

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 43-412
Date Received: 6/14/89
Receipt No: S008220
Received By: KKC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Amending receipt
5023694
3-26-01

1. Name of Claimant(s)

JULENE COTTLE Phone: (208)645-2567
ALBERT JAY COTTLE
1750 S COTTLE LN BOX 1232
MALTA ID USA 83342

2. Date of Priority: 06/15/1873

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	Type
13S	26E	20	SW SW	CASSIA	
13S	26E	21	NW SE	CASSIA	
13S	26E	21	NE SW	CASSIA	
13S	26E	21	NE SE	CASSIA	
13S	26E	21	SW SW	CASSIA	

5. Description of diverting works:

CEMENT HEADGATE & 15HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	2	

7. Total Quantity Appropriated is:
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	26E	21	SE NE	IRRIGATION	13
			NE SE	IRRIGATION	36
			NW SE	IRRIGATION	24
			NE SW	IRRIGATION	9.3
			SE SE	IRRIGATION	9
			SW SE	IRRIGATION	21
			SE SW	IRRIGATION	27
			SW SW	IRRIGATION	23
				Section Acres	162.3
				Total Acres	162.3

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:

A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.

The claim was amended to add acres to the place of use as the original claim identified a smaller place of use. kkc

15. Basis of Claim: Decreed

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):

Albert J. Lott
Julene Lott

Date: 26 MARCH 2001

Date: 26 Mar 2001

State of Idaho

County of

Twin Falls

) SS.

Subscribed and sworn (or affirmed) before me this 26th day

of Mar 2001

Kelly K. Christensen

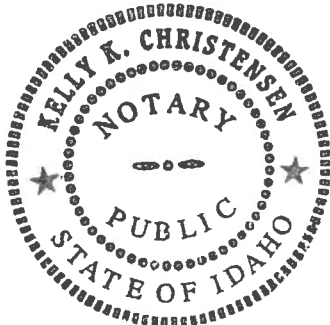
Notary Public

Residing at

Twin Falls, ID

My commission Expires

3-11-04



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: A43-00412

Date Received: 6/14/1989

Receipt No: S008220

Received By: Ct: address

Change

~~COPY FOR
YOUR FILES~~

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

~~COPY FOR
YOUR FILES~~

1. Name: JULENE COTTLE 208-645-2567
Address: 1750 S COTTLE LN BOX 1232
MALTA ID 83342
AND/OR
Name: ALBERT JAY COTTLE 208-645-2567
Address: 1750 S COTTLE LN BOX 1232
MALTA ID 83342

2. Date of Priority: JUN 15, 1873

3. Source: CASSIA CREEK Trib. to: RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13S	26E	20		SW	SW		CASSIA
		21		NE	SW		CASSIA
				SW	SW		CASSIA
				NE	SE		CASSIA
				NW	SE		CASSIA

5. Description of diverting works:
CEMENT HEADGATE & 15HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.000		

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

8. Total consumptive use is 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	21	SE	NE		IRR	10.0
			NE	SW		IRR	6.0
			NW	SW		IRR	2.0
			SW	SW		IRR	21.0
			SE	SW		IRR	22.0
			NE	SE		IRR	28.0
			NW	SE		IRR	23.0
			SW	SE		IRR	19.0
			SE	SE		IRR	9.0

Section Acres 140.0

Total Acres 140.0

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:

A43-02271, 04191

14. Remarks:

TRANS. 2854.

PARKE CR. WATER ALSO USED ON ACRES & CASSIA CREEK WASTEWATER.
THIS CLAIM ALSO INCLUDES MY SHARE OF THE 34.8 CFS OF WATER
TRANSFERRED FROM THE BAR-M RANCH AND REFERED TO AS THE BAR-M
DECREE OR WATER.

05/12/99, CHANGED ADDRESS AS PER REQUEST. C.T.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

ALBION-IDAHO LAND CO.

Decree Plaintiff

JOBE ADAMS ET. AL., AMENDED

vs Decree Defendant

Water Right Number - A43-00412

Prefix Translation: ADJUDICATION CLAIM Old (D) Number -

+ - - - - Last Name - - - - + + - - - First Name - - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
COTTLE

JULENE

1 - 1750 S COTTLE LN BOX 1232

2 -

3 -

City- MALTA State- ID Zip- 83342

Phone - 208-645-2567

ALBERT JAY

1 - 1750 S COTTLE LN BOX 1232

2 -

3 -

City- MALTA State- ID Zip- 83342

Phone - 208-645-2567

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
06/15/1873 17 SOUTHERN D - DECREED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
CASSIA CREEK RAFT RIVER+ - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County13S 26E 20 SW SW (31) CASSIA
21 NE SW (31) CASSIA
SW SW (31) CASSIA
NE SE (31) CASSIA
NW SE (31) CASSIA+ - - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

03/15

11/15

2.000

+ - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Consumptive Use - + + - - KW Usage - +
2.000 0.0+ - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County13S 26E 21 SE NE 10.0 01 IRRIGATION (31) CASSIA
13S 26E 21 NE SW 6.0 01 IRRIGATION (31) CASSIA
13S 26E 21 NW SW 2.0 01 IRRIGATION (31) CASSIA
13S 26E 21 SW SW 21.0 01 IRRIGATION (31) CASSIA
13S 26E 21 SE SW 22.0 01 IRRIGATION (31) CASSIA
13S 26E 21 NE SE 28.0 01 IRRIGATION (31) CASSIA
13S 26E 21 NW SE 23.0 01 IRRIGATION (31) CASSIA
13S 26E 21 SW SE 19.0 01 IRRIGATION (31) CASSIA
13S 26E 21 SE SE 9.0 01 IRRIGATION (31) CASSIA

Total Acres: 140.0

Water right number - A43-00412 Prefix Translation: ADJUDICATION CLAIM

+ - - Diversion Means - CEMENT HEADGATE & 15HP PUMP

+ - - Non-Irrigation Use - NONE

+ - - Other Rights for Same Use - A43-02271, 04191

.....Remarks.....+

TRANS. 2854.
PARKE CR. WATER ALSO USED ON ACRES & CASSIA CREEK WASTEWATER.
THIS CLAIM ALSO INCLUDES MY SHARE OF THE 34.8 CFS OF WATER
TRANSFERRED FROM THE BAR-M RANCH AND REFERED TO AS THE BAR-M
DECREE OR WATER.

05/12/99, CHANGED ADDRESS AS PER REQUEST. C.T.

	No Old Water Right Numbers Found	Old Water Right Numbers	
+ - - - - +	- - - - -	- - - - -	+ - - - - +

01E - A measuring device and lockable controlling works of a type

- acceptable to the Department shall be permanently installed and
- maintained as part of the diverting works.

+ - - -	- - - +	+ - - -	- - - +	+ - Decree Date - +
ALBION- IDAHO LAND CO.				00/00/0000
JOBE ADAMS ET. AL., AMENDED				
Decree Defendant				
Decree Plaintiff				

[illegible]

+ - - Audit Fields - - + 05/12/99 CTIMM

	Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
	Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
	Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
	Claim Received Date	- 06/14/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
			Receipt Number	- S008220	Water District	- 43B
			POU Ownership Flag	- Y	Federal/State Indicator	- S
			Name Connector	- AND/OR	Presumption Flag	- D
					Notice of Error Flag	-

Old (D) Number -

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County

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(31) CASSIA

Prefix Translation: RESEARCH

Water right number - R43-00412

+ - - Diversion Means - CEMENT HEADGATE & 15HP PUMP

+ - - Non-Irrigation Use - NONE

+ - - Other Rights for Same Use - A43-02271, 04191

[illegible]

GEN TRANS. 2854.
PARKE CR. WATER ALSO USED ON ACRES & CASSIA CREEK WASTEWATER.
THIS CLAIM ALSO INCLUDES MY SHARE OF THE 34.8 CFS OF WATER
TRANSFERRED FROM THE BAR-M RANCH AND REFERED TO AS THE BAR-M
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[illegible]

01E - A measuring device and lockable controlling works of a type

- acceptable to the Department shall be permanently installed and
- maintained as part of the diverting works.

+ - - - Decree Plaintiff - - +
 ALBION-IDAHO LAND CO.
 + - - - Decree Defendant - - +
 JOBE ADAMS ET. AL., AMENDED
 00/00/0000

	+ - - - - -	- Comments -	- - - - - +
Date:	05/12/1999	User Id: CTIMM	Subject: ADDRESS CHANGE
CHANGED ADDRESS AS PER REQUEST. C.T.			

+ - - Audit Fields - - + 05/12/99 CTIMM

+ - - - -	- Adjudication Rights Dates and Flags Area	- - - - +			
Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 06/14/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S008220	Water District	- 43B
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	- D
				Notice of Error Flag	-

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
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IN RE THE GENERAL ADJUDICATION
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CIVIL CASE NUMBER: 39576

Ident. Number: A43-00412
Date Received: 4/13/1989
Receipt No:
Received By: AD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALBERT JAY COTTLE 208-645-2567
Address: HC61 BOX 1232
MALTA, ID 83342

AND/OR
Name: JULENE COTTLE 208-645-2567
Address: HC61 BOX 1232
MALTA, ID 83342

2. Date of Priority: JUN 15, 1873

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	20		SW	SW		CASSIA
		21		NE	SW		CASSIA
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CEMENT HEADGATE & 15HP PUMP

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Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A43-00412

Page 1

Date: 06/14/89

MICROFILMED

MAR 03 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13S	26E	21	SE		NE		IRR	10.0
			NE		SW		IRR	6.0
			NW		SW		IRR	2.0
			SW		SW		IRR	21.0
			SE		SW		IRR	22.0
			NE		SE		IRR	28.0
			NW		SE		IRR	23.0
			SW		SE		IRR	19.0
			SE		SE		IRR	9.0
							Section Acres	140.0
							Total Acres	140.0

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:
A43-02271, 04191

14. Remarks:
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DECREE OR WATER.

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

ALBION-IDAHO LAND CO.
Decree Plaintiff

vs

JOBE ADAMS ET. AL., AMENDED
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 _____

H190

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
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CIVIL CASE NUMBER: 39576

Ident. Number: A43-00412
Date Received: 4/13/1989
Receipt No: 5008220
Received By: APM

RECEIVED

JUN 09 1989

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ~~ALBERT J. COTTLE~~ *alc*
Address:

MALTA, ID *alc* 83342

AND/OR

Name: ALBERT JAY COTTLE

208-645-2567

Address: HC61 BOX 1232
MALTA, ID

83342

AND/OR

Name: JULENE COTTLE

208-645-2567

Address: HC61 BOX 1232
MALTA, ID

83342

2. Date of Priority: JUN 15, 1873

3. Source: CASSIA CREEK Trib. to: RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13S	26E	21	NE	NE	SW		CASSIA <i>alc</i>
		21	NE	NE	SE		CASSIA
		21	NW	NW	SE		CASSIA <i>alc</i>
		20	SW	SW	SW		CASSIA <i>alc</i>
		20	SW	SW	SW		CASSIA <i>alc</i>

5. Description of diverting works:
CEMENT HEADGATE & 15HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	26E	21	SE	NE		IRR	10.0
			NE	SW		IRR	6.0
			NW	SW		IRR	2.0
			SW	SW		IRR	~~20.0~~ 21 ac
			SE	SW		IRR	~~20.0~~ 22 ac
			NE	SE		IRR	28.0
			NW	SE		IRR	23.0
			SW	SE		IRR	19.0
			SE	SE		IRR	~~5.0~~ 9 ac
Section Acres							~~133.0~~ 140 ac
Total Acres							~~133.0~~ 140 ac

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:
A43-02271, 04191

14. Remarks:
TRANS. 2854.
PARKE CR. WATER ALSO USED ON ACRES & CASSIA CREEK WASTEWATER.

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

ALBION-IDAHO LAND CO.
Decree Plaintiff

vs

JOBE ADAMS ET. AL., AMENDED
Decree Defendant

16. This claim also includes my share of the 34.8 cfs of water transferred from the Bar-M ranch and referred to as the Bar-M decree or water.
Refer: Attachment to Cottle claim-Attachment A.

Attachment B- Decree of the District Court of the Eleventh Judicial District of the State of Idaho, in and for the County of Cassia, dated 1 June 1943.

Attachment C- An Amendment to the above Decree, dated 2 August 1945.

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: NONE

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): Albert J. Lottle Date: 8 June 1989
Julene Lottle Date: 8 June 1989

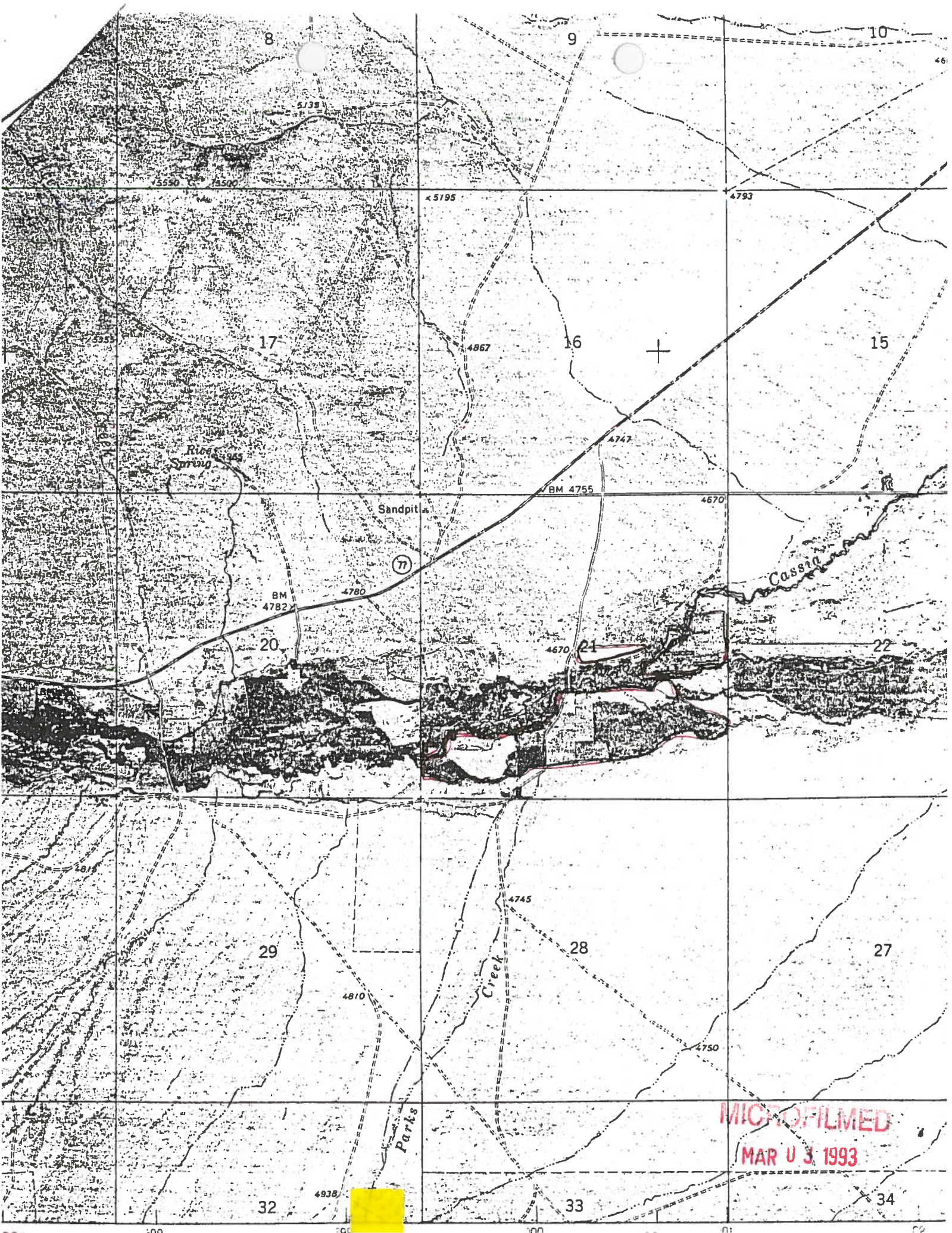
State of Idaho)
County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 8 day
of JUNE 19 89 Boyd Boock
Notary Public

Seal

Residing at Malden Ida.

My Commission Expires 10-15-91



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Attachment to Cottle Claim

This notice is filed to claim a portion of the water rights identified and adjudicated in the Clifford Beecher et al. vs. Cassia Creek Irrigation Co., Inc., Decree, dated June 1, 1943, wherein decreed water rights 43-0015 through 43-0029 were further adjudicated. This claim is for the water rights apportioned to Albert Cottle as follows:

"...lands to be irrigated under such rights and to which said water rights are hereby confirmed and shall become appurtenant for irrigation and domestic purposes, are described as follows, to-wit: SE1/4 of NE1/4, S1/2 & NE1/4 of SW1/4, SE1/4, Sec. 21...T13S R26E...

"That the water hereby transferred shall hereafter be conducted to the new places of use through a series of diversions on...Cassia Creek... lying in...Sec. 21 T13S R26E..."

Given that the Cassia Creek Irrigation Company was dissolved several years after, and given that Albert J. Cottle was an owner in that organization, and given that a portion of the defined water rights were assigned to his lands, and given the under Idaho law perfected water rights are appurtenant to the lands upon which they are assigned, and given that the described irrigation has continued on the above lands since the time of the decree, therefore, we make this claim to a fair apportionment of these rights.

Because the Articles of Incorporation (as filed with the County) do not designate the number of shares apportioned to each shareholder, we have assumed the shares were held in equal. However, if we find information which would tell us otherwise, we reserve the right to amend this claim. Based on the assumption of equal shares, this claim is for 1/21 of 34.8 cfs or 1.66 cfs. Because these water rights are no longer used or held in common, the claimed portion should be segregated from the remainder of this right.

Last Name Cottle

Ident No. _____

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MAR 03 1993

IN THE DISTRICT COURT OF THE ELEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CASSIA.

CLIFFORD BECHER; LOT UDY; ALBERT COTTLE; REUBEN WARD;
C. L. SEARS; ART M. WARD; ESTHER PARKER; H. F. DEARDORFF;
MAGGIE E. SCOTT; W. E. WILLIAMS; A. J. UDY; LARENZO DARRINGTON;
GARRETT HUTCHINSON; C. S. GAMBLE; H. W. WICKEL; LEWIS WICKLE;
RICHARD KOSSMAN; MRS. J. S. HUTCHINSON; E. R. PARTISH; R. C. WAKE;
and F. M. KOSSMAN,

Plaintiffs,

vs.

DECREE

CASSIA CREEK IRRIGATION COMPANY, INC., a corporation, and
JAMES SPOFFORD, State Reclamation Engineer of the State of
Idaho, substituted for E. V. BERG, who was Commissioner of
Reclamation of the State of Idaho prior to January 4, 1943,

Defendants.

The above entitled action came on regularly for trial on the 14th day of November, 1942, at the court house, Cassia County, Idaho, Honorable James W. Porter, District Judge, presiding; plaintiffs appeared in person and by their attorneys, H. A. Baker, Esquire, of Rupert, Idaho, and James R. Bothwell, Esquire, of Twin Falls, Idaho; the defendant Cassia Creek Irrigation Company, Inc., a corporation, appeared by its officers and its attorney, W. G. Bissell, Esquire, of the firm of Bissell & Bird, of Gooding, Idaho; and the defendant, E. V. Berg, as Commissioner of the Department of Reclamation of the State of Idaho, appeared in person and by his attorney, Leo M. Bresnahan, Assistant Attorney General.

Whereupon, evidence both oral and documentary was offered on behalf of the respective parties, the trial continuing up/and including November 23, 1942, when it was concluded, and the action was thereupon submitted to the Court to await the filing of briefs by counsel for the respective parties and for decision; and the briefs having been filed, and the Court on this day having filed its decision in writing in the form of Findings of Fact and Conclusion of Law, and now being fully advised in the premises,

It is ORDERED, ADJUDGED AND DECREED as follows, to-wit:

I

That the Certificate of Water Right, Transferred Right No. 618, issued by E. V. Berg, Commissioner of Reclamation of the State of Idaho, under date March 21, 1941, to the Cassia Creek Irrigation Company, Inc., a corporation, defendant herein, by which the rights to the use of 34.8 cubic feet per second of the waters of Raft River and Cassia Creek were declared to have been abandoned as to certain lands and made appurtenant to other lands, as set forth in said Certificate of Water Right, copy of which has been inserted in Finding of Fact No. VI, shall be and the same is hereby cancelled, set aside, and held for naught.

II

That the Cassia Creek Irrigation Company, Inc., a corporation, defendant herein, is the owner of certain water rights on Raft River and Cassia Creek in the County of Cassia, State of Idaho, said water being originally decreed to the Albion Idaho Land Company by a decree of Judge C. C. Cavanah of the District Court of the United States, for the District of Idaho, in the case of ALBION LAND CO. vs. JOBE ADAMS ET AL., said decree bearing date of October 23, 1928, for the purpose of irrigating the following described lands, situate, lying and being in Water District No. 8-C, in the County of Cassia, State of Idaho, to-wit:

The S $\frac{1}{2}$ of the N $\frac{1}{2}$; the N $\frac{1}{2}$ of the SE $\frac{1}{4}$; the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$; and the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 17; the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Sec. 18; the NE $\frac{1}{4}$; the E $\frac{1}{2}$ of the SW $\frac{1}{4}$; and the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Sec. 19; the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$; the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$; the S $\frac{1}{2}$ of the NW $\frac{1}{4}$; the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Sec. 30; the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$; the S $\frac{1}{2}$ of the NW $\frac{1}{4}$; and the SW $\frac{1}{4}$ of Sec. 31, in Twp. 11 S., R. 27 East, Boise Base and Meridian.

The NE $\frac{1}{4}$ of the NW $\frac{1}{4}$; and the W $\frac{1}{2}$ of the W $\frac{1}{2}$ of Sec. 6; the W $\frac{1}{2}$ of Sec. 7; the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$; the N $\frac{1}{2}$ of the NW $\frac{1}{4}$; the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Sec. 18; the NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 19, Twp. 12 S., R. 27 East, Boise Base and Meridian.

The SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 1; the E $\frac{1}{2}$ of the E $\frac{1}{2}$ of Sec. 12; the E $\frac{1}{2}$ of the E $\frac{1}{2}$ and the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 13; and the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Sec. 24, in Twp. 12 S., R. 26 East, Boise Base and Meridian.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho (now State Reclamation Engineer of the State of Idaho), in Book 5 of Decrees, at page 324.

III

That the right to the use of 34 cubic feet per second of the waters of Raft River and Cassia Creek upon the lands hereinabove described, to which said water was made appurtenant by decree as above set forth, is hereby abandoned, and the lands to be irrigated under such rights and to which said water rights are hereby confirmed and shall become appurtenant for irrigation and domestic purposes, are described as follows, to-wit:

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S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$ of SW $\frac{1}{4}$, N $\frac{1}{2}$ of SE $\frac{1}{4}$, Sec. 25; S $\frac{1}{2}$ of SW $\frac{1}{4}$, Sec. 27; SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 28; NW $\frac{1}{4}$ of NE $\frac{1}{4}$, E $\frac{1}{2}$ of NE $\frac{1}{4}$, Sec. 33; NW $\frac{1}{4}$ & S $\frac{1}{2}$ of NW $\frac{1}{4}$, NW $\frac{1}{4}$ & E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 34; NE $\frac{1}{4}$, Sec. 36; all in Twp. 13 S., R. 24 East, Boise Base and Meridian.

SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 1; SW $\frac{1}{4}$ of NE $\frac{1}{4}$, S $\frac{1}{2}$ of NW $\frac{1}{4}$, N $\frac{1}{2}$ of SW $\frac{1}{4}$, NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 2; E $\frac{1}{2}$ of SE $\frac{1}{4}$, Sec. 12; all in Twp. 14 S., R. 24 East, Boise Base and Meridian.

E $\frac{1}{2}$ of NW $\frac{1}{4}$, E $\frac{1}{2}$ of SW $\frac{1}{4}$, Sec. 11; NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 14; SE $\frac{1}{4}$ of NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 21; NW $\frac{1}{4}$ of NE $\frac{1}{4}$, SE $\frac{1}{4}$ of NE $\frac{1}{4}$, NE $\frac{1}{4}$ of SE $\frac{1}{4}$, E $\frac{1}{2}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 22; SW $\frac{1}{4}$ of NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ of SW $\frac{1}{4}$, N $\frac{1}{2}$ of SE $\frac{1}{4}$, Sec. 23; NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 24; NE $\frac{1}{4}$, E $\frac{1}{2}$ of NW $\frac{1}{4}$, NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 28; W $\frac{1}{2}$ of SW $\frac{1}{4}$, SE $\frac{1}{4}$ of SW $\frac{1}{4}$, SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 29; SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Lots 3 & 4, SE $\frac{1}{4}$ of SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 30; all of Sec. 31; all of Sec. 32; W $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 33; all in Twp. 13 S., R. 24 East, Boise Base and Meridian.

Lots 1, 2, 3, 4, SW $\frac{1}{4}$, W $\frac{1}{2}$ of SE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, Section 5; all of Sec. 6; all except E $\frac{1}{2}$ of SE $\frac{1}{4}$, Sec. 7; W $\frac{1}{2}$ of NE $\frac{1}{4}$, NW $\frac{1}{4}$, SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 8; NW $\frac{1}{4}$, Sec. 17; all in Twp. 14 S., R. 25 East, Boise Base and Meridian.

E $\frac{1}{2}$ of SE $\frac{1}{4}$, Sec. 24; E $\frac{1}{2}$ of NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 25; E $\frac{1}{2}$ of SE $\frac{1}{4}$, Sec. 36; all in twp. 12 S., R. 26 East, Boise Base and Meridian.

E $\frac{1}{2}$ of NE $\frac{1}{4}$, N $\frac{1}{2}$ of SE $\frac{1}{4}$, Sec. 1; S $\frac{1}{2}$ of NE $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$, N $\frac{1}{2}$ of NE $\frac{1}{4}$, NE $\frac{1}{4}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 12; E $\frac{1}{2}$ & SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 11; all of Sec. 13; all except N $\frac{1}{2}$ of NW $\frac{1}{4}$, Sec. 14; E $\frac{1}{2}$ & SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 15; E $\frac{1}{2}$ of SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 20; SE $\frac{1}{4}$ of NE $\frac{1}{4}$, S $\frac{1}{2}$ & NE $\frac{1}{4}$ of SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 21; E $\frac{1}{2}$ of NE $\frac{1}{4}$, N $\frac{1}{2}$ of SW $\frac{1}{4}$, N $\frac{1}{2}$ of SE $\frac{1}{4}$, Sec. 22; (all except S $\frac{1}{2}$ of SE $\frac{1}{4}$ & S $\frac{1}{2}$ of SW $\frac{1}{4}$, Sec. 23; E $\frac{1}{2}$ & NW $\frac{1}{4}$ of NE $\frac{1}{4}$, W $\frac{1}{2}$ & NE $\frac{1}{4}$ of NW $\frac{1}{4}$, N $\frac{1}{2}$ of SW $\frac{1}{4}$, NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 24; all in Twp. 13 S., R. 26 East, Boise Base Meridian.)

S $\frac{1}{2}$ & NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 19; NW $\frac{1}{4}$, SW $\frac{1}{4}$ Sec. 30; SW $\frac{1}{4}$ of NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ of SE $\frac{1}{4}$, of Sec. 31; all in Twp. 12 S., R. 2 East, Boise Base Meridian.

NW $\frac{1}{4}$ of NE $\frac{1}{4}$, NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Lots 4, 5, SW $\frac{1}{4}$, SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 6; all except E $\frac{1}{2}$ of SE $\frac{1}{4}$, Sec. 7; N $\frac{1}{2}$ & SW $\frac{1}{4}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 18; N $\frac{1}{2}$ of NW $\frac{1}{4}$ Sec. 19; all in Twp. 13 S., R. 2 East, Boise Base and Meridian.

situates, lying and being in the County of Cassia, State of Idaho, and said water to be limited at all times to an amount actually needed and beneficially used for such purpose, the amounts of water not to exceed and the priority dates being as follows, to-wit:

Amounts of Water

2.6 cubic feet per second
4.0 cubic feet per second
.8 cubic feet per second
9.2 cubic feet per second
1.2 cubic feet per second
2.8 cubic feet per second
1.6 cubic feet per second
6.0 cubic feet per second
1.6 cubic feet per second
.8 cubic feet per second
3.4 cubic feet per second

34.

Priority Dates

April 30, 1872
May 31, 1873 limited to July 1
May 31, 1878
May 31, 1882 limited to July 1
April 30, 1883
May 31, 1883 limited to July 1
September 11, 1883
January 1, 1886 limited to July 1
March 7, 1886
November 30, 1886
May 31, 1888 limited to July 1

That the water right hereby transferred has heretofore been diverted from Raft River at six diversion points within the space beginning in Section 24, T. 17 S., R. 24 E. B.M. and ending in Section 17, T. 11 S., R. 27 E. B. M. upon what is commonly known as the Bar M Ranch.

That the water hereby transferred shall hereafter be conducted to the new places of use through a series of diversions on Raft River and Cassia Creek and its tributaries lying in Section 30-31, Twp. 12 S., R. 27 E. B.M.; Sections 25-36, Twp. 12 S., R. 24 E.B.M.; Sections 6-7-18, Twp. 13 S., R. 27 E.B.M.; Sections 12, 13, 14, 15, 16, 17, 18, 22, 23, and 24, Twp. 13 S., R. 24 E.B.M.; Sections 14, 21, 22, 23, 24, 28, 29 and 31, Twp. 13 S., R. 25 E.B.M.; Sections 25, 27, 28, 33, 36, Twp. 13 S. R. 24 E.B.M.; Sections 1, 2, 3, 11, 12, Twp. 14 S., R. 24 E.B.M.

That delivery of the transferred water by the said Cassia Creek Irrigation Company, Inc., a corporation, shall be by rotation; provided, nevertheless, that at all times when there is sufficient water in Cassia Creek and its tributaries to entitle the hereinafter named water users, or each or any of them, to divert water under their decreed water right and priority date thereof, as established by the Federal decree entitled ALBION IDAHO LAND CO. vs. JOBE ADAMS ET AL., and which has been entered in the records of the Department of Reclamation of the State of Idaho (now State Reclamation Engineer of the State of Idaho), in Book 5 of Decrees, at page 324, none of the transferred water shall be diverted above any such water users point of diversion on Cassia Creek or its tributaries when such diversion would leave insufficient water at such water users headgate to fill his water right. (The names of the water users, their amounts of water decreed, and the earliest date of priority, and the stream from which their rights are diverted, to which this provision shall apply, being as follows:

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NAME	AMOUNTS OF WATER DECREED	EARLIEST DATE OF PRIORITY	STREAM
Clifford Beecher	2.72 S.F.	Apr 11 30, 1872	Cassia Creek
Lot Udy	2.2 S.F.	May 13, 1873	Cassia Creek
Albert Cottle	2.00 S.F.	June 15, 1873	Cassia Creek
Reuben Ward	2.64 S.F.	April 30, 1874	Cassia Creek
C. L. Sears	3.00 S.F.	April 30, 1874	Cassia Creek
Art M. Ward	2.48 S.F.	Dec. 31, 1874	Cassia Creek
Ester Parke	2.00 S.F.	March 1, 1879	Cassia Creek
L. F. Deardorff	16.00 S.F.	April 1, 1879	Cassia Creek
Laggie E. Scott	8.1 S.F.	April 30, 1880	Cassia Creek
L. E. Williams	8.2 S.F.	April 30, 1880	Cassia Creek
J. Udy	1.2 S.F.	April 30, 1880	Cassia Creek
Arrenso Darrington	1.2 S.F.	April 30, 1880	Cassia Creek
Arrett Hutchinson	4.0 S.F.	April 30, 1880	Cassia Creek
S. Gamble	2.9 S.F.	May 31, 1881	Cassia Creek
W. Wickel	2.00 S.F.	April 1, 1881	Cassia Creek
ewis Wickel	1.9 S.F.	July 15, 1881	Cassia Creek
Richard Kossman and M. Kossman	1.4 S.F.	March 1, 1882	Raft River
W. J. S. Hutchinson	1.9 S.F.	April 30, 1882	Cassia Creek
R. Parish	.8 S.F.	April 1, 1883	Cassia Creek
C. Wake	1.4 S.F.	March 1, 1882	Raft River

PROVIDED, also, that when the total flow of Cassia Creek is 21.54 cubic second feet of water at the three-way diversion point on Cassia Creek, the transferred water rights are no longer good to any extent and shall be disregarded.

PROVIDED, also, that the water saved by eliminating the transmission loss between the three-way diversion point on Cassia Creek and the upper and southernmost diversion point where the water has heretofore been diverted from Raft River in Section 24, Township 12 South, Range 16 E. 1M., Cassia County, Idaho, shall become and the same is hereby confirmed and made appurtenant to all of the lands of the water users of Raft River and Cassia Creek lying and being in Water District No. 8-C, Cassia County, Idaho, with priority dates as established by the Federal decree in the case of Albion Idaho and Company vs. Jobe Adams, et al., entered in the records of the Commissioner of Reclamation of the State of Idaho (now State Reclamation Engineer of the State of Idaho), in Book 5 of Decrees, at page 324; each land owner to receive a proportionate share of said water upon the basis of his decreed right or rights, as aforesaid

IV

That a new certificate of water right shall be issued by James Spofford, State Reclamation Engineer of the State of Idaho, in lieu of Certificate of Water Right, Transferred Right No. 618, which has been cancelled and held void by this decree, and that said new certificate shall in all respects be in accordance with the terms and provisions of this decree.

V

That plaintiffs shall recover their costs against the defendant, Cassia Creek Irrigation Company, Inc., fixed at \$56.25.

Dated this 1st day of June, 1943.

/s/ James W. Porter
District Judge

WAL)
Certified: Nov. 13, 1959
Wink Kearns, Clerk of the District Court
/s/ Georgia Anderson
45309, Cassia County, In Book 9 of
gements pages 186-188
eived: Nov. 16, 1959
orded: Dec. 2, 1959

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MAR 03 1993

IN THE DISTRICT COURT OF THE ELEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CASSIA.

Clifford Beecher; Lot Udy; Albert Cottle; Reuben Ward;
C. L. Sears; Art M. Ward; Esther Parke; H. F. Deardorff;
Maggie E. Scott; W. E. Williams; A. J. Udy; Lorenzo Darrington;
Garrett Hutchinson; C. S. Gamble; H. W. Wice; Lewis Wickel;
Richard Kossman; Mrs. J. S. Hutchinson; W. R. Parish; R. C. Wake
and F. M. Kossman,

Plaintiffs

AMENDMENT

TO DECREE

-vs-

Cassia Creek Irrigation Company, Inc., a corporation,
and E. V. Berg, Commissioner of Reclamation of the
State of Idaho,

Defendants.

Whereas the above entitled action came regularly on for trial on the sixteenth day of November 1942, at the court house, Cassia County, Idaho, the Honorable James W. Porter, district judge, presiding. And whereas, thereafter, the court on the first day of June, 1943 made and entered its finding of facts, conclusion of law and decree in said action; and whereas said cause was duly appealed to the Supreme Court of the State of Idaho, and after hearing, duly had before the said Supreme Court on such appeal; the Supreme Court of the State of Idaho rendered its decision and opinion on the twenty-first day of December, 1944, and whereas, no motion or application for rehearing having been filed, in due course a mandate was issued herein by said Supreme Court of the State of Idaho, and duly filed in this court directing said District Court to make certain changes and amendments in said finding of facts and decree. Now, therefore, in compliance with said decision and mandate, it is ordered, adjudged and decreed, that the said decree as originally entered in this action be amended as follows, viz.

-I-

That paragraph three of said decree be amended by striking therefrom all that part of said decree beginning with the words "Thenames of the water users and amounts of water decreed and the earliest day of priority, and the streams from which their rights are diverted to which under this provision applies being as follows." And ending with the words "R. C. Wake" in the last line of said paragraph above the provision. And that the following be inserted therein in lieu thereof. That each of the plaintiffs are entitled to divert and use the water of Cassia Creek, with the priority and in the amount and with the points of diversion, mentioned and set out in the decree rendered in the case of Albion Idaho Land Company, corporation, vs. John Adams, and others, defendants, said decree being entered by the United States District Court, District of Idaho, which decree is dated October 23, 1928, and amended January 8, 1929, and not otherwise.

That said decree be further amended by striking out the first proviso immediately following the words "R.C. Wake", and that in lieu thereof there be inserted the following provision, provided, also, That when the total flow of Cassia Creek is less than 21.54 cubic second feet of water at the three-way diversion point on Cassia Creek, measured with no diversions from the creek, except to the "Bar M" decree with priority of April 30, 1872, and the Beecher, Sears, and Ward rights of equal priority, the transferred rights are no longer good, to any extent, and shall be disregarded.

Dated at Chambers in Twin Falls, Idaho, in said District on this 2nd day of August, 1945.

/s/ James W. Porter
District Judge

SEAL)

Certified: Nov. 13, 1959
Frank Kearns, Clerk of the District Court
/s/ Georgia Anderson
152119 in Book 9 of
Judgements - page 415
Received Nov. 16, 1959
Recorded: Dec. 2, 1959

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MAR 03 1993



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

July 17. 1989

Albert Jay Cottle
HC 61 Box 1232
Malta, Id 83342

Re: A43-10508
A43-02046A
A43-04191
A43-02271
A43-00088
A43-04192
A43-04193
A43-10102
A43-00412
A43-10501

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,

Judy Givens
Adjudication Secretary

/jg

Enclosures:

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MAR 13 1993

03/27/2001

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

RIGHT NUMBER: 43-412

NAME AND ADDRESS: ALBERT JAY COTTLE
JULENE COTTLE
1750 S COTTLE LN BOX 1232
MALTA, ID 83342

SOURCE: CASSIA CREEK TRIBUTARY: RAFT RIVER

QUANTITY: 2 CFS

VERIFIED BY: KKC

PRIORITY DATE: 06/15/1873

POINT OF DIVERSION: T13S R26E S20 SWSWSW Within CASSIA County
T13S R26E S21 NENESE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	4-1 10-31	2.00 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>			
T13S R26E S21	SENE	13	T13S R26E S21 NESW 9.3
T13S R26E S21	SWSW	23	T13S R26E S21 SESW 27
T13S R26E S21	NESE	36	T13S R26E S21 NWSE 24
T13S R26E S21	SWSE	21	T13S R26E S21 SESE 9

162.3 ACRES TOTAL

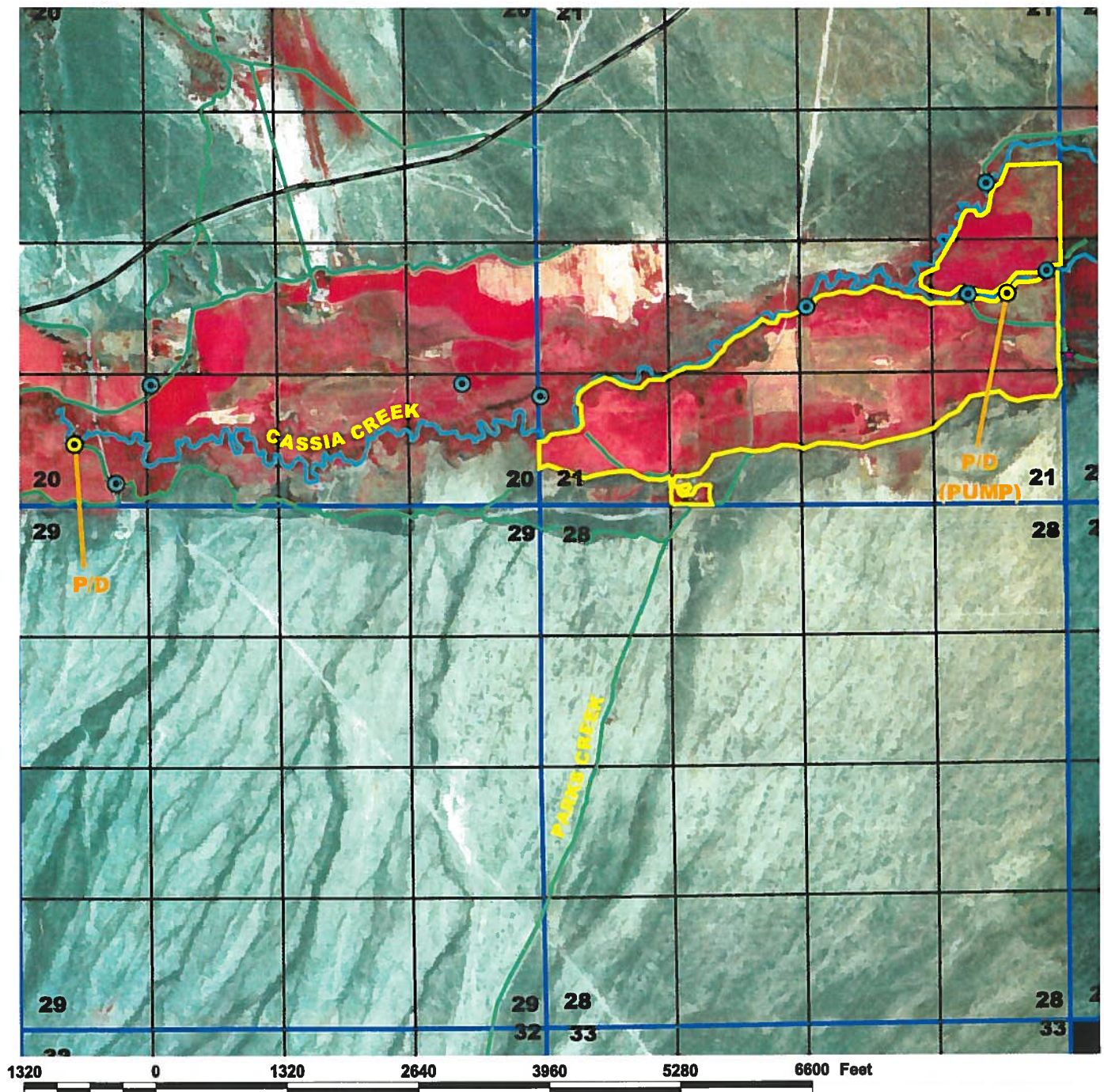
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 164.3 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS. 43-412, 43-4191, AND 43-2271.

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

RECOMMENDED PLACE OF USE FOR 43-412

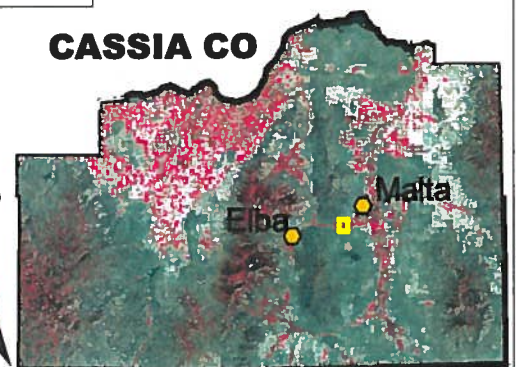


PLACE OF USE
TWP 13S, RNG 26E, SEC 21
Data entry on March 27, 2001

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

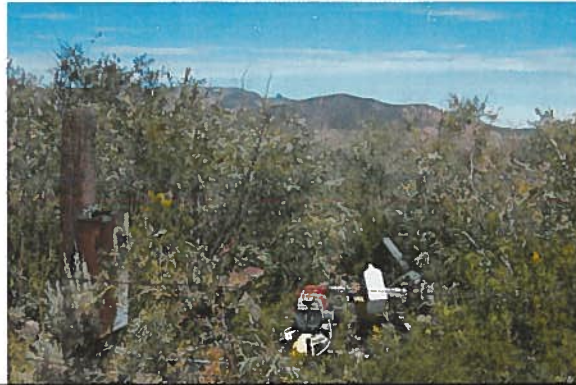
- RECOMMENDED POINT OF DIVERSION
- RECOMMENDED PLACE OF USE
- SECTION LINES
- QUARTER/QUARTER LINES

CASSIA CO



43-412 Point of diversion

Photos by Kelly K Christensen
Photo date 7-25-2000



This photo is looking north across the pump and Cassia Creek. The motor is 15 hp and the ID no. is C524A/T10T221R116F. The pump is a Berkley with a 8.312" discharge. S# G1502591.

Road crossing Cassia Creek

Power pole



This picture set is looking northeast on the left to east on the right. It captures the edge of the pump site and the Power pole where the meter is located. The Raft River elect meter no. is 55208451. No irrigation was apparent on the ground south of this point (to the right.)

43 - 2271

Licensed on 90 Ac claimed on 140ac

Delivery system may not be able to deliver water to all of the P/U. Otherwise looks OK.

Question on which channel is the ditch and which one is the historical stream channel. **ditch to west channel to Rt.**

43 - 4191

Waste water claim not part of Jobe Adams decree. System is ditch used for deeded rights catches run off from Kincaide irrigation.

1. Recommend 10-19-1928 priority date.
2. P/U = acres South of Cassia Creek. 116 ac $\pm$
3. limit Rate to $.02 \times 116 \pm \approx 2.32$ FS ditch capacity exceeds 1" Acre rate.

need 2 P/Ds

43 - 412

See T-2854. add P/D in **Sec 21** ^{found Pump} _{NESE}

(?) near entrance Road crossing Sec 21 NWSE

original P/D $\rightarrow$ Sec 20 SWSW

1. Season identified 3-15 to 11-15 trans transfer approved 6-11-84.

1. add riparian acres

2. 2. P/Ds against 1. pump 1 ditch/dam up

Albat & Tulene Cottle 3-26-01 KRC

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant ALBERT J. COITTE Phone 645-2567
Post Office address MALTA, IDAHO 83342

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by: 43-0412 **

a. Decree No. 43-0412 Decreed to G. S. MARSHALL (Amended)
In case of Albion 10A Land Co a Corp vs Jobe Adams et al.
dated in JAN 8th 1929 in CASSIA county of CASSIA
(Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

3. Source of water CASSIA Creek tributary to RAVY River4. Date of priority 6-15-1873

5. Water is used for the following purposes:

amount 2.0 for IRR purposes from 3-15 to 11-15
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 2.0 cubic feet per second
&/or
b. _____ acre feet per annum

* 7. Location of original point of diversion is SW % of SW % of Section 20
Township 13S Range 26E, B.M., in CASSIA County
Additional points of diversion, if any _____

8. Lands Irrigated or place of use:

TWP.	RANGE	SEC.	NE%				NW%				SW%				SE%				TOTALS
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
<u>13S</u>	<u>26E</u>	<u>21</u>											<u>40</u>	<u>40</u>	<u>40</u>				<u>120</u>
<u>**13S</u>	<u>26E</u>	<u>21</u>				X					X	X	X	X	X	X	X		

* Not stated in decree ** Per amended decree JJ 12/20/83 Number of acres to be irrigated 120

9. Describe any other water rights used for the same purpose as described above No

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years _____

43-0412 T# 2854

omit part B).

1. Amount of water _____ cubic feet per second
&/or
b. _____ acre feet per annum
- ✓ Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information

- a. Amount of water to be diverted 2.0 c.f.s. &/or _____ acre feet
- b. Description of diverting works MOTOR & pump w/sprinkler
- c. Describe the reasons for the proposed changes Better Access of
The Water AND More Effic.

2. Change in point of diversion

Point of diversion NE SE
NW ¼ SE ¼, Section 21 Township 13S
Range 26E, B.M., CHASSIA County
Additional points SW ¼ SW ¼ Sec 20 T13S R26E
NWSE, Sec. 21 T13S R26E

3. Change in place of use NO CHANGE

- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No _____. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer

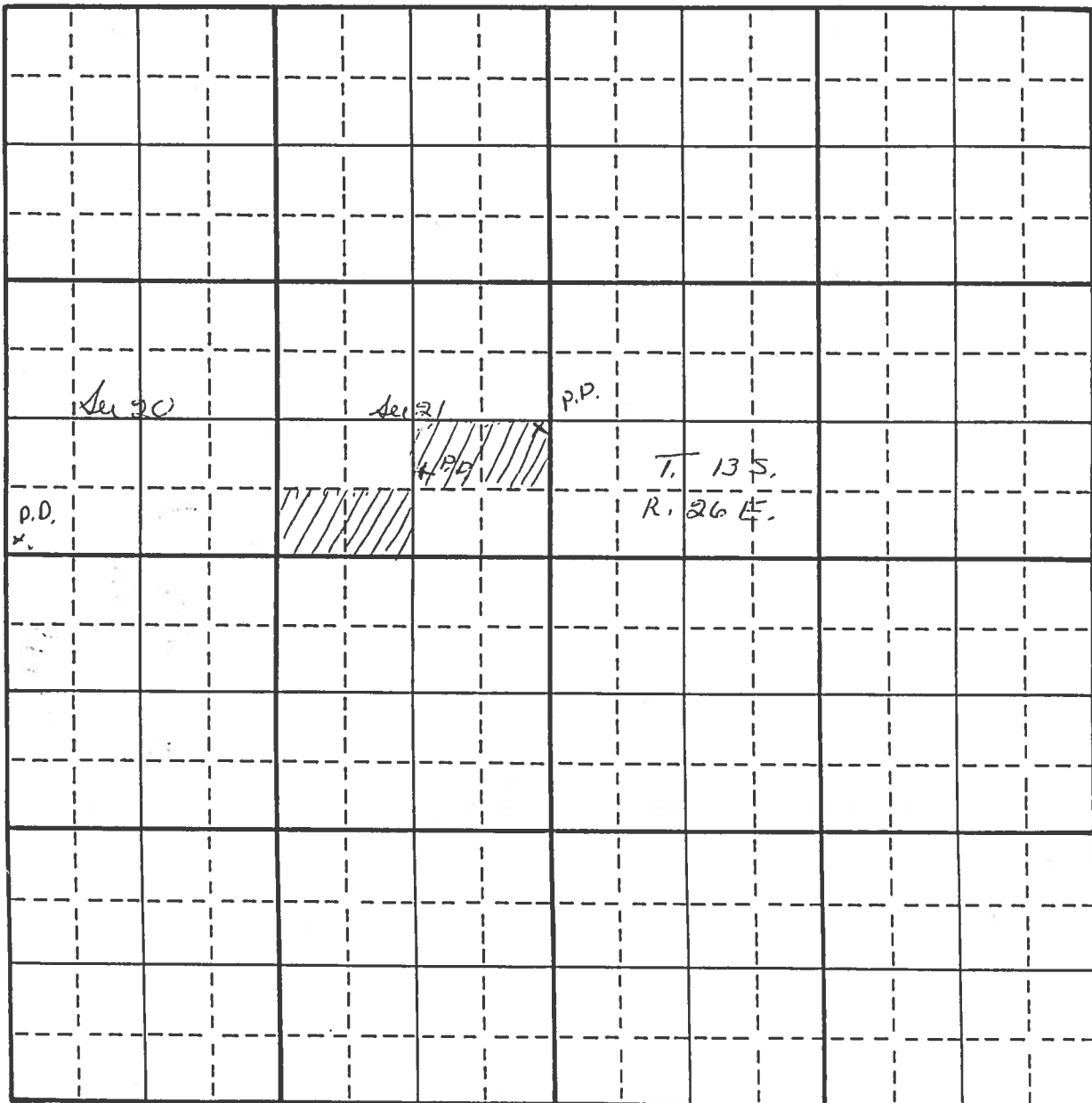
1280 #4

c. Describe the land or place of use to which the right will be transferred: NO CHANGE

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total number of acres to be irrigated _____

4. Describe any other water rights used for the same purpose as described above. NO
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

D. REMARKS

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.

x Albert J. Coote
(Signature of Applicant)

Subscribed and sworn to before me this 21 day of April, 19 83

Loren O. Halme
(Notary Public)

My commission expires Life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 43-0412 and said application is hereby APPROVED, subject to the following limitations and conditions:
A measuring device and lockable controlling works of a type acceptable to the
Department shall be permanently installed and maintained as part of the diverting
works.
Use of water under this right is subject to control by the watermaster of State
Water District No. 43-C, Cassia Creek.

Witness my hand this 11th day of June, 19 84

J. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by AT Date 4/21/83 Protest filed by None
Prelim. check by JP Fee \$50.00
Receipted by maye Date 4/21/83 # 27241
Published in South Idaho Press Copies of protest forwarded by _____
Pub. dates June 15 and June 22, 1983 Hearing held by _____ Date _____
Watermaster recommendation requested on 7/18/83 Recommended for approval denial
_____ rec'd. 7/19/83 by ADM. in DET