

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: **A43-00361A**
Date Received: 12/16/1999
Receipt No: S022720
Received By: AKC

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

1. Name: LANCE UDY 208-638-5574
Address: HC 61 BOX 1257
MALTA ID 83342
OR
Name: KRISTENE UDY 208-638-5574
Address: HC 61 BOX 1257
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	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	04/01	10/31	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:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	25E	23	SW	NE		IRR	2.4

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	25E	23	SE	NE		IRR	15.0
Section Acres							17.4
Total Acres							17.4

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

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 Twin Falls) SS.

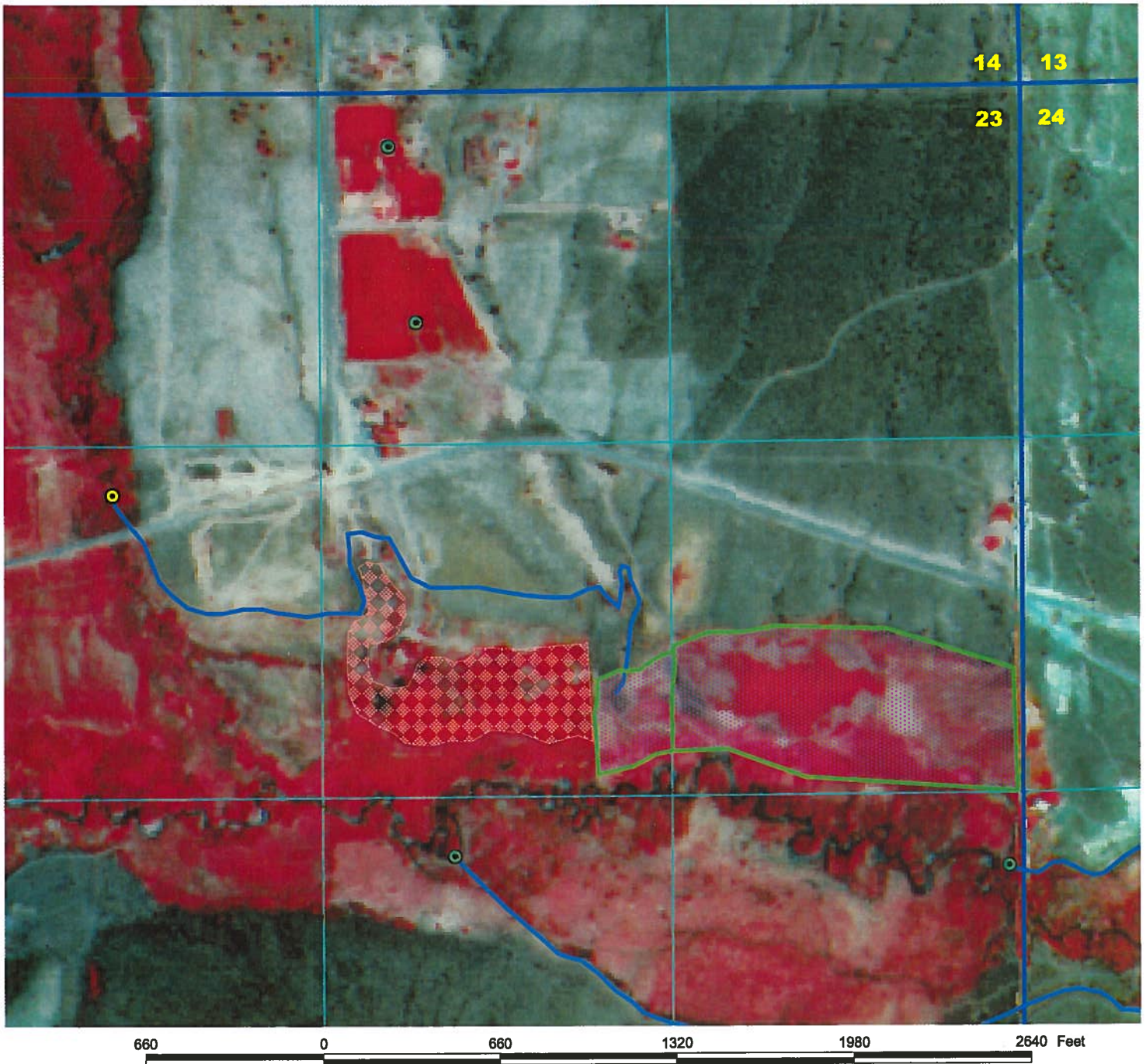
Subscribed and sworn (or affirmed) before me this 16th day
of Dec 19 99 Kelly K. Christensen
Notary Public

Seal

Residing at Twin Falls
My Commission Expires 3-11-04

IDAHO DEPARTMENT OF WATER RESOURCES

**Claim map for
43-00361 (part)**



PLACE OF USE

TWP 13S RNG 25E, SEC 23

data entry on: December 16, 1999

**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.



03/19/2001

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

RIGHT NUMBER: 43-361A
NAME AND ADDRESS: KRISTENE UDY
LANCE UDY
HC 61 BOX 1257
MALTA, ID 83342

SOURCE: BLACKSMITH CREEK TRIBUTARY: CASSIA CREEK

QUANTITY: 0.16 CFS

VERIFIED BY: KKC

PRIORITY DATE: 04/01/1971

POINT OF DIVERSION: T13S R25E S23 NWSENW 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	0.16 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>			
T13S R25E S23	SWNE	2.4	T13S R25E S23 SENE 15

17.4 ACRES TOTAL

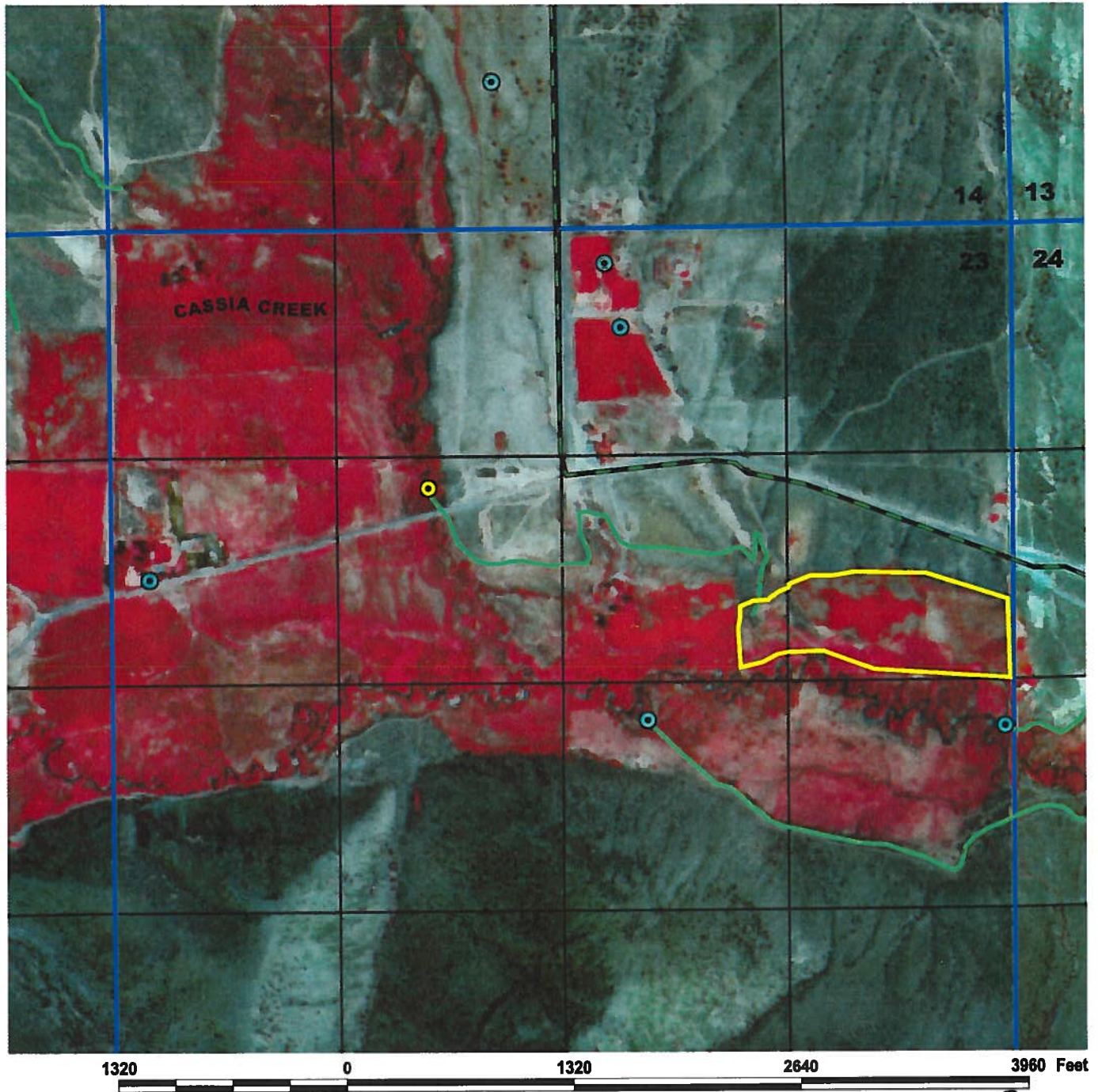
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 - Beneficial Use

Idaho Department of Water Resources

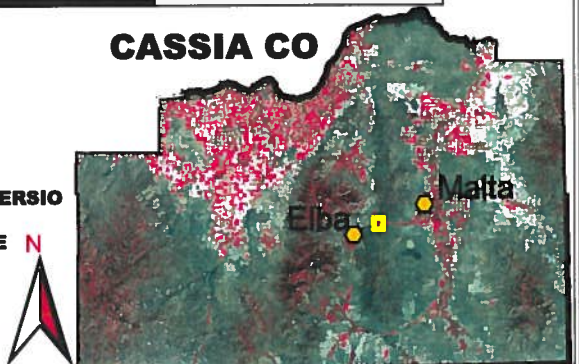
RECOMMENDED PLACE OF USE FOR 43-361A



PLACE OF USE
TWP 13S, RNG 25E, SEC 23
Data entry on March 19, 2001

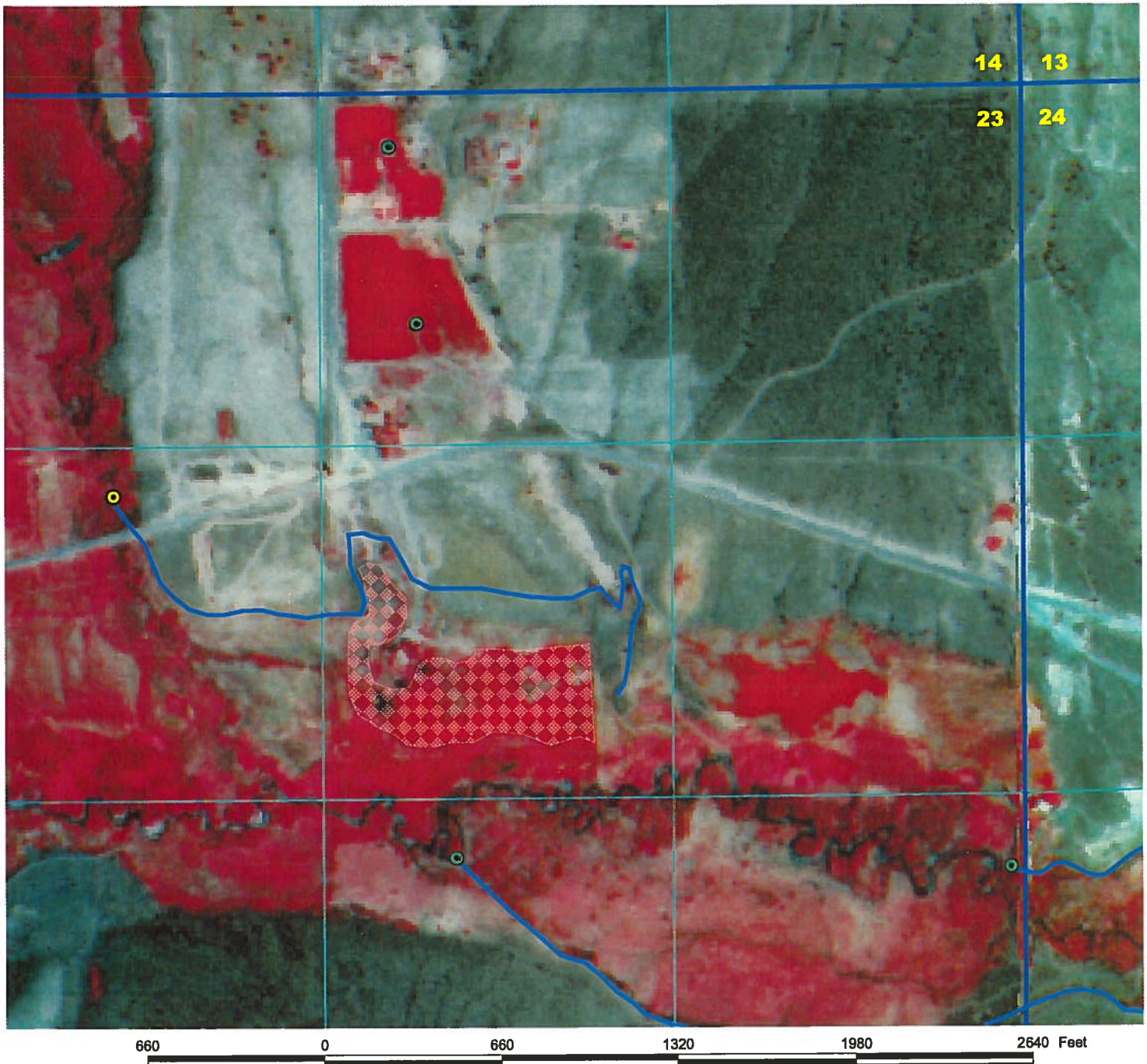
GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

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



IDAHO DEPARTMENT OF WATER RESOURCES

**Claim map for
43-00361 (part)**



PLACE OF USE
TWP 13S RNG 25E, SEC 23
data entry on: December 16, 1999

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.





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

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 Ottley 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