

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 **41-10280**
Date Received: 2/5/2003
Receipt No: C052898
Received By:

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

1. Name of Claimant(s)

HOWARD J NELSON

Phone:

PO BOX 333
ROCKLAND ID USA 83271

2. Date of Priority: 05/01/1886

3. Source: EAST FORK ROCK CREEK

Trib. to: ROCK CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
10S	31E	6	SW SW SE	POWER	

5. Description of diverting works:

HEADGATE AND DITCHES AND PIPELINE TO PROPERTY.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.02	

7. Total Quantity Appropriated is:
0.02 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
10S	31E	6	SW SW	IRRIGATION	1
Section Acres					1

Total Acres 1

11. Place of use in counties: POWER

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Decreed

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

Renumber: 41-10280

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 41-2 39576

Ident. Number

Date Received 3-26-01

Receipt Number C052898

RECEIVED

MAR 26 2001

Department of Water Resources

NOTICE OF CLAIM
TO A

WATER RIGHT

ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Howard J. Nelson Phone () NONE
Mailing Address P.O. Box 333 Rockland Idaho Zip 83271

2. Date of Priority (Only one (1) per claim) May 1, 1886 (41-0002)

3. Source of water supply (a) East Fork of Rock Creek
which is tributary to (b) Rock Creek

4. a. Location of existing point of diversion is: Township 10 S Range 31 E Section 6,
SW 1/4 of SW 1/4 of SE 1/4, Govt. Lot, E B.M., County of Power

Additional points of diversion if any: NONE

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. Headgate Ditches & Pipeline to
property

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from April 1 to Nov 1 amount .02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .02 (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	
10S	31E	6											1						1

Total number of acres irrigated 1

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

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.
NONE or None (X)

14. Remarks:

Last Name Nelson Ident No. 41-0002

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

Hand-drawn diagram on graph paper showing a coordinate system. The diagram includes the following elements:

- A vertical line with an arrow pointing downwards, labeled "6" and "5" on its right side.
- The letters "R", "3", "1", and "E" are written in a row at the top.
- The text "place of use" is written on the left, with an arrow pointing to a point on the vertical line.
- The text "POD" is written on the right, with an arrow pointing to a point on the vertical line.
- On the far left, there are three handwritten symbols: a stylized "A", a circle, and a cross-like shape.

Last Name

Nelson

Ident No.

41-0002

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 41-002
Court 5th Judicial District Case Number _____ Decree Date June 6 - 1903
Plaintiff vs Defendant H.P. Houtz - et al Arbitration of Claims of Water in Rock Creek

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) Howard J Nelson Date 12-6-2000

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

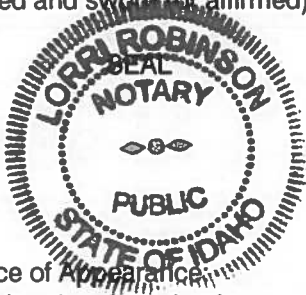
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or Idaho)
County of Power) SS.

Subscribed and sworn (or affirmed) before me this 6th day of December 12 2000



Notary Public Lorri Robinson

Residing at Rockland

My Commission Expires 7-23-2004

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 Nelson Ident. Number 41-0002

Copies White-State, Yellow-Claimant

THIS INDENTURE, made this 27th day of May in the year of our Lord, One Thousand Nine Hundred and sixty-eight, between

SCOTT J. NELSON and LUCY CHRISTINE NELSON, husband and wife, of Rockland, County of Power, State of Idaho the parties of the first part, and

HOWARD J. NELSON of Rockland, County of Power, State of Idaho the party of the second part:

WITNESSETH: That the said party of the first part, for and in consideration of ~~the sum of~~ LOVE AND AFFECTION GRANTORS HAVE FOR GRANTEE - - - - - DOLLARS, - lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged do by these presents, Grant, Bargain, Sell and Convey and Confirm unto said party of the second part, and to his heirs and assigns forever: All that certain lot, piece or parcel of land situate, lying and being in the County of Power, State of Idaho, bounded and more particularly described as follows, to-wit:

41-2

Commencing at the northeast corner of Lot numbered seven (7) in Section number six (6), Township ten (10), S. R. thirty-one (31), E.B.M. running thence south ten (10) rods; thence west twentythree (23) and one-half (23½) rods to the present line fence; thence north ten (10) rods; thence east to place of beginning. All lines parallel to Section lines of said Section. Together with one-half (½) inch of water in what is known as the Wood ditch, a ditch taking water from the east fork of Rock Creek for irrigation purposes..

ALSO:

Commencing at the existing West (W) lane fence at the Southeast (SE) corner of the Northwest one-quarter (NW¼) of the Southwest one-quarter (SW¼) of Section Six (6) Township Ten (10) South, Range Thirty-one (31) East of the Boise Meridian (EBM), place of beginning; Thence West (W) Seven Hundred Sixty feet (760); Thence North (N) Two Hundred Eighty feet (280), more or less, to a point on the North (N) bank of the East Fork Creek; Thence Easterly along said North (N) bank of said East Fork Creek Two Hundred Five feet (205), more or less, to a point; Thence North Fifty-two degrees, no minutes East (52°0') One-Hundred-Fifty-Five feet (155) along the Northwest (NW) bank of said creek; Thence North Eighty-nine degrees, no minutes East (89°0'E), Four Hundred Thirty-four feet (434), last part of which is along an existing fence to its intersection with the West (W) fence of the roadway, on the North (N) bank of said creek; Thence South (S) Three Hundred Eighty-two and one-half feet (382.5) to the place of beginning; Said tract containing Six (6) acres more or less; Together with a water right of Six (6) hours of the normal flow once every eight (8) days, of the ditch presently in existence upon the above described premises..

PROVIDED, HOWEVER, that the named grantors herein reserve unto themselves and to each of them a life estate in and to said property so described herein.

This is a gift deed.

41-2

ALSO:

PROVIDED, HOWEVER, that the named grantors herein reserve unto themselves and to each of them a life estate in and to said property so described herein.

This is a gift deed.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident unto the said party of the second part, and to his heirs and assigns forever and the said part ies of the first part, and their heirs warrant the said premises in the quiet and peaceable possession of the said part Y of the second part, his heirs and assigns against the said part ies of the first part, and their heirs and against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

Signed, Sealed and Delivered in the Presence of

GP

STATE OF IDAHO,

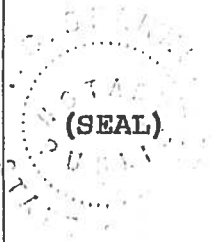
COUNTY OF POWER

} ss:

On this 3rd day of ~~May~~ June, in the year 1968, before me the undersigned, a Notary Public in and for said County and State, personally appeared

SCOTT J. NELSON and LUCY CHRISTINE NELSON, husband and wife, known to me to be the person s whose names are subscribed to the within instrument, and acknowledged to me that the y executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Scott J. Nelson
Notary Public
Residence American Falls, Idaho

INDEXED
FILMED

92351

WARRANTY DEED

TO

Dated _____, 19____

STATE OF IDAHO,
COUNTY OF Power } ss:

I hereby certify that this instrument was filed for record at the request of Scott J. Nelson at 45 minutes past 2

o'clock P. M., this 10th day of June A. D. 1968 at my office and duly recorded in Book 92351 of Power # 1

Ex-Officio Recorder

By _____

Fee, \$ 1.80 Deputy

RECEIVED

MAR 26 2001

Department of Water Resources

2001 MAR 22 PM 4:05

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA

)

Subcase 41-00002

)

Case No. 39576

)

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

)

On December 13, 2000, Claimant Howard J. Nelson filed a *Motion to File Late Notice of Claim*. Hearing was held on the *Motion* March 22, 2001. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to this late Notice of Claim.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* water right 41-00002 is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this *Order* will be forwarded to the Idaho Department of Water Resources for further action.

IT IS SO ORDERED.

Dated March 22, 2001.



ROGER S. BURDICK

Presiding Judge

Snake River Basin Adjudication

CERTIFICATE OF MAILING

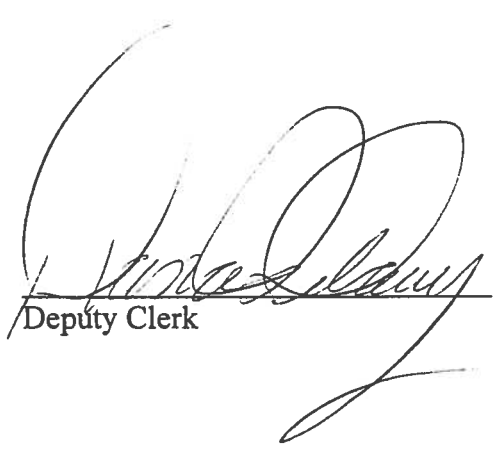
I certify that a true and correct copy of the **ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM** was mailed on March 22, 2001, with sufficient first-class postage to the following:

Howard J. Nelson
PO Box 333
Rockland, ID 83271

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449


Deputy Clerk

Idaho Department of Water Resources Receipt

Receipt ID C052898

Payment Amount	\$101.00	Date Received	3/26/01 4:23:34 PM	Region	State	Status
Payment Type	Money Order	Check Number	84179538775			

Payer NELSON HOWARD J

Comment SUBCASE #41 00002
ROCK CREEK

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$101.00	ADJUDICATION FILING FEE	0337		41503	1155


Signature Line (Dept. Representative)

COPY
FOR YOUR FILES
DO NOT RETURN

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Nelson, Howard J.

CLAT IDENT. NO.

41-2

DATE RECEIVED

3-26-01

CK #

C052898

AMOUNT \$

101.-

YES

NO

Require Info?

1. Is the name and address complete with zip code?

☒

☐

*

2. Is a priority date entered?

☒

☐

*

Is the priority date acceptable in view of mandatory filing dates?

☒

☐

*

See Adjudication Memos #1 and #4 to determine if a Permit is required.

☒

☐

3. (a) Is a source entered?

☒

☐

*

(b) Is a tributary to entered? (if required)

☒

☐

4. Is the legal description of the p.d. sufficient?

☒

☐

*

5. Is there a description of the diverting works?

☒

☐

6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.

☒

☐

*

Is the period of use included?

☒

☐

Is a quantity claimed for each use?

☒

☐

*

7. Is a total quantity claimed entered?

☒

☐

8. If required is a consumptive use entered?

☒

☐

Is the consumptive use correct?

☒

☐

9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4.

☒

☐

*

10. Is (are) the place(s) of use and purpose(s) indicated?

☒

☐

*

11. Is (are) the county(ies) entered?

☒

☐

12. Is the ownership of p.u. checked?

☒

☐

13. Are other water rights listed or "none" indicated?

☒

☐

14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)

☒

☐

15. Is the basis of the claim indicated?

☒

☐

16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.)

☒

☐

17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.

☒

☐

*

18. Has the claim been signed, sealed, and dated by a notary?

☒

☐

*

19. Was this claim filed on time, or was an extension granted?

☒

☐

*

20. Is the fee enclosed correct?

☒

☐

*

21. If this claim is based on an existing water right, has the identification number been entered?

☒

☐

22. Should this claim be data entered?

☒

☐

Claim checked by:

J. Sherman

Date:

3-30-01

Claim must be returned to claimant:

☐ (Yes)

☒ (No)

Claimant must be notified of modifications:

☐ (Yes)

☒ (No)

Receipt Prepared by:

J. Masi

Date:

3-26-01

Checked by:

Date:

Claim data entered by:

Date:

Sent to claimant by:

Date:

Comments:

RECEIVED

FEB 28 2001

Department of Water Resources
Southern Region

6/1 ✓ AOK
✓ South, Do
Sec

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

In Re SRBA

Subcase

41-0002

(Insert water right number)

Case 39576

STANDARD FORM 4

MOTION TO FILE:

☒ LATE NOTICE OF CLAIM

☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a separate form for each late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

MAIL



42923

RECEIVED

DEC 28 2000

Department of Water Resources
Southern Region

RECEIVED

DEC 14 2000

Department of Water Resources

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

In Re SRBA

Case 39576

Subcase

41-0002

(Insert water right number)

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☒ LATE NOTICE OF CLAIM

☐ AMENDED NOTICE OF CLAIM

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By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☒ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is Howard J Nelson

My address is P.O. Box 333
Rocklaid Id 83271

My phone number is: Work NONE Home NONE

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A *Motion to File a Late Notice of Claim* will require a hearing before the Presiding Judge.

☒ I did not file a Notice of claim to the use of water in the SRBA because:

Being Deaf an Dumb I did not know I
was supposed to

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

- ☒ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

Copy of
Deed of Property (History of Deed (Abstract))
Available at Hearing

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 101.00.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on March 20, 2001 1:30 P.M.
(Insert Date and Time)
at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of Idaho

County of Power

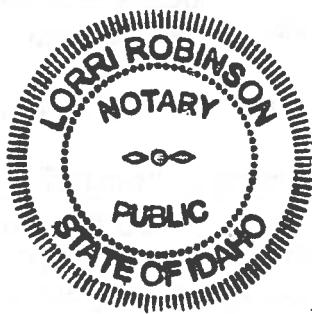
Howard J. Nelson, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Howard J. Nelson
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on 12-6-2000.
(Insert Date)



Lorri Robinson
Notary Public for Idaho
Residing at: Rockland
My Commission expires: 7-23-2004

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on _____, 199____, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert names/addresses of parties)

Signature of person or attorney mailing the form

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number _____

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAWRECEIVED
DEC 14 2000
Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Howard J. Nelson Phone () NONEMailing Address P.O. Box 333 Rockland Idaho Zip 832712. Date of Priority (Only one (1) per claim) May 1, 1886 (41-0002)3. Source of water supply (a) East Fork of Rock Creek
which is tributary to (b) Rock Creek4. a. Location of existing point of diversion is: Township 10 S Range 31 E Section 6,
SW 1/4 of SW 1/4 of SE 1/4, Govt. Lot, E B.M., County of PowerAdditional points of diversion if any: NONE

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,

_____ 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. Headgate Ditches & Pipeline to
property

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from April 1 to Nov 1 amount .02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .02 (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>10S</u>	<u>31E</u>	<u>6</u>											<u>1</u>						<u>1</u>

Total number of acres irrigated 1

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

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.
NONE or None X

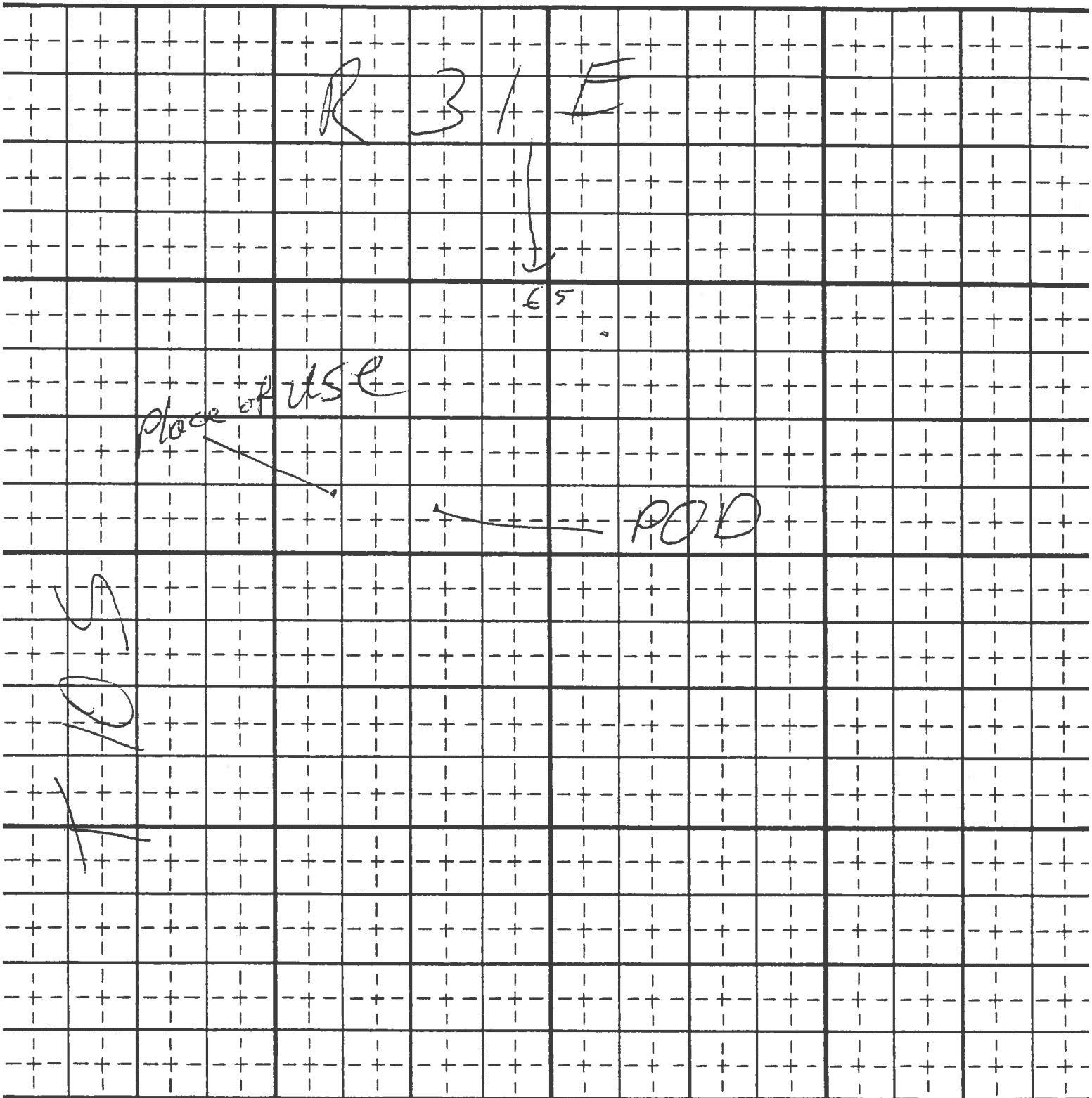
14. Remarks:

Last Name Nelson Ident No. 41-0002

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



Last Name Nelson

Ident No. 41-0002

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 41-002
Court 5th Judicial District Case Number _____ Decree Date June 6-1903
Plaintiff vs Defendant H.P. Hantz - et al Arbitration of Claims of Water in Rock Creek

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) Howard J Nelson Date 12-6-2000

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

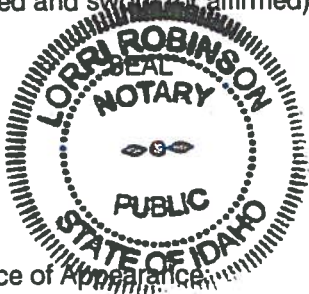
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or Idaho)
County of Power) SS.

Subscribed and sworn (or affirmed) before me this 6th day of December 12 2000



Notary Public Lorri Robinson

Residing at Rockland

My Commission Expires 7-23-2004

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 Nelson Ident. Number 41-0002

Copies ~~White~~-State, Yellow-Claimant

THIS INDENTURE, made this 27th day of May in the year of our Lord, One Thousand Nine Hundred and sixty-eight, between

SCOTT J. NELSON and LUCY CHRISTINE NELSON, husband and wife, of Rockland, County of Power, State of Idaho the parties of the first part, and

HOWARD J. NELSON of Rockland, County of Power, State of Idaho the party of the second part:

WITNESSETH: That the said party of the first part, for and in consideration of ~~the sum of~~ LOVE AND AFFECTION GRANTORS HAVE FOR GRANTEE - - - - - DOLLARS, - lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged do by these presents, Grant, Bargain, Sell and Convey and Confirm unto said party of the second part, and to his heirs and assigns forever: All that certain lot, piece or parcel of land situate, lying and being in the County of Power, State of Idaho, **RECEIVED** and more particularly described as follows, to-wit:

DEC 14 2000

Department of Water Resources

Commencing at the northeast corner of Lot numbered seven (7) in Section number six (6), Township ten (10), S. R. thirty-one (31), E.B.M. running thence south ten (10) rods; thence west twentythree (23) and one-half (23½) rods to the present line fence; thence north ten (10) rods; thence east to place of beginning. All lines parallel to Section lines of said Section. Together with one-half (½) inch of water in what is known as the Wood ditch, a ditch taking water from the east fork of Rock Creek for irrigation purposes..

ALSO:

Commencing at the existing West (W) lane fence at the Southeast (SE) corner of the Northwest one-quarter (NW¼) of the Southwest one-quarter (SW¼) of Section Six (6) Township Ten (10) South, Range Thirty-one (31) East of the Boise Meridian (EBM), place of beginning; Thence West (W) Seven Hundred Sixty feet (760); Thence North (N) Two Hundred Eighty feet (280), more or less, to a point on the North (N) bank of the East Fork Creek; Thence Easterly along said North (N) bank of said East Fork Creek Two Hundred Five feet (205), more or less, to a point; Thence North Fifty-two degrees, no minutes East (52°0') One-Hundred-Fifty-Five feet (155) along the Northwest (NW) bank of said creek; Thence North Eighty-nine degrees, no minutes East (89°0'E), Four Hundred Thirty-four feet (434), last part of which is along an existing fence to its intersection with the West (W) fence of the roadway, on the North (N) bank of said creek; Thence South (S) Three Hundred Eighty-two and one-half feet (382.5) to the place of beginning; Said tract containing Six (6) acres more or less; Together with a water right of Six (6) hours of the normal flow once every eight (8) days, of the ditch presently in existence upon the above described premises..

PROVIDED, HOWEVER, that the named grantors herein reserve unto themselves and to each of them a life estate in and to said property so described herein.

This is a gift deed.

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises. together with the appurtenances and

RECEIVED
bounded and more

Department of Water Resources

ALSO:

PROVIDED, HOWEVER, that the named grantors herein reserve unto themselves and to each of them a life estate in and to said property so described herein.

Signed, Sealed and Delivered in the Presence of

Scott J. Nelson [SEAL]
SCOTT J. NELSON

Lucy Christine Nelson [SEAL]
LUCY CHRISTINE NELSON

Lucy Christine Nelson [SEAL]
LUCY CHRISTINE NELSON

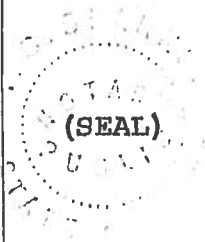
STATE OF IDAHO,
COUNTY OF POWER

} ss:

On this 3rd day of ~~May~~ June, in the year 1968, before me
the undersigned, a Notary Public in and for said County and
State, personally appeared

SCOTT J. NELSON and LUCY CHRISTINE NELSON, husband and wife,
known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year
in this certificate first above written.



Scott J. Nelson
Notary Public
Residence American Falls, Idaho

INDEXED
FILMED

92351

WARRANTY DEED

TO

Dated _____, 19____

STATE OF IDAHO,
COUNTY OF Power } ss:

I hereby certify that this instrument
was filed for record at the request of

Scott J. Nelson

at 45 minutes past 2

o'clock P. M., this 10th day of

June A. D. 1968

at my office and duly recorded in Book
#92351 Page 1

Scott J. Nelson
Ex-Officio Recorder

By _____ Deputy
Fee, \$ 1.80

02/05/2003

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

RIGHT NUMBER: 41-10280

NAME AND ADDRESS: HOWARD J NELSON
PO BOX 333
ROCKLAND ID 83271

SOURCE: EAST FORK ROCK CREEK

TRIBUTARY: ROCK CREEK

QUANTITY: 0.020 CFS

THE QUANTITY LISTED ABOVE SHALL BE MEASURED AT THE POINT OF DIVERSION LISTED FOR THIS RIGHT BY MEANS OF A MEASURING BOX OF THE TYPE AND DIMENSIONS DECREED BY IN RE HOUTZ ET AL (ONEIDA COUNTY, SIXTH JUDICIAL DISTRICT COURT, JUNE 6, 1903). ANY CHANGE IN THE METHOD OF MEASUREMENT SHALL CONSTITUTE A CHANGE IN THE POINT OF DIVERSION REQUIRING APPROVAL BY THE IDAHO DEPARTMENT OF WATER RESOURCES AS A TRANSFER PURSUANT TO I.C. SECTION 42-222.

PRIORITY DATE: 06/01/1886

POINT OF DIVERSION:

T10S R31E S6 NWSWSE Within POWER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.020 CFS

PLACE OF USE: IRRIGATION Within POWER County

T10S R31E S06 Lot 7 SWSW 1.0

1 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: Decreed

WATER IS DELIVERED THROUGH WOODS DITCH.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 41-33.

IDAHO DEPT OF WATER RESOURCES

41-10280



660 0 660 1320 Feet

T10S, R31E
SEC 6
SWSW LOT 7



- RECOMMENDED PLACE OF USE
- POINT OF DIVERSION
- SECTION LINES
- 1/4 - 1/4 LINES

GIS PLACE OF USE PRESENTATION
1987 &/OR 1988 NAPP PHOTOGRAPHY
DATA ENTRY BY: STEVE CLELLAND
DATE: FEBRUARY 5, 2003

41-2 41-10280

2/4/03
SCC

* Plan to allow 1" of 41-33 to replace the known, delivered right of 41-02. (swapped w/city)

POD: WOODS DITCH - T10S R31E S6 NWSWSE

POU: T10S R31E S6 SWSW LOT 7 (Confirmed w/ PLAT)

SOU: 4/1 to 10/31 (STD.)

REMARKS: N16 QUANTITY (Houtz box)

Claim needs rec'd as a new number.

Claim is renumbered - 41-02 is a split right.

NEW NUMBER 41-10280

2/5/03
SCC

3/2/01 SCC
Search of 02
shows this #
is not correct
or available.

160 ac

Hereon Was Plotted

Rockland As Shown
1916 Map Drawn
Official 1918

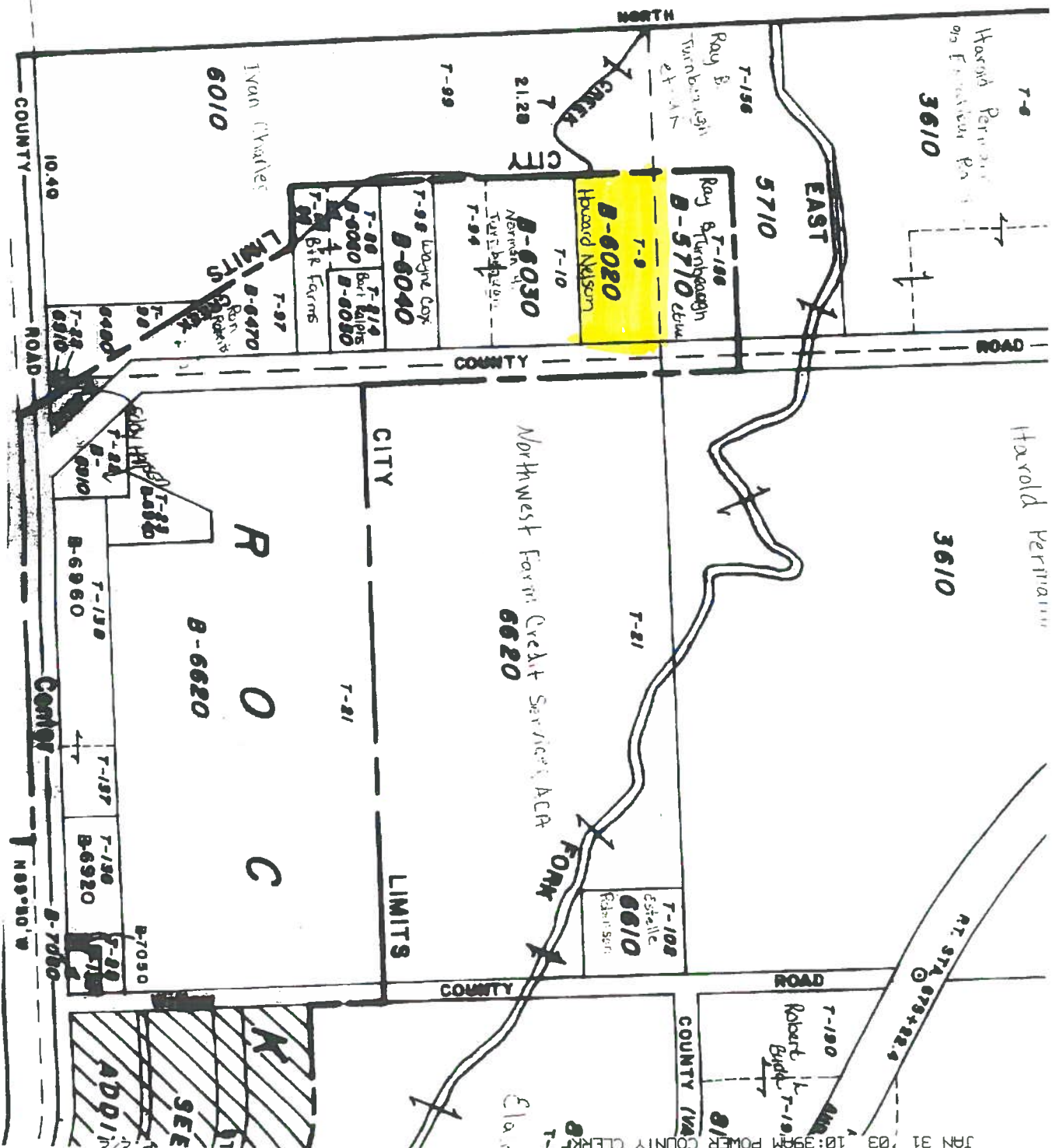


RAY: R. Ellis

COMMIT

LATE PLAT

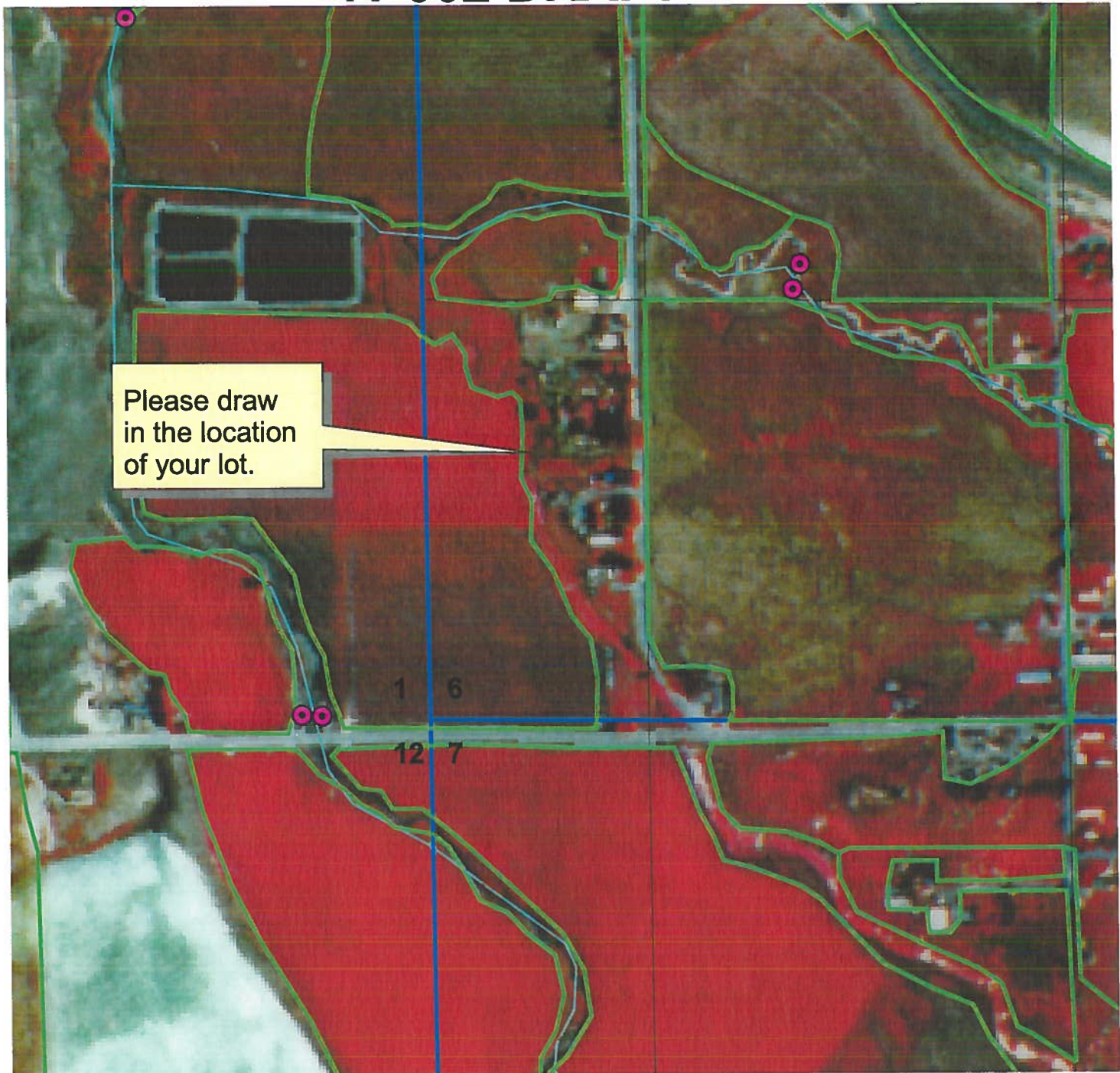
Pay from Power Co.
1/31/03



JAN 31 1963

IDAHO DEPT OF WATER RESOURCES

41-002 DRAFT



660 0 660 1320 Feet

T10S, R31E
SEC 6
SWSW LOT 7



- RECOMMENDED PLACE OF USE
- POINT OF DIVERSION
- SECTION LINES
- 1/4 - 1/4 LINES

*Not
SENT*

GIS PLACE OF USE PRESENTATION
1987 &/OR 1988 NAPP PHOTOGRAPHY
DATA ENTRY BY: STEVE CLELLAND
DATE: JANUARY 31, 2003

DRAFT

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

NAME: _____

JAMES ROBINSON

LATE CLAIMS -02

James will make the call to Alan Permann to keep these claimants on the water district mailing list for the up coming meeting. It appears there is still one party that failed to file a claim when the group was allowed to file late claims. Claims filed are 41-02, 41-10272, 41-10273 & 41-10274.