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AUG 27 2004

Department of Water Resources
Eastern Region

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August 26, 2004

Nick L. Olsen
Idaho Department of Water Resources, Adjudication Bureau
900 North Skyline Drive, Ste. A
Idaho Falls, Idaho 83402-1718

Re: Water Right 22-11384 and 22-11385

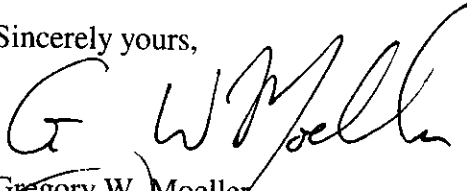
Dear Mr. Olsen:

Our firm has been contacted by Nylin Nelson to help him in clearing up the water rights for his sister, Merla Nelson and family.

Pursuant to your letter of February 26, 2004, we have compiled the following Affidavits with exhibits, which provide information in an effort to provide evidence of priority.

If you have any other questions on this matter, please do not hesitate to contact our office.

Sincerely yours,



Gregory W. Moeller

GWM:jt

cc: Nylin Nelson

Enclosures - Affidavit of Nylin Nelson
Affidavit of Frank Jenkins
Affidavit of Norma M. Perrenoud

F:\WP6\GM\NELSONN.LTR

RE: Being submitted on behalf of Water Right Claim Nos. 22-11384 and 22-11385

STATE OF IDAHO)
) ss AFFIDAVIT OF NYLIN BRENT NELSON
County of Madison)

NYLIN BRENT NELSON, having been duly sworn, states under oath as follows:

1. My name is Nylin Brent Nelson. I am the brother of Merla Nelson and Kwenden Nelson. I reside at 1986 East 2000 North, Rexburg, Idaho 83440.

2. Merla Nelson is my sister. Kwenden Nelson is my deceased brother. I am acting on their behalf. These water rights are actually now owned by a family trust, but the name has not changed on the claim.

3. I was born June 8, 1935, in Burton, Idaho. In 1937 my family moved on to the location where water rights **22-11384 and 22-11385** are diverted.

4. As far back as I can remember, I can remember the existence of the well identified as **22-11384**. My family moved on to the place in 1937. From the time I can remember first seeing it, when I was just four or five years old, I can remember that it appeared to be a very old well.

5. Since my earliest recollection, we used that water for domestic purposes. We also, originally pumped the water into buckets and used it to help irrigate our large family garden.

6. I have taken some photographs which show the location of the well identified in **22-11384**. Attached Exhibits "A", "B", "C", "D" and "E" are photographs of the well hole with wooden planks for casing. The well hole and casings were constructed prior to 1954. These pictures were taken by me on April 21, 2004.

7. Exhibit "F" is a photograph I took on the same day, of a hand pump that still exists on

our property. Originally, the well identified as 22-11384 had the exact type of pump located on it. However, in recent years, the hand pump was stolen. You will note from Exhibits "B" and "C", that an old electric pump is located in the bottom of the well.

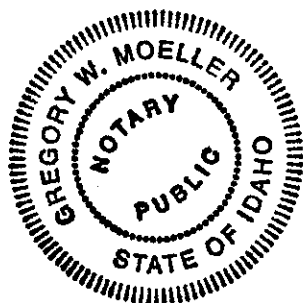
8. I have had difficulty in locating any documents, well drillers reports, etc., concerning this claim. This location is located in the area where the Teton Dam flood occurred in 1976. Our home filled with flood water and many records and documents were destroyed. This included well drilling logs and reports that I remember seeing.

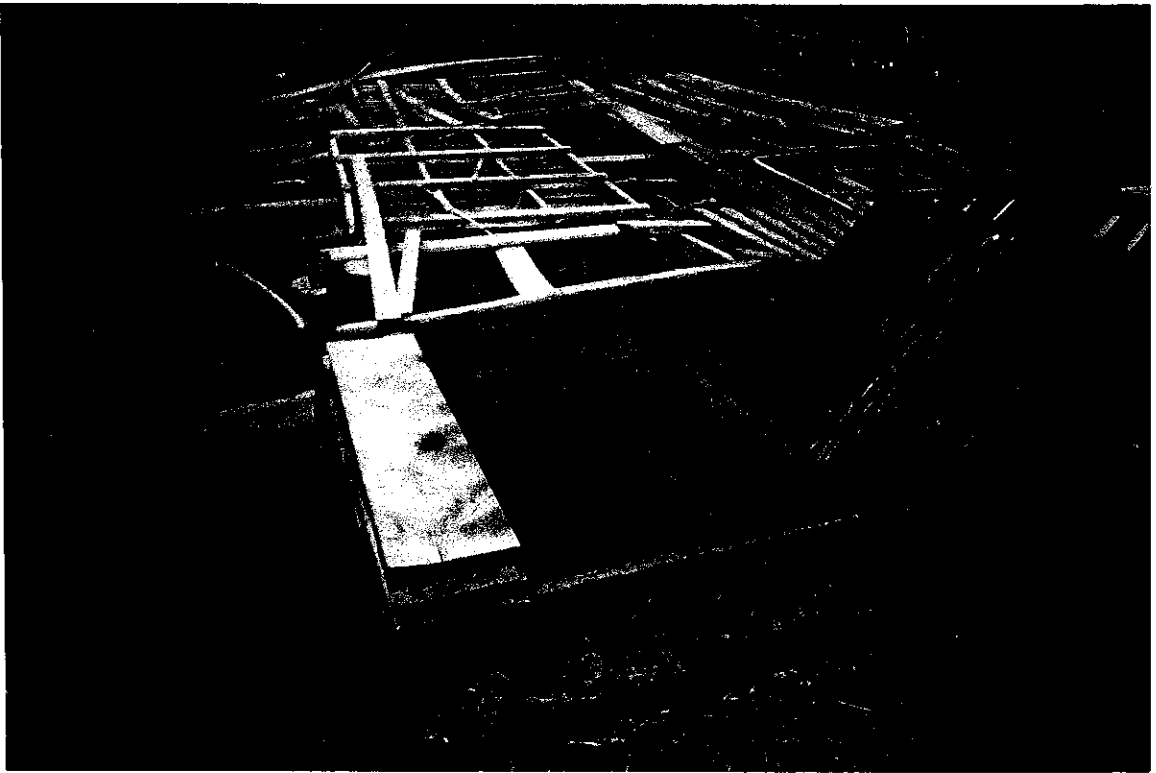
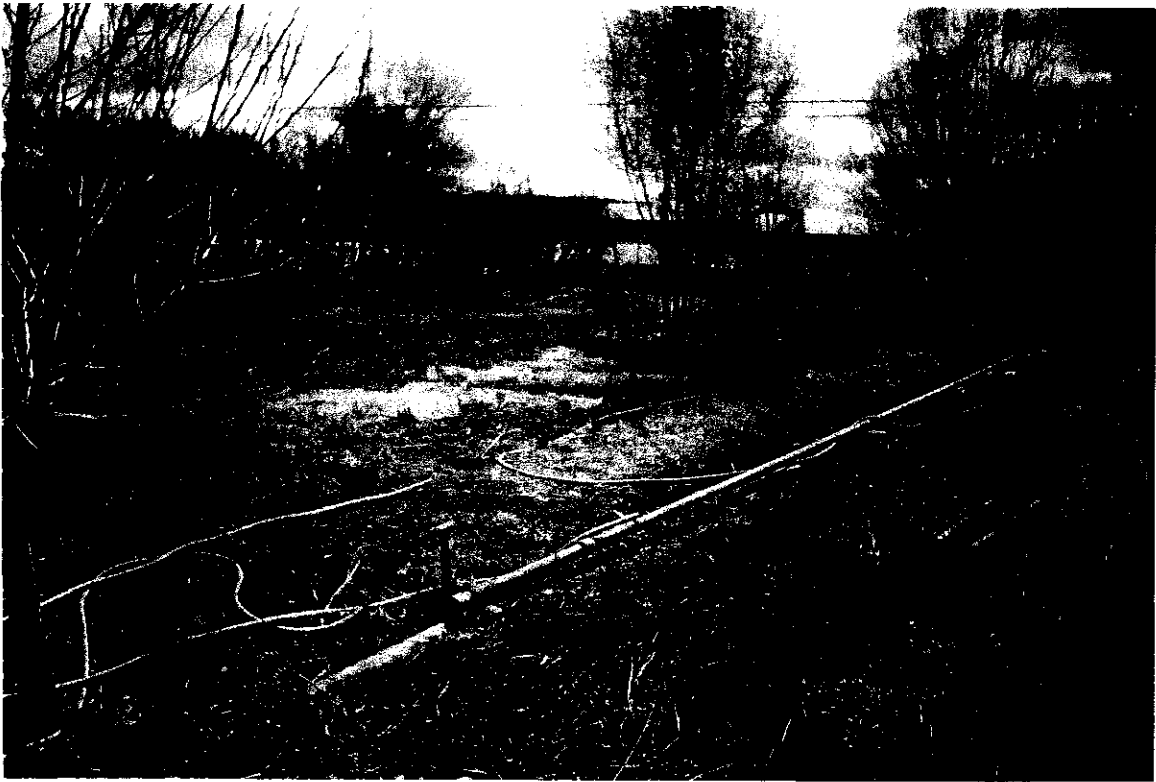
9. Concerning the 1888 right (22-11385), I have very specific recollections of discussing this matter with my father who is now deceased. He indicated that when he purchased the property he was told that the priority date was 1888. Again, I have no documentation that survived the flood that proved this. However, I do recall the 1888 well to have appeared very old and to have been in existence long before the date I first noticed it when I was a young child.

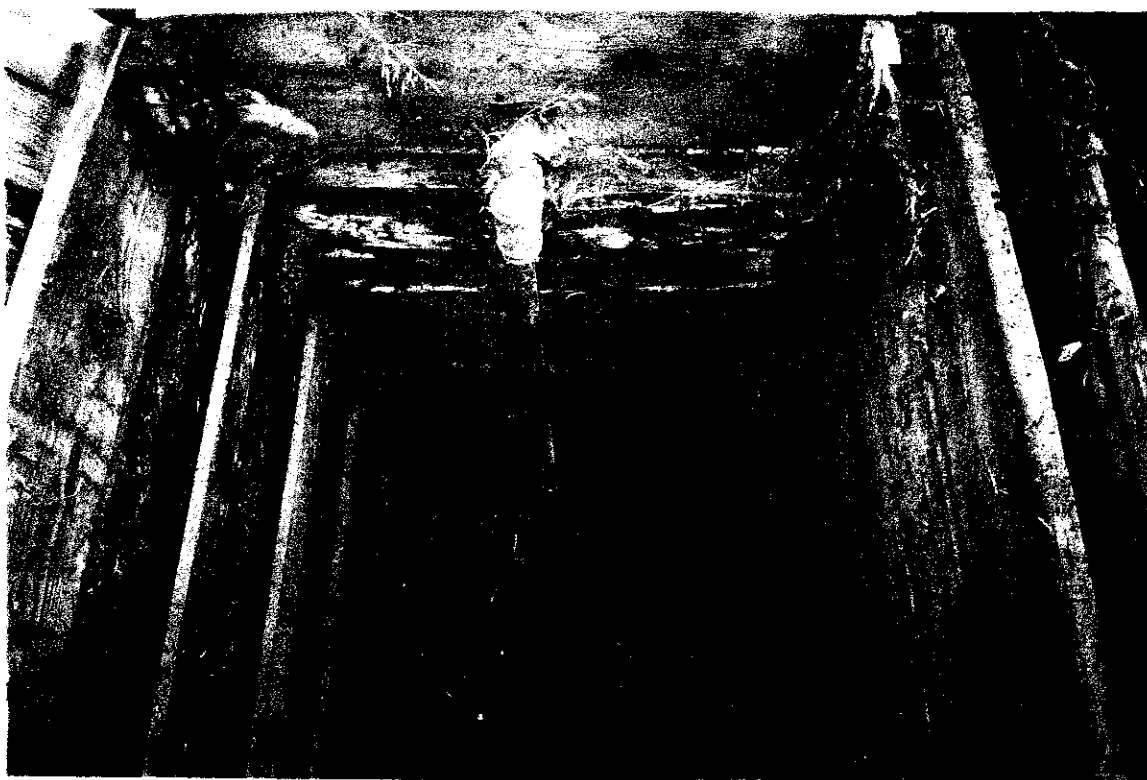
Nylin Brent Nelson
Nylin Brent Nelson

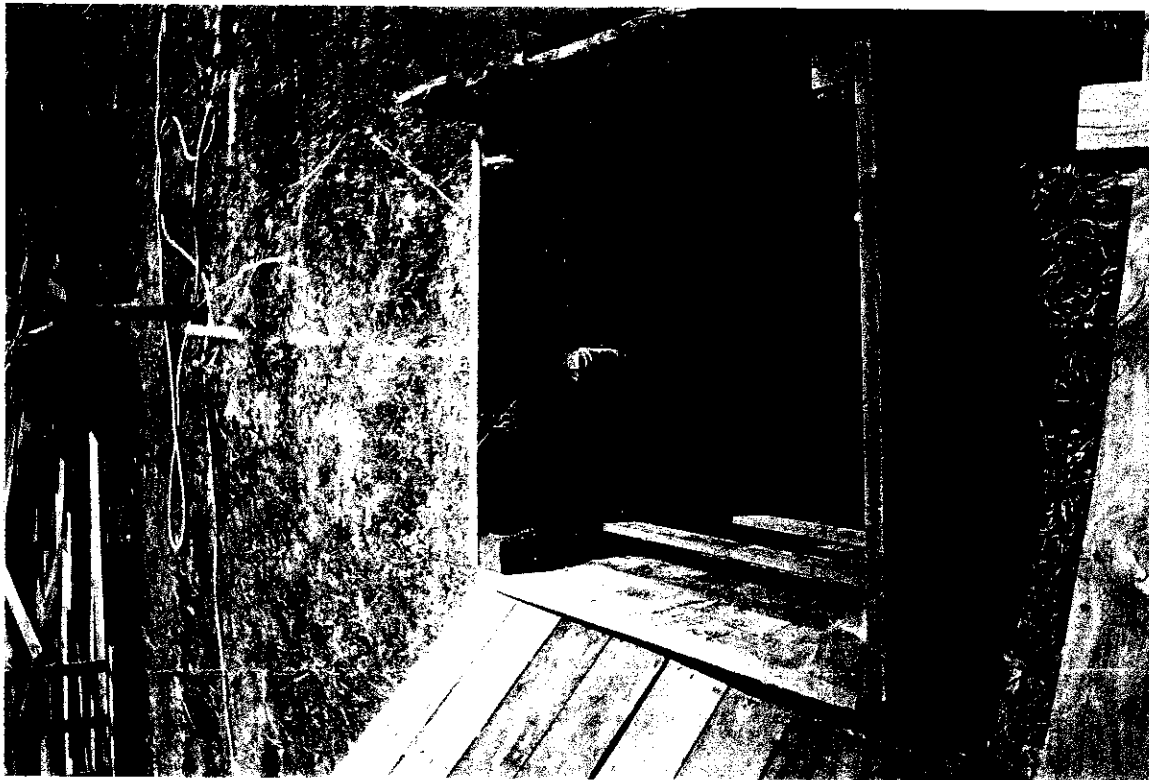
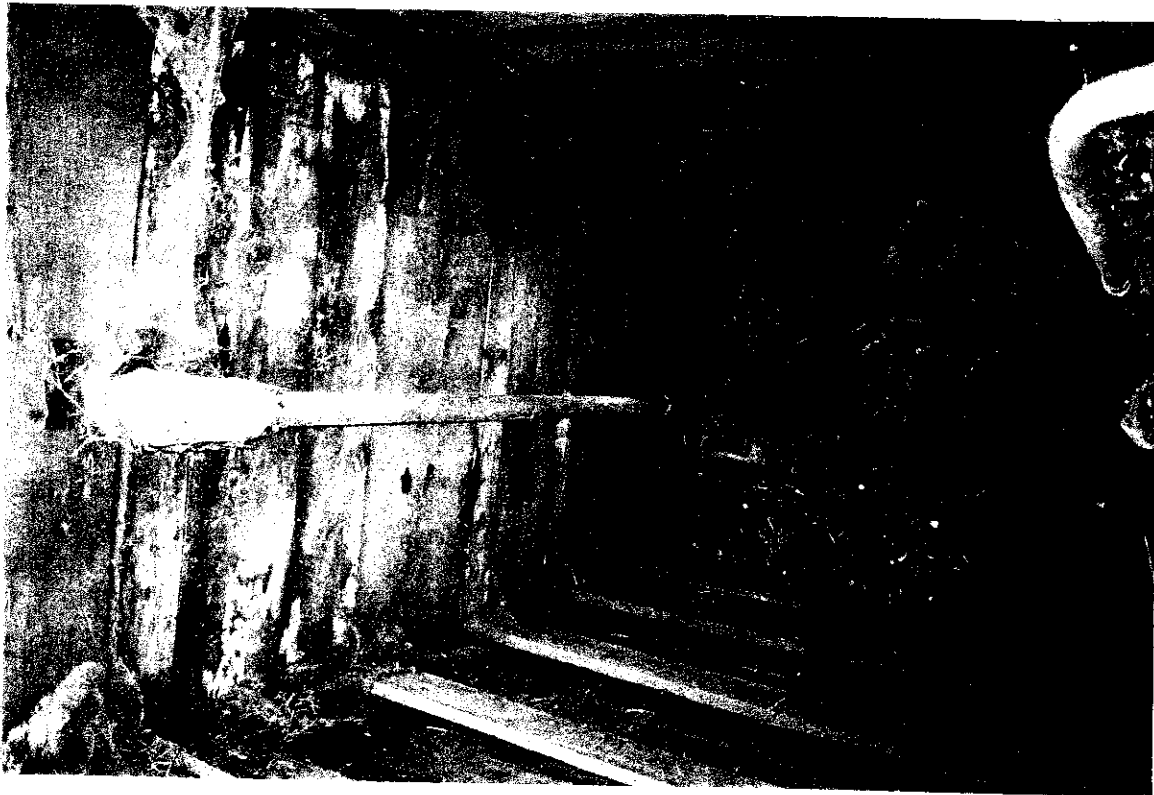
SUBSCRIBED and SWORN To before me this 26 day of July, 2004.

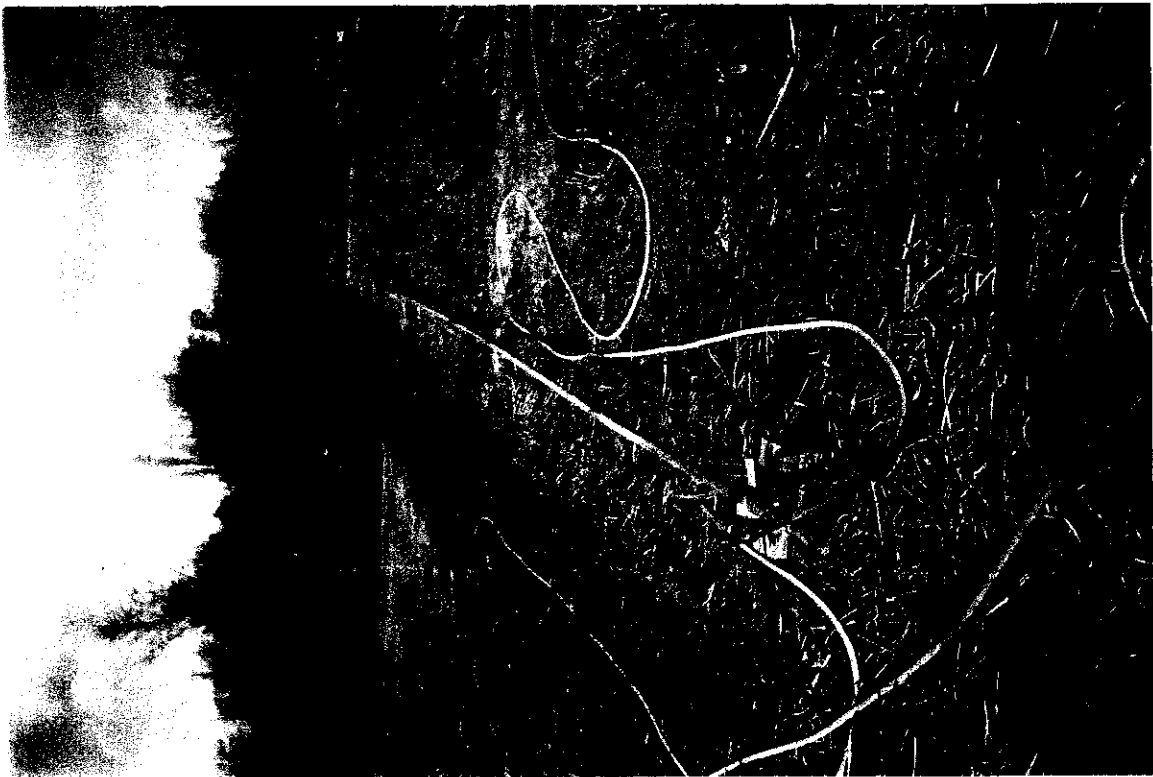
G. W. Moeller
Notary Public for Idaho
Residing at Rexburg, Idaho
Commission Expires:













RE: Being submitted on behalf of Water Right Claim Nos. 22-11384 and 22-11385

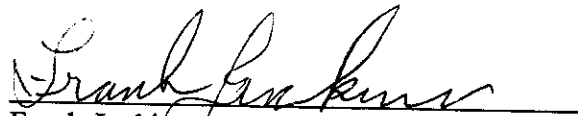
STATE OF IDAHO)
) ss AFFIDAVIT OF FRANK JENKINS
County of Madison)

FRANK JENKINS, having been duly sworn, states under oath as follows:

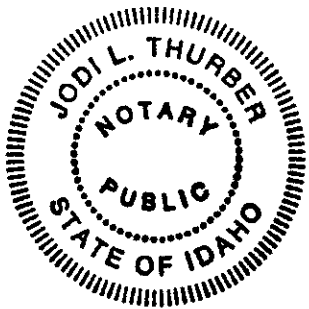
1. My name is Frank Jenkins. I reside at 256 West Fourth South, Rexburg, Idaho. I live approximately 300 feet from the Nelson property.

2. I can verify that there was a well on the property owned by Andrew Nelson, located at 211 West Third South, Rexburg, Idaho 83440.

3. I went to school with a son of Andrew (Dwain) and I lived just around the corner at 323 West Second South, Rexburg, Idaho at the time. My earliest recollection of the well dates back to approximately 1960. I continue to live near the property and have observed the Nelsons watering their large garden from the well.


Frank Jenkins

SUBSCRIBED and SWORN To before me this 14th day of ^{July}~~June~~, 2004.




Notary Public for Idaho
Residing at Rexburg, Idaho
Commission Expires: 6-26-06

RE: Being submitted on behalf of Water Right Claim Nos. 22-11384 and 22-11385

STATE OF IDAHO)
) ss AFFIDAVIT OF NORMA M. PERRENOUD
County of Madison)

NORMA M. PERRENOUD, having been duly sworn, states under oath as follows:

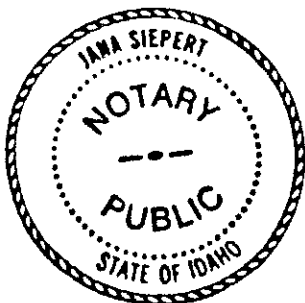
1. My name is Norma M. Perrenoud. I live at 335 South Fourth West, Rexburg, Idaho.
My family home, where I lived from 1939 to 1956 was at 248 West Third South, Rexburg, Idaho.
This is just across the street from the property owned by the Nelson family.

2. One of the Nelson's daughters, Coral, was my best friend and we spent a lot of time
together when I was young. I recall that there was an old well with a pump at the back door of
the household for as long as I can remember. There was also a second well located on the west
side of the property by the Nelson's barn that was used primarily for watering animals and
irrigation of their very large gardens. I have specific recollections of both of these wells being
used as far back as I can remember.

3. I now live only a few blocks away from the Nelson home and still see them regularly
irrigating their large gardens.

Norma M. Perrenoud
Norma M. Perrenoud

SUBSCRIBED and SWORN To before me this 2nd day of June, 2004.



Jana Siepert
Notary Public for Idaho
Residing at Rexburg, Idaho
Commission Expires: 3-15-07