

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: **A43-04082**
Date Received: 5/30/1989
Receipt No: M003761
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: GARY C NELSON 208-638-5564
Address: PO BOX 465
ELBA ID 83326
AND/OR
Name: PAULA B NELSON 208-638-5564
Address: PO BOX 465
ELBA ID 83326

2. Date of Priority: MAR 1, 1880

3. Source: SPRINGS Trib. to: CASSIA CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13S	25E	32	NE	NW	NW		CASSIA
			SE	NW	NW		CASSIA

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	~~0.500~~		
			1.1	gpm	

7. Total Quantity Appropriated is:
~~0.500~~ C.F.S. (and/or)
1.1 gpm

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	32	NE	NW		IRR	26.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	26.0

Section Acres 132.0

Total Acres 132.0

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:

A43-00062, A43-00063, A43-00064

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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): *James C. Nelson* Date: 8-2-95
Paula B. Nelson Date: 8-2-95

State of Idaho)
County of Gr Cassia Co.) SS.

Subscribed and sworn (or affirmed) before me this 2nd day
of Aug 19 95 Kelly L. Christensen
Notary Public

Seal

Residing at Kimberly Id.
My Commission Expires 3-2-98



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: A43-04082
Date Received: 5/30/1989
Receipt No: MOO3761
Received By: AB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GARY C. NELSON 208-638-5564
Address: P.O. BOX 465
ELBA, ID 83326

AND/OR

Name: PAULA B. NELSON 208-638-5564
Address: P.O. BOX 465
ELBA, ID 83326

2. Date of Priority: MAR 01, 1880

3. Source: SPRINGS Trib. to: CASSIA CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13S	25E	32	NE	NW	NW		CASSIA
			SE	NW	NW		CASSIA

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.500		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

A43-04082

Page 1

Date: 05/30/89

MICROFILM

MAR 05 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13S	25E	32	NE		NW		IRR	26.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	26.0
							Section Acres	132.0
							Total Acres	132.0

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:
A43-00062, A43-00063, A43-00064

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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): Paula B. Nelson Date: 5-30-89
Date: _____

State of Idaho)
County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 30th day

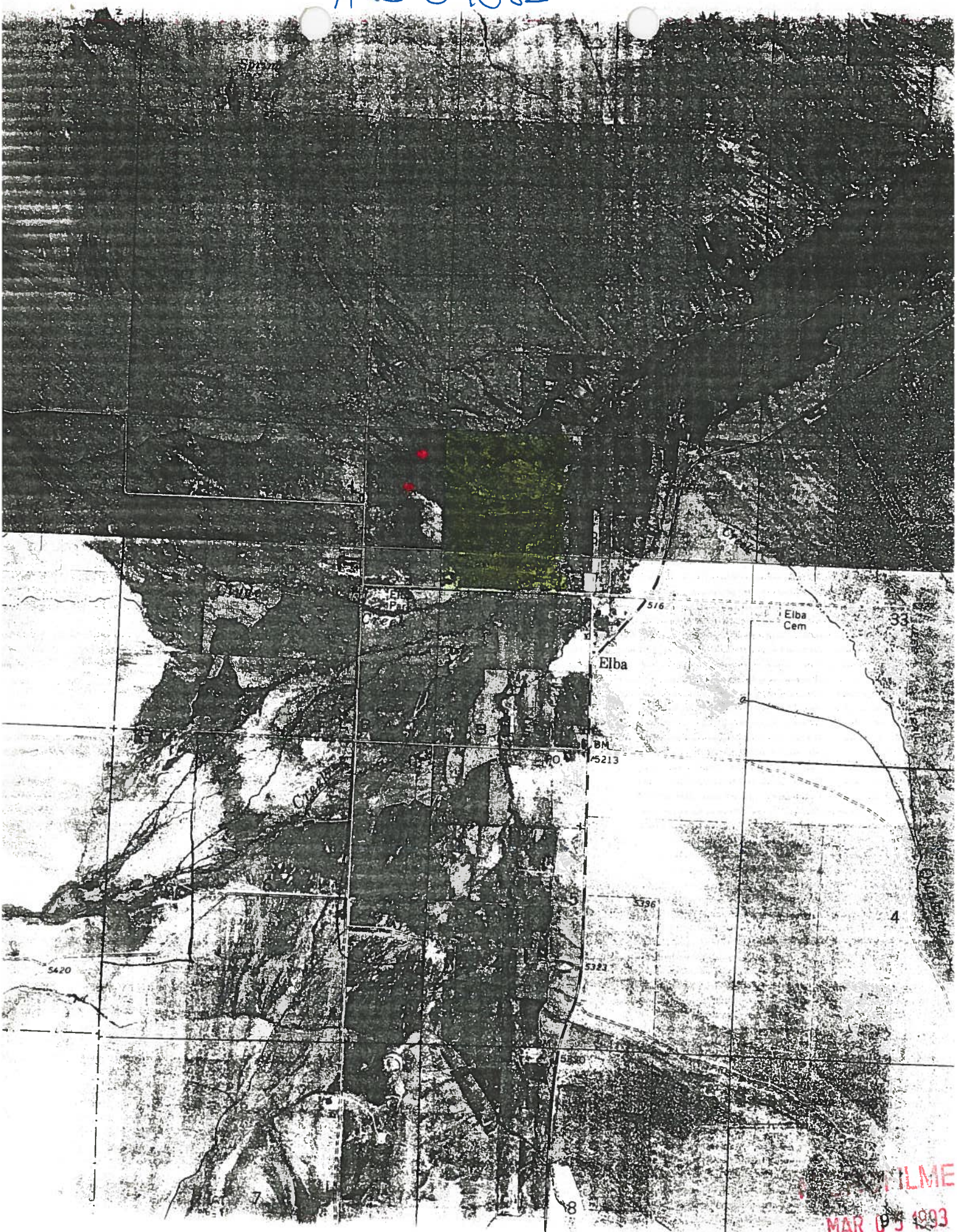
of May 19 89

Seal

Anna Beumgardt
Notary Public

Residing at Boise Idaho
My Commission Expires 12/1/1994

A43-04082





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

December 5, 1991

R. KEITH HIGGINSON
Director

A43-04082
GARY C. NELSON
PAULA B. NELSON
P.O. BOX 465
ELBA

ID 83326

RE: Evidence of Priority

RESPONSE DEADLINE

FEBRUARY 3, 1992

Dear Claimant:

The Notice(s) of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicate your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. **The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will soon conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, proof must be provided supporting the priority date you have claimed.**

The Department will not recommend the Notice(s) be decreed by the court as claimed if no evidence of a priority date is submitted.

Please find enclosed a computer printout of your Notice(s) and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

Please submit the required evidence supporting the priority date(s) by **February 3, 1992**, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

MICROFILM
MAR 05 1993

02/06/2001

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

RIGHT NUMBER: 43-4082

NAME AND ADDRESS: GARY C NELSON
PAULA B NELSON
PO BOX 465
ELBA, ID 83326

VERIFIED BY. KKC

SOURCE: SPRINGS

TRIBUTARY: CASSIA CREEK

QUANTITY: 1.03 CFS

PRIORITY DATE: 10/19/1928

POINT OF DIVERSION:	T13S R25E S31	SENENE	Within CASSIA County
	T13S R25E S32	NWNWNW	Within CASSIA County
	T13S R25E S32	SWNWNW	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	1.03 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T13S R25E S32	NENW	4.4	T13S R25E S32	NWNW	10
T13S R25E S32	SWNW	39	T13S R25E S32	SENW	13

66.4 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 66.4 ACRES IN A SINGLE IRRIGATION
SEASON COMBINED RIGHT NOS.: 43-00062, 43-00063, AND 4304082

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

R PROOF



CVR

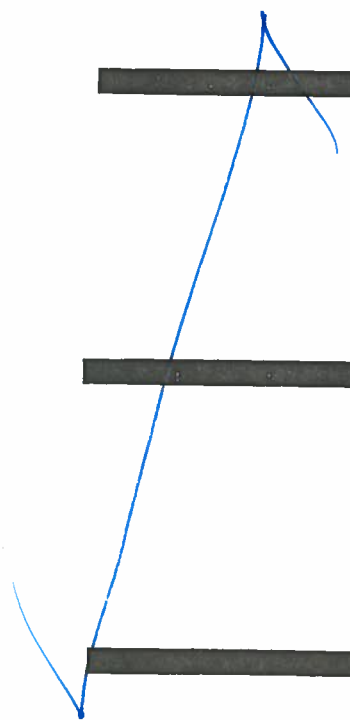
see 43-00062

MAPS

See 43-00062

PHOTOS

MISC



Water Right Number - R43-04082

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
NELSON

GARY C

1 - PO BOX 465
2 -
3 -

NELSON

PAULA B

City- ELBA
Phone - 208-638-5564
1 - PO BOX 465
2 -
3 -

State- ID Zip- 83326

City- ELBA
Phone - 208-638-5564

State- ID Zip- 83326

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
10/19/1928 17 SOUTHERN J - BENEFICIAL USE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
SPRINGS CASSIA CREEK

Twn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion
13S	25E	31	SE NE NE			(31) CASSIA	
		32	NW NW NW			(31) CASSIA	
			SW NW NW			(31) CASSIA	

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	10/31		1.030	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
1.030 0.0

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
13S	25E	32	NE NW		4.4	01	IRRIGATION	(31) CASSIA
13S	25E	32	NW NW		10.0	01	IRRIGATION	(31) CASSIA
13S	25E	32	SW NW		39.0	01	IRRIGATION	(31) CASSIA
13S	25E	32	SE NW		13.0	01	IRRIGATION	(31) CASSIA
Total Acres:					66.4			

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 43-00062, 43-00064 AND 43-04082

KKC
11-24-99

Prefix Translation: RESEARCH

POU1 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 66.4 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 43-00062, 43-00063, AND 4304082.

4304082

- - Conditions of Approval - -
No Conditions of Approval found.

Decree Date
00/00/0000

- - -Comments- -
No Comments Found

11/24/99 KCHRISTE

Adjudication Rights Dates and Flags Area

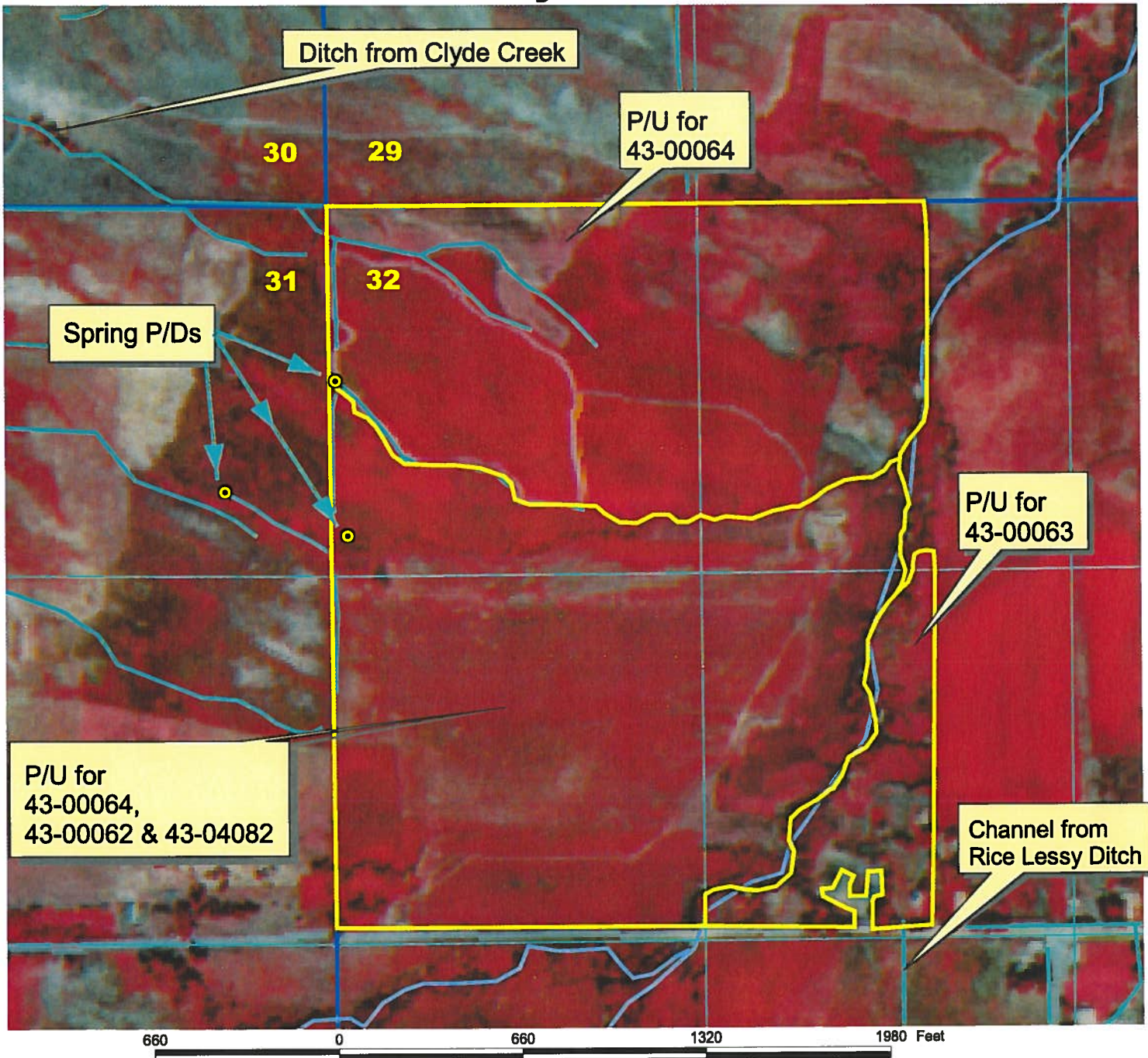
- 00/00/0000 Court Report Filing
- 00/00/0000 Objection Filed Date
- 00/00/0000 Response Filed Date
- 05/30/1989 Claim Received Date

Receipt Number	- M003/6
POU Ownership Flag	- Y
Name Connector	- AND/OR

Presumption Flag
Notice of Error Flag

IDAHO DEPARTMENT OF WATER RESOURCES

Recommended place of use
43-00062 and 43-04082 (springs)
43-00063 Cassia Creek source
43-00064 Clyde Creek source



PLACE OF USE

TWP 13S RNG 25E, SEC 32

data entry on November 23 , 1999

JPEG Created 11-23-99

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

43-00062 } Springs

DATE

11-24-99

TRANSFER NUMBER

43-04082 } Same

AGENT

KKC

CLAIMED ACRE TOTAL

43-00064 } Clyde Cr Source

GIS ACRE TOTAL

				NE				NW				SW				SE			
	TWP	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM	13S	25E	32					26	40	40	26								
GIS			32					23.8	40.5	38.6	13.4								
RECOM			32					24	40	39	13								
CLAIM																			
GIS																			
RECOM																			
	Spring Source P/U (Part of the 116 acres described above)																		
CLAIM	13S	25E	32					26	40	40	26								
GIS								4.4	10.2	38.6	13.4								
RECOM								4.4	10	39	13								

5 Recom
Clyde Cr Sys

Recom

B43-DBPOU.SHP

Springs Source

SHAPE NOS.

39 Clyde Creek Only (43-00064)

40 Both Systems all 3 right to combined

43-DBPOD.SHP

NOS. DESCRIPTION

43-00064 only Clyde Creek

8 14S, 24E, 36 SENWNE (Multiple users on ditch system)

18 13S 25E Sec 31 SENENE } Springs
 19 Sec 32 SWNWNW } source
 20 Sec 32 NWNWNW }

43-00062 & 43-04082 are from
 the same sources and for the
 same P/U. 43-00062 was
 decreed for 0.30 CFS. 43-04082 is
 for "high water" to bring the
 combined diversion rate up to
 1"/Ac for the found P/U.

DBF TABLES UPDATED

B43-DBPOU.DBF

✓

B43-DBPOD.DBF

✓

JPEG LAYOUT 43-00062 63 64 4082 Nelson

66.4 * .02 = 1.33 CFS

00062 - .30

04082 1.03 CFS



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

SYSTEM ANALYSIS FOR GARY NELSON

CLAIMS: A43-00062, A43-00063, A43-00064, AND A43-04082

The property is physically divided by Cassia Creek with each side operated as independent irrigation systems. Specific rights are used on each unit.

WEST SIDE SYSTEM

The appurtenant claims are:

<u>CLAIM</u>	<u>SOURCE</u>	<u>DECREED RATE</u>	<u>FOUND RATE</u>	<u>COMMENTS</u>
A43-00062	Springs	0.30 cfs	1.21 cfs	
A43-04082	Springs	1.10 cfs		same springs as A43-00062
A43-00064	Clyde Cr	1.60 cfs	4.26+ cfs	some water bypasses MD, system not at cap.

SYSTEM ANALYSIS

The system is flood irrigation using a ditch system. The property irrigates from west to east-southeast with the Clyde Creek source being able to irrigate all the recommended place of use.

Clyde Creek source

The Clyde Creek diversion is a shared diversion and delivery system. The recommended P/D is at the headgate that is approximately 30 feet NW of the parshall flume. Clyde Creek has braided channels within this general location with this diversion being on the northeasterly most channel. During times of low water rocks are used to control the amount of water going down each channel, although, that point is not recognized as a P/D.

Springs Source

The spring source ties into the same ditch delivery system and can irrigate all of the place of use except for a portion of the north half. There are two separate springs approximately 500 feet apart that rise on John Nye's property. The north spring rises approximately 300 feet and the south spring rises approximately 600 feet west of the property boundary fence. The north spring is diverted at the property line by the Clyde Creek ditch system that initially enters the property at the northwest corner of section 32. That ditch continues south along the property boundary to and past the next spring channel. The spring channel continues southeast from the property line and is used as a conveyance system to deliver water to various laterals.

The southern spring is diverted at two different points. The first diversion is into a separate ditch that carries the water southeast to the property boundary about 40 feet south of the spring

channel and then turns south to follow the fence line. The second diversion is a small pond that holds slightly less than one acre-foot of water. There is a valved pipe exiting the pond at ground level that controls the rate of discharge into a ditch system. The overflow from the pond also goes into a ditch system that runs basically south. During the latter portion of the irrigation season when the spring discharge is low, the pond is used to hold the spring flow until the pond is full and then it is discharged at a greater rate. The pond is considered a part of the delivery system rather than storage as the pond volume can be achieved by the decreed diversion rate in 24 hours.

The claimant indicated that the output of the springs varies widely throughout the year with the peak flow being dependent upon the irrigation of Nye's property.

The claim, A43-04082 represents the use of the spring flow that exceeds the decreed rate that is available prior to the watermaster being called on to deliver water to uses of an earlier priority date. As the water has always been available and used on the property since prior to the decree the recognized priority date is one day after the decree, or 10-19-1928.

Diversion rate analysis for springs

Recommended place of use	=	66.4 acres
66.4 acres @ 1 in/acre	=	1.33 cfs
43-00062 decreed rate	=	<u>0.30 cfs</u>
balance not decreed	=	1.03 cfs

The 1.03 cfs is the rate that can be recognized under 43-04082. This rate brings the acreage under the spring sources to a full inch to the acre for all acres under this system. Although the measured rate is approximately 10% less than 1 in/acre, I am recommending the 1.03 cfs as the spring flow varies and at times can exceed the 1 in/acre flow rate.

EAST SIDE SYSTEM

The appurtenant claim is A43-00063

SYSTEM ANALYSIS

Claim A43-00063 is used only on the east side of Cassia Creek which covers approximately 10 acres. This includes the lawn, garden and a horse pasture north of the home and lawn. This ground receives water from Cassia Creek through the Rice-Lessey ditch. A domestic well can also be used on the lawn. This right is used only on this ground as an independent system and is not used in conjunction with the other rights described as being appurtenant to the West Side system.

11-24-99

Evidence of Priority

In visiting with Gary Nelson, he explained that this right is for the flow rate over the decreed diversion rate up to 1 in/acre for the found irrigated ground.

He stated that the use of this water occurs from the beginning of the irrigation up until the water master is called on.

This system was part of the decree (Jube Adams) and I accept that the flow in excess of the decreed rate has been used since the day after the decree. Recommended

Priority date is - 10-19-1928.

Kelly K. Christensen

See 43-00062 for system and diversion analysis.

5-16-95
pre exam notes KKC

Nelson Claims

	Source	P/D	
A43-00063	Cassia Co (S.F)	13S; 25E, S-32	SE NE SW .18 CFS
(matches decree)	Question: is P/D on Otley Property?		

A43-00064	Cassia Co (N.F)	13S; 24E, S-36	SW NE NE 1.6 CFS
(matches decree)	Source now identified as Clyde Co.		

A43-00062	SPRINGS	13S; 25E, S-32	NE NW NW .30 CFS
(matches decree)	decree lists source as plural. Priority dt 4-3.		

A43-04082	Spring	13S-25E, S 32	NE NW NW .50 CFS
-----------	--------	---------------	------------------

NO EVIDENCE OF PRIORITY SUBMITTED.

claim appears to describe the same springs
claimed/decreed under A43-00062. claimed priority date
is 4-1-1880

CLAIM A43-000625000/4 INIT KKC
T. R00063 Q/Q

P/D
PHOTO ASCS P-26
DT.&ID. 1978 ELIGHT

E55

Field Notes

6-13-95

KKC

E215

30 29

Clyde
Ck
Waters

NAT IRR FROM
SPRING

IRR PM
SPRING

E56

A

24.0

taken
5-23-95
KKC

Cassia Cr.

22.5

5.9

6.6

Rae-AESBY
DITCH

RECEIVED

FEB 28 1978

Department of Visitor Resources
Southern District Office

Section 42-235a, Idaho Code

CLAIM TO A WATER RIGHT

Notice is hereby given that

Orvil E. Beecher

(name of claimant)

Box 465, Elba, Idaho 83326
(mailing address)

... claims a right to the diversion and beneficial use of

the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) 2 Unnamed Springs
tributary to, Cassia Creek
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed

Amount	0.5 cfs	Use	irrigation	Period of Use:	From	Mar 15	To	Nov 15
Amount		Use		Period of Use:	From		To	
Amount		Use		Period of Use:	From		To	
	feet, gpm or a/f)		(dom., irrl., stock, etc.)					(both dates inclusive)

- (3) Total quantity of water claimed 0.5 cubic feet per second, or
per annum, and/or gallons per minute. acre feet
- (4) Priority claimed: (the date water was first applied to beneficial use) March, 1880

A claim is not acceptable on a ground-water source with a priority later than March 25, 1961 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
2 points NW ¼ NW ¼, Sec. 32 Twp. 13S Rge. 25E B. M. County of Cassia
Additional points of diversion:

13) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities, be as specific as possible. water flows in natural channel to ditch
irrigation system

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

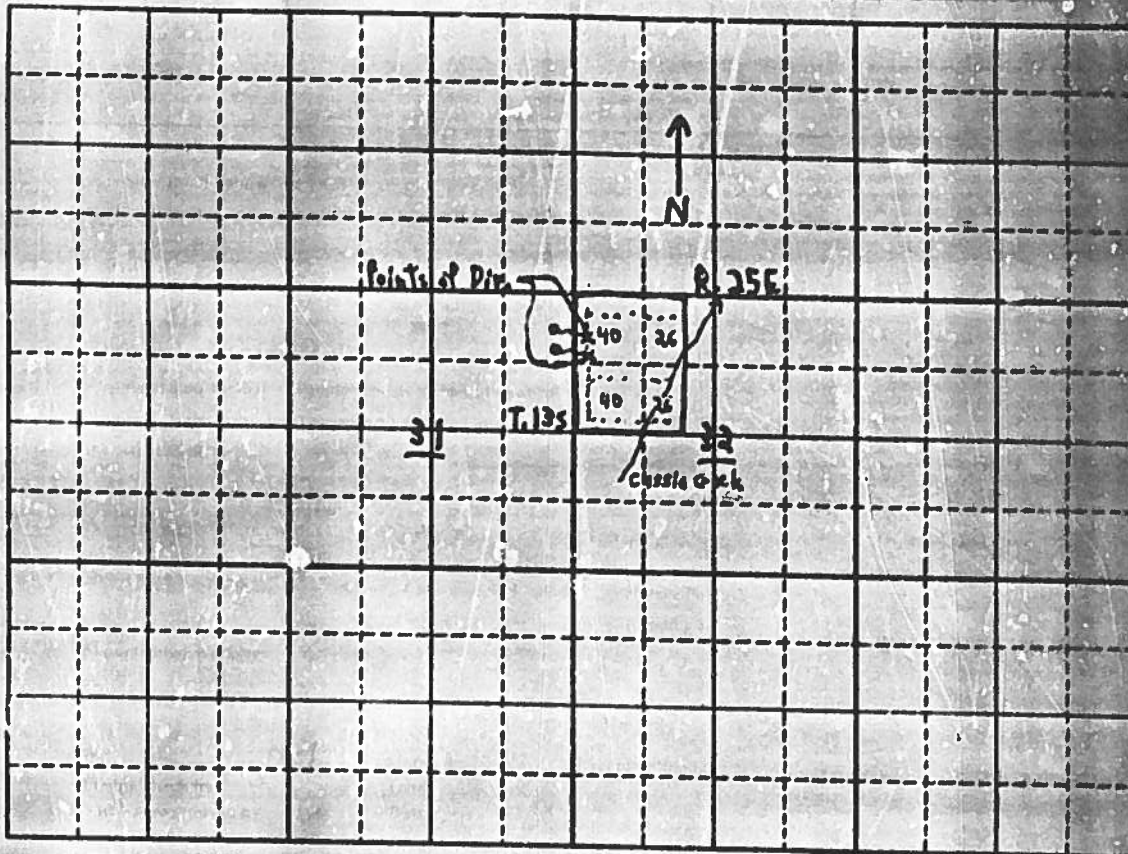
[illegible]

Total No. of acres 132

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible.

- (7) If you are claiming water as a member of an organization, list name of organization

(8) Remarks Springs originate in NE1/4 Sec. 31 T. 13S R. 25E, flowing naturally to place of use. Water is then distributed through ditch irrigation system.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Cassia) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 24th day of February, 1978.

Orvil E. Becker
(Claimant)

Shirley Heststein
Notary Public
Residing at *Burley*

My commission expires 6-27-78

For Department Use Only

Received by <i>J. K. Martin</i>	Date <i>2-16-78</i>	Exception filed by:	Forwarded to	Date
Prelim. check by <i>SS</i>	Date <i>2-16-78</i>		claimant by:	
\$10.00 fee received by <i>SS</i>	Date <i>2-16-78</i>			
Approved for publication by <i>SS</i>	Date <i>3/27/78</i>			
Published in <i>South Idaho Press</i>				
Dates <i>3/14-3/21/78</i>				