

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 43-12913
Date Received: 12/18/00
Receipt No:
Received By:

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

1. Name of Claimant(s)

THOMAS TEETER Phone: (208)645-2326
HC 72 BOX 2030
MALTA ID USA 83342

2. Date of Priority: 09/01/1883

3. Source: CASSIA CREEK Trib. to: RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
13S	26E	23	SE SE NW	CASSIA

5. Description of diverting works:

headgate and ditches

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.06	

7. Total Quantity Appropriated is:
0.06 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	26E	24	SW NW	IRRIGATION	2
				Section Acres	2
				Total Acres	2

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:

the original claim filed was 43-15B. After reviewing the available information I found that the actual decreed right for the claimed place of use was 43-300. I have renumbered the original claim to this number and am recommending it as valid as based upon 43-300. kkc

15. Basis of Claim: Decreed

12/18/2000

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

RIGHT NUMBER: 43-12913

NAME AND ADDRESS: THOMAS TEETER
HC 72 BOX 2030
MALTA, ID 83342

SOURCE: CASSIA CREEK

TRIBUTARY: RAFT RIVER

QUANTITY: 0.04 CFS

VERIFIED BY KKC

PRIORITY DATE: 04/01/1906

POINT OF DIVERSION: T13S R26E S23

SESENW

Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03-15 11-15

QUANTITY
0.04 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County
T13S R26E S24

SWNW 2

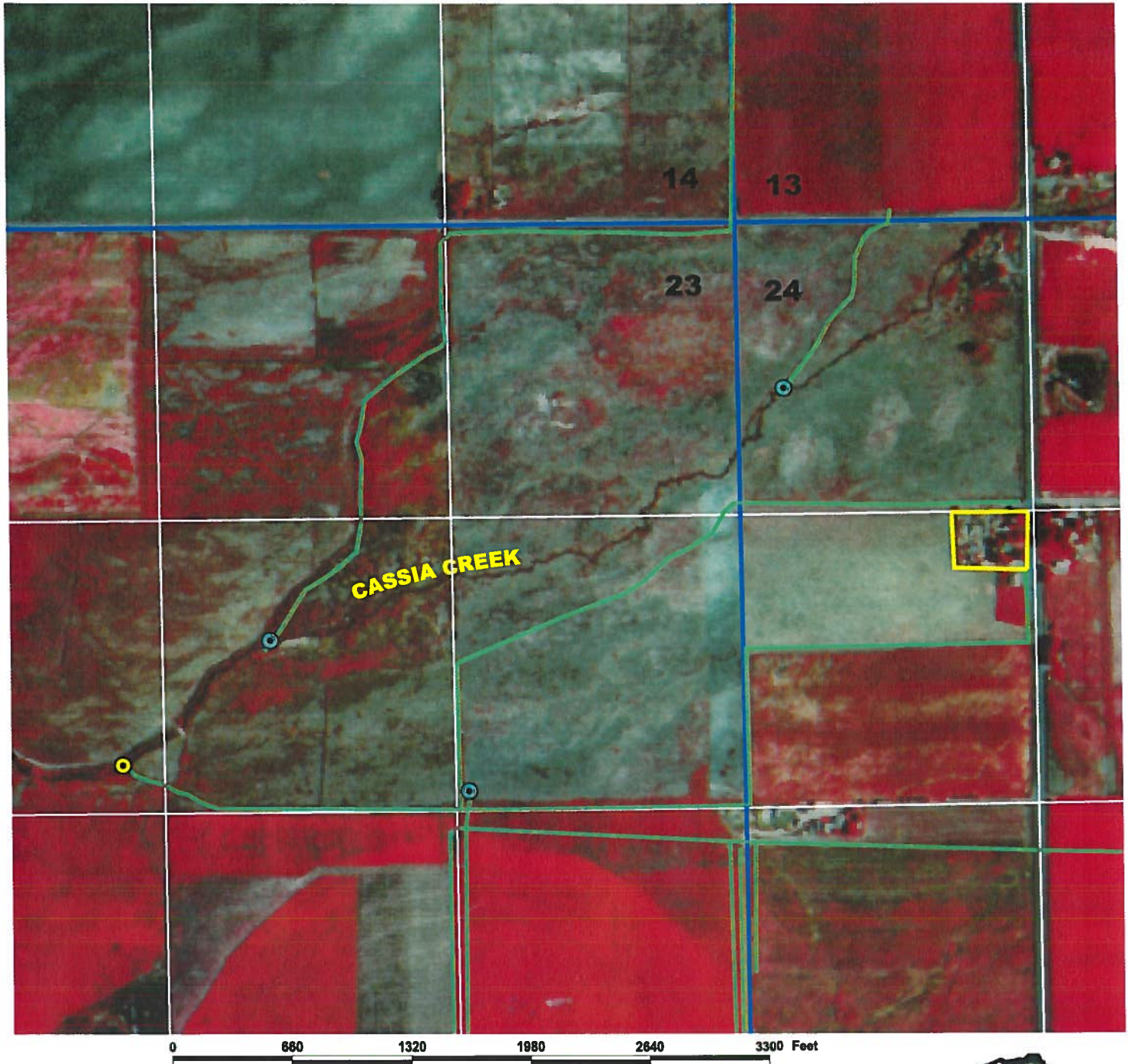
2 ACRES TOTAL

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

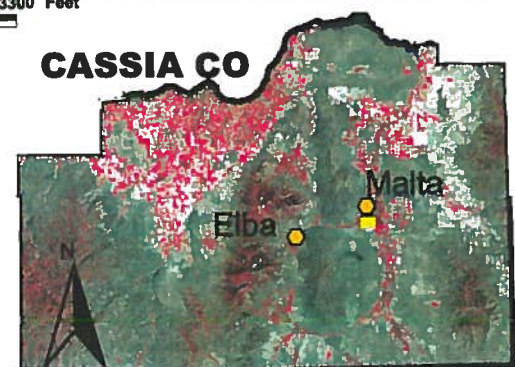
RECOMMENDED PLACE OF USE FOR 43-12913



PLACE OF USE
TWP 13S, RNG 26E, SEC 24
Data entry on December 19, 2000

GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

-  RECOMMENDED POINT OF DIVERSION
-  RECOMMENDED PLACE OF USE
-  SECTION LINES
-  QUARTER/QUARTER LINES



**Idaho Dept of Water Resources
Claims review notes and narrative**

Date: 12-7-2000

File: 43-15B TEETER ANALYSIS

Prepared by Kelly K Christensen

**ANALYSIS AND RECOMMENDATION FOR
43-15B AND 43-12913**

Wrq4 search December 12, 2000

SD-0604-2 Township: 13S Range: 26E Section: 24 Tract: SWNW Lot:

S L STATE O S Max # Records 37

E O Water Name W T Priority Use

L Tract T Right No. Last, First N AC G Date Code Desc

— SWNW 43-00015 CASSIA CREEK IRRIGATIO C D 09/11/1883 01 IRR
43 DOMEST

— SWNW 43-00300 SHILL, JESSE C D 04/01/1906 01 IRR

— SHILL, LAVILLA C

Printout of screen 2 of an AJ5 search on 34-00300

SD-4104 Idaho Department of Water Resources Date: 12/12/00
INQUIRY Adjudication Screen 2 Time: 09:02:26

Water Right Number: A43-00300

2. Priority Date: 4/ 1/1906

3. Source: Trib:

4. Point of Diversion:: PoD County County
TWP Range Sect 1/4 1/4 1/4 Lot Flag Code Name

5. Description of Diverting Works:
HEADGATE, DITCHES, SUMP, PUMP, PIPELINES

6. Water Uses:

Use Code	Description	From	To	CFS (and/or) AFA
/	/			

7. **Total Diversion Rate: 0.760**

8. Total Diversion Volume:

RECOMMENDATION ANALYSIS

43-00015 is one of several rights locally referred to as the Bar-M rights. The community action on these rights was to abandon them with the intent to strengthen the existing rights. I am recommending all claims against the Bar-M rights for disallowal.

The two acres claimed under 43-15B are within 13S 26E Sec: 24 SWNW. 43-00300 was decreed to this forty acre tract for 0.80 cfs. Golden Gardiner has claimed 0.76 cfs for 38 acres within that tract and I am recognizing that claim as valid. On a proportional basis (2 acres for Teeter and 38 acres for Gardiner) the proportionate diversion rate for each individual is,

43-300	Gardiner	0.76 cfs	for 38 acres
43-???	Teeter	<u>0.04 cfs</u>	<u>for 2 acres</u>
	totals	0.80 cfs	40 acres

My recommendation for Teeter is as follows; 43-15B is recommended as disallowed (code P06 recommended as 43-12913. I have however created claim 43-12913 and am recognizing this right as appurtenant to the claimed 2 acres under 43-15B at the proportionate rate listed above and for the decreed priority date for 43-300.

The arcview shape created for this recommendation covers the claimed and recommended 2 acres. The shape encompasses all buildings, and roads, and such.

**BASIS FOR RECOMMENDATION FOR CLAIMS AGAINST
43-00015, 43-00016, 43-00017, 43-00018, 43-00019, 43-00020, 43-00021, 43-00022,
43-00025, 43-00026, and 43-00029 collectively referred to the Bar M rights.**

I have interviewed a number of individuals in the Malta area and have consistently received the same message that the Bar M rights have not been delivered for many, many years. The consensus is that the Bar M water was used to 'strengthen' the existing decreed rights as identified in the Jobe Adams decree (excluding the Bar M rights). As far as I can determine, the Bar M rights have never been used by the credentials committee for the Cassia Creek Irrigation District (43C) to determine voting rights.

**Minutes of Annual Meeting of Water Users of Water Dist. 8c held at Elba,
March 1, 1948.**

Walker Ward presented the question that the Cassia Creek Irrigation Company was now intact and operating, and demanded to know if he could vote the decree seventeen hundred inches of Bar M water that was transferred up the creek?

The question was discussed by the group, after which the Credentials Committee withdrew to make final decision with their answer begin submitted in writing as follows, " We the Credentials Committee at the annual 1948 meeting of the water users for Dist. 8c do hereby recognize the existence and validity of a decree of 1700 inches of water owned by the Cassia Creek Irrigation Co. a corporation in the state of Idaho which decree was formerly appurtenant to property known as the Bar M. We deny however the authority of any individual at this meeting the privilege of voting this decree upon the grounds that proper voting authorization has not been presented to our committee." This decision was unanimously accepted by those present.

STATUS OF CASSIA CREEK IRRIGATION COMPANY

From: McHugh, Candice
Sent: Wednesday, April 12, 2000 12:07 PM
To: Christensen, Kelly
Subject: RE: Cassia Creek Irrigation co STEP 3

I contacted the Sec. of State and Cassia Creek Irrigation Co., Inc. was forfeited in 1956 .

Based upon the information currently before me, I am drafting a recommendation to disallow these rights. Gen Remark, P04 FORFEITED/ABANDONED DUE TO NON-USE FROM 1956 TO 1987.

Prepared by Kelly K Christensen

Aug 1, 2000

basis of rec for 43-00015 thru 00029 bar m rights

Water Right Claim Number A43-00015B

Township , 13S26E

