

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 43-4115
Date Received: 6/13/89
Receipt No:
Received By:

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

1. Name of Claimant(s)

O JOHN NYE Phone: (208)638-5528
BESSIE D NYE
HC 61 BOX 1300
MALTA ID USA 83342

2. Date of Priority: 04/01/1935

3. Source: SPRING Trib. to: CASSIA CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
13S	25E	28	SW NE	CASSIA

5. Description of diverting works:

DITCH, RAM, PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.8	
DOMESTIC	1/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.84 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	25E	21	SE	SE	IRRIGATION	20
					Section Acres	20
13S	25E	22	SW	SW	IRRIGATION	15
					Section Acres	15
13S	25E	28	NE	NE	IRRIGATION	20
			NW	NE	IRRIGATION	20
			SW	NE	IRRIGATION	15
					Section Acres	55
					Total Acres	90

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:

15. Basis of Claim: Statutory Claim



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DEC 05 1994

DATE OF CLOSING: _____

Department of Water Resources
Southern Region Office

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM. _____
Lot _____, Block _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
Assigned by IDWR: A43-10260 - A43-10258 - A43-10259
A43-04115

☐ Name and Address of Former Owner/Claimant(s)(Seller): _____

☒ New Owner/Claimant (Purchaser): O. John Nye and/or Bessie D. Nye

☐ New Mailing Address: HC 61 Box 1300
Malta, ID 83342

☐ New Telephone Number: (208) 638-5528

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s) O. John Nye Date 11/26/94

☐ Signature of Former Owner/Claimant(s) O. John Nye Date 11/26/94

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

DEC 05 1994

Department of Water Resources
Southern Region Office

IMPORTANT NOTICE - PLEASE READ

MARTELL C. HOLLAND
CASSIA COUNTY ASSESSOR
CASSIA COUNTY COURTHOUSE
BURLEY, ID 83318

PRESORTED
FIRST CLASS MAIL
U. S. POSTAGE PAID
BURLEY, ID 83318
PERMIT NO. 146

PARCEL NO. RP 13S25E290000 A

TAX CODE 42-00

LOTS / ACRES

MARKET VALUE

40.000 AC 1,280

1993

40.000 1,280*

TAXPAYERS
VALUATION

ASSESSMENT NOTICE

Taxes are based on the valuation
listed on this statement

IF THERE ARE ANY QUESTIONS
REGARDING THIS STATEMENT
NOTIFY THE ASSESSOR'S OFFICE BEFORE

JUNE 25, 1993

See the reverse side for further references
KEEP THIS COPY FOR YOUR RECORDS

CATEGORY DESCRIPTION

5 DRY GRAZING

PROPERTY ADDRESS

PREVIOUS NUMBER

NE
29 T 13 R 25

Mail To:
NYE, O JOHN
& NYE, BESSIE D H/W
HC 61 BOX 1300
MALTA, ID 83342

IMPORTANT NOTICE - PLEASE READ

MARTELL C. HOLLAND
CASSIA COUNTY ASSESSOR
CASSIA COUNTY COURTHOUSE
BURLEY, ID 83318

PRESORTED
FIRST CLASS MAIL
U. S. POSTAGE PAID
BURLEY, ID 83318
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MARKET VALUE

40.000 AC 1,280

1993

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VALUATION

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NOTIFY THE ASSESSOR'S OFFICE BEFORE

JUNE 25, 1993

See the reverse side for further references
KEEP THIS COPY FOR YOUR RECORDS

CATEGORY DESCRIPTION

5 DRY GRAZING

PROPERTY ADDRESS

PREVIOUS NUMBER

NE
28 T 13 R 25

RP13S25E283000A

Mail To:
NYE, O JOHN
& NYE, BESSIE D H/W
HC 61 BOX 1300
MALTA, ID 83342

From
Darby vs
Jones
87990
Filed 1903

lands last named, and on the 30th day of April, 1889, said defendant appropriated from said Cassia Creek 12 inches of water to be used in the irrigation of the said lands last named. That the said defendant R. L. Rice, his grantors and predecessors in interest have used said amounts of said waters in the irrigation of said lands for the purpose of raising agricultural crops thereon each and every year from the respective dates aforesaid down to the filing of this decree.

As conclusions of Law based on the foregoing statement of facts the Court finds as follows:

319 That the defendant, Merrit Beecher is entitled to be awarded 110 inches of the flow of the waters of Cassia Creek to be used in the irrigation of the lands hereinbefore described as belonging to him, the same to date from the 15th day of May, 1873, and 12 inches from the flow of the waters of Cassia Creek to date from April 30 1887 and the whole of the flow of Kempton Springs from April 30 1886 and ten inches from Cassia Creek from April 30 1887. 320 321

Kempton Springs not mentioned

That the defendant R. L. Rice is entitled to be awarded 95 inches of the waters of Cassia Creek, to date from the 1st day of June 1873, and 5 inches of the flow of the water of said creek to be used on 5 acres in the corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 29, Twp. 13 S., Rge. 25 E. B.M. to date from the 1st day of June 1873, and the whole of the flow of the waters of Rock Springs Gulch to date from the 30th day of April, 1883; and 10 inches of the waters of said Cassia Creek to date from the 30th day of April 1888, and 12 inches of the waters of said Cassia Creek to date from the 30th day of April 1889; that all of said water is used for the purpose of irrigating and cultivating the lands hereinbefore described as belonging to him.

I further find as a conclusion of law, that each of the owners is entitled to take the waters of Cassia Creek, and its tributaries and of Raft River below its junction with said Cassia Creek, in the quantity and at the times herein and in the Findings of Fact named: That they are entitled to take this as from the dates of each appropriation so that each prior appropriation is entitled to the amount allotted to him as against every subsequent appropriation to the extent herein allotted, in preference to and before subsequent appropriators are entitled to take anything.

I find that all whose rights begin at the same date have equal right to use the waters herein adjudicated and in case of the water in said streams at any time becoming too small in amount to supply said uses, they shall share therein proportion of their amounts to which

Springs on Twn 13S R 25E
Sec 28 SW $\frac{1}{4}$ NE $\frac{1}{2}$ have
been used for irrigation
and beneficial use since
March 1927

Loleta Udy Merrill

J E G E I V

DEC 05 1994
Department of Water Resources
Southern Region Office

For A43-04115.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

December 13, 1994

O JOHN NYE
HC 61 BOX 1300
MALTA, ID 83342

RE: SNAKE RIVER BASIN ADJUDICATION CLAIMS A43-00353, A43-10258,
A43-10259, A43-04115

Dear John

In reviewing the information you last supplied me I find that I need additional information. Evidence of priority must be submitted for each claim that was filed based upon beneficial use. Because I have personally walked across your property I can make some inferences from the evidence that you submitted and then apply it to the claims that you have filed, however, to satisfy the court's needs the submitted information needs to be more detailed and specific to each claim that has been submitted. For each claim that is based upon beneficial use, the following questions have to be answered.

1. When was that system first put to beneficial use and to what extent was it developed? If the current use is different than the original development, then the date/dates of the change need to be identified and the extent of the current use documented.
2. There needs to be a statement by the individual as to why that person knows that the statement is true (e.g. the individual developed the system, or maybe, was a neighbor and observed the development and was living there at the time of development.

A43-10258

During my field verification I did not observe any evidence of irrigation or irrigation diversion works along the spring channel upstream from the entry point of the Connor Creek ditch to the east fence line of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21. Before I can recommend this claim, I need additional information.

A43-10259

Specifically, the evidence of priority that was signed by Loleta Udy Merrill needs the additional information described in items 1 and 2 above. Circumstantial evidence before me indicates that the ground irrigated from Kempton Springs was abandoned by the filing

NYE

Page 2

December 13, 1994

date of the Jobe Adams decree (10-18-1928) as that use was described in the Darby vs Jones decree and not the Jobe Adams decree. Your evidence needs to establish the history of the irrigation practices on that ground.

A43-04115

During my visit with you at your home you indicated that the spring was originally developed with the use of a hydraulic ram and used to irrigate the lawn. I found that the spring water was diverted into a ditch approximately 400 feet prior to the channel reaching Cassia Creek and that the water could be used to irrigate ground north of that ditch. As the area of that ground is considerably larger than the lawn area and the diversion rate for that ground is greater than the diversion required for the lawn, evidence of priority for the development of the irrigation of the lawn will not substantiate the current practices. Please specifically describe how the current system was developed.

There are some issues with your decreed rights that need to be addressed but I felt that it would be easier to deal with just one or two issues at a time. I will correspond with you later on those issues.

I realize that this process is considerably more time consuming and detailed than you originally thought was necessary, but these are your water rights and every effort to protect them needs to be addressed. I do not want you to lose a water right because of a lack of supporting information.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

Enclosures

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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: A43-04115
Date Received: 5/25/1989
Receipt No: 5008210
Received By: AD

RECEIVED

JUN 09 1989

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LESLIE J. NYE 208-638-5527
Address: HC 61 BOX 1300
MALTA, ID 83342

2. Date of Priority: APR 01, 1935

3. Source: SPRING Trib. to: CASSIA CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
13S	25E	28	SW NE		CASSIA

5. Description of diverting works:
DITCH, RAM, PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.800		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
ONE HOUSE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
13S	25E	21	SE SE		IRR	20.0
Section Acres						20.0

A43-04115

Page 1

Date: 05/25/89

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MAR 04 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	25E	22	SW	SW		IRR	15.0
						Section Acres	15.0
		28	NE	NE		IRR	20.0
			NW	NE		IRR	20.0
			SW	NE		IRR	15.0
						Section Acres	55.0
						Total Acres	90.0

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:
NONE

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): Leslie J. Mays Date: 5/25/89

Date: _____

State of Idaho)
County of CASSIA) SS.

Subscribed and sworn (or affirmed) before me this 25TH day
of MAY 19 89 Willie J. Dufrenoy
Notary Public



Seal

Residing at BURLEY, IDAHO
My Commission Expires MAY 19, 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

Aug. 25, 1989

LESLIE J NYE
HC 61 BOX 1300
MALTA ID 83342

Re: A43-10259
a43-10258
A43-04115
A43-10260
A43-10491

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 04 1993



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

A43-04115
LESLIE J. NYE
HC 61 BOX 1300

A43-10258
A43-10259

RECEIVED

MALTA

ID 83342

FEB 26 1992

RE: Evidence of Priority

RESPONSE DEADLINE
FEBRUARY 3, 1992

Department of Water Resources
Southern Region Office

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

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MAR 04 1993

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FEB 26 1992

Department of Water Resources

Southern Region Office

Filed: Feb. 24, 1928, 3:00 P.M.

Recorded: Book 8 Jags., P. 356-75.

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

J. M. DARBY, et al,
Defendants.

E. D. JONES, et al.
Plaintiffs.

#87990.

This Cause having been regularly called for trial before the Court, a jury having been expressly waived by all the parties hereto in open Court, Hawley & Reeves appeared for the plaintiffs and Messrs. J. C. Rogers, H. W. Smith, Albert Heed, F. E. Ensign, J. W. Ellen, and O. R. Hale appeared for the defendants, the defendant John Condit, by permission of the Court appearing in his own behalf. And the Court having heard the proofs of the respective parties and considered the same, and the records and papers in the case, and the arguments and briefs of the respective Attorneys thereon, and it being agreed by each and all of the parties in open Court that the findings, decision and judgement could be filed and entered in vacation and out of term time, if the Court so desired and the cause having been submitted to the court for decision, the Court now finds the following facts:-

That the several tracts and parcels of land, belonging to and owned by the parties hereto, set forth and described in the several pleadings herein, and each and every thereof, belonging to either the plaintiffs or the defendants are situate in Cassia County Idaho and are arid in character and require the use of water artificially applied before they will produce profitable crops.

That each and every of said tracts of land are contiguous and riparian to Cassia Creek and its tributaries; and that all of said lands lie and are situate in Cassia County, State of Idaho.

That the only source of supply of water for irrigation purposes for the lands both of plaintiffs and defendants, set forth and described in the pleadings, is Cassia Creek and its tributaries, except a few small springs mentioned in the pleadings and the waters of which are used by some of the parties hereto, and which are hereinafter specially referred to, and which said springs are in reality tributary

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MAR 04 1993

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Department of Water Resources
Southern Region Office

to said Cassia Creek, although the waters thereof do not flow into said stream upon the surface of the ground; and with the further exception that some of the parties take their water from Raft River after its junction with Cassia Creek. Said two streams after said junction being but one stream. That when Cassia Creek is named herein as a source of water supply it is meant to include the tributaries of said creek also.

That all of the lands mentioned and described in the pleadings herein and belonging to the several parties hereto, requires one inch of water to each acre of land, for the successful irrigation and cultivation thereof, said water being measured under a four inch pressure. That whenever a certain number of inches of water is mentioned herein it is meant that it is that certain number of inches measured under a four inch pressure.

I find that on the 15th day of May, 1873, the defendant, Merrit Blacher, his grantors and predecessors in interest, were the owners and in possession of the following described lands to-wit: $W\frac{1}{2}SE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}$ of Sec. 28 and $NE\frac{1}{4}NE\frac{1}{4}$ of Sec. 29 and $NW\frac{1}{4}NW\frac{1}{4}$ Sec. 28, Twp. 13 S., Rge. 25 E.B.M., and on the day last aforesaid appropriated from Cassia Creek 110 inches of water to be used in the irrigation of said lands. That said defendant, his grantors and predecessors in interest have used said amount of said water for the irrigation of his said lands for the purpose of raising agricultural crops thereon each and every year from the date last aforesaid down to the date of this decree.

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I find that on the 1st day of June 1873, the defendant R. L. Rice, his grantors and predecessors in interest were the owners and in the possession of the following described lands to-wit: the $E\frac{1}{2}SE\frac{1}{4}$ of Sec. 29, and the $NE\frac{1}{4}SW\frac{1}{4}$ and the $SW\frac{1}{4}NW\frac{1}{4}$ of Sec. 28, Twp. 13 S., Rge. 25 E.B.M. and at the time last aforesaid appropriated from said Cassia Creek 95 inches of water to be used in the irrigation of said lands, and at the date last aforesaid said defendant his grantors and predecessors in interest was the owner of 5 acres of land in the corner of the $SWSE\frac{1}{4}$ of Sec. 29, Twp. 13 S., Rge. 25 E.B.M. and appropriated 5 inches of water from said Cassia Creek to be used in the irrigation thereof. That on the 30th day of April, 1883, said defendant, R. L. Rice, was the owner and in the possession of the $S\frac{1}{2}NE\frac{1}{4}$ and the $NE\frac{1}{4}SE\frac{1}{4}$ of Sec. 29, Twp. 13 S., Rge. 25 E.B.M. and appropriated from Rock Springs Gulch on the day last aforesaid the whole of the waters of said gulch to be used in the irrigation of said land last named. And on the 30th day of April 1888, said defendant appropriated from said Cassia Creek 10 inches of water to be used in the irrigation of the

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MAR 04 1993

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FEB 26 1992

Department of Water Resources
Southern Region Office

lands last named, and on the 30th day of April, 1889, said defendant appropriated from said Cassia Creek 12 inches of water to be used in the irrigation of the said lands last named. That the said defendant R. L. Rice, his grantors and predecessors in interest have used said amounts of said waters in the irrigation of said lands for the purpose of raising agricultural crops thereon each and every year from the respective dates aforesaid down to the filing of this decree.

As conclusions of Law based on the foregoing statement of facts the Court finds as follows:

That the defendant, Merrit Beecher is entitled to be awarded 110 inches of the flow of the waters of Cassia Creek to be used in the irrigation of the lands hereinbefore described as belonging to him, the same to date from the 15th day of May, 1873, and 12 inches from the flow of the waters of Cassia Creek to date from April 30 1887 and the whole of the flow of Kempton Springs from April 30 1886 and ten inches from Cassia Creek from April 30 1887.-

That the defendant R. L. Rice is entitled to be awarded 95 inches of the waters of Cassia Creek, to date from the 1st day of June 1873, and 5 inches of the flow of the water of said creek to be used on 5 acres in the corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 29, Twp. 13 S., Rge. 25 E. B.M. to date from the 1st day of June 1873, and the whole of the flow of the waters of Rock Springs Gulch to date from the 30th day of April, 1883; and 10 inches of the waters of said Cassia Creek to date from the 30th day of April 1888, and 12 inches of the waters of said Cassia Creek to date from the 30th day of April 1889; that all of said water is used for the purpose of irrigating and cultivating the lands hereinbefore described as belonging to him.

I further find as a conclusion of law, that each of the owners is entitled to take the waters of Cassia Creek, and its tributaries and of Raft River below its junction with said Cassia Creek, in the quantity and at the times herein and in the Findings of Fact named: That they are entitled to take this as from the dates of each appropriation so that each prior appropriation is entitled to the amount allotted to him as against every subsequent appropriation to the extent herein allotted, in preference to and before subsequent appropriators are entitled to take anything.

I find that all whose rights begin at the same date have equal right to use the waters herein adjudicated and in case of the water in said streams at any time becoming too small in amount to supply said uses, they shall share therein proportion of their amounts to which

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MAR 14 1993

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FEB 26 1992

Department of Water Resources
Southern Region Office

they are severally entitled.

STATE OF IDAHO)
) ss
County of Cassia.)

I, Joseph Y. Haight, Clerk of the District Court of the Fourth Judicial District of the State of Idaho, in and for Cassia County, do hereby certify that the foregoing 53 sheets of typewritten matter is a full, true and correct copy of the Findings in an action entitled J. M. Darby, et al, Plaintiffs, Vs. E. D. Jones, et al Defendants, the original of which is now on file in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court, at Albion, Idaho, this 12th day of August, A. D. 1903.

(SEAL)

Clerk of the District Court of the
Fourth Judicial District of Idaho,
in and for Cassia County.

(SIGNED) Jos. Y. Haight.

STATE OF IDAHO,)
) ss.
County of Ada,)

I, W. G. Swendsen, Commissioner of Reclamation of the State of Idaho, hereby certify that the above and foregoing is a full, true and correct copy of Findings of Fact and Conclusions of Law in the case entitled J. M. Darby, et al, Plaintiffs, versus E. D. Jones, et al, Defendants, in the District Court of the Fourth Judicial District of Idaho, in and for the County of Cassia, as the same appears on file in the office of the Department of Reclamation, Boise, Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office, this 21st day of January, 1926.

W. G. SWENDSEN
Commissioner of Reclamation.

(COM. SEAL)

By Clara M. Brown
Custodian of Records.

MICROFILMED

MAR 4 1993

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**NOTICE OF ERROR
REPLY**

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: 43-4115

O JOHN NYE
HC 61 BOX 1300
MALTA ID 83342
Telephone Number: (208) 638-5528

BESSIE D NYE
HC 61 BOX 1300
MALTA ID 83342
Telephone Number: (208) 638-5528

RECEIVED
JUN 18 2001
Department of Water Resource
Southern Region

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: 9 June 2001 SIGNATURE: O. John Nye
Please print your name: O. John Nye

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, (208) 736-3033

COPY

2001 NOV 23 PM 1:24

CLERK OF DISTRICT COURT
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA	)	SUBCASE NO. 43-319, 43-320,
	)	43-321, 43-353, 43-354, 43-4115,
Case No. 39576	)	43-10258, 43-10259, 43-10261,
	)	43-11275, 43-11277, 43-11281
	)	
	)	NOTICE OF COMPLETED
_____	)	ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: **CHANGE OF ADDRESS**

Name and New Address of Claimant:

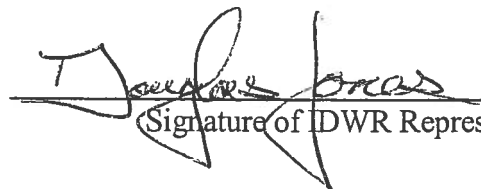
O John Nye
Bessie D Nye
1860 Elba Almo Rd Box 1300
Malta ID 83342

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated:

11/15/01



(Signature of DWR Representative)

CERTIFICATE OF MAILING

I certify that on 11/23, 2001, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant or attorney of record:
O John Nye
Bessie D Nye
1860 Elba Almo Rd Box 1300
Malta ID 83342
3. One Copy to:
Each party in the subcase or attorney of record:
4. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
5. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

10/29/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-319

NAME AND ADDRESS: BESSIE D NYE
1860 ELBA ALMO RD BOX 1300
MALTA ID 83342

O JOHN NYE
1860 ELBA ALMO RD BOX 1300
MALTA ID 83342

SOURCE: CASSIA CREEK

TRIBUTARY: RAFT RIVER

QUANTITY: 2.200 CFS

PRIORITY DATE: 05/15/1873

POINT OF
DIVERSION:

T13S R25E S28 NWNWSW Within CASSIA County
T13S R25E S29 NENESE Within CASSIA County
T14S R25E S6 NWSWNE 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	2.200 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T13S R25E S21	SWSE	11.0	T13S R25E S21	SESE	16.0
T13S R25E S28	NWNE	30.0	T13S R25E S28	SWNE	16.0
T13S R25E S28	NENW	21.0	T13S R25E S28	SENE	39.0
T13S R25E S28	NESW	10.0			

143 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 177 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-319, 43-320, 43-321, 43-353, 43-354, 43-4115 AND 43-10259.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 117 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-319, 43-320, AND 43-321.

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

10/29/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-320

NAME AND ADDRESS: BESSIE D NYE
1860 ELBA ALMO RD BOX 1300
MALTA ID 83342

O JOHN NYE
1860 ELBA ALMO RD BOX 1300
MALTA ID 83342

SOURCE: CASSIA CREEK

TRIBUTARY: RAFT RIVER

QUANTITY: 0.240 CFS

PRIORITY DATE: 04/30/1887

POINT OF
DIVERSION:

T13S R25E S28 NWNWSW Within CASSIA County
T13S R25E S29 NENESE Within CASSIA County
T14S R25E S6 NWSWNE 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	0.240 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T13S R25E S21	SWSE	11.0	T13S R25E S21	SESE	16.0
T13S R25E S28	NWNE	30.0	T13S R25E S28	SWNE	16.0
T13S R25E S28	NENW	21.0	T13S R25E S28	SENE	39.0
T13S R25E S28	NESW	10.0			

143 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 177 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-319, 43-320, 43-321, 43-353, 43-354, 43-4115 AND 43-10259.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 117 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-319, 43-320, AND 43-321.

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

10/29/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-321

NAME AND ADDRESS: BESSIE D NYE
1860 ELBA ALMO RD BOX 1300
MALTA ID 83342

O JOHN NYE
1860 ELBA ALMO RD BOX 1300
MALTA ID 83342

SOURCE: CASSIA CREEK

TRIBUTARY: RAFT RIVER

QUANTITY: 0.200 CFS

PRIORITY DATE: 04/30/1889

POINT OF
DIVERSION:

T13S R25E S28 NWNWSW Within CASSIA County
T13S R25E S29 NENESE Within CASSIA County
T14S R25E S6 NWSWNE 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	0.200 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T13S R25E S21	SWSE	11.0	T13S R25E S21	SESE	16.0
T13S R25E S28	NWNE	30.0	T13S R25E S28	SWNE	16.0
T13S R25E S28	NENW	21.0	T13S R25E S28	SENE	39.0
T13S R25E S28	NESW	10.0			

143 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 177 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-319, 43-320, 43-321, 43-353, 43-354, 43-4115 AND 43-10259.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 117 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-319, 43-320, AND 43-321.

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

10/29/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-353

NAME AND ADDRESS: BESSIE D NYE
1860 ELBA ALMO RD BOX 1300
MALTA ID 83342

O JOHN NYE
1860 ELBA ALMO RD BOX 1300
MALTA ID 83342

SOURCE: CASSIA CREEK

TRIBUTARY: RAFT RIVER

QUANTITY: 0.200 CFS

PRIORITY DATE: 04/01/1894

POINT OF
DIVERSION:

T13S R25E S28 NWNWSW Within CASSIA County
T13S R25E S29 NENESE Within CASSIA County
T14S R25E S6 NWSWNE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/30	0.200 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T13S R25E S21	SWSE	11.0	T13S R25E S21	SESE	16.0
T13S R25E S28	NWNE	30.0	T13S R25E S28	SWNE	16.0
T13S R25E S28	NENW	21.0	T13S R25E S28	SENE	39.0
T13S R25E S28	NESW	10.0			

143 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 177 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-319, 43-320, 43-321, 43-353, 43-354, 43-4115 AND 43-10259.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 26 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-353, AND 43-354.

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

10/29/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-354

NAME AND ADDRESS: BESSIE D NYE
1860 ELBA ALMO RD BOX 1300
MALTA ID 83342

O JOHN NYE
1860 ELBA ALMO RD BOX 1300
MALTA ID 83342

SOURCE: CONNOR CREEK

TRIBUTARY: BLACKSMITH CREEK

QUANTITY: 0.600 CFS

PRIORITY DATE: 04/30/1881

POINT OF
DIVERSION: T13S R25E S15 SWSWNW 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	0.600 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T13S R25E S21	SWSE	11.0	T13S R25E S21	SESE	16.0
T13S R25E S28	NWNE	7.4	T13S R25E S28	NENW	15.0
T13S R25E S28	SENE	2.3			

51.7 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 20 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 177 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-319, 43-320, 43-321, 43-353, 43-354, 43-4115 AND 43-10259.
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 26 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-353, AND 43-354.

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

THE FLOW RATE QUANTITY RECOMMENDED ABOVE INCLUDES .28 CFS FOR CONVEYANCE LOSS BETWEEN THE POINT OF DIVERSION AND THE FIELD HEADGATE.

10/29/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-4115

NAME AND ADDRESS: O JOHN NYE
1860 ELBA ALMO RD BOX 1300
MALTA ID 83342

BESSIE D NYE
1860 ELBA ALMO RD BOX 1300
MALTA ID 83342

SOURCE: SPRING

TRIBUTARY: CASSIA CREEK

QUANTITY: 0.100 CFS

PRIORITY DATE: 04/01/1935

POINT OF
DIVERSION:

T13S R25E S28 SENWNE 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	0.100 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T13S R25E S28	NWNE	22.0	T13S R25E S28	SWNE	16.0
T13S R25E S28	NENW	6.6	T13S R25E S28	SENW	37.0
T13S R25E S28	NESW	10.0			

91.6 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 177 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-319, 43-320, 43-321, 43-353, 43-354, 43-4115 AND 43-10259. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 5 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 - Beneficial Use

10/29/2001

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
43-10258	O JOHN NYE 1860 ELBA ALMO RD BOX 1300 MALTA ID 83342 BESSIE D NYE 1860 ELBA ALMO RD BOX 1300 MALTA ID 83342	Disallowed	NO BENEFICIAL USE FOUND.

10/29/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-10259

NAME AND ADDRESS: BESSIE D NYE
1860 ELBA ALMO RD BOX 1300
MALTA ID 83342

O JOHN NYE
1860 ELBA ALMO RD BOX 1300
MALTA ID 83342

SOURCE: UNNAMED STREAM

TRIBUTARY: CASSIA CREEK

QUANTITY: 0.960 CFS

PRIORITY DATE: 10/19/1928

POINT OF
DIVERSION:

T13S R25E S20 SESESE 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	0.960 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T13S R25E S21	SWSE	11.0	T13S R25E S21	SESE	16.0
T13S R25E S28	NWNE	7.4	T13S R25E S28	NENW	19.0
T13S R25E S28	NWNW	29.0	T13S R25E S28	SENE	2.3
T13S R25E S29	NENE	1.3			

86 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 177 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-319, 43-320, 43-321, 43-353, 43-354, 43-4115 AND 43-10259.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 48 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-353, AND 43-354.

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

10/29/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-10261

NAME AND ADDRESS: BESSIE D NYE
1860 ELBA ALMO RD BOX 1300
MALTA ID 83342

O JOHN NYE
1860 ELBA ALMO RD BOX 1300
MALTA ID 83342

SOURCE: CASSIA CREEK

TRIBUTARY: RAFT RIVER

QUANTITY: 1.300 CFS

PRIORITY DATE: 04/30/1881

POINT OF
DIVERSION:

T14S R25E S6 SESWNW Lot 5 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	1.300 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T14S R25E S06 Lot 2 NWNE	28.0	T14S R25E S06	SWNE	2.0
T14S R25E S06 Lot 3 NENW	32.0	T14S R25E S06	SENE	4.7

66.7 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

10/29/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-11275

NAME AND ADDRESS: BESSIE D NYE
1860 ELBA ALMO RD BOX 1300
MALTA ID 83342

O JOHN NYE
1860 ELBA ALMO RD BOX 1300
MALTA ID 83342

SOURCE: CLYDE CREEK

TRIBUTARY: CASSIA CREEK

QUANTITY: 0.220 CFS

PRIORITY DATE: 04/30/1884

POINT OF
DIVERSION:

T13S R24E S36 SENWNE 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	0.220 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T13S R25E S31 NWNE 39.0

39 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED
TOTAL OF 39 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.
43-11275, 43-11277, 43-11279, AND 43-11281.

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

THE COMBINED FLOW RATE FOR THE RIGHTS LISTED BELOW INCLUDES 0.11 CFS
FOR CONVEYANCE LOSS BETWEEN THE POINT OF DIVERSION AND THE FIELD
HEADGATE. COMBINED RIGHTS: 43-11275, 43-11277, 43-11279, and 43-11281.

10/29/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-11277
NAME AND ADDRESS: BESSIE D NYE
1860 ELBA ALMO RD BOX 1300
MALTA ID 83342

O JOHN NYE
1860 ELBA ALMO RD BOX 1300
MALTA ID 83342

SOURCE: CLYDE CREEK TRIBUTARY: CASSIA CREEK

QUANTITY: 0.370 CFS

PRIORITY DATE: 04/01/1894

POINT OF
DIVERSION: T13S R24E S36 SENWNE 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	0.370 CFS

PLACE OF USE: IRRIGATION Within CASSIA County
T13S R25E S31 NWNE 39.0

39 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED
TOTAL OF 39 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.
43-11275, 43-11277, 43-11279, AND 43-11281.

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

THE COMBINED FLOW RATE FOR THE RIGHTS LISTED BELOW INCLUDES 0.11 CFS
FOR CONVEYANCE LOSS BETWEEN THE POINT OF DIVERSION AND THE FIELD
HEADGATE. COMBINED RIGHTS: 43-11275, 43-11277, 43-11279, and 43-11281.

10/29/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-11281

NAME AND ADDRESS: BESSIE D NYE
1860 ELBA ALMO RD BOX 1300
MALTA ID 83342

O JOHN NYE
1860 ELBA ALMO RD BOX 1300
MALTA ID 83342

SOURCE: CLYDE CREEK

TRIBUTARY: CASSIA CREEK

QUANTITY: 0.120 CFS

PRIORITY DATE: 04/30/1881

POINT OF
DIVERSION:

T13S R24E S36 SENWNE 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	0.120 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T13S R25E S31 NWNE 39.0

39 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED
TOTAL OF 39 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.
43-11275, 43-11277, 43-11279, AND 43-11281.

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

THE COMBINED FLOW RATE FOR THE RIGHTS LISTED BELOW INCLUDES 0.11 CFS
FOR CONVEYANCE LOSS BETWEEN THE POINT OF DIVERSION AND THE FIELD
HEADGATE. COMBINED RIGHTS: 43-11275, 43-11277, 43-11279, and 43-11281.



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

November 23, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

O JOHN NYE
BESSIE D NYE
1860 ELBA ALMO RD BOX 1300
MALTA ID 83342

RE: SRBA Claim(s) 43-319, 43-320, 43-321, 43-353, 43-354,
 43-4115, 43-10258, 43-10259, 43-10261,
 43-11275, 43-11277, 43-11281
 43-10491

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

VERIFIED BY KKC

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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

JOHN NYE CLAIMS SUMMARY

HOME PLACE

<u>DECREED RIGHT</u>	<u>PRIORITY DATE</u>	<u>DIVERSION RATE</u>	<u>CLAIMED AS</u>	<u>CLAIMED SOURCE</u>
43-00319	5-14-1873	2.20CFS	A43-00319	CASSIA CREEK
43-00320	4-30-1887	0.24CFS	A43-00320	CASSIA CREEK
43-00321	4-30-1889	0.20CFS	A43-00321	CASSIA CREEK
43-00353	4-30-1880	0.20CFS	A43-00353	CASSIA CREEK
43-00354	4-30-1881	0.60CFS	A43-00354	CONNOR CREEK
<u>BENEFICIAL USE CLAIMS</u>				
43-04115		0.84CFS	A43-04115	SPRING
-----		0.20CFS	A43-10258	SPRINGS
-----		0.96CFS	A43-10259	SPRINGS

HOME PLACE ANALYSIS

43-319, 43-320, and 43-321 were decreed to the same place of use and are all decreed from Cassia Creek. 43-00353 was decreed from Cassia Creek for property east of the previously identified system. This is the same ground that 43-354 was decreed for. The two decreed systems are being operated as one and has for many years, therefore I am recommending the combined place of use as common and limiting each of the rights to the number of found acres within the historic decreed place of use.

The four claims from Cassia Creek are diverted out of Cassia Creek at three different locations. One point of diversion is a shared system delivered through the Rice Lessey Ditch. Two other points of diversion are on the property of the western neighbor's property. One ditch is on the north side of the Cassia Creek and the other is on the South side that allows Cassia Creek water to reach the entire recommended place of use. The combined diversion rates for the Cassia Creek rights do not exceed one inch per acre for the recommended place of use.

43-354 was decreed from Connor Creek at 0.60 cfs. It is currently claimed on 20 acres within the decreed place of use. Using GIS I found 27 acres. An amendment to this claim is necessary to cover all 27 acres under this right.

43-10259 is claimed out of springs related to Kemp Hollow and/or a companion channel. The historic point of diversion may have been further north than the place of use, however, water is diverted at the point where the channel crosses the fence line and is carried in a ditch easterly to irrigate the recommended place of use. I am recognizing that point as the point of diversion for this system. I am recognizing the source as an unnamed stream. The source is often dry by the end of the irrigation season as was the case at the time of the field exam. I was unable to obtain a measurement on the system. With ditch maintenance, the system could carry the claimed one inch per acre as claimed, therefore I am recommending this right at the claimed rate.

The place of use irrigated only from this source is approximately 34 acres. The water from this source can also enter the ditch from the north Cassia Creek diversion and irrigate additional ground. I am recognizing the 48 claimed acres as valid within the irrigated ground north of Cassia Creek.

The claimed priority date is loosely based upon a decreed right listed in the Darby Vs Jones 1903 decree. That claim listed an April 30, 1886 priority date. A copy of the page listing that use was submitted as evidence of priority. As the Jobe Adams decree superceded the Darby Vs Jones decree, and there is some evidence that the system has always been in existence, I am recommending a priority date of one day after the Jobe Adams decree or 11-19-1928.

43-10258 is claimed for irrigation from a spring for the irrigation of 10 acres. I did not find any diversion or irrigation practices in the area of the claim. After discussing this with John Nye, he indicated that there was no actual irrigation. He really wanted to protect the water for stock water use. I indicated that the claim could be amended to claim the in-stream use. As of this date the amendment has not filed. Therefore, I am recommending this claim for disallowal.

43-4115 was claimed under the historic system consisting of a hydraulic ram and pipeline system to the yard and a diversion from the channel to irrigate a small portion of ground along the eastern portion of the recommended place of use. The ram system has not been used for many years and I am not recognizing any use with that system, however, I did find 5 irrigated acres as previously described. I am recognizing this right as valid for the 5 acres at 1" per acre and with a priority date as claimed. It probably was being used at the time of the Jobe Adams decree for the irrigation of the same 5 acres but was not claimed as such.

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John Nye Preliminary Claim Review

A43-10260

Decreed Rights for Sec 31.

A portion of the NENE (approx 24.5 Acres)

and the SENE (excepting 1/2 Acre in SE corner).

43-00048 .65 CFS 4-30-84

-00049 .20 CFS 4-30-81

-00050 1.1 CFS 4-1-94

Total 1.95 CFS

a portion of the NENE (approx 15.5 acres)
and the NWNE

43-00133 .16 CFS 4-30-81

00134 .55 CFS 4-30-94

Total .71 CFS

Decreed Rights for Sec 21

5 1/2 SE Sec 21.

also SWSW Sec 22 & NENE Sec 28

43-00353 .20 CFS 4-30-80

00354 .60 CFS 4-30-81

Total .80 CFS

John Nye.
Preliminary review cont.

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Decreed rights for Sec 28

NENE

(43-4115)

43-00353

(see pg 1)

00354

NWNE, SWNE, NENW, SENW, NESW

43-00319

2.20 CFS

5-15-73.

00320

.24 CFS

4-30-87

00321

.20 CFS

4-30-89

SWNW, NWSW, SWSW (43-2122)

43-00270

2.00 CFS

6-1-73

00271