

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 43-11280
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)

CARL F BODEN Phone: (208)638-5563
LORALEE BODEN
HC 61 BOX 1360
ELBA 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	0.37	

7. Total Quantity Appropriated is:
0.37 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	NE NE	IRRIGATION	40
			SE NE	IRRIGATION	40
				Section Acres	80

Total Acres 80

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

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): 43-00048, 43-00050, 43-00134, 4300049, 4300050
 Adjudication Claim No(s): A43-00048, A4300050, A43-00134, A43-11133
2/3 of 2/3 of 2/3 of 2/3 of
 2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
 - AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
 - OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
 3. Name and Address of Former Owner/Claimant: O. John Nye, Bessie D. Nye
HC 61 Elba, Id 83342
 4. New Owner/Claimant(s): Loralie Carl Boden
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
 New Mailing Address: HC 61 Box 1360
 City, State and ZIP Code: Elba, Idaho 83342
 New Telephone Number: 208 1638-5563
 5. Date you acquired the property: September 23, 1998
 6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages. We will retain 2/3 of all pertaining rights, 1/3 will go with remaining 39 acres
 Number of acres you irrigate: 79 on 135 Number and type of stock: 252 Sec 31
 Diversion rate in CFS: _____ Number of homes: 0 Other uses: _____
- If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s): Loralie Boden
- (Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

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 $\frac{1}{2}$ NE $\frac{1}{4}$ LESS one acre in the Southeast corner of the E $\frac{1}{2}$ 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

*Original
2/1/11*

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)
COUNTY OF CASSIA) ss.

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
DAKRELL H. ROSKELLEY
RECORDER
FEE *6.00* DEPUTY *KL*
LAND TITLE & ESCROW
678-3524
25808

11/30/2000

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

RIGHT NUMBER: 43-11280

NAME AND ADDRESS: CARL F BODEN
LORALEE BODEN
HC 61 BOX 1360
ELBA, ID 83342

VERIFIED BY KKC

SOURCE: CLYDE CREEK

TRIBUTARY: CASSIA CREEK

QUANTITY: 0.37 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
0.37 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County
T13S R25E S31

NENE

40

T13S R25E S31

SENE

39

79 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 16 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 79 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 43-11276, 43-11278, 43-11280, AND 43-
11282.

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
0.19 CFS FOR CONVEYANCE LOSS BETWEEN THE POINT OF DIVERSION
AND THE FIELD HEADGATE. COMBINED RIGHTS: 43-11276, 43-11278,
43-11280, and 43-11282.

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