

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: A43-02535

Date Received: 3/22/1989

Receipt No: 5006637 *Adm*

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: A. D. NYE 208-645-2591
Address: H.C. 72 BOX 2000
MALTA, ID 83342

AND/OR

Name: ANN NYE 208-645-2591
Address: H.C. 72 BOX 2000
MALTA, ID 83342

2. Date of Priority: AUG 31, 1961 ✓

3. Source: GROUNDWATER ✓ Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13S	27E	18	SW	NW	SW	3	CASSIA

5. Description of diverting works:
WELL & PUMP TO DITCHES &/OR SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.040	✓	

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

8. Total consumptive use is 390.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	27E	18	SW	NW	2	IRR	47.0
			NE	SW		IRR	38.0
			NW	SW	3	IRR	43.0
			NW	SE		IRR	2.0
Section Acres							130.0
Total Acres							130.0

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:
A43-00149 THRU A43-00152

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 30158

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1 Map

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): A. D. Myer Date: 3/22/89

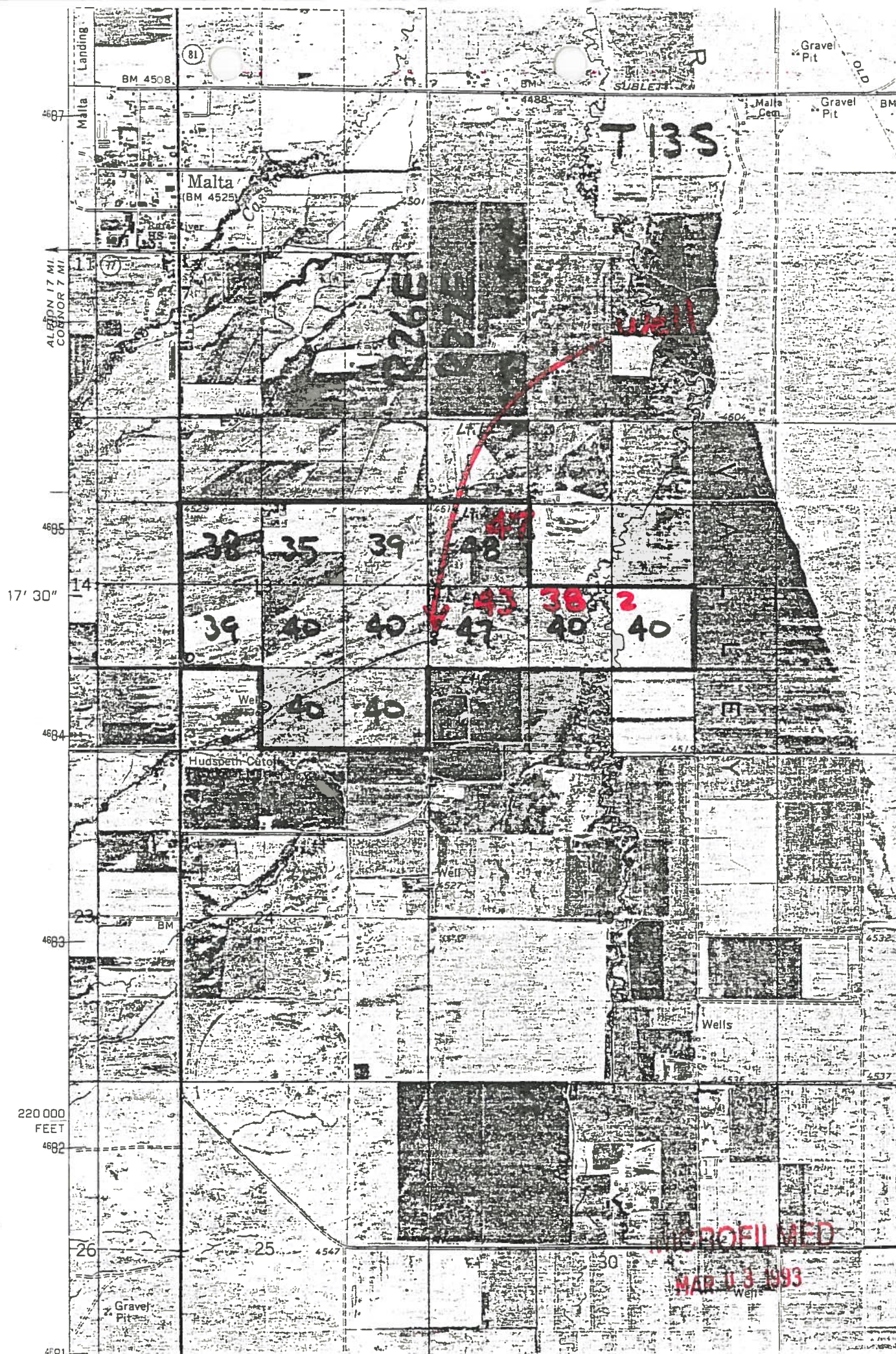
Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 22nd day
of March 19 89
[Signature]
Notary Public

Seal

Residing at Kimberly, Id.
My Commission Expires 6/30/92



05/29/2001

NOTICE OF ERROR
REPLY

RECEIVE
JUN 18 2001
Department of Water Resources
Southern Region

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: 43-2535

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

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

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE:

6/8/01

SIGNATURE:

A. D. Nye

Please print your name:

A. D. Nye

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

05/11/2001

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

RIGHT NUMBER: 43-2535
NAME AND ADDRESS: A D NYE
ANN NYE
HC 72 BOX 2000
MALTA, ID 83342

SOURCE: GROUND WATER

QUANTITY: 2.04 CFS
520 AFY

THIS RIGHT WHEN COMBINED WITH RIGHT NO. 43-149, 43-150, 43-151A & 43-152 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 08/31/1961

POINT OF DIVERSION: T13S R27E S18 LOT 3 SWNWSW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03-15 11-15	2.04 CFS 520.00 AFY

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>			
T13S R27E S18	LOT 2	SWNW	48
T13S R27E S18	LOT 3	NWSW	47
T13S R27E S18		NESW	38
T13S R27E S18		NWSE	39

172 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 130 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 - License

43-2535

 $\frac{3}{23/01}$

CS

N/A

CLAIMED ACRE TOTAL

130

GEOGRAPHIC INFO ACRES

[illegible]

Claim - matches the license. ✓

POD ID 536783 point created in location matching map in clean file and in licensing exam.

POW IP 490710 Coincident (100%) with:

018

K06 130 acre PPU

E28

IDAHO
CASSIA
Report ID: ASCS-156EZ

U.S. Dept. of Agriculture
Agri. Stab. & Consv. Svc.
Abbreviated 156 Farm Record

FARM 314E
Prepared: 03/02/9
Crop Year: 9
Page:

No. of Tracts: 9

Current Year

TRACT NO.	FARMLAND	CROPLAND	IRRIGATED	HEL	027	A027	W	CW	FW	PC	AW	MW	RW	HG	CWTE	CWNA	PCW	
			CROPLAND															
1	160.0	144.4		Y	Y	Y		N									N	
IDENTIFIER	EE26 S19.20 T13 R27																	
OWNER	1 - C BAR CATTLE CO																	
1595	15.0	10.5	10.5	N	N	N	Y	N	N								N	
IDENTIFIER	DD26 S25 T13 R26																	
OWNER	1 - PETER GRUSH																	
1603	180.0	172.1	172.1	Y	Y	Y	Y	N	N								N	
IDENTIFIER	EE30 S6.7 T14 R27																	
OWNER	1 - DOUG NYE																	
1604	240.0	219.8	219.8	N	N	N	N	N	N								N	
IDENTIFIER	EE30 S7 T14 R27																	
OWNER	1 - JAY DEE HUTCHISON																	
1643	260.0	251.6	251.6	N	N	N	Y	N	N								N	
IDENTIFIER	EE30 S5.8 T14 R27																	
OWNER	1 - DECLO STKE WLF FRM																	
8702	972.0	742.9	742.9	Y	Y	Y		N									N	
IDENTIFIER	S-19,24,25,30 T-13 R-27 DD26-28																	
OWNER	1 - C BAR CATTLE CO																	
8746	90.0	77.5	77.5	N	N	N	Y	N	N								N	
IDENTIFIER	S-13 T-13 R-26 DD26																	
OWNER	1 - A D NYE																	
8747	300.0	289.1	289.1	N	N	N	Y	N	N								N	
IDENTIFIER	S-13 T-13 R-26 S-18 T-13 R-27 DD26																	
OWNER	1 - A D NYE																	
8748	70.0	69.3	69.3	N	N	N	Y	N	N								N	
IDENTIFIER	S-13 T-13 R-26 DD26																	
OWNER	1 - A D NYE																	



Idaho Dept of Water Resources

Date: 3-21-2001

File: 43-149, 43-150, 43-151A, 43-152, 43-2535
43-221, 43-251A, 43-144A, 43-10064

Prepared by Scott King

Claims review notes and narrative Claimants: A. D. Nye, Ann Nye

43-149, 43-150, 43-151A, 43-152, 43-2535 SYSTEM ANALYSIS

Water rights 43-149, 43-150, 43-151 & 43-152 for Cassia Creek water are included in the Jobe Adams decree. Right 43-2535 is a license for ground water. The four decreed Cassia Creek rights all claim irrigation of the same acres in four quarter-quarter sections (175 acres total). The decree lists the same quarter-quarters but did not list a specific number of acres (typical for this decree). The ground water license (43-2535) provides 130 acres within the same quarter-quarters.

GIS analysis indicates a total of 172 irrigable acres in this tract with subtractions for roads, a ranch, and for Raft River.

The claimed point of diversion for surface water is identifiable on the imagery and appears to match the identified point in the file map. The ground water well is located near the surface water diversion and matches the licensed point.

All of the above rights, except for 43-151, were claimed only by Nye. 43-151B is claimed by Hutchison as 0.8 cfs for 45 acres. Part A is claimed by Nye at 1.6 cfs for 175 acres. As decreed, 43-151 provides 1.6 cfs for irrigation of four quarter-quarters (maximum possible of 177 acres in this tract, 172 irrigable). Although we were unable to find department records of this split, a statement by the watermaster indicates a long history of delivering this right with a 50/50 split (0.8 cfs delivered to each party). Therefore, 43-151B is recommended for 0.8 cfs, 44 acres. 43-151A is recommended for 0.8 cfs and 128 acres (172 irrigable less 44 for part B).

Three rights are recommended at a total 172 acres (43-149, 43-150 & 43-152); the remaining rights provide a specified number of acres within the 172-acre permissible place of use.

RECOMMENDATION SUMMARY

43-149	172 acres at	1.20 cfs, Cassia Creek, priority 4/30/1880
43-150	172 acres at	0.40 cfs, Cassia Creek, priority 4/30/1881
43-151A	128 acres within a 172 acre PPU at	0.80 cfs, Cassia Creek, priority 4/01/1894
43-152	172 acres at	0.80 cfs, Cassia Creek, priority 4/01/1905
43-2535	130 acres within a <u>172 acre PPU at</u>	<u>2.04 cfs</u> , Ground water, priority 8/31/1961
	Total	5.24 cfs

ONE INCH PER ACRE LIMITATION
FOR THE FOUND PLACE OF USE
 $172 \text{ ac} \times 0.02 \text{ cfs} = 3.44 \text{ cfs}$.

1
31.8

NHEL/W

2
40.0

NHEL/W

3
36.0

T8746

T8747

58

1531

1
56

1
77.5

NHEL/W

2
35

NHEL/W

862

1590

3
36.5

NHEL/W

2
30.9

NHEL/W

2.6

1
69.3

NC

3.0

2862

T8235

2
68

3
31.4

NHEL/W

4
28.0

NHEL/W

2
37.2

NHEL/W

1040

T1539

6.2

NHEL/W

T8702

2282

T8703

1

47

NHEL/W

3

4
20.0

NHEL/W

5

SD-1603-3

Idaho Department Of Water Resources
Detail Receipt Summary Screen

Date: 12/29/00
Time: 08:58:27

Rec/No - S006637 AR/No -
From: - NYE, A. D. & ANN

Receipt Type - CK Doc/No - 1463
Remarks - \$52 FOR ANDRE A4310067

MOST CURRENT RECEIPT

Receipt Date: 03/22/1989

Type Of Payment	Fund	FD	PCA	Obj	Subsid	Fee
ADJUDICATION FEE	9337		410162	6490		1043.00

Total Due - 1043.00

WR/No	WR Fee	WR/No	WR Fee	WR/No	WR Fee
A4310067	52.00	A4310066	55.00	A4300221	50.00
A4300144A	50.00	A4300251A	50.00	A4310064	361.00
A4302535	50.00	A4300149	225.00	A4300150	50.00
A4300151A	50.00	A4300152	50.00		

(Enter=Continue)

(GOLD7=Selection Screen)

(GOLD8=Cancel)

R PROOF

CVR

MAPS

PHOTOS

MISC

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