POINT OF DIVERSION