

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 43-13265
Date Received: 1/10/2003
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

UNITED STATES OF AMERICA ACTING THROUGH Phone: (208)373-4000
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WY
BOISE ID USA 83709-1657

2. Date of Priority: 04/10/1883

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	Type
14S	24E	3	SW NE NE	CASSIA	
14S	24E	2	SW NW SE	CASSIA	
14S	24E	2	NE NE SW	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	04/01	10/31	0.02	

7. Total Quantity Appropriated is:
0.02 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
14S	24E	2	NE	SW	IRRIGATION	1.2
					Section Acres	1.2
					Total Acres	1.2

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:

43-228 was split through an ownership change between Ottley and the BLM into 43-13264 and 43-13265. The ownership change was determined through the settlement reached through the SF5 agreement. kkc

15. Basis of Claim: Decreed

03/10/2003

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

RIGHT NUMBER: 43-13265

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WY
BOISE ID 83709-1657

SOURCE: CASSIA CREEK

TRIBUTARY: RAFT RIVER

QUANTITY: 0.020 CFS

PRIORITY DATE: 04/10/1883

POINT OF DIVERSION:

T14S R24E S2 NENESW Within CASSIA County Source: CASSIA CREEK
T14S R24E S2 SWNWSE Within CASSIA County Source: CASSIA CREEK
T14S R24E S3 SWNENE Within CASSIA County Source: CASSIA CREEK

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.020 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T14S R24E S02 Lot 7 NESW 1.2

1.2 ACRES TOTAL

The place of use described above may include approximately 0.05 acres in Lot 8 NWSW Sec 2 T14S R24E.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1.20 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 43-13265 AND 43-13267

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: Decreed



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

2/26/2003

STEVE DAVIS
USDI - BLM
BURLEY FIELD OFFICE
15 E 200 S
BURLEY ID 83318

RE: Ottley /BLM split rights

Dear Sirs,

I am writing in reply to the letter by Steve Davis through Ken Knowles for Teresa Hanley, as requested by Fred Price, regarding the Ottley rights near Elba, ID. I have reviewed the files and subsequent information submitted by your agency, to wit the unofficial GPS data reduction compilation.

In order to acknowledge the likelihood of the existence of some still unknown use, and extent of use, in Lot 8 IDWR is proposing to include the following remark on the recommendations for the BLM-owned split portions of 43-228 (43-13265) and 43-229 (43-13267):

The place of use described above may include approximately 0.05 acres in
Lot 8 NWSW Sec 2 T14S R24E.

The level of precision represented by the preliminary GPS findings exceeds IDWR data management capabilities. In addition, the assertion that the 0.05 acres found by GPS data reduction in Lot 8 actually represents irrigation use is not presently supported by the information prepared by Mr. Burnikel and supplied to IDWR. We feel the remark will suitably acknowledge that some use is occurring on Lot 8 without impacting the GIS and reporting practices employed by IDWR. Additionally, the records for the BLM-owned portions of the rights representing the 1.2 acres are proposed to be edited to add the Lot 7 descriptor to the place of use legal description.

Amended recommendation attachments will be prepared upon concurrence by parties. Candice McHugh, Deputy Attorney General assigned to IDWR, will confirm with BLM counsel and claimant Ottley regarding the suitability of the proposed changes. Please contact me if you have any concerns with the above outlined corrections.

Sincerely,

Douglas Jones, PE
Water Rights Supervisor
Southern Adjudication Unit

Cc Candice McHugh (Dep. A.G., IDWR)

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. 43-00228

Amended
Standard Form 5

Case No. 39576

STIPULATED ELEMENTS
OF A WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine the facts, date, expert opinions and law supporting the issuance of a partial decree for the water right.

The parties agree that the Snake River Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the original claim shall be "split" into two new claims, and the original claim shall be dismissed with prejudice. The claimant shall hold title to the non-federal land POUs under 43 -13264 and shall withdraw with prejudice its claim to the federal land POUs which will be held by the United States under 43 -13265. The parties and IDWR agree and stipulate that the elements of the resulting water rights should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANTS:

Merlin W. Ottley
Yvonne F. Ottley

Merlin W. Ottley 2/14/03
Merlin W. Ottley Date

Yvonne F. Ottley 2-14-03
Yvonne F. Ottley Date

IDWR CONCURRENCE:

Kelly K. Christensen 2-24-03
Kelly K. Christensen Date

OBJECTOR:

United States on behalf of the
Bureau of Land Management

Larry A. Brown FWP Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:

Candace Meyer 2/18/03
Candace Meyer Date

01/13/2003

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

RIGHT NUMBER: 43-13264

NAME AND ADDRESS: YVONNE F OTTLEY *YFO*
904 E OTTLEY RD 1370
ELBA ID 83342-8658

MERLIN W OTTLEY *MWO*
904 E OTTLEY RD 1370
ELBA ID 83342-8658

SOURCE: CASSIA CREEK

TRIBUTARY: RAFT RIVER

QUANTITY: 0.780 CFS

PRIORITY DATE: 04/10/1883

POINT OF DIVERSION:

T14S R24E S2 NENESW Within CASSIA County
T14S R24E S2 SWNWSE Within CASSIA County
T14S R24E S3 SWNENE 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	0.780 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T14S R24E S02	SWNW	14.0	T14S R24E S02	SESW	2.7
T14S R24E S02	NESW	16.8	T14S R24E S02	NWSW	4.0
T14S R24E S02	NWSE	10.0			

47.5 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 47.5 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 43-13264 AND 43-13266.

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.

THE USE OF WATER UNDER THIS RIGHT IS LIMITED TO HOMESTEAD
ENTRY SURVEY 206.

EXPLANATORY MATERIAL: Decreed

Water Right 43-13264

01/13/2003

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

RIGHT NUMBER: 43-13265

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WY
BOISE ID 83709-1657

SOURCE: CASSIA CREEK

TRIBUTARY: RAFT RIVER

QUANTITY: 0.020 CFS

PRIORITY DATE: 04/10/1883

POINT OF DIVERSION:

T14S R24E S2 NENESW Within CASSIA County
T14S R24E S2 SWNWSE Within CASSIA County
T14S R24E S3 SWNENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	0.020 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T14S R24E S02 Lot 7 NESW 1.2

1.2 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 1.20 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 43-13265 AND 43-13267

**THE PLACE OF USE DESCRIBED ABOVE MAY INCLUDE APPROXIMATELY
0.05 ACRES IN LOT 8 NENSW SECTION 2 T14S R24E.**

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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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: Decreed

CERTIFICATE OF MAILING

I certify that on _____, 2003, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copy to:

Idaho Department of Water Resources
Adjudication Bureau
1301 North Orchard Street
Boise, Idaho 83706

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

Yvonne F. Ottley
Merlin W. Ottley
904 E. Ottley Rd. 1370
Elba, Idaho 83342-8658

Signature of person or attorney mailing the form



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Burley Field Office
15 East 200 South
Burley, Idaho 83318
(208) 677-6641

RECEIVED

FEB 20 2003

Department of Water Resources
Southern Region

In Reply Refer To:
7250 (077)

February 19, 2003

Doug Jones
Idaho Department of Water Resources
Southern Regional Office
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

Dear Mr. Jones:

This letter is for the purpose of following up the telephone conversation on February 19, 2003, concerning Merlin Ottley's claims 43-00228 and 43-00229. Since we understand that IDWR will not be indicating lot 8 (NWSW), S02, T14S, R24E, as a POU in the "split" claims, we are requesting a letter from IDWR that states the irrigation of the 0.05 acres in lot 8 (NWSW), S02, T14S, R24E, is in compliance with state law. If you have questions or concerns, please contact Steve Davis at 208-677-6626.

Sincerely,

for Theresa M. Hanley
Field Manager

01/13/2003

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

RIGHT NUMBER: 43-13265

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S VINNELL WY
BOISE ID 83709-1657

SOURCE: CASSIA CREEK

TRIBUTARY: RAFT RIVER

QUANTITY: 0.020 CFS

PRIORITY DATE: 04/10/1883

POINT OF DIVERSION:

T14S R24E S2 NENESW Within CASSIA County
T14S R24E S2 SWNWSE Within CASSIA County
T14S R24E S3 SWNENE Within CASSIA County

VERIFIED BY KKC

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.020 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T14S R24E S02 4.9 NESW 1.2

1.2 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 1.20 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 43-13265 AND 43-13267

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Code.

EXPLANATORY MATERIAL: Decreed