

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 43-13266
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)

YVONNE F OTTLEY Phone: (208) 638-5585
MERLIN W OTTLEY Phone:
904 E OTTLEY RD 1370
ELBA ID USA 83342-8658

2. Date of Priority: 04/30/1887

3. Source: DRY CREEK Trib. to: CROSS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
14S	24E	10	SW 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	04/01	10/31	0.15	

7. Total Quantity Appropriated is:
0.15 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	12.8
			NW	SE	IRRIGATION	1.2
					Section Acres	14
					Total Acres	14

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:

43-229 was split into 43-13266 and 43-13267 by an ownership change recognized through an SF5 agreement kkc

15. Basis of Claim: Decreed

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: A43-00229
Date Received: 6/07/1989
Receipt No: S008474
Received By: B.V. 71

*address chg
4-12-00
KCC*

*Dated
KCC
4-6-00*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MERLIN W. OTTLEY 208-638-5585
Address: BOX 434 83326
ELBA, ID
AND/OR
Name: YVONNE F. OTTLEY 208-638-5585
Address: BOX 434 83326
ELBA, ID

2. Date of Priority: APR 30, 1887

3. Source: DRY CANYON CREEK. Trib. to: CASSIA CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14S	24E	10	SW	NE	NE		CASSIA

5. Description of diverting works:
HEADGATES & DITCHES TO P/U, FLOOD IRRIG. & SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.160		

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

8. Total consumptive use is 102.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
14S	24E	2	SW		NW		IRR	12.0
			SE		NW		IRR	2.0
			NE		SW		IRR	17.0
			NW		SW		IRR	4.0
			NW		SE		IRR	6.0
Section Acres								41.0
Total Acres								41.0

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:
43-0228

14. Remarks:
P. U. IS H. E. S. #206.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

ALBION-IDAHO LAND CO.
Decree Plaintiff

JOBE ADAMS ET AL
Decree Defendant

vs

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____



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**

April 12, 2000

MERLIN OTTLEY
904 E OTTLEY RD 1370
ELBA ID 83342

RE: AMENDMENT TO A43-00228

Dear Merlin

Enclosed is the electronic record as updated. Please review the information to confirm that everything is correct. I changed your address on A43-00229 also but as no other elements of that claim changed I did not generate additional paper for your files.

Sincerely

Kelly K Christensen

Enclosures

**First
Security
Bank®**

Dear Kelley-

Note my address
Change on the sticker below

MERLIN OTTLEY
904 E Ottley Rd. # 1370
Elba, ID 83342-8658

Thank
Merlin

Member F.D.I.C.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN 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-~~10562~~ 00229Date Received 6-7-1989Receipt Number 5008474

RECEIVED

JUN 7 1989

Department of Water Resources
Southern Region OfficeNOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Merlin W. & Yvonne F. Ottley Phone (208) 638-5585Mailing Address Box 434, Elba, ID. Zip 833262. Date of Priority (Only one (1) per claim) 4/30/19873. Source of water supply (a) Dry Canyon Creek
which is tributary to (b) Cassia Creek4. a. Location of existing point of diversion is: Township 14S Range 24E Section 10,
SW 1/4 of NE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Cassia

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.The diversion of the water is
by ditches and headgates. Flood irrigation sprinklers

COPY

MICROFILMED

MAR 02 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 11/15 amount .16 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .16 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 102.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) None

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
145	24E	2							12	2	17	4				6			41

Total number of acres irrigated 41 Ac

11. In which county (ies) are lands listed above as place of use located? Cassia

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
43-0022 P or None ()

14. Remarks:

MICROFILMED

MAR 02 1993

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

A 16x16 grid of squares. Each square contains a crosshair pattern formed by two dashed lines intersecting at the center. The grid is composed of 16 columns and 16 rows of these squares.

MICROFILMED
MAR 02 1993

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree X

If applicable provide IDWR Water Right Number 43-00229

Court Albion Idaho Land Co. Case Number _____ Decree Date 10/28/1922

Plaintiff vs Defendant _____

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Merlin W. Ottley Date May 30 1989

Norman F. Ottley Date 5/30/89

For Organizations: I do solemnly swear or affirm that I am _____ Title _____

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or Id)

County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 30 day of May 19 89

SEAL

Notary Public John Dale Carlson

Residing at Boise Id

My Commission Expires 6/2/94

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

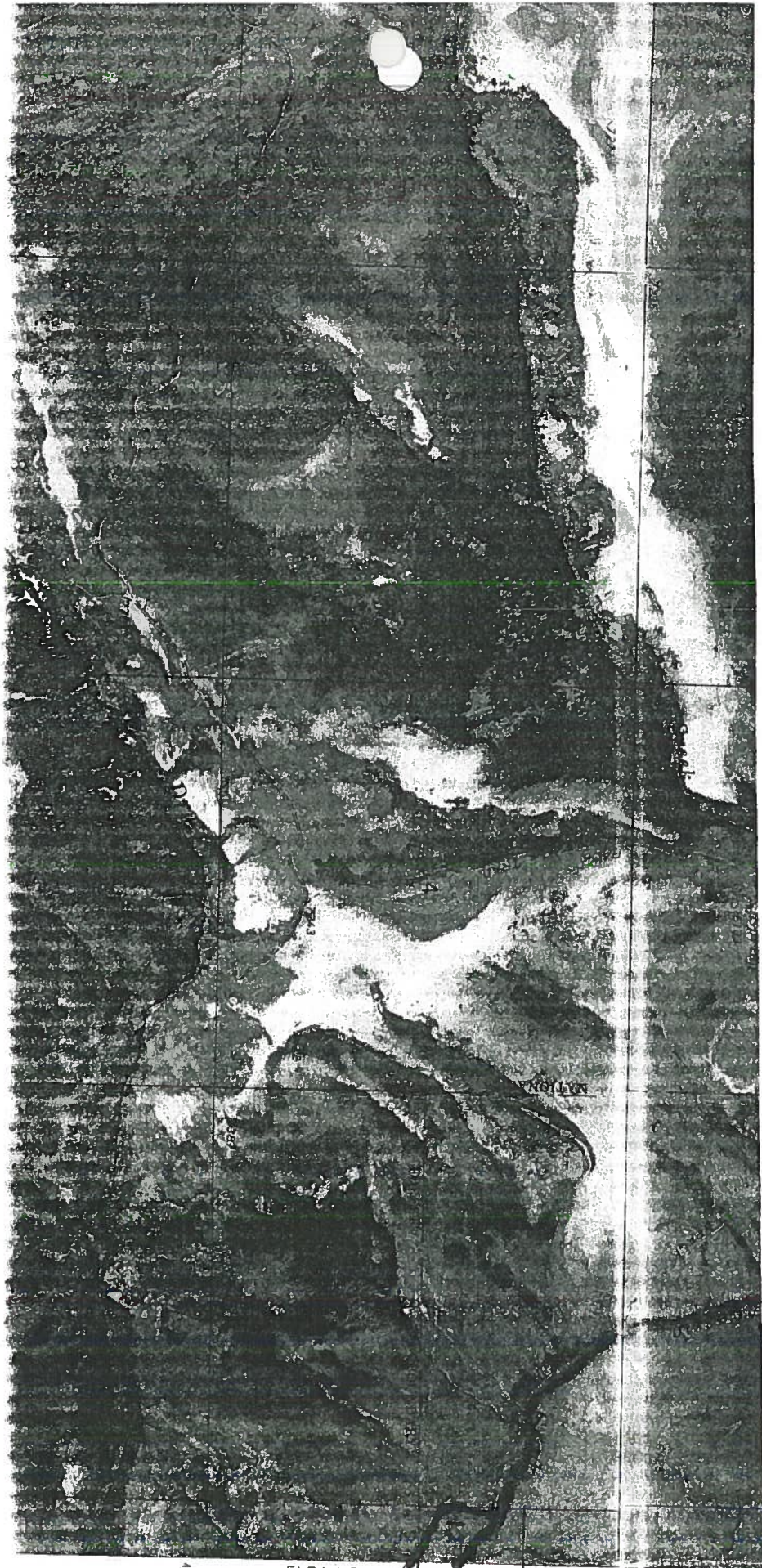
Date _____

MICROFILMED

MAR 02 1993

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant



MICROFILMED
MAR 02 1993

1080-08-N
T 13 S
T 14 S

79





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-351

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

KKC

June 23, 1989

Merlin W. or Yvonne F. Ottley
Box 434
Elba, ID 83326

AH3-10273
00228
00229

RE: SRBA Claim

Dear Claimant:

Please find enclosed your claim and your check # 181 for \$ 165.00 which you submitted to our office. I am returning these pursuant to Rule 10,4 of the Department's Adjudications Rules and Regulations. In checking your claim it appears that the following items need clarification:

- [] Item #2 Priority
- [] Item #4 Point of Diversion Legal Description
- [] Item #6 Uses descriptions
- [] Item #9 Description of Non-irrigation Uses
- [] Item #10 Place of Use Legal Description
- [] Item #16 Signature & Notorization
- [✓] Improper fee (THE CORRECT FEE IS \$ 166.00)
- [] Other or Remarks

If you wish to continue to press your claim please find enclosed instructions and another claim form to use. If you will make the necessary corrections and return your claim with the correct fee and a copy of this letter within 30 DAYS of the date of this letter, your filing will be considered timely and will not be assessed an additional late fee of \$ 50.00.

BEFORE RETURNING THE CLAIM PLEASE READ THE ENCLOSED DRAFT TEXT FOR D&S* BROCHURE. Due to recent rulings by the court you may defer filing the claim if you so desire but it is recommended by the Department that you continue to press your claim. If you have any questions contact our office.

Sincerely,

Water Rights ~~Supervisor~~
Agent

* DOMESTIC + STOCK

Enclosures:



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

Re: A43-10273
A43-00228
A43-00229

MERLIN OTTLEY
BOX 434
ELBA ID 83326

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:

MICROFILMED
MAR 02 1993

01/10/2003

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

RIGHT NUMBER: 43-13266

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

SOURCE: DRY CREEK

TRIBUTARY: CROSS CREEK

QUANTITY: 0.150 CFS

PRIORITY DATE: 04/30/1887

VERIFIED BY KKC

POINT OF DIVERSION:

T14S R24E S10 SWNE 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	0.150 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T14S R24E S02	NESW	12.8	T14S R24E S02	NWSE	1.2
---------------	------	------	---------------	------	-----

14 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

01/10/2003

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

RIGHT NUMBER: 43-13264

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

SOURCE: CASSIA CREEK TRIBUTARY: RAFT RIVER

QUANTITY: 78.000 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	SENW	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



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.

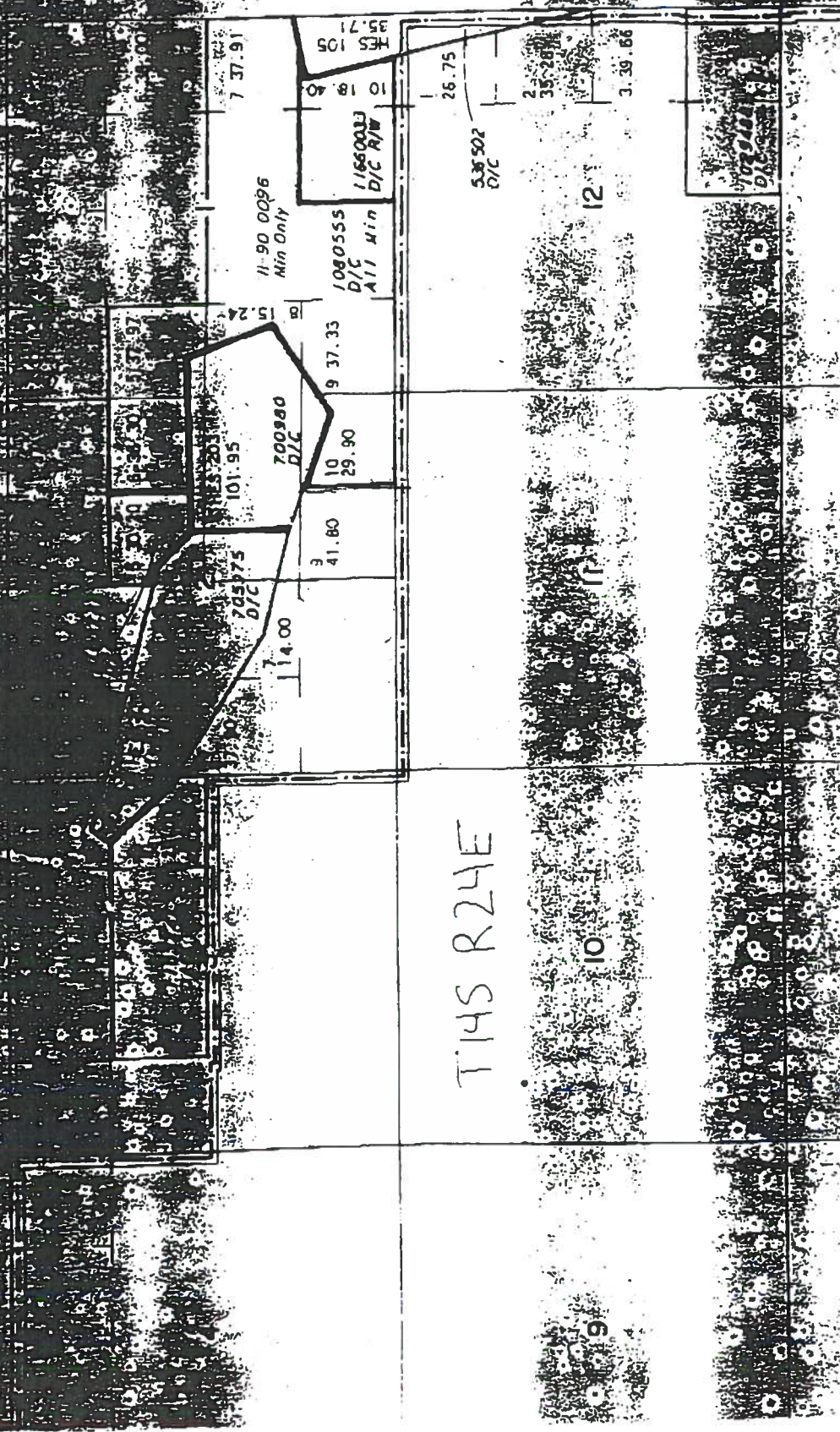
Sincerely,

for Theresa M. Hanley
Field Manager

CHANDLER, N. A. 1969. The ecology of the

CASSI/GOULF

BURLEY DISTRICT, SEC. 3



Fax

January 29, 2003

TO: Mike Ciscell, IDWR-State Office
Carter Fritschle, IDWR-State Office
Vicki Kelly, IDWR-State Office
Larry Brown, DOJ-ENRD, Rm 3533
Steve Davis, BLM-Burley

FROM: Fred Price, BLM-Idaho State Office

RE: 43-00228, 00229, Ottley

Attached is a hard copy of the file that I sent over in AutoCad format. I have marked it up a bit to hopefully clear up questions you may have.

The ag trespass on BLM would be described as:

T14S R24E S02 Lot 7 (NESW) 0.05 acres

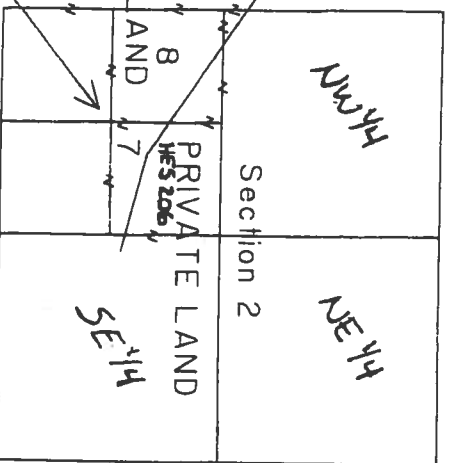
T14S R24E S02 Lot 8 (NWSW) 0.97 acres

This new survey is useful in determining how many places of use are involved (i.e. is it one or two POUs), and how many acres reside within each place of use. With regard to acres, I understand that there will be some rounding of acres, which is fine.

This drawing is UNOFFICIAL and intended for BLM purposes only

Prepared by Buck Burnikel, Cadastral Surveyor, based from GPS data in the field and some office computations using AutoCAD R14, on Jan. 24, 2003

Drawing is for an area being farmed by Merlin Ottley, on Public Land. The acreage is based on a unapproved resurvey at this time. The acreage of trespass in Lot 8 is 0.05 acres, and 0.97 acres in Lot 7. There is an irrigation ditch that parallels the south boundary of trespass on Public Land. The ditch is shown on the official survey plat of Homestead Entry Survey No. 206.



KEY LOCATION MAP

T. 14 S., R. 24 E., B. M., Idaho

Southwest one sixteenth section corner

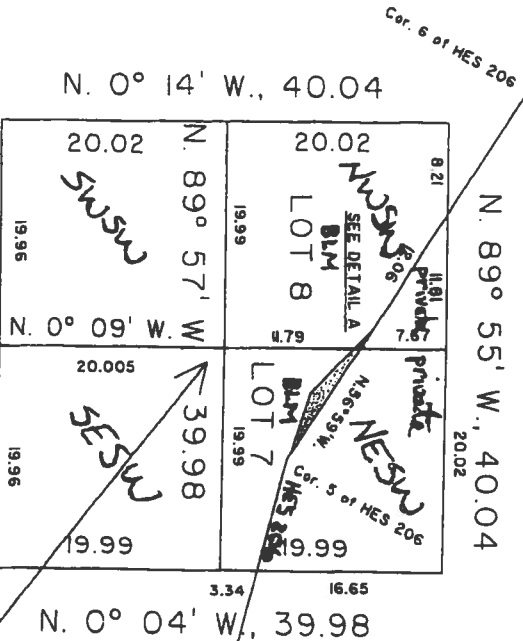
Scale: 1 inch = 1320 feet

NAD 1983 (1992) BLM, GPS

Southwest one sixteenth section corner

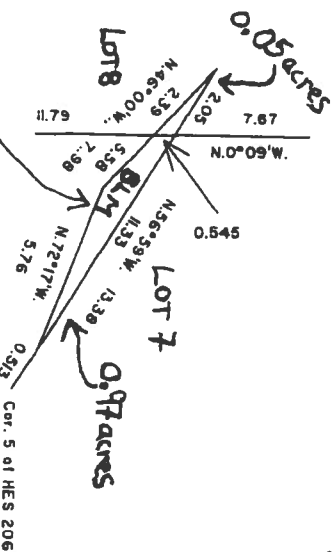
Latitude: N. 42° 13' 49.62417"

Longitude: W. 113° 37' 25.17279"



DETAIL A

43-00228
43-00229
OTTLEY



Detail A shows the 1.02 acres of trespass

West., 39.92

Fax

January 29, 2003

TO: Mike Ciscell, IDWR-State Office
~~Carter-Fritschle, IDWR-State Office~~
Vicki Kelly, IDWR-State Office
Larry Brown, DOJ-ENRD, Rm 3533
Steve Davis, BLM-Burley

Kelly

FROM: Fred Price, BLM-Idaho State Office

RE: 43-00228, 00229, Ottley

Attached is a hard copy of the file that I sent over in AutoCad format. I have marked it up a bit to hopefully clear up questions you may have.

The ag trespass on BLM would be described as:

T14S R24E S02	Lot 7 (NESW)	0.05 acres
T14S R24E S02	Lot 8 (NWSW)	0.97 acres

This new survey is useful in determining how many places of use are involved (i.e. is it one or two POUs), and how many acres reside within each place of use. With regard to acres, I understand that there will be some rounding of acres, which is fine.

Hi Kelly - I'm sending you the
copy Fred sent to Carter (???)
I'm sure Carter was thrilled).

Thanks - Y

07/31/2002

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

RIGHT NUMBER: 43-229

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

Pending
SFS
KKC 7-31-02

SOURCE: DRY CREEK

TRIBUTARY: CROSS CREEK

QUANTITY: 0.16 CFS

PRIORITY DATE: 04/30/1887

POINT OF DIVERSION:

T14S R24E S10 SWNE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

4/01 10/31

0.160 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T14S R24E S02

NESW

~~14~~ 12.8

T14S R24E S02

NWSE

1.2

~~15.2~~ 14 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED
TOTAL OF ~~48.7~~ 47.5 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 43-00228 AND 43-00229

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.
PROPERTY IS ALSO KNOWN AS HOMESTEAD ENTRY SURVEY NO. 206.

EXPLANATORY MATERIAL: Decreed

14
15.2
X
16
-
.147 $\approx$.150 H/leg
.013 $\approx$.01 B/LM

RECEIVED

AUG 21 2002

Department of Water Resources

2002 AUG 20 PM 4:28
DISTRICT COURT-SRBA
TWIN FALLS, IDAHO

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

Case No. 39576

) Subcase 43-00229
) (Ottley)
)
) SPECIAL MASTER REPORT

Findings of Fact

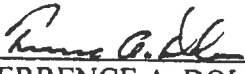
Merlin and Yvonne Ottley, 904 E. Ottley Road 1370, Elba, Idaho 83342-8658, filed a *Notice of Claim to a Water Right* on June 7, 1989, claiming .16 cfs from Dry Canyon Creek to irrigate 41 acres in Cassia County from March 15 to November 15 with a priority date of April 30, 1887, based on a decree. The Director of the Idaho Department of Water Resources filed his *Director's Reports for Irrigation and Other, Reporting Area 7, IDWR Basin 43, Part I* on September 28, 2001. The Director recommended the claim from Dry Creek to irrigate 15.2 acres from April 1 to October 31.

The United States of America, Department of Interior, Bureau of Land Management filed an *Objection* on February 8, 2002, objecting to place of use. On August 14, 2002, the Ottleys, the United States and IDWR filed a *Standard Form 5* agreeing to amend the place of use.

Conclusions of Law

Merlin and Yvonne Ottley are entitled to a partial decree adjudicating a water right under claim 43-00229 as described in the *Standard Form 5* and the attached *Special Master Recommendation for Partial Decree for Water Right 43-00229*.

DATED August 20, 2002.


TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

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)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 43-00229

2002 AUG 20 PM 4: 28

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED *[Signature]*

NAME AND ADDRESS: MERLIN W OTTLEY
YVONNE F OTTLEY
904 E OTTLEY RD 1370
ELBA, ID 83342-8658

SOURCE: DRY CREEK TRIBUTARY: CROSS CREEK

QUANTITY: 0.16 CFS

PRIORITY DATE: 04/30/1987

POINT OF DIVERSION: T14S R24E S10 SWNE Within Cassia County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.16 CFS

PLACE OF USE: Irrigation Within Cassia County
T14S R24E S02 NESW 12.8 NWSE 1.2
14.0 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. 43-00228 AND 43-00229

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

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

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

RECOMMENDATION

AUG 20 2002

[Signature]
SPECIAL MASTER

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

AUG 21 2002

2007 AUG 20 PM 4: 28

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO

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

Case No. 39576

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s) : 43-00229

On August 20, 2002, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED August 20, 2002.

LETITIA MESSICK
Deputy Clerk

RECEIVED

AUG 21 2002

Department of Water Resources

2002 AUG 20 PM 4:28

DISTRICT COURT SRBA
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)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s) : 43-00229

CERTIFICATE OF MAILING

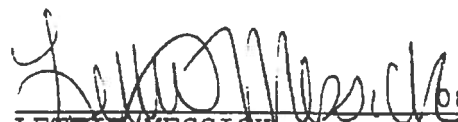
I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on August 20, 2002, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

MERLIN W OTTLEY
YVONNE F OTTLEY
904 E OTTLEY RD 1370
ELBA, ID 83342-8658
Phone: 208-638-5585

CERTIFICATE OF MAILING


PAGE 1
08/20/02
LETTIE MESSICK
Deputy Clerk

Name: Merlin W. Ottley
Address: 904 E. Ottley Rd. 1370; Elba, ID. 833428658

Name: Yvonne F. Ottley
Address: 904 E. Ottley Rd. 1370; Elba, ID. 833428658

Name:
Address: ;

Name:
Address: ;

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: See attached _____

11. **I object because:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):**

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant's use of Federal land is unauthorized. See attached POU. Claimant's water right should not include this POU. Some POUs may also include Federal land. The description should be specific enough to exclude Federal land.

F.

VERIFICATION (Must be Completed)

State of Idaho)

) ss.

County of Ada)

Gary A. Madenford, Water Rights Team Leader, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Gary A. Madenford
(Signature of person filing objection)

Larry C. Brown
(Attorney signing in representative capacity)

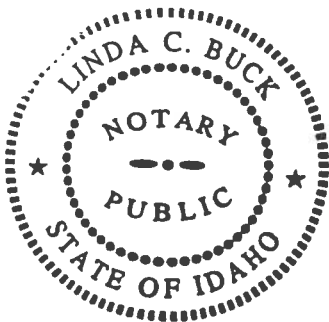
Subscribed and sworn to before me on: February 7, 2002

Linda C. Buck

Notary Public for Idaho

Residing at: Mountain Home

My Commission Expires: 12-21-2005



INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on Feb. 8, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

2. One copy to the claimant of the water right at the following address:

Name: Merlin W. Ottley

Address: 904 E. Ottley Rd. 1370; Elba, ID. 833428658

Name: Yvonne F. Ottley

Address: 904 E. Ottley Rd. 1370; Elba, ID. 833428658

Name:

Address: ;

Name:

Address: ;

3. Copies to:

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

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

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



Signature of Objector or attorney mailing on Objector's behalf

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

RIGHT NUMBER: 43-229
NAME AND ADDRESS: YVONNE F OTTLEY
904 E OTTLEY RD 1370
ELBA ID 833428658

MERLIN W OTTLEY
904 E OTTLEY RD 1370
ELBA ID 833428658

-MIXED POUS

-THE PLACES OF USE IDENTIFIED BELOW
CONTAIN BOTH PRIVATE AND PUBLIC LANDS.
-CLARIFY THE POUS SUCH THAT IT IS CLEAR
THAT ONLY PRIVATE LAND IS INTENDED.

SOURCE: DRY CREEK

TRIBUTARY: CROSS CREEK

QUANTITY: 0.160 CFS

UNAUTHORIZED USE

-CLAIMANT IS NOT AUTHORIZED
TO FARM PUBLIC LANDS

PRIORITY DATE: 04/30/1887

POINT OF
DIVERSION:

T14S R24E S10 SWNE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
4/01 10/31

QUANTITY
0.160 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T14S R24E S02 BLM/PVT NESW 14.0 T14S R24E S02 BLM/PVT NWSE 1.2

15.2 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED
TOTAL OF 48.7 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT
NOS. 43-00228 AND 43-00229

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

PROPERTY IS ALSO KNOWN AS HOMESTEAD ENTRY SURVEY NO. 206.
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.

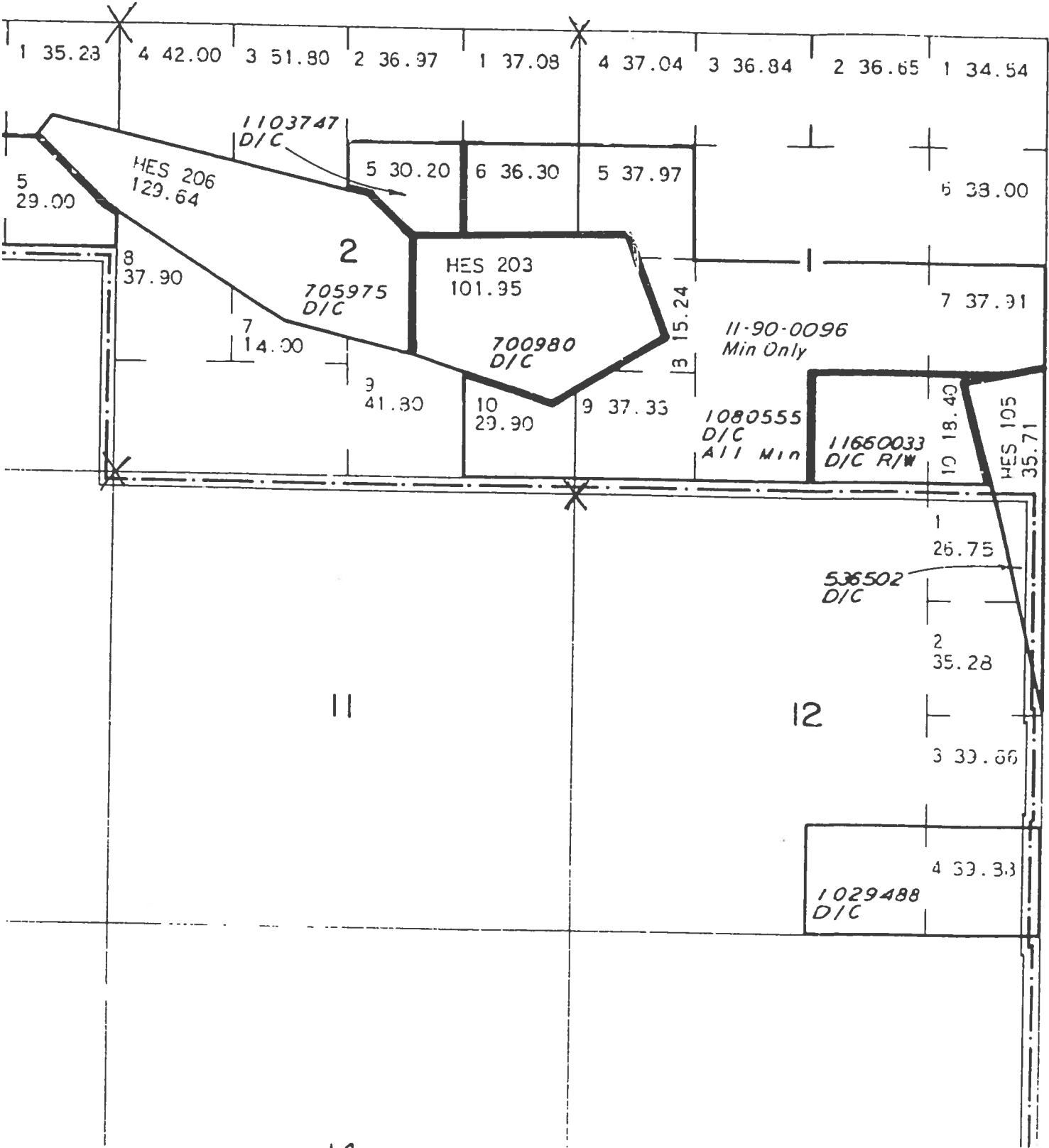
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

BOTH OF THE POUS ARE MIXED OWNERSHIP. THE FOLLOWING LIMITING LANGUAGE INSERTED UNDER
PLACE OF USE WOULD RESOLVE BLM'S OBJECTION TO BOTH POUS;

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

ST OF THE BOISE MERIDIAN, IDAHO

T14S R24E



TOWNSHIP 14 SOUTH RANGE 24 EAST OF THE BOISE MERIDIAN, IDAHO

CASSIA COUNTY
BUREAU DISTRICT SEC 3

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT



INDEX TO SEGREGATED TRACTS			
TRACT NO.	T.	R.	SEC.
1	14	24	1
2	14	24	2
3	14	24	3
4	14	24	4
5	14	24	5
6	14	24	6
7	14	24	7
8	14	24	8
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09999 Det Pl. 167 1st of Gang 7/22/1931
completed 1/15/1962. All of surface Bore by UFS

FOR OWNERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

CURRENT TO	CURRENT TO
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THE NOTATION SHOWN ON WITHDRAWALS REPRESENTS THE LAST DATE OF THE EFFECTIVE DATE. SEE
SECTION 14, CHARTER

02/06/2001

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

RIGHT NUMBER: 43-229

NAME AND ADDRESS: MERLIN W OTTLEY
YVONNE F OTTLEY
904 E OTTLEY RD 1370
ELBA, ID 833428658

SOURCE: DRY CREEK

TRIBUTARY: CROSS CREEK

QUANTITY: 0.16 CFS

VERIFIED BY *KKC*

PRIORITY DATE: 04/30/1887

POINT OF DIVERSION: T14S R24E S10

SWNE

Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
4-01 10-31

QUANTITY
0.16 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County
T14S R24E S2

NESW

14

T14S R24E S2

NWSE

1.2

15.2 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 48.7 ACRES IN A SINGLE IRRIGATION
SEASON

COMBINED RIGHT NOS. 43-00228 AND 43-00229

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.

PROPERTY IS ALSO KNOWN AS HOMESTEAD ENTRY SURVEY NO. 206

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

AJ0743NP
(00-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

04/17/00 15:21:01
Page 1

Water Right Number - R43-00229

Prefix Translation: RESEARCH

Old (D) Number -

*** C - CURRENT OWNER ***

OTITLEY

YVONNE F

1 - 904 E OTITLEY RD 1370
2 -
3 -

State- ID Zip- 833428658

OTITLEY

MERLIN W

City- ELBA
Phone - 208-638-5585
1 - 904 E OTITLEY RD 1370
2 -
3 -
City- ELBA
Phone - 208-638-5585

State- ID Zip- 833428658

Priority Date - - - +
04/30/1987

Region - - - +
17 SOUTHERN

Stage - - - +
D - DECREED

Status - - - +

Source - - - - - +
DRY CREEK

Tributary - - - - - +
CROSS CREEK

Twn Rng Sec Tract Lot Rflg County
14S 24E 10 SW NE NE (31) CASSIA

Code Description Period From Period To Water Use Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 0.160

Total Div. Rate - + - Total Div. Volume - +
0.160

Total Consumptive Use - + - KW Usage - +
0.0

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
14S	24E	2	NE SW		14.0	01	IRRIGATION	(31) CASSIA
14S	24E	2	NW SE		1.2	01	IRRIGATION	(31) CASSIA

Total Acres: 15.2

- - - Diversion Means - HEADGATES & DITCHES TO P/U, FLOOD IRRIG. & SPRINKLERS.

- - - Non-Irrigation Use -

- - - Other Rights for Same Use - 43-00228

Remarks - - - - -

POU1 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 48.7 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 43-00228 AND 43-00229

Water right number - R43-00229

Prefix Translation: RESEARCH

----- Remarks -----

GEN PROPERTY IS ALSO KNOWN AS HOMESTEAD ENTRY SURVEY NO. 206.

----- Old Water Right Numbers -----

4300229
A4300229

----- Conditions of Approval -----
No Conditions of Approval found.

----- Decree Plaintiff ----- + Decree Date - +
ALBION-IDAHO LAND CO. JOBE ADAMS ET AL 00/00/0000

----- Comments -----
Date: 04/17/2000 User Id: KCHRISTE Subject: COPIED FROM REMARKS
P. U. IS H. E. S. #206.

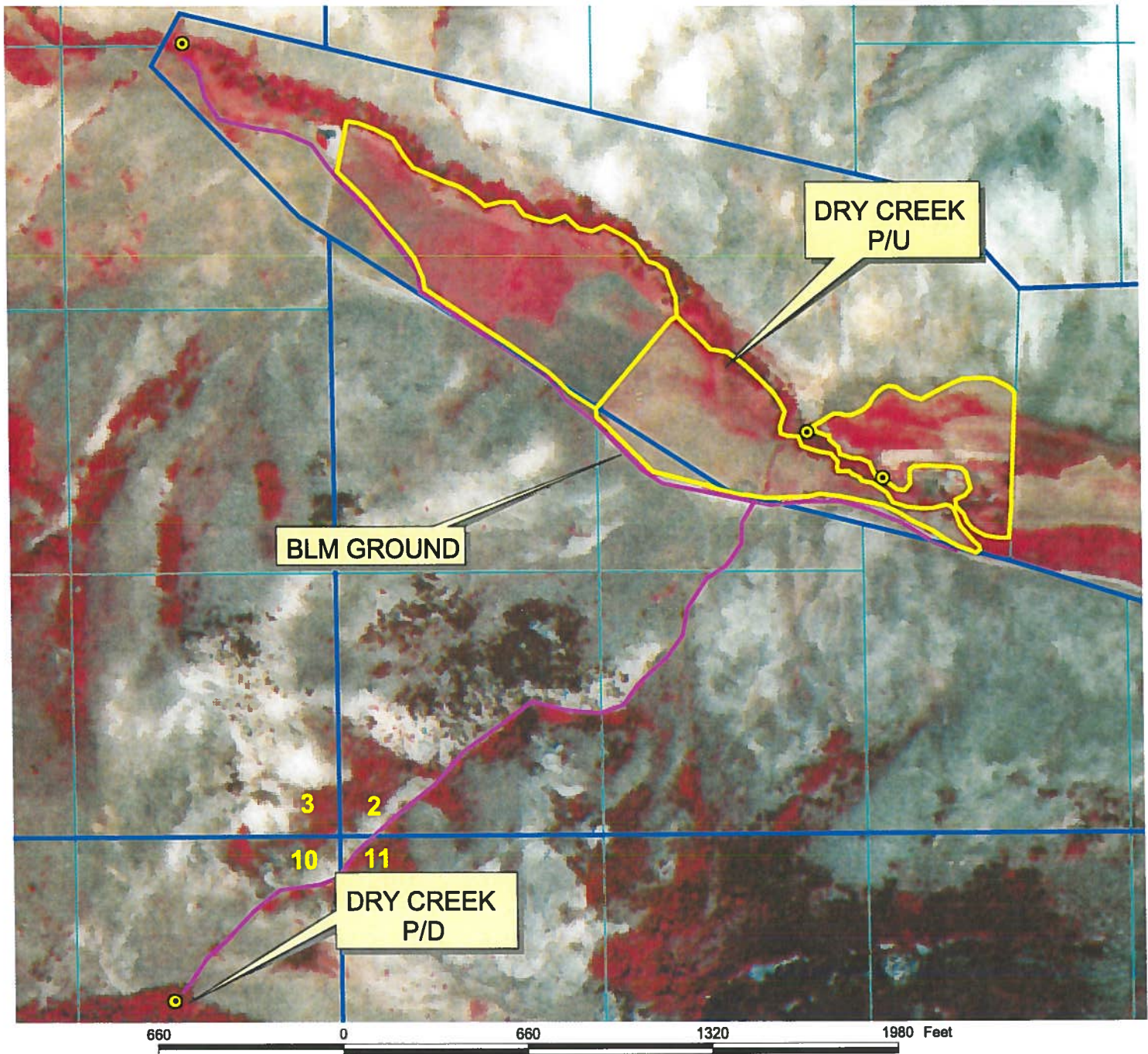
+ - - Audit Fields - - +
04/17/00 KCHRISTE

----- Adjudication Rights Dates and Flags Area -----

Court Report Filing	- 00/00/0000	Field Inspection Made	- 07/13/1994	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 04/17/2000	Old Judicial District	-
Claim Received Date	- 07/06/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S008474	Water District	- 43C
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

IDAHO DEPARTMENT OF WATER RESOURCES

**RECOMMENDED PLACE OF USE FOR
43-00228 AND 43-00229**

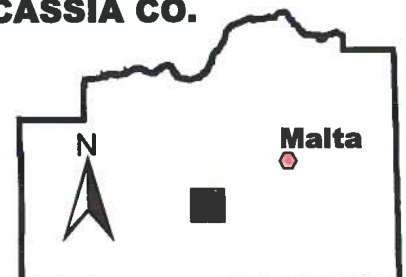


PLACE OF USE
TWP 14S RNG 24E, SEC 2
data entry on: April 14, 2000

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

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

CASSIA CO.



CLAIM NUMBER 43-00228 DATE KKC
43-00229 DRY CR AGENT 4-17-00

HES -206
TRANSFER NUMBER _____
CLAIMED ACRE TOTAL 48.7
GIS ACRE TOTAL 48.7

	TWP	RNG	SEC	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM	14S	24E	2							14	2.7	18	4				10		48.7
GIS										13.8	2.7	17.5	4				10		
RECOM										14	2.7	18	4				10		48.7
				DRY CREEK P/U															
CLAIM	14S	24E	2							12	2	17	4				6		41
GIS												14.1					1.2		
RECOM												14	*				1.2		15.2
CLAIM																			
GIS																			
RECOM																			

B43-POU.SHP

SHAPE NOS.

197 199 → 43-00228 only

198 → 43-00228 and 00229

B43-POD.SHP

NOS.	DESCRIPTION
136	Sec 2
	SWNWSE
135	Sec 2
	NENESW
137	Sec 3
	SWNENE

} all from Cassia Creek

138 (Sec 10 from SWNENE Dry Creek)

DBF TABLES UPDATED

B43-DBPOU.DBF 4-17-00

B43-DBPOD.DBF "

JPEG LAYOUT 43-00228 00229 otley.JPG

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

10:45:50
02/09/00

PAGE: 15
QUICKLOOK INFORMATION

31
CLAIM NUMBER: A43-00229

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE			7-1-94 KKC	N	KKC 4-14-00	KKC 4-14-00	KKC 4-17-00	
POINT OF DIV	Y			Y				
SOURCE	Y			Y				
PLACE OF USE	Y			Y				
DIV. AMOUNT CFS/VOLUME				N				
CONSUMPTIVE USE	-			-				
PURPOSES OF USE				N				
PERIOD OF USE	Y			Y				
BASIS OF CLAIM				N				
REMARKS	Y			Y				

BARCODE UPDATED
WHOM/DATE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

10:45:50
02/09/00

PAGE: 1
GENERAL INFORMATION

17
CLAIM NUMBER: A43-00229

LAST: OTTLEY FIRST: MERLIN W
ADDRESS: BOXC 434
CITY: ELBA STATE: ID ZIP: 83326
PHONE NUMBER: 208-638-5585

OWNER CODE: C

LAST: OTTLEY FIRST: YVONNE F
ADDRESS: BOXC 434
CITY: ELBA STATE: ID ZIP: 83326
PHONE NUMBER: 208-638-5585

OWNER CODE: C

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS? DATABASE Y FIELD EXAMINER Y() N()

CLAIM REMARKS: GEN P. U. IS H. E. S. #206.

FIELD EXAMINATION INFORMATION

CONTACT PERSON: Merlin Ottley PHONE NUMBER: () -
DATE OF FIELD EXAM: 7/10/94 APPOINTMENT MADE: Y() N() TIME: : A() P()
ACCOMPANIED BY: PHONE NUMBER: () -
RELATIONSHIP TO CLAIMANT: owner

DIRECTIONS TO PROPERTY / NOTES:

another visit 4-5-00

A. AJ CLAIM: # A43-00229 PRIORITY DATE: 04-30-1887 STAGE: D

B. WR RECORD: # 43-00229 PRIORITY DATE: 04-30-1887 STAGE: D

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE? Y(☒) N(☐)

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE? Y(☐) N(☒)

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE?
(IF YES, DESCRIBE BELOW) Y(☐) N(☒)

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED N/A(☒) Y(☐) N(☐)

FIELD EXAM COMPLETED N/A(☒) Y(☐) N(☐)

FIELD EXAM SENT TO STATE OFFICE N/A(☒) Y(☐) N(☐)

LICENSE ISSUED N/A(☒) Y(☐) N(☐)

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT,
USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE
OF THE PRIORITY DATE REQUIRED? N/A(☒) Y(☐) N(☐)

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED,
INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY? Y(☒) N(☐)

NOTES: the claimed P/U & Priority date agree therefore
I accept the Priority date and Stage as claimed.

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A43-00229	14S	24E	10	SW	NE	NE		CASSIA		

OTHER AJ CLAIMS WITH SAME AJ POD WR RECORDS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
NONE NONE NONE

SOURCE: DRY CANYON CREEK TRIB: CASSIA CREEK

B. WR POINT OF DIVERSION AND SOURCE:

4300229 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: DRY CREEK TRIB: CROSS CREEK

*listed on USGS topo map as dry creek
OK*

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A(☒) Y(☐) N(☐)

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY
ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A(☐) Y(☐) N(☒)

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y(☒) N(☐)

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☐) Y(☒) N(☐)

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY
ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y(☐) N(☒)

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y(☒) N(☐)

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM _____) Y(☐) N(☐)

AJ FIELD EXAM (DATE OF FIELD EXAM _____ NAME OF EXAMINER _____) Y(☐) N(☐)

OTHER (DESCRIBE IN NOTES BELOW)

*map review
using 1987 ASCS
AND GIS NAPP photography. It is extremely difficult
to get to the P/D. (Poor Road Access.)
Ditches are visible on Photos.
See field map Attachment.*

NOTES: _____

=====

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
14S	24E	10	SW	NE	NE			CASSIA		
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: Dry Creek TRIB: Cross Creek

REVIEWED BY: KKC DATE: 2-9-00

=====

SYSTEM DESCRIPTION: DESCRIBED BELOW (___), SEE LICENSE FILE (___), OR SEE ATTACHMENT (___)

The system is a Diversion in Dry creek to an earth ditch that flows North east to the P/U. The P/U is flood irrigated. Water can flow either NW or East from the point that the ditch enters the Property. Merlin indicated that the NW boundary for Dry Creek is the fence line visible in the NAPP Photo that runs SW to NE across the NW corner of the NESEW of Sec 2. the eastern end of the P/U that is ~~the~~ south of Cassia Cr. Dry Creek water does not go to the ground N of Cassia Cr. The P/U also includes 1.1 ac on BLM ground. KKC
4-14-00

A. ROOT WATER RIGHT NUMBERS: A43-00229
R43-00229

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
14S	24E	2	SW	NW		OTTLEY, MERLIN W	A43-00229 / 12.0	43-00229 /			
			SW	NW		OTTLEY, MERLIN W	A43-00228 / 12.0	43-00228 /			
			SW	NW		OTTLEY, MERLIN W	R43-00228 / 12.0	- /			
			SW	NW		OTTLEY, MERLIN W	R43-00229 / 12.0	- /			
			SW	NW		CASSIA CREEK IRRIGATION CO.		43-00015 /			
14S	24E	2	SE	NW		OTTLEY, MERLIN W	A43-00229 / 2.0	43-00229 /			
			SE	NW		OTTLEY, MERLIN W	A43-00228 / 2.0	43-00228 /			
			SE	NW		OTTLEY, MERLIN W	R43-00228 / 2.0	- /			
			SE	NW		OTTLEY, MERLIN W	R43-00229 / 2.0	- /			
			SE	NW		CASSIA CREEK IRRIGATION CO.		43-00015 /			
14S	24E	2	NE	SW		OTTLEY, MERLIN W	A43-00229 / 17.0	43-00229 /			
			NE	SW		OTTLEY, MERLIN W	A43-00228 / 17.0	43-00228 /			
			NE	SW		OTTLEY, MERLIN W	R43-00228 / 17.0	- /			
			NE	SW		OTTLEY, MERLIN W	R43-00229 / 17.0	- /			
			NE	SW		CASSIA CREEK IRRIGATION CO.		43-00015 /			
14S	24E	2	NW	SW		OTTLEY, MERLIN W	A43-00229 / 4.0	43-00229 /			
			NW	SW		OTTLEY, MERLIN W	A43-00228 / 4.0	43-00228 /			
			NW	SW		OTTLEY, MERLIN W	R43-00228 / 4.0	- /			
			NW	SW		OTTLEY, MERLIN W	R43-00229 / 4.0	- /			
			NW	SW		CASSIA CREEK IRRIGATION CO.		43-00015 /			
14S	24E	2	NW	SE		OTTLEY, MERLIN W	A43-00229 / 6.0	43-00229 /			
			NW	SE		OTTLEY, MERLIN W	A43-00228 / 6.0	43-00228 /			
			NW	SE		HOGGAN-STEPHENS, BERNICE	A43-00263 / 10.0	43-00263 /			
			NW	SE		HOGGAN-STEPHENS, BERNICE	A43-00264 / 1.0	43-00264 /			
			NW	SE		HOGGAN-STEPHENS, BERNICE	A43-00266 / 10.0	- /			
			NW	SE		OTTLEY, MERLIN W	R43-00228 / 6.0	- /			
			NW	SE		OTTLEY, MERLIN W	R43-00229 / 6.0	- /			
			NW	SE		HOGGAN-STEPHENS, BERNICE	R43-00263 / 10.0	- /			
			NW	SE		HOGGAN-STEPHENS, BERNICE	R43-00264 / 1.0	- /			
			NW	SE		HOGGAN-STEPHENS, BERNICE	R43-00266 / 10.0	- /			
			NW	SE	9	AMERICA ACTING THROUGH, UNITED	43-10891 /	- /			
			NW	SE		CASSIA CREEK IRRIGATION CO.		43-00015 /			
			NW	SE		CARPENTER, ALVIN		43-07084 / 20.0			

See GIS lay out
and land list
form.

ADDITIONAL POU FOUND

POU COUNTY: CASSIA

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N(☒)

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

Partial overlapping P/U diff source

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A43-00229	DRY CANYON CREEK	OTTLEY, MERLIN W	0.160	0.003		
R43-00228	STINSON CREEK	OTTLEY, MERLIN W	0.800	0.019		
A43-00228	STINSON CREEK	OTTLEY, MERLIN W	0.800	0.019		
R43-00229	DRY CANYON CREEK	OTTLEY, MERLIN W	0.160	0.003		
R43-00263	CASSIA CREEK	HOGGAN-STEPHENS, BERNICE	0.860	0.019		
A43-00263	CASSIA CREEK	HOGGAN-STEPHENS, BERNICE	0.860	0.019		
A43-00264	SPRINGS	HOGGAN-STEPHENS, BERNICE	0.040	0.040		
R43-00264	SPRINGS	HOGGAN-STEPHENS, BERNICE	0.040	0.040		
R43-00266	CASSIA CREEK	HOGGAN-STEPHENS, BERNICE	0.400	0.008		
A43-00266	CASSIA CREEK	HOGGAN-STEPHENS, BERNICE	0.400	0.008		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
43-10891	STOCKWATER	AMERICA ACTING THROUGH, UNITED	FROM 01-01 TO 12-31	0.020 CFS	

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y(☒) N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: 43-0228

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y() N(☒)

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y(☒) N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N(☒)

() NAPP, IDWR NO. GIS Rectified; () ASCS PHOTO; () OTHER Photo.

NOTES: _____

TOTAL ACRES: 15.2 N/A()

REVIEWED BY: KKC DATE: 4-14-00

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A43-00229 IRRIGATION	FROM 03-15 TO 11-15	0.160 CFS	
TOTAL DIVERSION RATE/VOLUME 4-1 to 10-31		0.160 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
43-00229 IRRIGATION	FROM TO	0.160 CFS	
TOTAL DIVERSION RATE/VOLUME		0.160 CFS	

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE? Y(✓) N()

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(✓) N()

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM? Y(✓) N()

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS? Y() N(✓)

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS? Y(✓) N()

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A() Y() N()

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A() Y() N()

NOTES: No season of use decreed, recommend to current dept standard.
I found 15.2 ac $15.2 \text{ ac} \times .02 = .304 \text{ cfs}$
claimed & decreed = .16 cfs
decreed is less than $1\frac{1}{4}$ ac
Recommend decreed rate.

43-00228 - .80 cfs

00229 - .16 cfs

total .96 cfs

Total P/U = 48.7 ac

.02

.974 cfs

the claimed total decreed rate is less than
 $1\frac{1}{4}$ ac no comb rt limits req.

AJ CLAIM TOTAL DIVERSION RATE: 0.160 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 0.160 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A() Y() N()

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS)
REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE
OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y() N()

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM
IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y() N()

E. FLOW MEASUREMENT

MEASUREMENT METHOD accept decreed rate. Unable to measure but historical system still in place and has a greater capacity than the decreed rate SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE 1b. CALCULATIONS
ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from pou review)

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N()

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A
ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =
TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 102.5 AF/A
ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =
TOTAL CONSUMPTIVE USE _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

NOTES: _____

WR RECORD CONDITIONS/REMARKS:

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REC. PURPOSE OF USE	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	03-15 11-15	DATABASE EXAMINER	DATABASE EXAMINER	DATABASE EXAMINER
4	4-01 10-31	0.160 116		102.5
TOTAL FOR THIS RIGHT		0.160		102.5

NON-IRRIGATION USES CLAIMED: NONE

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REVIEWED BY: KKC DATE: 4-14-00

FLAG: D

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE): RMK when 43-00228) comb. limit to 48.7 ac
-00229

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	()	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 43-00229

TOTAL DIVERSION RATE OF WR SPLITS DATABASE 0.160 EXAMINER _____ CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A43-00229	0.160	R43-00229	0.160	43-00229	0.160
TOTAL CFS		0.160		0.160		0.160

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE Y FIELD EXAMINER Y() N()

NOTES:

AUTHENTICATION:

SIGNATURE: Kelly K. Christensen DATE: 4-14-00
NAME OF FIELD EXAMINER: _____ TITLE: Sr Water Resource Agt.

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
☒ ORTHOPHOTOQUAD	DATE OF PHOTO <u>1976</u> IDWR ID NO. <u>DD29-30</u>	Y() N()
☐ TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. _____	Y() N()
☒ NAPP	DATE OF PHOTO <u>GIS Rectified</u> IDWR ID NO. _____	Y() N()
☒ ASCS AERIAL PHOTO	<u>1987-98</u> DATE OF PHOTO <u>1978 and 1987 (see 43-00228)</u>	Y() N()
☐ ASCS COLOR SLIDE	<u>both used as field notes.</u> DATE OF PHOTO _____	Y() N()
☐ BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
☐ TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____	Y() N()
☐ SCS SOIL SURVEY MAP	DATE ISSUED _____	Y() N()
☐ SUBDIVISION PLAT MAP	DATE OF MAP _____	Y() N()
☐ OTHER _____	DATE _____	Y() N()
☐ OTHER _____	DATE _____	Y() N()
☐ OTHER _____	DATE _____	Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
☐ LICENSING FIELD EXAM	DATE OF FIELD EXAM _____	_____	_____
☐ WATER RIGHT LICENSE	DATE LICENSE SIGNED _____	_____	_____
☐ IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____	_____	_____
☐ SYSTEM DESCRIPTION	DATE DRAWN _____	_____	_____
☐ PHOTOGRAPHS	DATE(S) PHOTOS TAKEN <u>7-1-94</u>	<u>6</u>	<u>see 43-00228</u>
☐ SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____	_____	_____
☐ HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
☐ CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
☐ FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____	_____	_____
☐ OTHER <u>Recon Layout</u>	DATE <u>4-14-00</u>	<u>1</u>	_____
☐ OTHER <u>GIS layout</u>	DATE <u>"</u>	<u>1</u>	_____