

03/29/2004

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

RIGHT NUMBER: 25-12353
NAME AND ADDRESS: GARY OLSEN
5005 S 9TH E
IDAHO FALLS ID 83404

PATRICIA OLSEN
5005 S 9TH E
IDAHO FALLS ID 83404

SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 0.160 CFS
6.100 AFY
PRIORITY DATE: 10/07/1953
POINT OF DIVERSION:

T02N R38E S9 SWNW Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.080 CFS 1.80 AFY
COMMERCIAL	01/01 12/31	0.080 CFS 4.30 AFY

PLACE OF USE: DOMESTIC Within BONNEVILLE County
T02N R38E S09 SWNW
COMMERCIAL Within BONNEVILLE County
T02N R38E S09 SWNW

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: Beneficial Use

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 25-12353
Date Received: 6/13/1989
Receipt No: E009051
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

GARY OLSEN Phone:
5005 S 9TH E
IDAHO FALLS ID USA 83404

PATRICIA OLSEN Phone:
5005 S 9TH E
IDAHO FALLS ID USA 83404

2. Date of Priority: 10/07/1953

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	38E	9	SW NW	BONNEVILLE	

5. Description of diverting works:

WELL REDRILLED IN 1958, 10" CASING, 5 HP PUMP, PIPED TO BUILDINGS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
COMMERCIAL	1/01	12/31	0.08	
DOMESTIC	1/01	12/31	0.08	

7. Total Quantity Appropriated is:
0.16 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
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02N

38E 9

SW NW
SW NW

DOMESTIC
COMMERCIAL

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:

14. Remarks:

CHANGED OWNERSHIP PER REQUEST/JH/11-13-98

15. Basis of Claim: Beneficial Use

JAN 28 2004

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

Department of Water Resources
Eastern Region

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

A25-12353

Date Received

Receipt Number

NOTICE OF CLAIM AMENDED
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Mail to
IDWR
900 N Skyline Ste A
Idaho Falls ID
83402

Please type or print clearly

1. Name of Claimant (s) Gary + Patricia Olsen Phone () _____Mailing Address 5005 S 9th E Idaho Falls Zip 834042. Date of Priority (Only one (1) per claim) Oct 7 19533. Source of water supply (a) _____
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 2N Range 38E Section 9,
_____ 1/4 of SW 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of Bonneville

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.

Well, 10" casing, 5 hp pump

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic purposes from 1/1 to 12/31 amount 0.08 or _____
For Commercial purposes from 1/1 to 12/31 amount 0.08 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.16 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

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	
<u>2N</u>	<u>38E</u>	<u>9</u>							<u>D</u>										
<u>11</u>	<u>11</u>	<u>11</u>							<u>C</u>										

Total number of acres irrigated _____

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

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. _____ or None ()

14. Remarks: This amended claim changes priority per
Evan Cropper affidavit and also serves to
change ownership. See attached deed.

Last Name _____ 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 _____
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) _____

Date 1-19-04

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 _____

Title

of _____

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 _____)

County of Bonneville)

SS.

Subscribed and sworn (or affirmed) before me this 19

day of Jan 2004

19

Notary Public Bryce A. Contor

Residing at Mud Lake ID

My Commission Expires 10/14/2005

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 _____

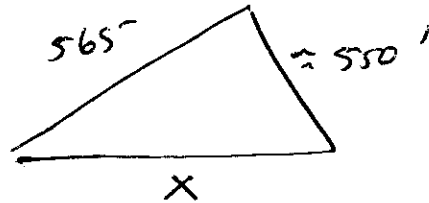
Last Name _____

Ident. Number _____

Copies White-State, Yellow-Claimant

A25-12353 Δ ownership 2/2/04

Traet I: Dimension 9876 feet doesn't make sense.



$$X^2 \approx \sqrt{565^2 + 550^2} \approx 788 \text{ feet.}$$

This is what I have sketched on the aerial photo (approximately).

Traet II and the exceptions I didn't plot out but they appear to cover the NE corner and exclude the collection agency and tax.

The offset of the lawn below the quarter-section line is probably an artifact of the aerial photo alignment.

This Δ ownership looks OK to me

BAC

1061590

#660

BONNEVILLE COUNTY RECORDER
1061590 OCT31'01 AM1151
WARRANTY DEED

INSTRUMENT NO.

For Value Received **BLASER REAL ESTATE LIMITED PARTNERSHIP**, the grantor(s), do(es) hereby grant, bargain, sell and convey unto **CARY OLSEN and PATRICIA OLSEN, HUSBAND AND WIFE**, the grantee(s) whose current address is 5005 South 9th E. Idaho Falls, ID 83404 he following described premises, in Bonneville County Idaho, to wit:

See Exhibit A attached hereto and made a part hereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances and that he/she/they will warrant and defend the same from all lawful claims whatsoever.

Dated: **OCTOBER 29, 2001**

Stephen Blaser
BLASER REAL ESTATE LIMITED PARTNERSHIP

STATE OF Utah } ss
COUNTY OF Salt Lake

On this 29th day of October
before me the undersigned, personally appeared
Stephen Blaser
known to me to be the general partner
of Blaser Real Estate Lmtd Ptnshp and the
partner who subscribed said partnership name to the
foregoing instrument and acknowledged to me that
he executed the partnership name.

[Signature]
Notary Public in and for said County and State

Residing at: Woods Cross, Ut.
Commission Exp: 2-7-2005



INSTRUMENT NO.	<u>1061590</u>
DATE	<u>10-31-01</u>
INST. CODE	<u>205</u>
IMAGED PGS	<u>2</u>
FEE	<u>6-</u>
STATE OF IDAHO) COUNTY OF BONNEVILLE) ss	
I hereby certify that the within instrument was recorded.	
Ronald Longmore, County Recorder	
By	<u><i>[Signature]</i></u> Deputy
Request of	<u><i>[Signature]</i></u>

IDAHO TITLE & TRUST
P.O. BOX 50367
IDAHO FALLS, ID 83405

Exhibit A

Tract I:

Beginning at the intersection of the East right of way line of U.S. Highway No. 191 with the East and West Quarter Line of Section 9, Township 2 North, Range 38, East of the Boise Meridian, Bonneville County, Idaho; said beginning point being approximately East 517 feet from the West Quarter corner of said Section 9; thence North 88°45' East along the said East and West Quarter Line of Section 9, 876 feet; thence North 22°25' West, 208.5 feet more or less; thence North 71°55' West, 330 feet, more or less, to the Southeasterly right of way line of U.S. Highway No. 191; thence Southwesterly along said right of way line, 565 feet more or less, to the point of beginning.

Tract II:

Beginning at a point North 88°45' East along the East and West Quarter line of Section 9, Township 2 North, Range 38, East of the Boise Meridian, Bonneville County, Idaho, for 1306.7 feet; and North 199 feet from the West Quarter corner of Section 9 said township and range; thence North 88 feet; thence North 69°11' West 224 feet more or less to U.S. Highway 191 right of way; thence approximately South 58° West along said U.S. Highway 191 right of way line following a curve to the right, and said curve having a radius of 11,519 feet, for 123 feet; thence South 71°55' East 330 feet, more or less, to the point of beginning.

Less and excepting:

Beginning at the Northwest corner of Lot 1, Block 3, of the Hodson Addition, Bonneville County, Idaho, and running thence North 89°17'22" East 57.27 feet along the North line of Lot 1; thence North 29°53'43" West 27.93 feet to the Southerly line of U.S. Highway 191; thence South 60°06'17" West 50.00 feet to the point of beginning.

Also less:

Beginning at a point that is North 88°45' East 1306.7 feet along the East-West centerline of Section 9 and North 269.53 feet from the West Quarter corner of Section 9, Township 2 North, Range 38 East of the Boise Meridian, Bonneville County, Idaho; running thence North 17.47 feet; thence North 69°11' West 196 feet more or less to the Southeasterly right of way line of U.S. Highway 191; thence Southwesterly along said right of way line 20 feet more or less to a point that is North 68°32' West from the point of beginning; thence South 68°32' East 213 feet more or less to the point of beginning.

This is probably a typo; survey won't close. 788 feet more sense BAC