

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: A29-02500
Date Received: 8/16/1993
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MAX NIELSEN 208-897-5552
Address: RT 1
DOWNEY ID 83234

Name: JOANN NIELSEN 208-897-5552
Address: RT 1
DOWNEY ID 83234

2. Date of Priority: FEB 2, 1965

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11S	37E	28	NW	NE			BANNOCK

5. Description of diverting works:
16" CASING 121

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.230		537.50

7. Total Quantity Appropriated is:
1.230 C.F.S. (and/or) 537.50 A.F.A.

8. Total consumptive use is 537.5 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, DAIRY COWS 150 HEAD, INCIDENTAL USE

A2902500



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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	37E	28	NW	NE		IRR	23.5
			SW	NE		IRR	38.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0

Section Acres 221.5

Total Acres 221.5

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A29-02506

14. Remarks:
THE BLACKED OUT PART OF THE MAP IS NOT IRRIGATED. FEED LOT AND
DRY PASTURE

15. Basis of Claim: LICENSE

Water Right Number: 32217

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: _____

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RIGHT NUMBER: 29-2500
NAME AND ADDRESS: MAX NIELSEN
RT #1
DOWNEY ID 83234
JOANN NIELSEN
RT #1
DOWNEY ID 83234

SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 1.23 CFS
215.3 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.41 CFS AND TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 752.5 AF. COMBINED RIGHT NOS.: 29-02500,
29-02506

PRIORITY DATE: 02/02/1965
POINT OF DIVERSION:

T11S R37E S28 NWNE Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	1.230 CFS 215.30 AFY

PLACE OF USE:

IRRIGATION Within BANNOCK County

T11S R37E S28	NWNE	19.0	T11S R37E S28	SWNE	37.0
T11S R37E S28	NENW	40.0	T11S R37E S28	NWNW	39.0
T11S R37E S28	SWNW	40.0	T11S R37E S28	SENE	40.0

215 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 61.5 ACRES WITHIN THE PLACE OF
USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 215 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 29-02500, 29-02506

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: License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

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
A29-02500	11S 37E	28		NW	NE			BANNOCK		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A29-02506 NONE

WR RECORDS IN SAME 40 ACRE TRACT
29-02506

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
29-02500	11S 37E	28		NW	NE			BANNOCK		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

29-02506

A29-02506 NONE

SOURCE: GROUNDWATER

TRIB:

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)

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
11S	37E	28		NW	NE			BANNOCK		
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: GROUNDWATER

TRIB: _____

REVIEWED BY: _____ DATE: _____

=====

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

A. ROOT WATER RIGHT NUMBERS: A29-02500

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
11S	37E	28	NW	NE		NIELSEN, JOANN	A29-02500 / 23.5	29-02500 / 23.0	29.0		
			NW	NE		PORTNEUF MARSH VALLEY CANAL	COA29-00589 / 15.0	- /			
			NW	NE		PORTNEUF MARSH VALLEY CANAL	COA29-00052 / 15.0	- /			
			NW	NE		PORTNEUF MARSH VALLEY CANAL	COA29-00053 / 15.0	- /			
			NW	NE		NIELSEN, JOANN	A29-02506 / 17.0	29-02506 / 23.0			
			NW	NE		PORTNEUF MARSH VALLEY CANAL	COA29-04060 / 15.0	- /			
11S	37E	28	SW	NE		NIELSEN, JOANN	A29-02500 / 38.0	29-02500 / 38.0	32.0		
			SW	NE		NIELSEN, JOANN	A29-02506 / 38.0	29-02506 / 38.0			
11S	37E	28	NE	NW		NIELSEN, JOANN	A29-02500 / 40.0	- /	41.0		
			NE	NW		NIELSEN, JOANN	A29-02506 / 40.0	29-02506 / 40.0			
11S	37E	28	NW	NW		NIELSEN, JOANN	A29-02500 / 40.0	- /	40.0		
			NW	NW		NIELSEN, JOANN	A29-02506 / 40.0	29-02506 / 40.0			
11S	37E	28	SW	NW		NIELSEN, JOANN	A29-02500 / 40.0	- /	39.0		
			SW	NW		NIELSEN, JOANN	A29-02506 / 40.0	29-02506 / 40.0			
11S	37E	28	SE	NW		NIELSEN, JOANN	A29-02500 / 40.0	- /	39.0		
			SE	NW		NIELSEN, JOANN	A29-02506 / 40.0	29-02506 / 40.0			

ADDITIONAL POU FOUND

TOTAL ACRES	A29-02500	221.50	61.00	220.00
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POU COUNTY: BANNOCK

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

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A29-02500	GROUNDWATER	NIELSEN, JOANN	1.230	0.005	537.50	2.42
A29-00052	PORTNEUF RIVER	PORTNEUF MARSH VALLEY CANAL CO	176.850	0.034		
A29-00053	TOPONCE CREEK	PORTNEUF MARSH VALLEY CANAL CO	164.430	0.032		
A29-00589	PORTNEUF RIVER	PORTNEUF MARSH VALLEY CANAL CO			16410.00	3.23
	TOPONCE CREEK					
A29-02506	GROUNDWATER	NIELSEN, JOANN	1.300	0.006		
A29-04060	PORTNEUF RIVER	PORTNEUF MARSH VALLEY CANAL CO			21834.00	4.30

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

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

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: A29-02506

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()

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

A29-02500

Date Received

4/27/90

Receipt Number

C017275

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

JUN 13 1990

SLC A29-02500
Department of Water Resources

Please type or print clearly

1. Name of Claimant (s)

Max or Johann Nielsen Phone (208) 892-5552

Mailing Address

R#1 Downey Idaho Zip 83234

2. Date of Priority (Only one (1) per claim)

Feb. 2 1965

3. Source of water supply (a)

Subterranean well (ground water

which is tributary to (b)

4. a. Location of existing point of diversion is: Township

11S

Range

32E

Section

28

NW 1/4 of NE 1/4 of

1/4, Govt. Lot,

B.M., County of

Bannock

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.

16" casing 121

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4-1 to 11-1 amount 1.23 or 532.5

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.23 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 532.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Dairy cows 150 Head, incidental use

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
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>11S</u>	<u>32E</u>	<u>28</u>		<u>33</u> <u>47</u>	<u>38</u>		<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>									
<u>11S</u>	<u>32E</u>	<u>28</u>																	

Total number of acres irrigated 215

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

12. Do you own the property listed above as place of use? Yes ☒ 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.
_____ or None ()

14. Remarks: THE BLACKED OUT PAYT OF THE MAP
IS NOT IRRIGATED FEED LOT & DRY
PASTURE

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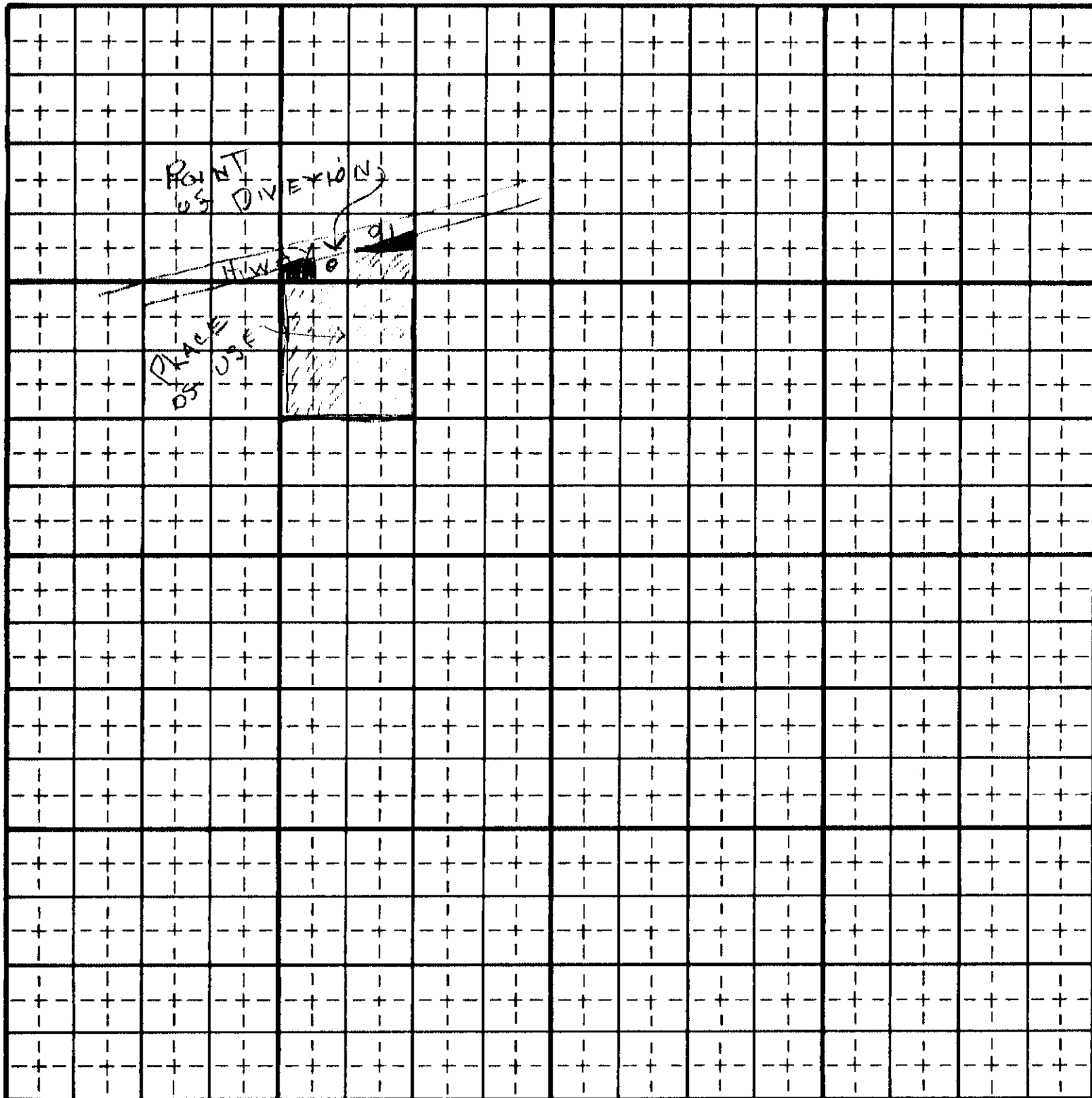
APR 12 1994

Last Name Nielsen Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



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Last Name NIELSEN

Ident No. _____

Copies: White-State, Yellow-Claimant

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

Decree _____

If applicable provide IDWR Water Right Number 32217/29-2500

Court _____ Case Number _____ Decree Date _____

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 _____ 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) John Nielsen Date 6-12-90

Date _____

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 Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 12 day of June 19 90

SEAL

Notary Public Barbara A. Byline

Residing at Downey, ID

My Commission Expires 12-22-93

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 _____

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APR 12 1994

Last Name Nielsen Ident. Number _____

Copies White-State, Yellow-Claimant

Log for claim A29-02500

Spatial Dynamics TWB

5/18/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
11s37e	28	NWNE	23.5	22	
11s37e	28	SWNE	38	37	
11s37e	28	NENW	40	39	
11s37e	28	NWNW	40	39	
11s37e	28	SWNW	40	39	
11s37e	28	SEnw	40	40	
Totals:			221.5	216	

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 32217/29-2500 Priority Feb. 2, 1965 Amount 1.23 cfs

THIS IS TO CERTIFY, that Max Nielsen
of Downey, Idaho, has complied with the terms and conditions of Permit
No. 32217/29-2500 issued pursuant to Application for Permit dated February 2, 1965
and has submitted proof to the Department of Water Administration on February 4, 1970
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 2.41 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from a ground water source
tributary of _____, is hereby confirmed in the following amounts:

Amount 1.23 cfs for irrigation from April 1 to Nov. 1 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 1.23 cfs of water be diverted at
any one time, said waters to be diverted within the _____

NW 1/4 NE 1/4 Sec. 28, Twp. 11 S, Rge. 37 E, B. M.

in the county of Bannock; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 216 acre feet per year or
3.5 acre feet per acre.

Description and location of place of use:

TWP.	RANGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
11 S	37 E	28		23.47	38														61.47

Total number of acres irrigated 61.47

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 24 day of

January, 19 72.


Director

29 - 2500

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

ASSIGNED TO:

Max Nielsen
Route 1, Downey, Idaho

Application No. G- 40362
Permit No. G- 32217
District No.

1. Name of Applicant: Richard H. Smith
Postoffice address: Box 69, Logan County: Cache State: Utah
2. Quantity of water claimed: 65 miners inches or 1.3 CFS
(a) Rate of withdrawal in cubic feet per second Miners' inches or gallons per minute
(b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean well
4. Location of point of diversion or well is in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 28
Twp. 11 S., Rge. 37 E., B.M., County of Bannock
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:
(a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
Rge. , B.M.
(b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. , B.M.
7. Kind of works: Artesian well main and diverting laterals
8. Estimated cost of works: \$ 9000.00
9. (a) Is reservoir to be used?
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
II. The financial resources of the applicant are (a) Cash onhand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:
(a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
(b) (cubic feet per second, inches or gallons per minute) is for new lands.

Assigned to Max Nielsen
Rt. 1, Downey, Idaho

Remarks:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

s/ Richard H. Smith

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 9:00 A.M. February 2, 1965

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G- 32217

Recorded in Book 113

Page 32217

Approved February 5, 1965

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before

and to continue diligently and uninterruptedly to completion, unless

temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before August 5, 1967

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before February 5, 1970

Witness my hand this

5th

day of

February, 1965

s/ RALPH W. THOMAS, Deputy

STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYTHE, Governor of the State of Idaho, and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 5th day of February, 1965.

Countersigned:

STATE OF IDAHO

(SEAL)

By s/ ARNOLD WILLIAMS

Secretary of State.

By s/ ROBERT E. SMYTHE

Governor

12.

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
11 S	37 E	28			35	30													65

APPLICATION FOR AMENDMENT TO PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO, No. G-32217

Comes now Richard H. Smith, and represents to the State Reclamation Engineer of the State of Idaho. That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. G-32217, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

W 1/2 of the NE 1/4 and the NW 1/4 of Section 28, Twp. 11 S, Range 37 East B.M. of Bannock, Idaho, making a total of 221.47 acres.

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Downey, Idaho this 17th day of May, 1965.

/s/ Richard H. Smith

Date of receipt at office of Department of Reclamation: May 19, 1965

APPROVAL OF STATE RECLAMATION ENGINEER

I, Ralph W. Thomas, Deputy State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-32217. This approval constitutes a new permit and is issued as an amendment to the original permit to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

LICENSE ISSUED FOR 1.47 SEC. FT.
LICENSE P12 17

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF EXAMINER

Permit No. G-32217/29-2500

This proof is for b.u. - 1.3 cfs In Water District No. _____

1. Name of applicant Max Nielson, Downey, Idaho

2. Source of water supply: ground-water (artesian well)

3. Location of point of diversion: Is in the NW 1/4 of Section 28

T. 11 S R. 37 E County of Bannock

4. Describe works as they exist, giving dimensions and capacities of same:

PROOF - mainline and diverting laterals, 75 HP motor, Depth 237', 16" casing.

US Motors 75HP High Thrust 220 Volts 1800 RPM

Ser #3778028 Berkeley Pump Model 1203H

Ser # 7445

6" discharge 10" mainline running East + West

5. Water is used for: irrigation Some 8" mainline

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

W 1/4, Sec. 28 (65 acres) plus the NW 1/4, Sec. 28, T. 11 S., R. 37 E, B. M.

on permit The proof states only 65 ~~acres~~ acres in the

W 1/4, Sec. 28.

there are 5 laterals running with 32

3/16" mainline 30 and 1 lateral with 31

3/16" heads average pressure is 45 psi

$\odot = [(6)(32) + (31)](68) / 450 = 2.41 \text{ cfs}$

3/16 @ 45 psi = 6.8 g.p.m.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: the land is planted in grass and alfalfa. acreage was taken from last years county tax form - 61.47 acres
The remaining 18 acres are taken out by St. High 91. At the time of the exam most of the water was being put on the land covered in permit #32369

owner states license should be Max or Ann Nielson instead of just Max

This examination was made on the 16 day of July, 1910

(Signed) Jim Barker Examiner.

ASCS OFFICE - Pocatello
SCS OFFICE - Pocatello

Permit No. G-32217/29-2500

Examination for b/u - Max Nielsen, Downey

County Bannock

Sec. 28 T. 11S R. 37E

Quantity: 1.3 cfs

Source: ground-water

P.D.: NW 1/4

Use: irrigation

~~Extension:~~

~~Protest:~~

~~Completion of Work:~~

~~Other Rights:~~

Filed: 2-2-65 Made: 2-4-70
Due: 2-5-70 Priority: 2-2-65

Dns: tg

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

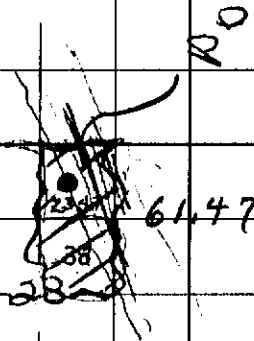
29 2500

E 37 E

T.

11

S



$$A = 61.47 \text{ acres}$$

$$Q = 2.41$$

$$Q_{\text{allowable for } 61.47 \text{ acres}} = \underline{\underline{1.23 \text{ cfs}}}$$

$$V = 215.1 \text{ ac ft/sec}$$

NO CULVERT MAP AVAILABLE

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. G-32217/29-2500

REPORT ON PROOF OF b/u - Max Nielson, Downey, Idaho

29 2500

AJ5809NP
No. A29-02500

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/24/00
PAGE: 88

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOANN NIELSEN	02/02/1965	IRRIGATION	04-01 11-01	1.230 CFS	537.50 AFA
C	MAX NIELSEN					
	RT #1					
	DOWNNEY ID 83234			TOTAL DIVERSION:	1.230 CFS	537.50 AFA
	(208) 897-5552			CONSUMPTIVE USE:		537.50 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T11S R37E S28

NWNE

BANNOCK County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE													
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM	
---	---	---	---	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	---
11S	37E	28	:			23	38	:	40	40	40	40	:					:					:	221.5	
																							TOTAL ACRES	221.5	

POU County: BANNOCK

Non-Irrigation Uses: STOCKWATER, DAIRY COWS 150 HEAD, INCIDENTAL USE

Other Rights: A29-02506

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-02506

Other Water Rights Listing Overlapping Place(s) of Use:
A29-00052 A29-00053 A29-00589 A29-02506 A29-04060

Remarks: GEN THE BLACKED OUT PART OF THE MAP IS NOT IRRIGATED. FEED LOT AND
DRY PASTURE

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Audit: 08/19/93 COX 03/29/95 POST-STD 04/13/00 CVANDERM

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 32217/29-2500 Priority Feb. 2, 1965 Amount 1.23 cfs

THIS IS TO CERTIFY, that Max Nielsen
of Downey, Idaho, has complied with the terms and conditions of Permit
No. 32217/29-2500 issued pursuant to Application for Permit dated February 2, 1965,
and has submitted proof to the Department of Water Administration on February 4, 1970,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 2.41 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from a ground water source

tributary of _____, is hereby confirmed in the following amounts:

Amount 1.23 cfs for irrigation from April 1 to Nov. 1 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 1.23 cfs of water be diverted at
any one time, said waters to be diverted within the _____

NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 28, Twp. 11 S, Rge. 37 E, B.M.

in the county of Bannock; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 216 acre feet per year or _____
3.5 acre feet per acre.

Description and location of place of use:

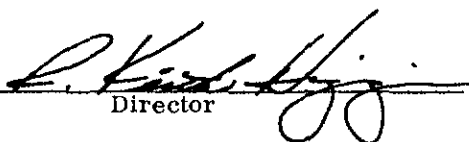
TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
11 S	37 E	28		23. 47	38														61.47

Total number of acres irrigated 61.47

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 24 day of

January, 19 72.


Director