

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 63-31399  
Date Received: 1/24/1994  
Receipt No:  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s): LOLA M NIELSEN  
4520 E HOMEDALE  
CALDWELL ID USA 83605

Phone: (208)459-1988

LEROY O NIELSEN  
4520 E HOMEDALE  
CALDWELL ID USA 83605

Phone: (208)459-1988

2. Date of Priority: 07/28/1960

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 03N      | 03W   | 8       | SW NW                 | CANYON |      |

5. Description of diverting works:

222' 10" WELL, 20 HP ELECTRIC MOTOR.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 03/15 | 11/15 | 0.026  |            |

7. Total Quantity Appropriated is:  
0.026 C.F.S.

2-5-02  
Lola sold this parcel  
before selling to her son,  
63-31400. She said  
it is high ground  
not irrigated. I told  
her that she may  
want to have current  
owners change ownership  
so as not to receive  
further paperwork.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
| 03N      | 03W   | 8       | NW NW      |     | IRRIGATION    | 1.3   |
|          |       |         |            |     | Section Acres | 1.3   |
|          |       |         |            |     | Total Acres   | 1.3   |

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

This claim is the result of a split due to change in ownership for a portion of 63-3209. DB 2/1/2002

15. Basis of Claim: License

STATE OF IDAHO  
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

JAN 28 1999

WATER RESOURCES  
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are on the back of this page.  
Incomplete forms will be returned.

1. Water Right No(s):

A63-03209 ~~and A63-28224~~

Adjudication Claim No(s):

2. The following REQUIRED information must be submitted with this form:

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former  
Owner/Claimant

Leroy O. Nielsen + Lola M. Nielsen  
4520 E. Homedale Rd, Caldwell, Ida  
83605

4. New Owner/Claimant(s)

Wayne L. Nielsen

New Mailing Address

5203 S. Indiana Avenue

City, State and ZIP Code

Caldwell, Idaho 83605

New Telephone Number

(208) 454-0624

5. Date you acquired the property

1-27-99

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate 34

Number and type of stock None

Diversion rate in CFS 68 Number of homes None Other uses

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner  
or Claimant(s)

Wayne L. Nielsen

(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

# SPLIT TREE

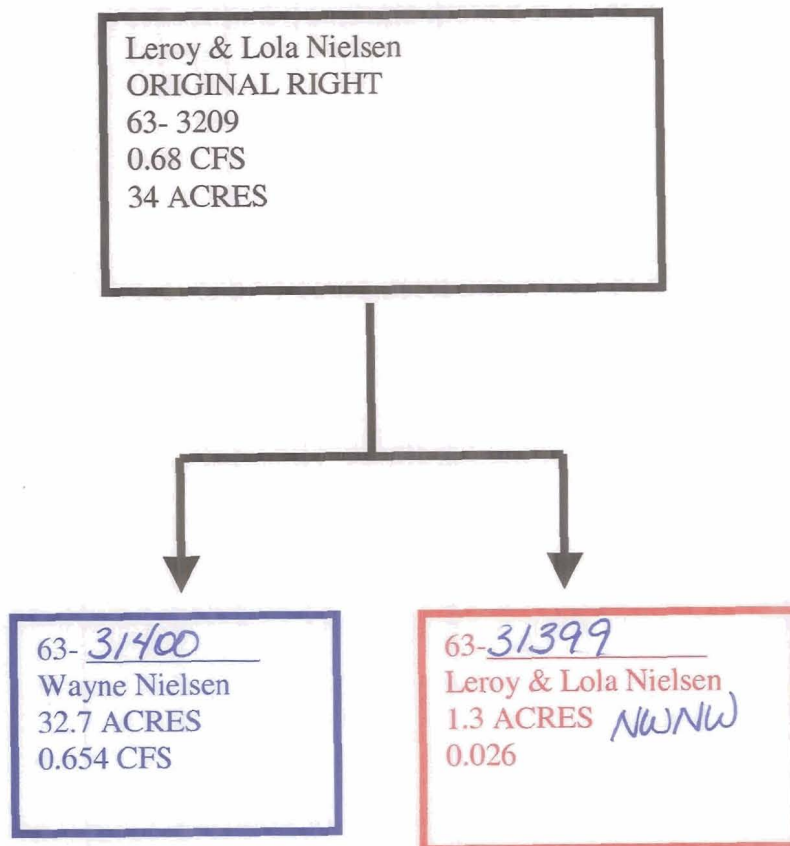
CLAIMS 63-3209

AGENT: Ron Howerton

Date: 1/29/02

|                  |              |            |           |              |
|------------------|--------------|------------|-----------|--------------|
| 63- <u>31400</u> | = 0.02 CFS @ | 32.7 ACRES | 0.654 CFS | <i>Wayne</i> |
| 63- <u>31399</u> | = 0.02 CFS @ | 1.3 ACRES  | 0.026 CFS |              |

TOTALS = 34 ACRES @ 0.68 CFS





# Warranty Deed

For Value Received

Lola M. Nielsen, A Widow

the grantor , does hereby grant, bargain, sell and convey unto

Wayne L. Nielsen, A Single Man

whose current address is 5203 South Indiana Ave Caldwell, Idaho 83605

the grantee , the following described premises, in Canyon County Idaho, to wit:

As Per Attached  
Exhibit "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee , his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee , that she is the owner in fee simple of said premises; that they are free from all incumbrances

and that she will warrant and defend the same from all lawful claims whatsoever.

Dated: January 27, 1999

Lola M Nielsen

STATE OF IDAHO, COUNTY OF Canyon  
On this 27th day of January, 1999,  
before me, a notary public in and for said State, personally appeared

Lola M. Nielsen

known to me to be the person whose name  
subscribed to the within instrument, and acknowledged to me that  
she executed the same

Residing at Caldwell  
Comm. Expires 11/12/2004

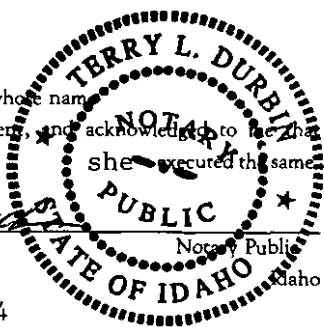


EXHIBIT "A"

All that part of the Northwest Quarter of the Northwest Quarter and all that part of the North Half of the Southwest Quarter of the Northwest Quarter lying Southwest of the center line of the right of way of Burris Lateral in Section 8, Township 3 North, Range 3 West of the Boise Meridian, Canyon County, Idaho.

EXCEPTING THEREFROM:

A part of the Northwest Quarter of the Northwest Quarter in Section 8, Township 3 North, Range 3 West of the Boise Meridian, Canyon county, Idaho, more particularly described as follows:

BEGINNING at the Northwest corner of said Section 8 and run thence  
South along the section line 400 feet; thence  
East on a line parallel with the North boundary line of said Section 8 to a point in the center line of the right of way of Burris Lateral; thence  
Northwesterly along the center line of said right of way to a point in the North boundary line of said Section 8; thence  
West to the POINT OF BEGINNING.

9903207

RECORDED

39 JAN 27 AM 10 16

C. NOEL HALE

CANYON COUNTY RECORDER

BY

*[Signature]*

REQUEST

*Wayne Nelson*

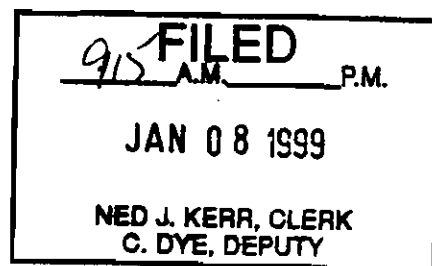
TYPE

*Good*

FEE

*12.00*

DAVID L. WHITNEY  
ALEXANDERSON, DAVIS, RAINEY & WHITNEY  
Attorneys at Law  
110 North Ninth Avenue  
Post Office Box. 26  
Caldwell, Idaho 83606-0026  
Telephone (208) 459-3659  
Facsimile (208) 459-6147



Attorney for Lola M. Nielsen

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

|                                |   |                     |
|--------------------------------|---|---------------------|
| In The Matter Of The Estate Of | ) | Case No. SP98-2033  |
|                                | ) |                     |
| LEROY O. NIELSEN,              | ) | DECREE ESTABLISHING |
|                                | ) | TITLE TO COMMUNITY  |
| Deceased.                      | ) | PROPERTY            |
|                                | ) |                     |

This matter came duly and regularly on for hearing on this 8th day of January, 1999, the time heretofore appointed by order of this Court for the hearing on the Petition of Lola M. Nielsen filed herein, praying for a Decree of this Court establishing the title to the community property of said decedent, the said petitioner appearing by her attorney, David L. Whitney of Alexanderson, Davis, Rainey & Whitney;

And it appearing to the satisfaction of the Court, from the records and files in the proceeding and the evidence submitted, that due and legal notice of said hearing has been given according to law and the order of this Court heretofore made in the premises, the Court proceeded to the hearing of said Petition, and being now fully advised in the premises, the Court finds as follows, to wit:

That no person has appeared to object to or to contest the said Petition; that all community property of which the said decedent died seized or possessed has been inventoried and appraised;

And the Court further finds the following facts, to wit: That the said decedent died at Caldwell, Idaho, on October 25<sup>th</sup>, 1998;

COPY

that at the time of his death decedent was a resident of Canyon County, Idaho; that the said decedent died intestate, that is to say, without leaving a Last Will and Testament; that no administration has ever been had of his estate; that the said petitioner, Lola M. Nielsen, and the said decedent intermarried on March 10<sup>th</sup>, 1949, at Winnemucca, Nevada, and ever since were husband and wife, living together as such at the time of decedent's death; that during their coverture, they acquired, in the State of Idaho, through their joint work and labor, the property described in said Petition and hereinafter described; that the said property was the community property of said marital community at the time of the death of the said decedent, and that the said decedent died seized of his community one-half interest in and to the said property, and in and to any other community property not now known or that may hereafter be discovered; that by virtue of the law in such cases made and provided, all of decedent's right, title and interest in and to the said community property, and in and to any other community property not now known or that may hereafter be discovered, passed by operation of law to, and vested in the surviving spouse, the said Lola M. Nielsen;

IT IS HEREBY ORDERED, ADJUDGED and DECREED That the said Leroy O. Nielsen is dead; that he died on the 25<sup>th</sup> day of October, 1998, at Caldwell, Idaho; that at the time of his death he was a resident of Canyon County, Idaho, and was and had been the husband of Lola M. Nielsen since March 10<sup>th</sup>, 1949; that the said Lola M. Nielsen survived decedent; that said decedent died seized and possessed of his community one-half right, title and interest in and to the community property described in Exhibit "A" attached hereto and made a part hereof; that the said property was acquired by and through the joint work and labor of the decedent and his surviving spouse, in the State of Idaho, and that the same was community property;

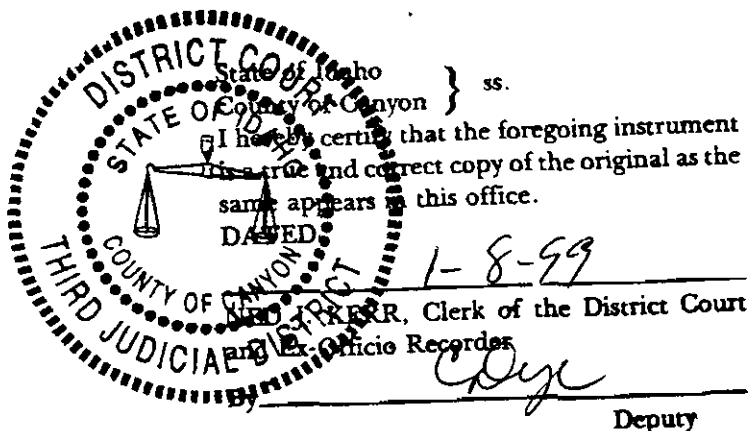
IT IS FURTHER ORDERED, ADJUDGED and DECREED That by virtue of the law in the premises, all of the community right, title and interest of the said decedent in and to said community property,

and in and to any other community property of said marital community not herein described or inventoried and appraised, that is not now known or that may hereafter be discovered, of which the said decedent died seized, or in which the said decedent had an interest, passed by operation of law, immediately upon the death of the said decedent, and vested in, his surviving spouse, Lola M. Nielsen, residing at 4520 East Homedale Road, Caldwell, Idaho 83605; and the same and all thereof is hereby distributed and assigned to her, and adjudged and decreed to be the property of the said Lola M. Nielsen, subject to the provisions of Section 15-3-1205 of the Idaho Code.

IT IS FURTHER ORDERED That this Decree shall be deemed, for purposes of title, a conveyance to Lola M. Nielsen of all right, title and interest of said decedent existing in and to said property.

DATED This 8 day of January, 1999.

\_\_\_\_\_  
ROBERT M. TAISEY  
Magistrate



## EXHIBIT "A"

### REAL PROPERTY:

4520 East Homedale Road (home & apprx. 40 acres)  
Caldwell, Idaho 83605

All that part of the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  lying SW of the center line of the right of way of the Elijah Slough Drain Ditch, AND ALL that part of the S  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  lying W of the Isaiah Slough Drain Ditch, all being in S 12, T 3 N, R 3 W of the B.M., Canyon County, Idaho. EXCEPTING THEREFROM: Beginning at th NW corner of the NE  $\frac{1}{4}$  of S 12, T 3 N, R 3 W of the B.M., Canyon County, Idaho. Thence running E along the N boundary line of said S 12, 152 feet; thence running S 102 feet; thence running W 152 feet to the W boundary line of the NE  $\frac{1}{4}$  of said S 12, thence running N along the W boundary line of S 12, 102 feet to the point of beginning. \$ 243,100.00

Lot adjacent to home on  
East Homedale Road  
Caldwell, Idaho 83605

Beginning at the NW corner of the NE  $\frac{1}{4}$  of S 12, T 3 N, R 3 W, B.M., Canyon County, Idaho; thence running E along the N boundary line of said S 12, 152 feet; thence running S 102 feet; thence running W 152 feet to the W boundary line of the NE  $\frac{1}{4}$  of said S 12; thence running N along the W boundary line of S 12, 102 feet to the point of beginning. \$ 26,900.00

Apprx. 35 acres on Wagner Road  
Caldwell, Idaho

### PARCEL II:

All that part of the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  and all that part of the N  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  lying SW of the center line of the right of way of Burris Lateral in S 8,

T 3 N, R 3 W of the B.M., Canyon County, Idaho. EXCEPTING THEREFROM: A part of the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  in S 8, T 3 N, R 3 W of the B.M., Canyon County, Idaho, more

particularly described as follows: BEGINNING at the NW corner of said S 8 and run thence S along the section line 400 feet; thence E on a line parallel with the N boundary line of said S 8 to a point in the center line of the right of way of Burris lateral; thence Northwesterly along the center line of said right of way to a point in the N boundary line of said S 8; thence W to the POINT OF BEGINNING.

**PARCEL III:**

A part of the NW ¼ of the NW ¼ in S 8, T 3 N, R 3 W of the B.M., Canyon County, Idaho, more particularly described as follows: BEGINNING at the NW corner of said S 8 and run thence S along the section line 400 feet; thence E on a line parallel with the N boundary line of said S 8 to a point in the center line of the right of way of Burris Lateral; thence Northwesterly along the center line of said right of way to a point in the N boundary line of said S 8; thence W to the POINT OF BEGINNING.

\$ 120,900.00

**PERSONAL PROPERTY:**

Household goods and furnishings

\$ 30,000.00

Farm machinery, tools & equipment

\$ 38,114.00

**Vehicles:**

1996 Buick LeSabre

VIN 1G4HP52K7TH413223

\$ 12,250.00

1986 Nissan Pickup Truck

VIN JN6ND11SXGW0053

\$ 2,000.00

9901163

RECORDED

99 JUN 12 PM 1 08

G NOEL HALES

CANYON CNTY RECORDER

BY

*[Signature]*

REQUEST

*[Signature]*

TYPE *misc* FEE *18.00*

N W 1/4 Sec. 8, T3N, R3W

*Home Date*

RAL

i)



*Wagner*

6 5  
7 8

3150

T1

*400*

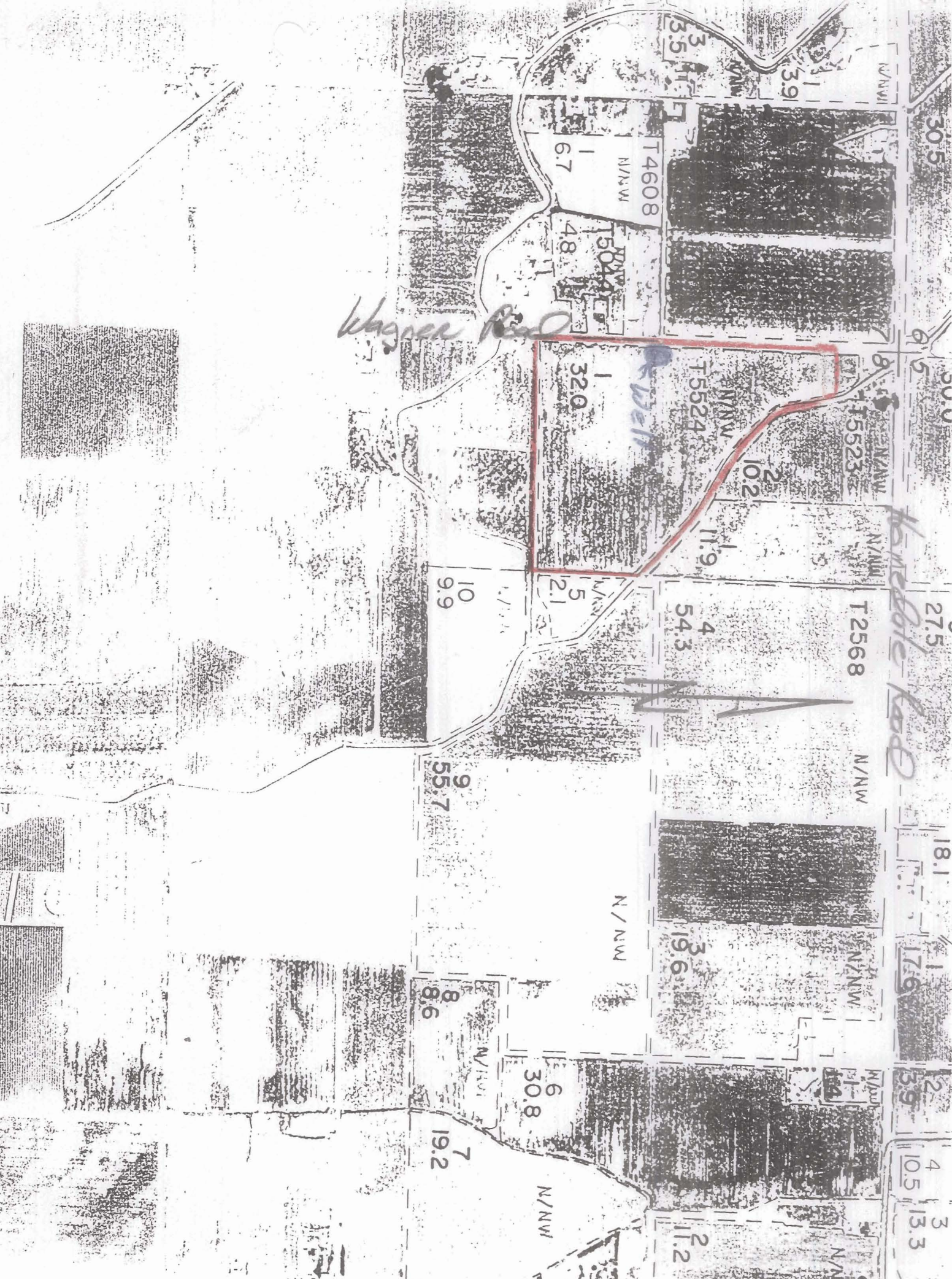
3000

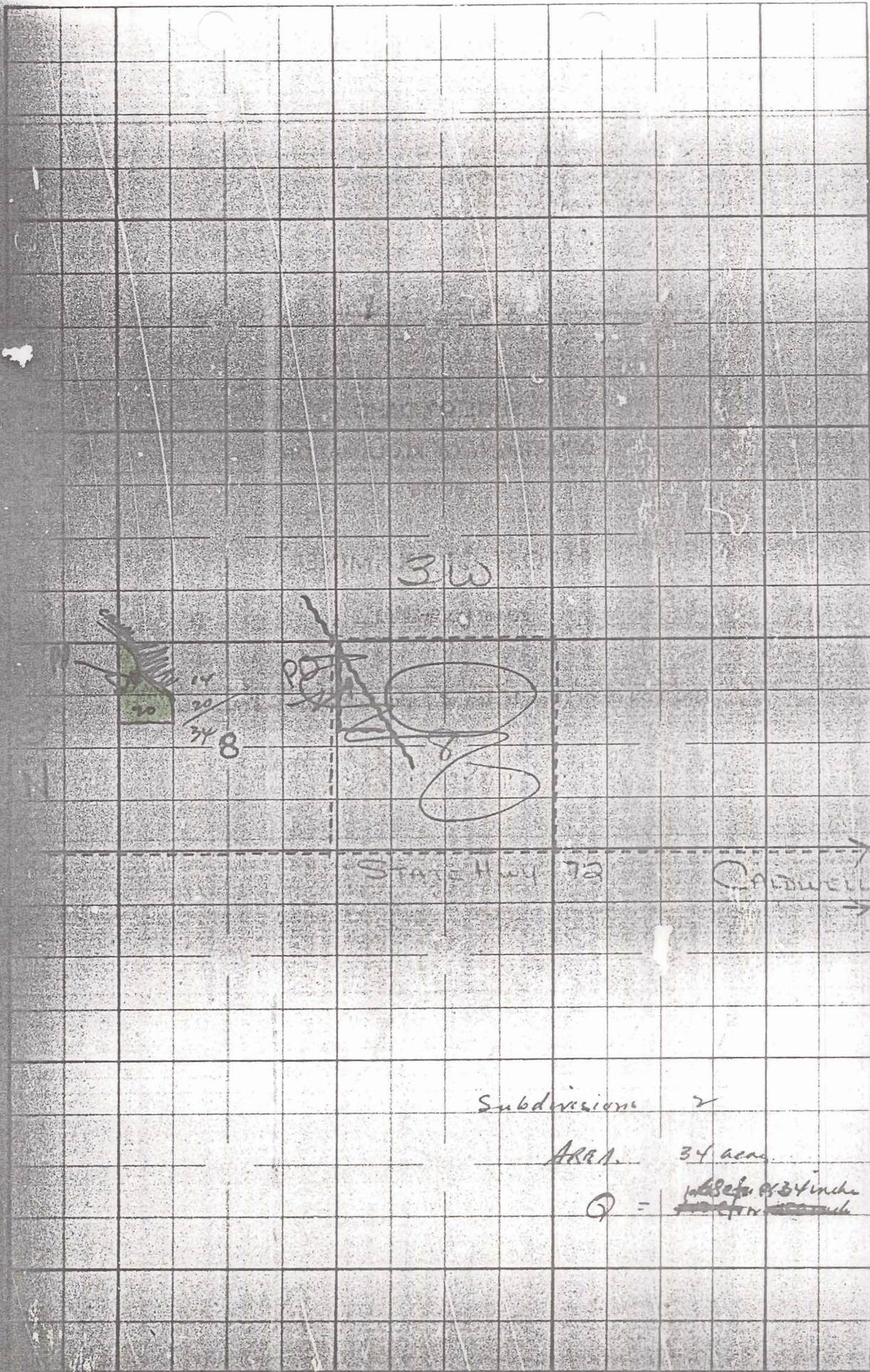
*Burns  
Lateral*

2

*Wagon Road*

*Handmade Road*





3W

34  
8

State Hwy 73

Caldwell

Subdivisions 2

AREA 34 acres

Q = 108 sq. ft. 34 inches



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: A63-03209

Date Received: 1/24/1994

Receipt No: W017119

Received By: EW

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: LEROY O NIELSEN 208-459-1988  
Address: 4520 E HOMEDALE  
CALDWELL ID 83605

OR

Name: LOLA M NIELSEN 208-459-1988  
Address: 4520 E HOMEDALE  
CALDWELL ID 83605

2. Date of Priority: JUL 28, 1960

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 03N      | 03W   | 8       | SW     | NW     |        |     | CANYON |

5. Description of diverting works:  
222' 10" WELL, 20 HP ELECTRIC MOTOR.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 0.680 |      |        |

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

8. Total consumptive use is 119.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 03N      | 03W   | 8       | NW     | NW     |     | IRR | 14.0  |

10. Place of Use: Continued

| Township      | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|---------------|-------|---------|--------|-----|-----|-----|-------|
| 03N           | 03W   | 8       | SW     | NW  |     | IRR | 20.0  |
| Section Acres |       |         |        |     |     |     | 34.0  |
| Total Acres   |       |         |        |     |     |     | 34.0  |

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:  
NONE

14. Remarks:

15. Basis of Claim: LICENSE

Water Right Number: 28863

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: 1

**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): Leroy O. Nielsen Date: 1-24-94  
Lola M. Nielsen Date: 01-24-94

State of Idaho )  
County of Ada ) SS.

Subscribed and sworn (or affirmed) before me this 24<sup>th</sup> day

of January 19 94

Seal

Kathleen A. Walker  
Notary Public

Residing at Eagle, Idaho

My Commission Expires 2-14-1999

08/22/2006

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

RIGHT NUMBER: 63-31399

NAME AND ADDRESS: LOLA M NIELSEN  
4520 E HOMEDALE RD  
CALDWELL ID 83605

LEROY O NIELSEN  
4520 E HOMEDALE RD  
CALDWELL ID 83605

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.026 CFS  
5.850 AFY

PRIORITY DATE: 07/28/1960

POINT OF DIVERSION:

T03N R03W S8 SWNW Within CANYON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>       |
|-----------------------|----------------------|-----------------------|
| IRRIGATION            | 03/01 11/15          | 0.026 CFS<br>5.85 AFY |

PLACE OF USE: IRRIGATION Within CANYON County

T03N R03W S08 NWNW 1.30

1.3 ACRES TOTAL

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: BASIS OF CLAIM - License

This right is a split from former right 63-3209.



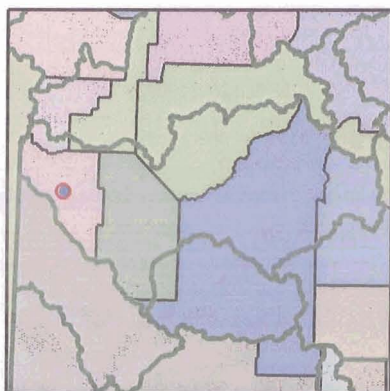
# Idaho Department of Water Resources

SRBA Recommendation:

**63-31399**

## Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Canyon County  
IDWR Basin 63



0 0.1 0.2 Miles

Prepared by S. Egbert  
On Wednesday, August 23, 2006  
1987/88 Aerial Photography

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 63-31399 V1

WATER RIGHT NUMBER: 63-31399 V1

| <u>Owner Type</u> | <u>Name and Address</u>                                                      |
|-------------------|------------------------------------------------------------------------------|
| Original Owner    | W K ADAMS<br>1307 S 11TH AVE<br>CALDWELL, ID 83605                           |
| Current Owner     | LOLA M NIELSEN<br>4520 E HOMEDALE RD<br>CALDWELL, ID 83605<br>(208)459-1988  |
| Current Owner     | LEROY O NIELSEN<br>4520 E HOMEDALE RD<br>CALDWELL, ID 83605<br>(208)459-1988 |

Priority Date: 07/28/1960

Basis: License

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| GROUND WATER  |                  |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 03/01 to 11/15          | 0.026 CFS             | 5.85 AF              |
|                       | <u>Total Diversion:</u> | 0.026 CFS             | 5.85 AF              |

Location of Point(s) of Diversion

|               |            |                                    |
|---------------|------------|------------------------------------|
| GROUND WATER  | SW1/4NW1/4 | Sec. 8,   Twp 03N,   Rge 03W, B.M. |
| CANYON County |            |                                    |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE |    |    |    | NW |     |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|-----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW  | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 03N | 03W | 8   |    |    |    |    |    | 1.3 |    |    |    |    |    |    |    |    |    |    | 1.3    |

Total Acres: 1.3

Conditions of Approval:

1. P21 This right is a split from former right 63-3209.
2. C18 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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommendation Report 63-31399 V1

Comments:Dates and Other Information:

Decreed Date:  
 Enlargement Use Priority Date:  
 Enlargement Statute Priority Date:  
 Defendant:  
 Plaintiff:  
 Civil Case Number:  
 Judicial District:  
 Notice of Error Flag:  
 State or Federal: S  
 Owner Name Connector: OR  
 Water District Number:  
 Generic Max Rate Per Acre:  
 Generic Max Volume Per Acre:  
 Swan Falls Trust or Nontrust:  
 Swan Falls Dismissed:  
 DLE Act Number:  
 Carey Act Number:  
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
| Summary        |                           |                 | 05/02/2006                | scurtis         | Active        |
| Priority Date  | 8/22/2006 2:29:55 PM      | segbert         |                           |                 | Active        |
| POD            | 8/22/2006 2:30:14 PM      | segbert         |                           |                 | Active        |
| Source         | 8/22/2006 2:31:02 PM      | segbert         |                           |                 | Active        |
| POU            | 8/22/2006 2:31:13 PM      | segbert         |                           |                 | Active        |
| Use            | 8/22/2006 2:32:32 PM      | segbert         |                           |                 | Active        |
| Season         | 8/22/2006 2:32:51 PM      | segbert         |                           |                 | Active        |
| Quantity       | 8/22/2006 2:33:37 PM      | segbert         |                           |                 | Active        |
| Summary        |                           |                 | 08/22/2006                | segbert         | Active        |

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u> |
|----------------|------------------------|-----------------|-----------------|
| POD            | 8/22/2006 2:30:58 PM   | segbert         | Updated shape   |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 63-31399 V1

|         |                      |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|---------|----------------------|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Summary | 8/22/2006 2:36:37 PM | segbert | <p>(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?</p> <p>(No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?</p> <p>(No) 5. Does this right have any combined use limits with other rights?</p> <p>(Yes) 6. Is an additional remark and/or condition required?</p> <p>(Yes) 7. Would you like to view the recommended right?</p> <p>(Yes) 8. Is this a split or combined right?</p> <p>(No) 9. Do you have documents you would like to attach or link to the file?</p> <p>(Yes) 10. Would you like to set the verification date?</p> |
| POU     | 8/22/2006 2:32:05 PM | segbert | Updated shape for Active POU                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| General | 8/22/2006 2:30:21 PM | segbert | <p>(No) 1. Should this water use have been included in a later court decree of the water rights from this source?</p> <p>(Yes) 4. Is the basis of claim decree or license?</p> <p>(Yes) 5. Does the decree or license have a Priority Date?</p> <p>(Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ?</p> <p>(Yes) 15. Is the basis of claim coded correctly?</p> <p>(No) 16. Is a Priority Date remark and/or condition required?</p>                                                                                                                                                                                                                            |
| POD     | 8/22/2006 2:30:40 PM | segbert | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a POD?</p> <p>(Yes) 5. Can the claimed POD be verified using the water right file?</p> <p>(No) 10. Is a POD remark and/or condition required?</p>                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Source  | 8/22/2006 2:31:28 PM | segbert | <p>(Yes) 1. Is the basis of claim Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a source?</p> <p>(Yes) 5. Can the claimed source be verified using the water right file?</p> <p>(No) 11. Is a Source remark and/or condition required?</p>                                                                                                                                                                                                                                                                                                                                                                                                                        |
| POU     | 8/22/2006 2:31:39 PM | segbert | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 2a. Is the POU required?</p> <p>(Yes) 5. Does the Decree or License have a POU?</p> <p>(Yes) 6. Can the claimed POU be verified using the water right file?</p> <p>(Yes) 14. Is a POU remark and/or condition required?</p>                                                                                                                                                                                                                                                                                                                                                                                   |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 63-31399 V1

|          |                      |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|----------|----------------------|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Use      | 8/22/2006 2:32:58 PM | segbert | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a Purpose of Use?</p> <p>(Yes) 5. Can the claimed Purpose of Use be verified using the water right file?</p> <p>(No) 13. Is a Purpose of Use remark and/or condition required?</p>                                                                                                                                                                                                                                                                                                                                                                          |
| Season   | 8/22/2006 2:33:18 PM | segbert | <p>(Yes) 1. Is the basis of claim Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a Period of Use?</p> <p>(Yes) 5. Can the claimed Period of Use be verified using the water right file?</p> <p>(Yes) 14. Is irrigation claimed as a Purpose of Use?</p> <p>(Yes) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards?</p> <p>(No) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use?</p> <p>(Yes) 18. Is a Period of Use remark and/or condition required?</p> |
| Quantity | 8/22/2006 2:34:03 PM | segbert | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a diversion rate and/or volume?</p> <p>(Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file?</p> <p>(No) 8. Does the parent right have an annual diversion volume limit?</p> <p>(Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit?</p> <p>(Yes) 10. Is a irrigation a purpose of use?</p> <p>(No) 12. Is a Quantity remark or condition required?</p>                                                                                                                 |
| Summary  | 5/2/2006 7:17:41 AM  | scurtis | <p>(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?</p> <p>(No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?</p>                                                                                                                                                                                                                                                                                                                                                                                                      |

Water Supply Bank:

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31399

WATER RIGHT NUMBER: 63-31399

| <u>Owner Type</u> | <u>Name and Address</u>                                                      |
|-------------------|------------------------------------------------------------------------------|
| Original Owner    | W K ADAMS<br>1307 S 11TH AVE<br>CALDWELL, ID 83605                           |
| Current Owner     | LOLA M NIELSEN<br>4520 E HOMEDALE RD<br>CALDWELL, ID 83605<br>(208)459-1988  |
| Current Owner     | LEROY O NIELSEN<br>4520 E HOMEDALE RD<br>CALDWELL, ID 83605<br>(208)459-1988 |

Priority Date: 07/28/1960 ✓

Basis: License ✓

Status: Active ✓

| <u>Source</u>  | <u>Tributary</u> |
|----------------|------------------|
| GROUND WATER ✓ |                  |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>            | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|----------------------------------|-----------------------|----------------------|
| IRRIGATION ✓          | <del>03/15</del> to 11/15<br>3-1 | 0.026 CFS ✓           | 5.85                 |
|                       | <u>Total Diversion:</u>          | 0.026 CFS ✓           | 4.5 x acres          |

Location of Point(s) of Diversion

|               |                 |         |          |               |
|---------------|-----------------|---------|----------|---------------|
| GROUND WATER  | SW 1/4 NW 1/4 ✓ | Sec. 8, | Twp 03N, | Rge 03W, B.M. |
| CANYON County |                 |         |          |               |

Place of Use

| <u>Place of Use</u> |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|---------------------|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| IRRIGATION          |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
| Twp                 | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |        |
|                     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 03N                 | 03W | 8   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 1.3    |
|                     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 1.3    |
| Total Acres: 1.3    |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Conditions of Approval:

1. This claim is the result of a split due to change in ownership for a portion of 63-3209. DB 2/1/2002

Dates and Other Information:

Claim Received Date: 1/24/1994

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

5/2/2006

# Idaho Dept. of Water Resources Place of Use Comparison Report

Page1

[illegible]

**Idaho Dept. of Water Resources  
Place of Use Comparison Report**

|       |          |                                         |                |         |    |    |    |    |    |    |    |    |    |    |    |    |    |   |    |    |     |
|-------|----------|-----------------------------------------|----------------|---------|----|----|----|----|----|----|----|----|----|----|----|----|----|---|----|----|-----|
| Rec   | 63 8453  | EVELYN A CRAIG,                         | GROUND WATER   | 03N03W8 |    |    |    |    |    |    |    |    |    |    |    |    |    |   | 34 | 38 | 72  |
| Right | 63 10591 | CAROLE A TAYLOR, LLOYD I TAYLOR,        | GROUND WATER   | 03N03W8 | 20 | 34 | 40 | 20 | 40 | 20 |    | 20 |    |    |    |    |    |   |    |    | 194 |
| Right | 63 26279 | M J MOORE,                              | GROUND WATER   | 03N03W8 |    |    |    |    |    |    |    |    |    |    |    |    | X  |   |    |    | 0   |
| Right | 63 2713  | CHARLES C WARD,                         | GROUND WATER   | 03N03W8 |    |    |    |    |    |    |    |    | 40 | 38 |    |    |    |   |    |    | 78  |
| Right | 63 27386 | LAWRENCE D HAMILTON, PAMELA S HAMILTON, | GROUND WATER   | 03N03W8 |    |    |    |    |    |    |    |    |    |    |    |    | X  |   |    |    | 0   |
| Right | 63 27591 | EVAN HICKS, BARBARA HICKS,              | GROUND WATER   | 03N03W8 |    |    |    |    |    |    |    |    |    |    |    | X  |    |   |    |    |     |
| Right | 63 2990  | O D MILLER,                             | GROUND WATER   | 03N03W8 |    |    |    |    |    |    |    |    |    |    | 40 | 40 |    |   |    |    | 80  |
| Right | 63 30122 | LLOYD I TAYLOR, CAROLE A TAYLOR,        | GROUND WATER   | 03N03W8 | X  |    |    |    |    |    |    |    |    |    |    |    |    |   |    |    | 0   |
| Right | 63 3209  | W K ADAMS,                              | GROUND WATER   | 03N03W8 |    |    |    |    |    |    | 14 | 20 |    |    |    |    |    |   |    |    | 34  |
| Right | 63 4840  | EVELYN A CRAIG,                         | GROUND WATER   | 03N03W8 |    |    |    |    |    |    |    |    |    |    |    |    |    | X |    |    | 0   |
| Right | 63 8453  | EVELYN A CRAIG, FRANKLIN C CRAIG,       | GROUND WATER   | 03N03W8 |    |    |    |    |    |    |    |    |    |    |    |    |    |   | 34 | 38 | 72  |
| Claim | 63 2647  | M J MOORE,                              | UNNAMED STREAM | 03N03W8 |    |    |    |    |    |    |    |    |    |    |    |    | 15 |   |    |    | 15  |
| Rec   | 63 2647  | M J MOORE,                              | UNNAMED STREAM | 03N03W8 |    |    |    |    |    |    |    |    |    |    |    |    | 15 |   |    |    | 15  |
| Right | 63 2647  | MARION J MOORE,                         | UNNAMED STREAM | 03N03W8 |    |    |    |    |    |    |    |    |    |    |    |    | 25 |   |    |    | 25  |

1.3

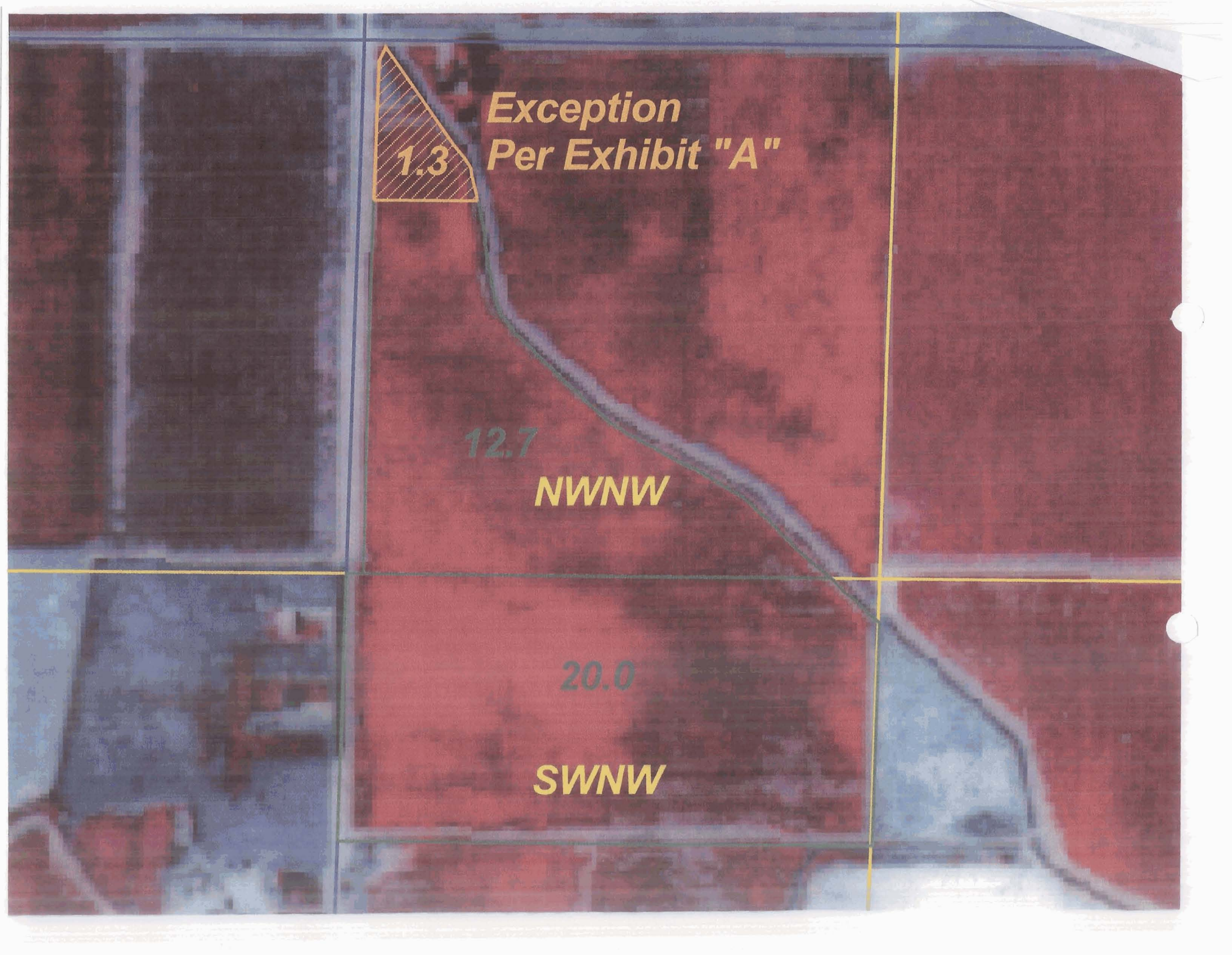
**Exception  
Per Exhibit "A"**

12.7

**NWNW**

20.0

**SWNW**



AJ0749NP  
No. A63-03209

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT  
(REGIONAL)

DATE: 01/27/99  
PAGE: 1

```
=====
OWNER      PRIORITY  USE PERIOD  DIVERSION  DIVERSION
CODE      NAME & ADDRESS  DATE        WATER USE  FROM TO    RATE      VOLUME
-----
C  LEROY O NIELSEN    07/28/1960  IRRIGATION  03-15 11-15  0.68 CFS
C  LOLA M NIELSEN
                                     TOTAL DIVERSION:  0.68 CFS
                                     CONSUMPTIVE USE:  119.00 AFA
=====
```

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T03N R03W S08 SWNW

CANYON County

Place of use Legal Description for: IRRIGATION

```

      NE      NW      SW      SE
  NENE  NWNE  SWNE  SENE  :  NENW  NWNW  SWNW  SENW  :  NESW  NWSW  SWSW  SESW  :  NESE  NWSE  SWSE  SESE  :
  T  R  S  :  Lt  Ac  Lt  Ac  Lt  Ac  Lt  Ac  :  Lt  Ac  Lt  Ac  Lt  Ac  Lt  Ac  :  Lt  Ac  Lt  Ac  Lt  Ac  Lt  Ac  :  SUM
-----
03N 03W 8  :  :  :  :  :  :  :  :  :  :  :  :  :  :  :  :  :  :  :  :  :  :  :  :  :  :  :  :  :
                                     TOTAL ACRES  34.0
                                     34.0
```

PQU County: CANYON

Other Rights: NONE

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:  
Presumption Flag:

State of Idaho

# License and Certificate of Water Right

Water License No. G-28863 Priority July 28, 1960 Amount 0.68 c.f.s.

THIS IS TO CERTIFY that W. K. ADAMS

of Caldwell, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated July 14, 1960; that Permit No. G-28863 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 0.68 second feet, was issued thereunder on October 14, 1966, showing that said works were completed on the 28th day of July, 1965; and that on the 28th day of July, 1965

W. K. ADAMS

of Caldwell, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of a well

a tributary of subterranean flow for the purpose of irrigation under Use Permit No. G-28863 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 13 of Licenses, at Page 8563, on the 14th day of October, 1966.

The right hereby confirmed dates from July 28, 1960.

The Point of Diversion is located

in the SW 1/4 NW 1/4, Sec. 8, Twp. 3 N, R. 3 W, B.M. Canyon County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.68 cubic feet per second.

Description and location of use:

| Twp.                                             | Range      | Section  | Forty-Acre Tract     | No. Acres Described in Permit | No. Acres Actually Irrigated |
|--------------------------------------------------|------------|----------|----------------------|-------------------------------|------------------------------|
| <u>5 N</u>                                       | <u>3 W</u> | <u>8</u> | <u>NW 1/4 NW 1/4</u> | <u>20</u>                     | <u>14</u>                    |
|                                                  |            |          | <u>SW 1/4 NW 1/4</u> | <u>14</u>                     | <u>20</u>                    |
| Total number of acres to be irrigated: <u>34</u> |            |          |                      |                               |                              |

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 14th day of October, 1966.

*R. Keith Higgins*  
State Reclamation Engineer.

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

Permit No. G-28864

This proof is for Completion of Works & Beneficial Use In Water District No. \_\_\_\_\_

1. Name of applicant W. K. Adams

2. Source of water supply: Subterranean

3. Location of point of diversion: Is in the SE 1/4 of Section 8

T. 1 N. R. 3 W. B. M. County of Canyon

4. Describe works as they exist, giving dimensions and capacities of same: 15 HP GEMIN

KES 1025 S. 100, Canyon & Boulder Pump - 004704, 6" x 6' discharge  
to existing open ditch

5. Water is used for: Irrigation

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):

34 acres in NW 1/4 Sec. 8., Twp. 1 N., Rgs. 3 W. B. 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: No one around.

Calley River 0-3 179 7-16 1900 11216

This examination was made on the 10th day of June, 1900

(Signed) Logan Examiner.

00000 17

\*\*\*\*\*

SHADY

SHADY

Well  
Location

214

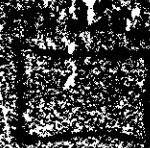
CANAL

SHADY

SHADY

SHADY

SHADY



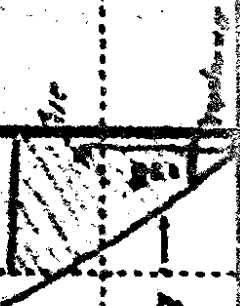
OF APPLICANT

W. X. Adams

Page

SEC. 8 T 3 N 13 E

Bureau of Land Management



Land to be located 1931 Adams

Adams 1 sec 10 21 E

Adams 1 sec 10 21 E

W 1/4 Sec 10 T 3 N 13 E

Adams 1 sec 10 21 E

Adams 1 sec 10 21 E

Geo. N. Carter  
Jul 15 1960



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

February 4, 2002

LEROY O NIELSEN  
LOLA M NIELSEN  
4520 E HOMEDALE  
CALDWELL ID 83605

Re: Original Notice of Claim to a Water Right No. 63-03209

Renumbered to Notice of Claim to a Water Right No. 63-31399

Dear Claimants:

We have received and processed a Change of Ownership for a portion of your original Claim to a Water Right Number as referenced above. This change of ownership resulted in a split of your original claim.

When a portion of the original water right claim has been conveyed to another and the original right has been split, then the original claim number is renumbered by issuing a new water right number to represent each split. Each split contains only the portion of the original right for each separate owner. The above referenced new water right number reflects your remaining portion of the original claim after the change of ownership. Enclosed is a copy of this new claim for your records. Please refer to your new claim number when corresponding with our office. Also enclosed is a copy of the original claim for your reference.

If you have any questions concerning this ownership change, or the enclosed claim copy, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington  
Office Specialist 1  
Adjudication Section  
Western Region Office

DB: db

Enclosure