

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 43-11279
Date Received: 11/29/00
Receipt No:
Received By:

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

1. Name of Claimant(s)

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

2. Date of Priority: 04/30/1884

3. Source: CLYDE CREEK Trib. to: CASSIA CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
14S	24E	36	NE NE	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	0.18	

7. Total Quantity Appropriated is:
0.18 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	31	NW NE	IRRIGATION	40
				Section Acres	40
				Total Acres	40

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:

Claim split based upon an ownership change identifying 1/3 staying with Nye and 2/3s going to Boden. BASE RIGHT WAS 43-134.

15. Basis of Claim: Decreed

- (Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

258081

WARRANTY DEED

#30077

For Value Received

O. JOHN NYE and BESSIE D. NYE, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

CARL F. BODEN and LORALEE BODEN, husband and wife

Address: 1125 EAST 2100 SOUTH, ELBA, ID 83342

P. O. BOX 1360, ELBA, IDAHO 83342

Hereinafter called the Grantee, the following described premises situated in CASSIA County, Idaho, to-wit:

TOWNSHIP 13 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 31: E $\frac{1}{4}$ NE $\frac{1}{4}$ LESS one acre in the Southeast corner of the E $\frac{1}{4}$ NE $\frac{1}{4}$ and EXCEPT the following described parcel:

Beginning at the Southeast corner of the NE $\frac{1}{4}$ of said Section 31;
Thence running North 217 feet;
Thence West 100 feet;
Thence South 217 feet;
Thence East 100 feet to the Point of Beginning.

TOWNSHIP 14 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 6: Lots 2 and 3, and part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ NE $\frac{1}{4}$, more particularly described as follows:

Commencing at the Southeast corner of Lot 2;
Thence South along the East boundary line of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 6, for 12.65 rods;
Thence West 160 rods;
Thence North along the East boundary line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 6, for 8.91 rods to the Southwest corner of Lot 3;
Thence East along the south boundary line of said Lots 2 and 3, for 160 rods to the Point of Beginning

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to Idaho Department of Water Resources Adjudication Number A43-0252, 2/3 of No. A43-00134, 2/3 of No. A43-00050, 2/3 of No. A43-00048, 2/3 of No. A43-11133

*done in triplicate
2-1-1961*

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 1998 and subsequent years.

Financing Statements, Seed and Farm Laborer's Liens against crops which are filed with the office of the Secretary of State.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: September 22, 1998

O. John Nye
O. JOHN NYE

Bessie D. Nye
BESSIE D. NYE

STATE OF IDAHO)
) ss.
COUNTY OF CASSIA)

On this 23 day of September, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared O. JOHN NYE and BESSIE D. NYE, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

BARBARA EHLE
☆ NOTARY PUBLIC ☆
STATE OF IDAHO

RESIDING AT BURLEY, ID
MY COMMISSION EXPIRES 6-12-2003

Barbara Ehle
Notary Public
Residing at: *Burley, Idaho*
My Commission expires: *6-12-2003*

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW
FILM 303
1998 SEP 24 P 4: 16
CASSIA COUNTY, IDAHO
DAKELL H. ROSKELLEY
RECORDER
FEE 6.00 DEPUTY *[Signature]*
LAND TITLE & ESCROW
678-3524
25808

COPY

2002 JAN 25 PM 2: 24

DISTRICT COURT-SRBA
TWINFALLS 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. 43-11279

Case No. 39576

**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:

1/23/02

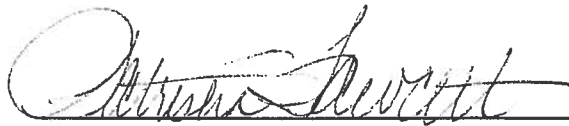


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 1/25, ²⁰⁰²2001, 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

11/26/2001

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

RIGHT NUMBER: 43-11279
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: 0.180 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	0.180 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

January 24, 2002

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

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

RE: SRBA Claim(s) 43-11279

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

10-4-01

cl changed the address for O John Nye &
Bessie Nye on the following rights

43- 10258 - disallowed

10259

10261

11275

11277

11281

319

320

321

353

354

4115

11279

Kelly

11/30/2000

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

RIGHT NUMBER: 43-11279

NAME AND ADDRESS: O JOHN NYE
BESSY D NYE
HC 61 BOX 1300
MALTA, ID 83342

VERIFIED BY *KKC*

SOURCE: CLYDE CREEK

TRIBUTARY: CASSIA CREEK

QUANTITY: 0.18 CFS

PRIORITY DATE: 04/30/1884

POINT OF DIVERSION: T13S R24E S36

SEWNNE

Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04-01 10-31

QUANTITY
0.18 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County
T13S R25E S31 NWNE 39

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.

Claims split summary for P/U

Base right	Nye right	Found acres	Boden right	Found acres	Decre P/U limit	
43-48	43-11275	39	43-11276	79	63	
43-50	43-11277		43-11278		63	
43-134	43-11279		43-11280		16	
43-11133	43-11281		43-11282		79	Base right is a combined right consisting of 43-49 and 43-113