

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: A22-04082
Date Received: 8/23/1988
Receipt No: 6001575
Received By: SA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GREEN CANYON HOT SPRINGS, INC. 208-458-4454
Address: C/O PHIL GENE NEIBAUR, PRES.
BOX 235
NEWDALE, ID 83436

2. Date of Priority: MAY 24, 1898

3. Source: PINCOCK HOT SPRINGS Trib. to: CANYON CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	43E	6	NE	SW	NW	8	MADISON

5. Description of diverting works:
GRAVITY FLOW PIPELINES TO SWIMMING POOL & TO SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	05/01	10/31	0.460		
COMMERCIAL	01/01	12/31	0.460		

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

8. Total consumptive use is 33.0 Acre Feet Per Annum.

9. Non-irrigation uses:
C/SWIMMING POOL, HEATING.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	43E	6	NW	NW	4	IRR	8.0

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Date: 08/23/88

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	43E	6	SW	NW	8	IRR	9.0
			SW	NW	8	COMMER	
						Section Acres	17.0
						Total Acres	17.0

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:
NONE

14. Remarks:
P/U AC. IRR = 16.5.
P/U GREEN CANYON HOT SPRINGS.
HOT SPRINGS USED TO WARM POOL WATER AND IRRIGATE PASTURE AND
CAMP GROUNDS AROUND POOL.

15. Basis of Claim: STATUTORY CLAIM

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: 2

For Organizations:

I do solemnly swear or affirm that I am President of _____
Title

Green Canyon Hot Springs club. that I have signed the foregoing
Organization
document in the space below as President of _____
Title

Green Canyon Hot Springs club. and that the statements contained in the
Organization
foregoing document are true and correct.

Phil Gene Neilson
Signature of Authorized Agent

Pres. Green Canyon Hot Springs club.
Title and Organization

Aug. 23, 1988
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 23rd day
of August 19 88

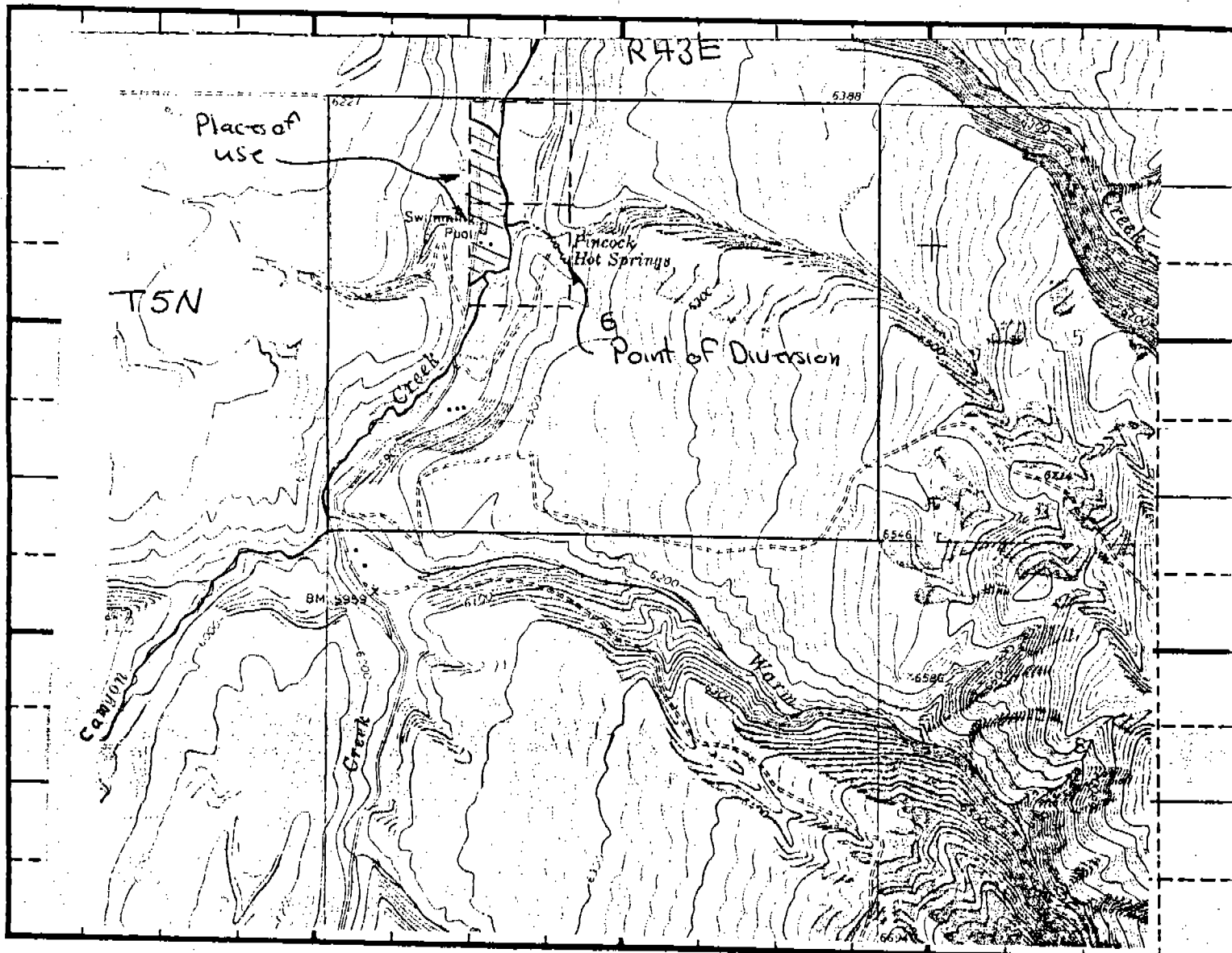
Betty J. Thompson
Notary Public

Seal

Residing at Idaho Falls

My Commission Expires 6-94

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)

County of _____)

) ss.

DISPROFIELMED

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Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim

Log for claim 22-04082

Spatial Dynamics BTD

8/9/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
05n43e	6	NWNW	8	3	
05n43e	6	SWNW	9	5.4	
Totals:			17	8.4	

NOTICE OF WATER RIGHT.

STATE OF IDAHO,

County of

Tremont

ss.

TO ALL CONCERNED, NOTICE IS HEREBY GIVEN:

1st. That we, John C. Crucock and James H. Crucock, of Telon, hereby claim the use of the waters of a certain Spring known as Warm Spring, located near the N.E. corner of Crucock & Company's mining claim and being on the said claim which claim is in record in said County known as the Warm Spring Road to the extent of all its waters being about 3 cubic feet per second.

2d. It is intended to divert said water at or near the point where a copy of this notice is posted, and more definitely described as follows: at the mouth of said Spring

(In above description give legal subdivision of land or describe the place with reference to some prominent landmark.)

3d. The purpose for which said water is intended to be used is agricultural, medicinal, bathing power and mulling stock growing and domestic purposes.

The place of intended use is a basin for plunge bathing about 80 to 100 feet Northwest of Spring and at a bath house to be erected and immersed to at the Spring for bathing purposes. Also all stock yards and corral's and land hereafter described.

4th. It is intended to divert said water by means of a ditch, pipe or main running from Spring to bath house, thence to said basin or plunge, thence to said land.

The general course of the proposed canal is ditch, pipe or main is Northwest

The length of the proposed canal is ditch, pipe or main is 80 to 100 feet to basin and to land described above 500 to 800 feet.

It is intended to use said water for irrigating the following described land: a small valley or flat lying immediately North of the said Warm Spring road, also lying immediately West of Chicken Creek and on opposite side from said Spring.

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RECORDED

and on opposite side from same spring.

5th. It is intended to have the works for diversion and use of said water as aforesaid completed within five years. (This must in no case exceed five years.)

WITNESS our hand at St Anthony Idaho,
this 10th day of May 1898

John E. Pincock,
James H. Pincock,

} Claimants.

STATE OF IDAHO,

County of Fremont } ss.

John E. Pincock

being first duly sworn, depose and say that he is of lawful age and one of the claimant of the Water Right mentioned in the foregoing notice and whose name is subscribed thereto. That the statements in said notice are true, and that the original notice, of which the foregoing is a true copy, was posted in a conspicuous place at or near the place of intended diversion (as provided by law) on the 24th day of May 1898, at 11 minutes past 11 o'clock A.M.

Subscribed and sworn to before me this 24th day of May 1898

Ernest S. Hamwall
Clerk of the District Court.

NOTE: The above Certificate may, where there are several claimants, be made and sworn to by one of them.

OCT 29 1892

By

Filed for record this 24th day of May 1898 at 5:40 o'clock P.M.

Deputy.

Recorder.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

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

Notice is hereby given that Phil Gene Neibaur
(Name of Claimant)
Box 96, Newdale, Idaho 83436 Telephone No. 458-4454
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) May 24, 1898

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Pincock Hot Springs tributary to Canyon Creek

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs. af)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>0.46 cfs</u>	Use	<u>Commercial</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity	<u>0.46 cfs</u>	Use	<u>Irrigation</u>	Period of Use From <u>5-1</u>	To <u>10-31</u>
Quantity	_____	Use	_____	Period of Use From _____	To _____
Quantity	_____	Use	_____	Period of Use From _____	To _____
Quantity	_____	Use	_____	Period of Use From _____	To _____

(4) $\frac{0.46 \text{ cfs}}{(\text{cfs, af})}$ TOTAL QUANTITY USED.

(5) A) Point of diversion: (Location of point where water is diverted from its source)
Lot 8 1/4 --- 1/4, Sec. 6 Twp. 5N Rge. 43E B.M., County of Madison
 Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Diversion is by two gravity flow pipelines each 3" in diameter
One line is 1227 feet long and the other is 572 feet in length.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

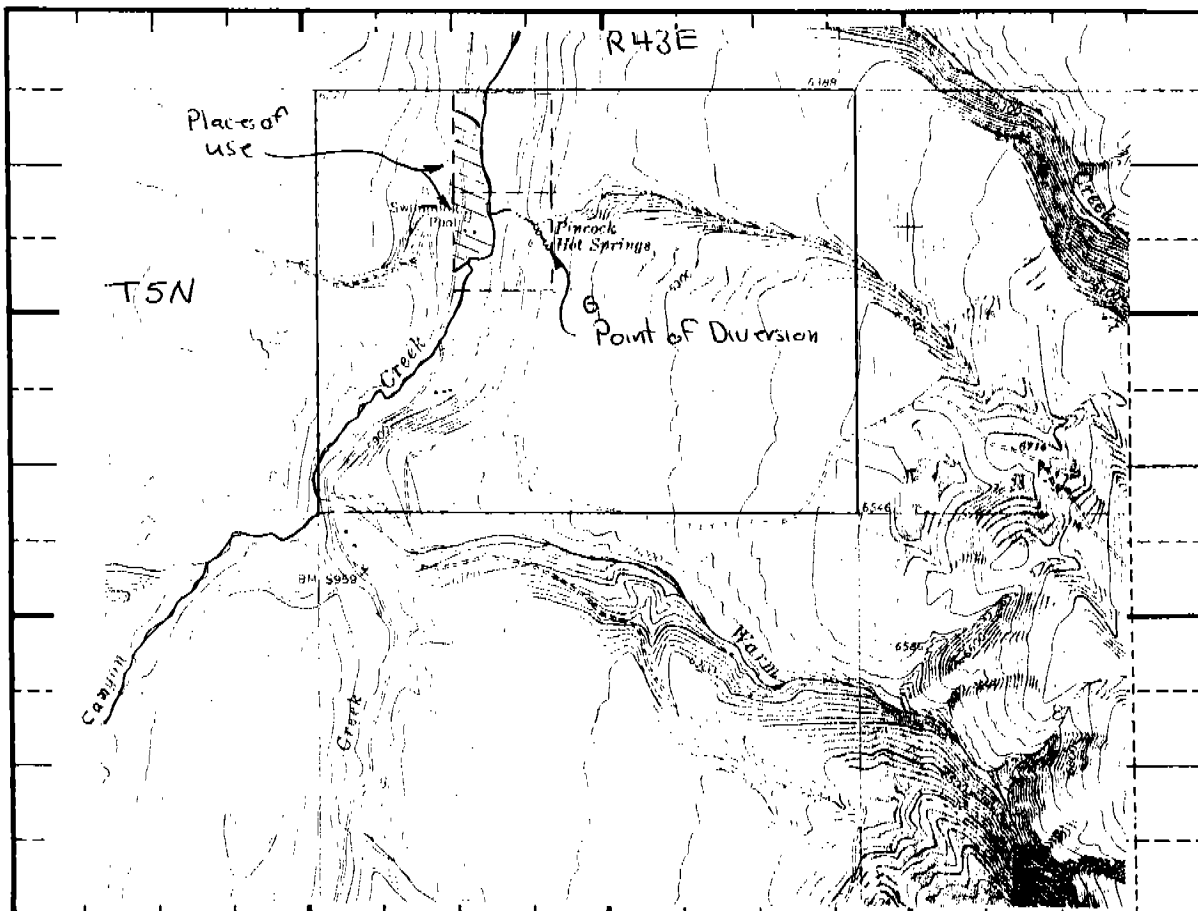
No. of acres 16.5

If water is used for other than irrigation, fully describe that use, being as specific as possible:
Hot Springs bathing, heating and culinary purposes

NOTE: Include here the type and number of stock watered:

NOTE: Include here the type and number of stock watered: _____

If you are claiming water as a member of an organization, list name of organization: Green Canyon Hot Springs Inc.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
County of _____)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 14 day of December, 1982.

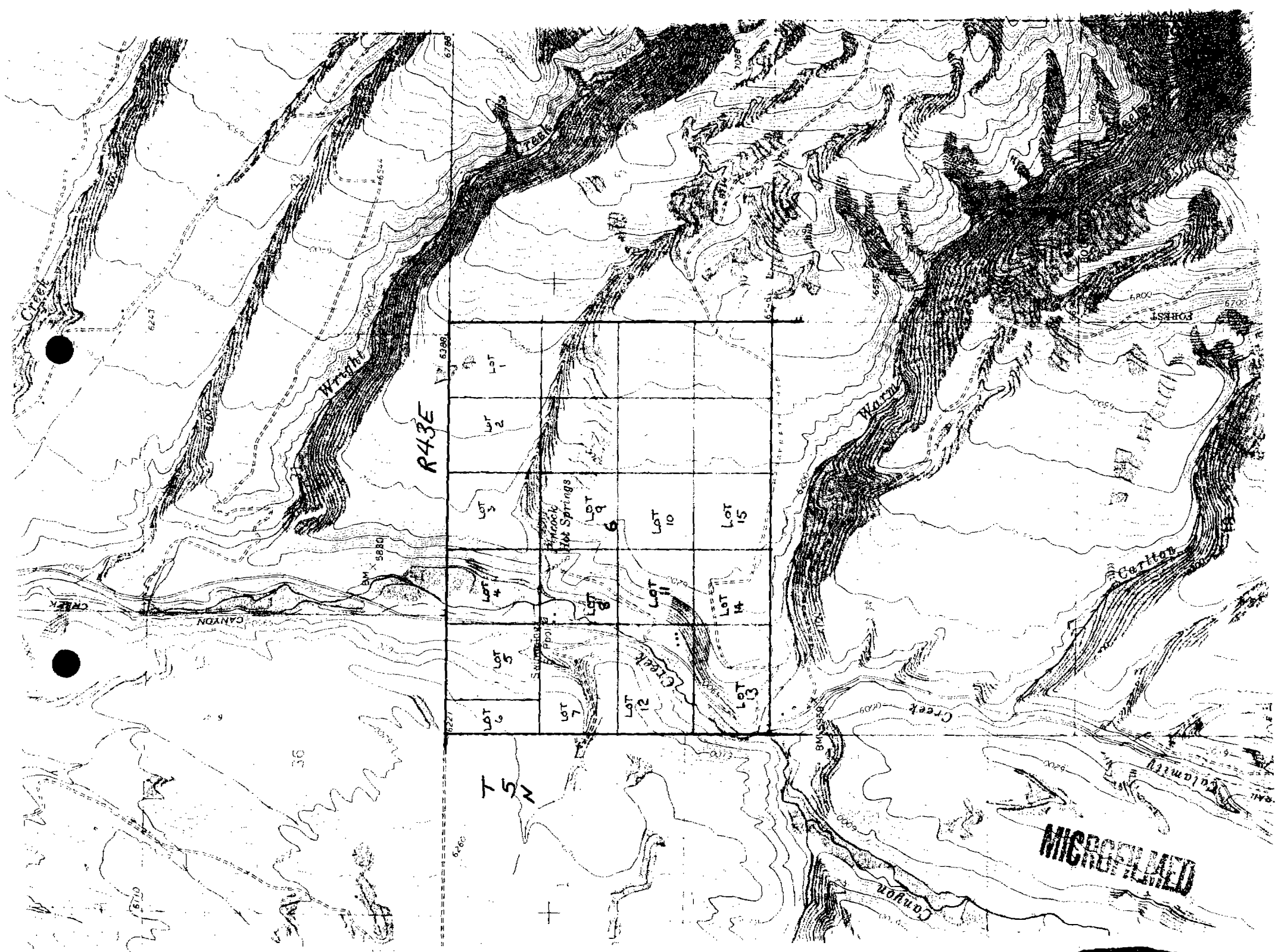
Phil Gene Nibaur
(Claimant)

Harriet M. Hall
Notary Public
Residing at Logan City, N.M.

My commission expires 9/86

FOR DEPARTMENT USE ONLY

Received by OW Date 1-6-83 Exception filed by: _____ Date _____
 Prelim. check by Kaw Date 1-7-83 Forwarded to claimant by: _____
 \$30.00 fee received by OW Date 1-7-83 #23285
 Published in Standard Journal
 Date 1/20 & 1/27/83



NOTICE OF WATER RIGHT RECEIVED

NOV 24 1982

JAN 6 1983

Department of Water Resources
Eastern District Office

STATE OF IDAHO,
County of Teton } ss.

TO ALL CONCERNED, NOTICE IS HEREBY GIVEN:

1st. That we, John C. Prueck and James H. Prueck of Teton hereby claim the use of the waters of a certain Spring known as Warm Spring, located near the NE corner of Prueck & Co. property, running down and being on the said claim which claim is in record in said County - known as the Warm Spring Right to the extent of all its water being about 3 cubic feet per second.

2d. It is intended to divert said water at or near the point where a copy of this notice is posted, and more definitely described as follows: at the mouth of said Spring

(In above description give legal subdivision of land or describe the place with reference to some prominent landmark.)

3d. The purpose for which said water is intended to be used is agricultural, medicinal, bathing, power and milling stock growing and domestic purposes.

The place of intended use is a basin for plunge bathing about 80 to 100 feet Northwest of Spring and a bathhouse to be erected and running at the Spring for the same purposes. Also all stock yards and cattle and horses hereafter described.

4th. It is intended to divert said water by means of a ditch, pipe or main running from Spring to bath house, thence to said basin or plunge, thence to said land.

The general course of the proposed canal is ditch, pipe or main is Northwest

The length of the proposed canal is ditch, pipe or main is 80 to 100 feet to basin and to land described feet.

It is intended to use said water for irrigating the following described land: a small valley or flat lying immediately North of the said Warm Spring, and also lying immediately West of Canyon Creek and on opposite side from said Spring.

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even and on opposite side from each other.

5th. It is intended to have the works for diversion and use of said water as aforesaid completed within five years. (This must in no case exceed five years.)

WITNESS our hand at St Anthony Idaho,
this 10th day of May 1898

John E. Pincock
James H. Pincock } Claimants.

STATE OF IDAHO,
County of Tremont } ss.

John E. Pincock
being first duly sworn, depose and say that he is of lawful age and one of the
claimant of the Water Right mentioned in the foregoing notice and whose name is subscribed thereto. That
the statements in said notice are true, and that the original notice, of which the foregoing is a true copy, was posted
in a conspicuous place at or near the place of intended diversion (as provided by law) on the 24th
day of May 1898, at 11 minutes past 11 o'clock A.M.

Subscribed and sworn to before me this 24th day of May 1898

NOTE.—The above Certificate may, where there are several claimants, be made and sworn to by one of them.

Filed for record this 24th day of May 1898 at 5⁴⁰ o'clock P.M.

By

Demetri

Recorder.

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