

## STATE OF IDAHO

## DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

John V. Evans Governor

C. Stephen Allred Director 1041 Blue Lakes Blvd. North Twin Falls, Idaho 83301 (208) 734-3578

February 2, 1982

John O. Nye Malta, Idaho 83342

Re: Claim to a Water Right No. 43-4115

Dear Mr. Nye:

We are enclosing a copy of an affidavit in Opposition to your claim to a water right, submitted by Art Ward, Elba, Idaho 83326.

The following is a quote from the provisions under which this claim has been filed (section 42-243b, of the Idaho Code):

42-243b. Recording of claims by Department, Corrections

The any time after filing a claim under the provisions of this section any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the bepartment of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the Department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearing or evaluate for confirmation or final censorship of the described rights.

If you have any questions regarding this matter, plase contact us

Sincerely,

LOREN O. HOLMES Southern Region Supervisor

LOH: marya



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### DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

John V. Evans Governor

C. Stephen Allred

1041 Blue Lakes Blvd. North Twin Falls, Idaho 83301 (208) 734-3578

February 2, 1982

Art M. Ward Elba, Idaho 83326

Re: Claim to a Water Right No. 43-4115

Dear Mr. Ward:

We are in receipt of your exception to a Claim to a Water Right filed by John O. Nye.

The following excerpt from Section 42-243b of the Idaho Code explains what has been done and what will be done in regards to the exception you have filed:

42-243b. Recording of claims by Department, Corrections "At any time after filing a claim under the provisions of this section any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the Department the same as the original and for which no additional filing fee shall be required."

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearing or evaluate for confirmation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

LOREN O. HOLMES Southern Region Supervisor

LOH:marya Encl:

RECEIVED

FER 23 1982

Department of Weter Resources Southern District Office

Elba, Idaho Jan. 31, 1982

Director of the Idaho Dept. of Water Resources 1041 Blue Lakes Blvd, North Twin Falls, Idaho 83301

Dear Sir:

I would like to protest the approval of application of permit No. 43-4115 filed by O. John Nye, for the use of a Spring (tributary of Cassia Creek) on the grounds that if it is allowed it would deprive prior water right users the use of water rightfully belonging to them. This Spring has not been put to beneficial use prior to the filing of this application. Therefore I recommend that this permit be denied.

Sincerely,
At In Ward

Art M. Ward

Elba, Idaho 83326

#### STATE OF IDAHO

#### DEPARTMENT OF WATER RESOURCES Southern Resion

1041 Blue Lakes Blvd. N. Twin Falls, Idaho 83301 (208) 734-3578

FEBRUARY 8, 1982

JOHN O. NYE MALTA

ID 83342

RE: Claim No. 43-4115

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244. IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filins and advertisins of the claim does not confirm the water risht claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or surrortins evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a cory of your claim for your records. If you have suestions, or if this office may be of further assistance, rlease feel free to contact us.

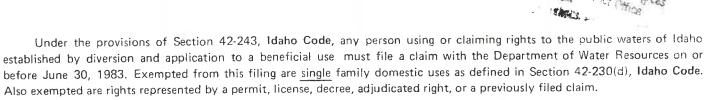
Yours truly

LOREN O.HOLMES Southern Resion Supervisor

Enclosure

# STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

# CLAIM TO A WATER RIGHT



The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

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