

Saxton, Craig

From: Saxton, Craig
Sent: Friday, August 24, 2007 11:24 AM
To: 'C.G. "Neal" Nielsen'
Subject: RE: Water rights

Dear Neal,

I did get a chance to look through the below referenced files. I do believe I know the area you are speaking about that was left out of the recommendation. I unfortunately can't find any notes about us talking about it. I have the Notice of Errors you sent back to us regarding adding a point of diversion and we made some changes based on that (attached).

None-the-less, as I said in my earlier e-mail, I cannot make any changes now without going through the court. And the way to do that is to file an objection. And as I mentioned below, the objection deadline for B67 was August 22nd. Luckily, you can still petition the court to file a late objection.

I am attaching a Standard Form 4 that is generally used to petition the court to file a late notice of claim or to amend a claim. However, in order to ask if you can file a late objection, all you have to do is underneath the heading "**Motion to File:**" cross out the two options "Late Notice of Claim" and "Amended Notice of Claim" and write in "**Late Objection**". Throughout the form you will want to replace "Late Notice of Claim" with "Late Objection".

Once the objection is accepted by the court, we will need to try to figure out exactly what acreage that should be added.

I do apologize for the inconvenience.

Craig L. Saxton

-----Original Message-----

From: Saxton, Craig
Sent: Wednesday, August 22, 2007 11:30 PM
To: C.G. "Neal" Nielsen
Subject: RE: Water rights

Dear Neil,

I am working out of the office this week so I can't look at your files. However, I hope you filed an objection to your water rights because I cannot make changes without going through the court. The objection deadline was today, August 22nd.

I will go over the files as soon as I can next week and drop you a line.

Craig Saxton.

From: C.G. "Neal" Nielsen [mailto:cnielsen@territorialsupplies.com]
Sent: Tue 8/21/2007 3:16 PM
To: Saxton, Craig
Subject: Water rights

8/24/2007

Dear Mr. Saxton:

We have the following water rights: 67-312, 67-313, 67-314, 67-4119, and 67-14096. I believe that we have a mistake/oversight. In January of this year we discussed this over the phone. Our concern is that the western portion of our hay meadow for which these water rights irrigate is not included in these rights. This area is in the SWSW quarter of section 26 (I hope I have my description correct). Simply described, it is that portion of our hay ground that extends from the western border of our listed water rights, shown on your aerial map, going further west to our driveway.

We would appreciate a review of this situation.

C.G. "Neal" Nielsen
Territorial Supplies, Inc.
800-221-7702 * 208-253-0036 * 208-253-0085 fax
PO Box 474 * Council, ID 83612
Your public safety equipment specialists!

8/24/2007

12/12/2006

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

RIGHT NUMBER: 67-312
NAME AND ADDRESS: CORNELIUS G NIELSEN
PO BOX 474
COUNCIL ID 83612

JOHANNA M NIELSEN
PO BOX 474
COUNCIL ID 83612

SOURCE: COTTONWOOD CREEK TRIBUTARY: WEISER RIVER
QUANTITY: 1.000 CFS
PRIORITY DATE: 06/01/1884
POINT OF DIVERSION:

T16N R01W S35 NENWNE Within ADAMS County
T16N R01W S36 NENWNW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.000 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T16N R01W S26	SWSW	15.00	T16N R01W S26	SESW	36.00
T16N R01W S26	SWSE	29.00	T16N R01W S35	NWNE	0.80
T16N R01W S35	NENW	4.50	T16N R01W S35	NWNW	2.70

88 ACRES TOTAL

This right is limited to the irrigation of 80.0 acres within the place of use described above in a single irrigation season.

88.0 The rights listed below are limited to the irrigation of a combined total of
acres in a single irrigation season. Combined Right Nos.: 67-312, 67-313,
67-314, 67-4119, and 67-14096

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 - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

A portion of this water is delivered through the Lester Creek Ditch.

Adjudication Recommendation Report 67-312 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CORNELIUS G NIELSEN PO BOX 474 COUNCIL, ID 83612
Original Owner	SHARON C JONES 2305 COTTONWOOD RD COUNCIL, ID 83612-5246 (208)253-4882
Original Owner	WILLIAM C PHIPPS 2601 GROVE SCHOOL LN VALE, OR 97918 (541)473-2525
Current Owner	JOHANNA M NIELSEN PO BOX 474 COUNCIL, ID 83612
Original Owner	W L JONES 2305 COTTONWOOD RD COUNCIL, ID 83612-5246 (208)253-4882

Status: Active

<u>Source</u>	<u>Tributary</u>
COTTONWOOD CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	1.000 CFS	
	Total Diversion:	1.000 CFS	

COTTONWOOD CREEK ADAMS County	NE1/4NW1/4NW1/4	Sec. 36, Twp 16N, Rge 01W, B.M.
COTTONWOOD CREEK ADAMS County	NE1/4NW1/4NE1/4	Sec. 35, Twp 16N, Rge 01W, B.M.

IRRIGATION

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-312 V1

Total Acres: 88

Conditions of Approval:

1. 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.
2. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. K06 This right is limited to the irrigation of 80.0 acres within the place of use described above in a single irrigation season.
4. F01 A portion of this water is delivered through the Lester Creek Ditch.
5. E56 The rights listed below are limited to the irrigation of a combined total of 88.0 acres in a single irrigation season. Combined Right Nos.: 67-312, 67-313, 67-314, 67-4119, and 67-14096

Remarks:

Comments:

1. csaxton 10/2/2006 Recommendation

Comment: This right is recommended in a PPU with 67-312, 67-313, 67-314, 67-4119, and 67-14096 (combination of 67-323 & 67-324). In short, the decreed water is recommended for the full decreed diversion rate on the irrigated POU, and the beneficial use or flood water right (67-4119) is recommended for additional diversion rate that will bring use of the decreed water and the use of the flood water up to one full inch per acre.

2. csaxton 10/2/2006 POD

Comment: Claimed two points of diversion yet only one is recognized by the water master. In addition, it is unclear how a POD located in section 26 could divert water from Cottonwood creek since the creek flows through section 35 below the POU.

3. dnelson 12/12/2006 Notice of Error Correction

Comment: A notice of error was submitted on this recommendation claiming that there was a second point of diversion in the SESE S26. In reviewing the notice of error, I contacted the watermaster, Bosco Bosler, and discovered that water is delivered to this farm through two points of diversion. There is a connection ditch between Cottonwood Creek and Lester Creek from the Lester Creek diversion. The claimant receives water from this ditch. The point of diversion for this ditch is located in the NENWNW S36. I have called the claimant and he agrees with my assessment that a second point of diversion should be included on this recommendation in S36. The claimant re-diverts the water out of the Lester Creek Ditch at the location claimed.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-312 V1

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: 67
 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:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		88
Combined Water Rights: 67-312 , 67-313 , 67-314		

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		88
Combined Water Rights: 67-312 , 67-313		

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		88
Combined Water Rights: 67-312 , 67-313 , 67-314 , 67-4119		

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		88
Combined Water Rights: 67-312 , 67-313 , 67-314 , 67-14096 , 67-4119		

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>
Priority Date	7/15/2004 3:17:41 PM	segbert			Active
POD	7/15/2004 3:18:09 PM	segbert			Active
Source	7/15/2004 3:33:28 PM	segbert			Active
POU	7/15/2004 3:33:46 PM	segbert			Active
Use	7/15/2004 3:50:12 PM	segbert			Active
Season	7/15/2004 3:50:31 PM	segbert			Active
Quantity	7/15/2004 3:51:49 PM	segbert			Active
Contacts	10/2/2006 9:55:04 AM	csaxton			Active
Priority Date	10/2/2006 9:55:22 AM	csaxton			Active
POD	10/2/2006 9:55:27 AM	csaxton			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-312 V1

Source	10/2/2006 9:56:29 AM	csaxton	Active
POU	10/2/2006 10:03:00 AM	csaxton	Active
Use	10/2/2006 10:04:05 AM	csaxton	Active
Season	10/2/2006 10:04:35 AM	csaxton	Active
Quantity	10/2/2006 10:04:42 AM	csaxton	Active
Summary	10/02/2006	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	10/2/2006 9:55:57 AM	csaxton	Updated shape
POU	10/2/2006 10:03:22 AM	csaxton	Updated shape for Active POU
Summary	10/2/2006 10:07:14 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POD	10/2/2006 9:56:07 AM	csaxton	Updated PLS
POU	10/2/2006 10:03:07 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
Use	10/2/2006 10:04:12 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-312 V1

Season	10/2/2006 10:04:42 AM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	10/2/2006 10:04:48 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?
Contacts	10/2/2006 9:55:10 AM	csaxton	(No) 1. Do you want to schedule an appointment?
General	10/2/2006 9:55:27 AM	csaxton	Comment for 1: Desktop Review (No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	10/2/2006 9:55:32 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a POD? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-312 V1

Source	10/2/2006 9:56:34 AM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	10/2/2006 10:03:31 AM	csaxton	Updated PLS for Active POU
POU	10/2/2006 10:34:40 AM	csaxton	Updated PLS for Active POU
POD	12/12/2006 3:00:02 PM	dnelson	Updated shape
Use	7/15/2004 3:50:13 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file?
POU	10/2/2006 10:34:26 AM	csaxton	Updated shape for Active POU
Source	7/15/2004 3:33:29 PM	segbert	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file?
POU	7/15/2004 3:33:48 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file?
POU	7/15/2004 3:34:51 PM	segbert	Created polygon from PLS
POD	7/15/2004 3:23:12 PM	segbert	Edited point location
POU	7/15/2004 3:47:33 PM	segbert	Edited shape boundary
Quantity	7/15/2004 3:51:51 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file?
Priority Date	7/15/2004 3:17:43 PM	segbert	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-312 V1

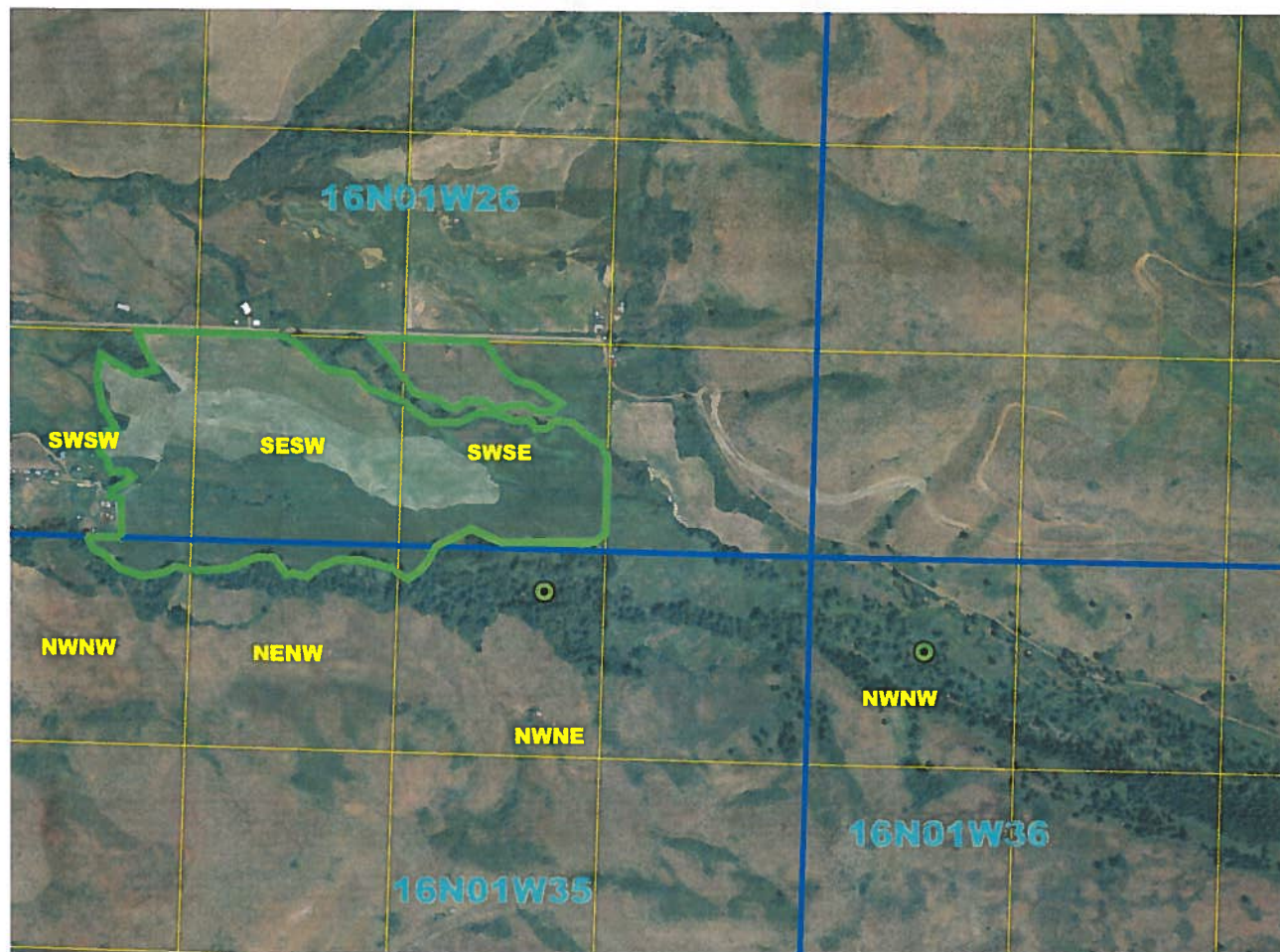
POD	7/15/2004 3:18:10 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file?
POD	7/15/2004 3:33:00 PM	segbert	Edited point location
Season	7/15/2004 3:50:33 PM	segbert	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use?

Water Supply Bank:



State of Idaho
Idaho Department of Water Resources
Western Region

T16N R1W SECTION(S) 26, 35 & 36
WATER RIGHT(S) : 67-312, 67-313, 67-314, 67-4119, 67-14096
CORRECT MAP FOR NOTICE OF ERROR
POINTS OF DIVERSION ARE NOW
IN NWNW SECTION 36, AND NWNW SECTION 35



- Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines

GIS Place of Use Illustration
1987 NAPP Photography
Prepared by: Dan Nelson
Date: November 2006



11/14/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 8, 2006

Water right number: 67-312

CORNELIUS G NIELSEN
PO BOX 474
COUNCIL ID 83612

JOHANNA M NIELSEN
PO BOX 474
COUNCIL ID 83612

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Point of diversion

2. Describe the changes you wish to make in the proposed recommendation:

Add T16N R01W S26 SWSESE

3. Give a brief explanation as to why you disagree with these portions:

2 points of diversion were on the original documents Both points have been in continuous use, with headgates & weirs The quantity of water has been split between the 2 points of diversion as needed for irrigation.

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: *11/28/06*

SIGNATURE: *Johanna Nielsen*

Please print your name:

Johanna Nielsen

208-253-6120

W 208-253-0036

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED

DEC 08 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

December 7, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

CORNELIUS AND JOHANNA NIELSEN
PO BOX 474
COUNCIL ID 83612

***RE: NOTICE OF ERROR CORRECTIONS ON WATER RIGHTS
67-312, 67-313, 67-314, 67-4119, AND 67-14096***

Dear Mr. and Ms. Nielsen:

I have enclosed with this letter two maps showing the corrected points of diversion for your water rights. Per our telephone conversations on 12/12/2006 and 12/13/2006, Craig Saxton and I have determined that one of the points of diversions diverts directly out of Cottonwood Creek and is delivered directly to your property. The second diversion diverts water out of Cottonwood Creek into the Lester Creek Ditch and you divert the water from this ditch to your property.

I sent two maps to you. The first map shows your property and the points of diversion in the standard layout sent on all water rights. This map is very similar to the other maps that you have received. On the second map, I have roughly drawn in Cottonwood Creek, Lester Creek, and the Lester Creek Ditch. I am hoping that these maps will help clarify where and why we have to place the point of diversion on your corrected recommendations.

On all of your water rights, you described your points of diversion as the points where you divert water directly out of Cottonwood Creek and the point you divert water out of the Lester Creek Ditch. Your water rights were only for Cottonwood Creek, so we had no choice but to remove the point of diversion you described from the ditch. After speaking to you and the watermaster, Bosco Bosler, it was evident that your second point of diversion actually should have been described as the point where water is diverted into the Lester Creek Ditch.

Page 2
Neilsen
12/13/2006

Mr. Saxton and I have made the following changes to the legal description of the points of diversion on all of your water rights:

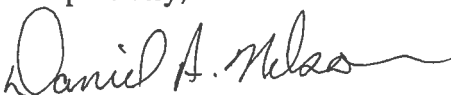
Main Cottonwood Creek Diversion = NENWNE Section 35 Township 16N Range 1W
Lester Creek Ditch Diversion = NENWNW Section 36 Township 16N Range 1W

(Please Note: In the above description N = North, S = South, E = East, and W = West)

I have enclosed a copy of the recommended right that we will submit to the Snake River Basin Adjudication (SRBA) court for water right 67-312 with this letter. You will receive another mailing of all of your water rights within the next few weeks with the actual documentation that is being sent to the court. **Please carefully check every aspect of all of your water rights in this mailing.** It is rare that a mistake is made, but it can happen. If you find that something on the water rights are not correct at that time, you will want to make sure you file an objection to the court, and contact Craig Saxton to ensure they will be decreed correctly.

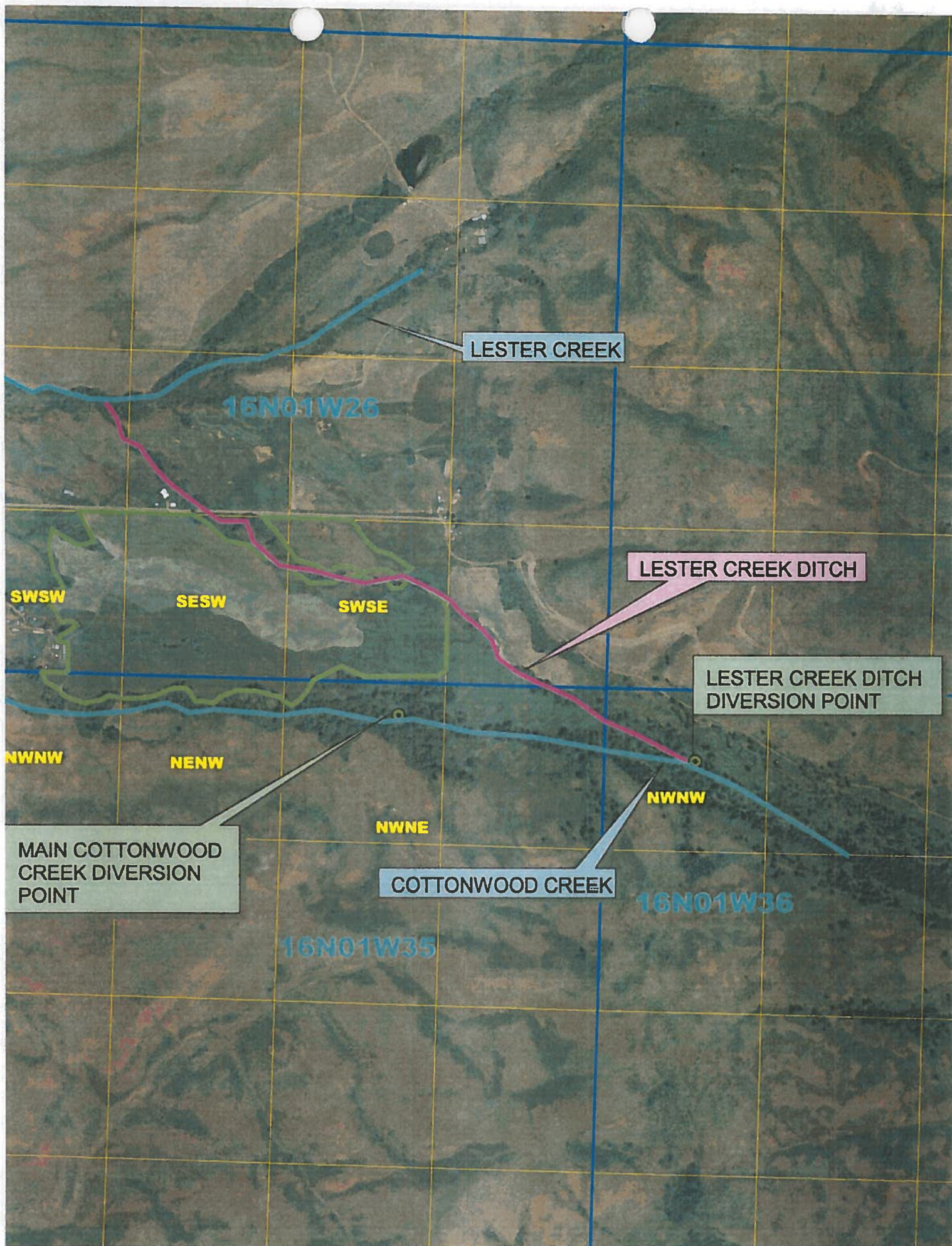
If you have any questions or concerns please contact Craig Saxton at our State office – telephone number 287-4800 or myself at the above address.

Respectfully,



Daniel A. Nelson
Sr. Water Right Agent

Enclosures:



10/02/2006

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

RIGHT NUMBER: 67-312

NAME AND ADDRESS: CORNELIUS G NIELSEN
PO BOX 474
COUNCIL ID 83612

JOHANNA M NIELSEN
PO BOX 474
COUNCIL ID 83612

SOURCE: COTTONWOOD CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 1.000 CFS

PRIORITY DATE: 06/01/1884

POINT OF DIVERSION:

T16N R01W S35 NENWNE Within ADAMS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

1.000 CFS

PLACE OF USE: IRRIGATION Within ADAMS County

T16N R01W S26	SWSW	15.00	T16N R01W S26	SESW	36.00
T16N R01W S26	SWSE	29.00	T16N R01W S35	NWNE	0.80
T16N R01W S35	NENW	4.50	T16N R01W S35	NWNW	2.70

88 ACRES TOTAL

This right is limited to the irrigation of 80.0 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 88.0 acres in a single irrigation season. Combined Right Nos.: 67-312, 67-313, 67-314, 67-4119, and 67-14096

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 - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

CORRECTED
POD added
DAN 12-13-06

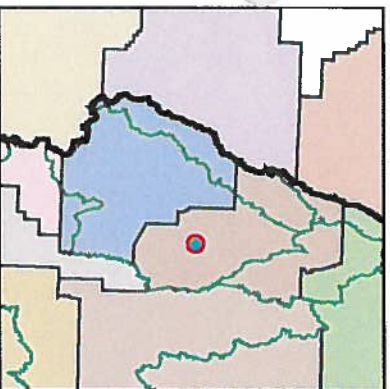
Idaho Department of Water Resources



SRBA Recommendation:
67-312
(Irrigation)

Legend

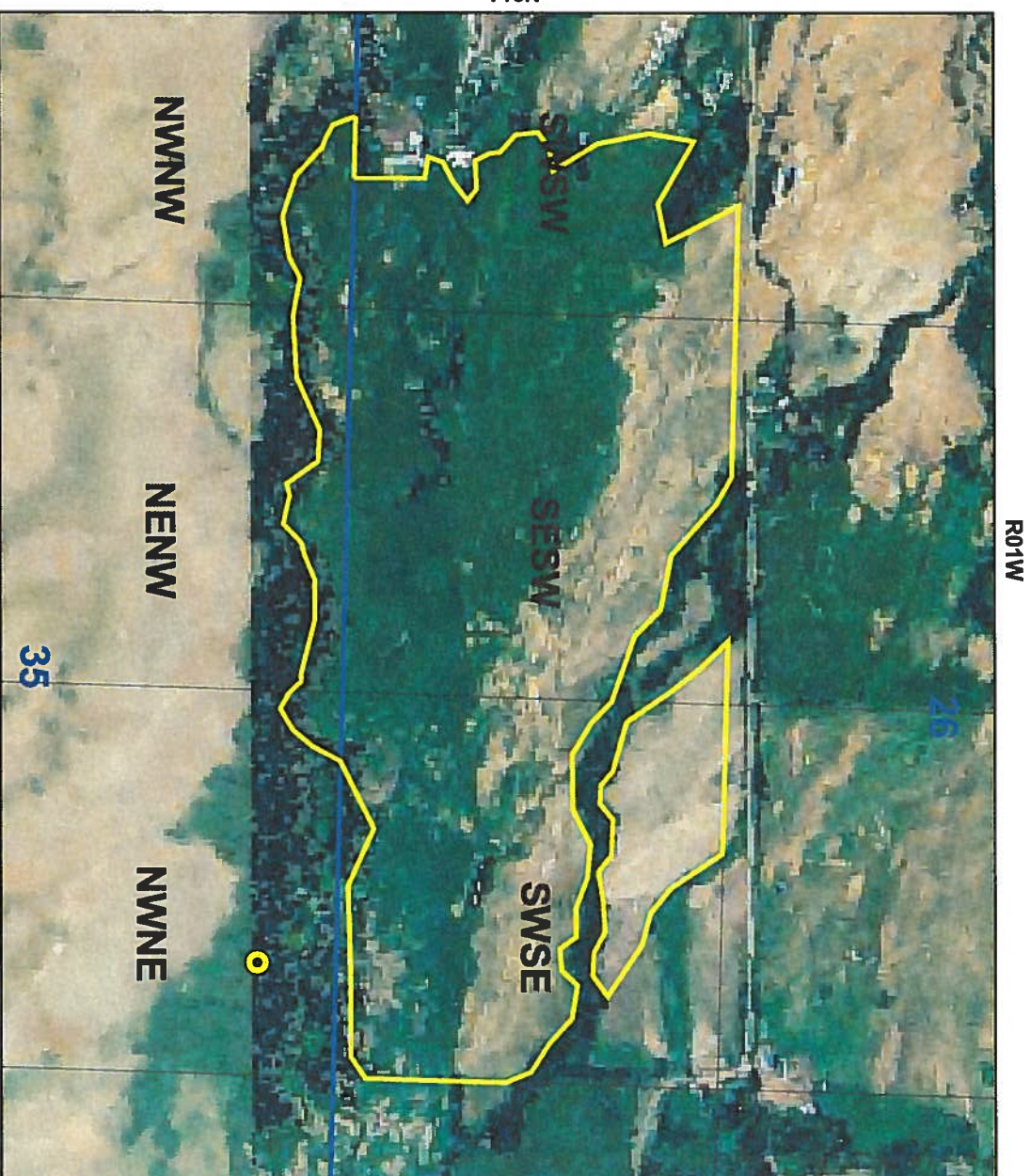
-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Adams County
IDWR Basin 67



T16N



Prepared by C. Saxton
On Monday, October 2, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-312 V1

WATER RIGHT NUMBER: 67-312 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CORNELIUS G NIELSEN PO BOX 474 COUNCIL, ID 83612
Original Owner	SHARON C JONES 2305 COTTONWOOD RD COUNCIL, ID 83612-5246 (208)253-4882
Original Owner	WILLIAM C PHIPPS 2601 GROVE SCHOOL LN VALE, OR 97918 (541)473-2525
Current Owner	JOHANNA M NIELSEN PO BOX 474 COUNCIL, ID 83612
Original Owner	W L JONES 2305 COTTONWOOD RD COUNCIL, ID 83612-5246 (208)253-4882

Priority Date: 06/01/1884

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
COTTONWOOD CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	1.000 CFS	
	<u>Total Diversion:</u>	1.000 CFS	

Location of Point(s) of Diversion

COTTONWOOD CREEK	NE1/4NW1/4NE1/4	Sec. 35, Twp 16N, Rge 01W, B.M.
ADAMS County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
16N	01W	26											15.0	36.0			29.0		80.0
16N	01W	35		.8			4.5	2.7											8.0

Total Acres: 88

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-312 V1

Conditions of Approval:

1. 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.
2. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. K06 This right is limited to the irrigation of 80.0 acres within the place of use described above in a single irrigation season.
4. E56 The rights listed below are limited to the irrigation of a combined total of 88.0 acres in a single irrigation season. Combined Right Nos.: 67-312, 67-313, 67-314, 67-4119, and 67-14096

Remarks:Comments:

1. csaxton 10/2/2006 Recommendation

Comment: This right is recommended in a PPU with 67-312, 67-313, 67-314, 67-4119, and 67-14096 (combination of 67-323 & 67-324). In short, the decreed water is recommended for the full decreed diversion rate on the irrigated POU, and the beneficial use or flood water right (67-4119) is recommended for additional diversion rate that will bring use of the decreed water and the use of the flood water up to one full inch per acre.

2. csaxton 10/2/2006 POD

Comment: Claimed two points of diversion yet only one is recognized by the water master. In addition, it is unclear how a POD located in section 26 could divert water from Cottonwood creek since the creek flows through section 35 below the POU.

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: 67
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:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		88

Combined Water Rights: 67-312 , 67-313

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>
Priority Date	7/15/2004 3:17:41 PM	segbert			Active
POD	7/15/2004 3:18:09 PM	segbert			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-312 V1

Source	7/15/2004 3:33:28 PM	segbert	Active
POU	7/15/2004 3:33:46 PM	segbert	Active
Use	7/15/2004 3:50:12 PM	segbert	Active
Season	7/15/2004 3:50:31 PM	segbert	Active
Quantity	7/15/2004 3:51:49 PM	segbert	Active
Contacts	10/2/2006 9:55:04 AM	csaxton	Active
Priority Date	10/2/2006 9:55:22 AM	csaxton	Active
POD	10/2/2006 9:55:27 AM	csaxton	Active
Source	10/2/2006 9:56:29 AM	csaxton	Active
POU	10/2/2006 10:03:00 AM	csaxton	Active
Use	10/2/2006 10:04:05 AM	csaxton	Active
Season	10/2/2006 10:04:35 AM	csaxton	Active
Quantity	10/2/2006 10:04:42 AM	csaxton	Active
Summary	10/02/2006	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	10/2/2006 9:55:57 AM	csaxton	Updated shape
POU	10/2/2006 10:03:22 AM	csaxton	Updated shape for Active POU
Summary	10/2/2006 10:07:14 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POD	10/2/2006 9:56:07 AM	csaxton	Updated PLS
POU	10/2/2006 10:03:07 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-312 V1

Use	10/2/2006 10:04:12 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	10/2/2006 10:04:42 AM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	10/2/2006 10:04:48 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?
Contacts	10/2/2006 9:55:10 AM	csaxton	(No) 1. Do you want to schedule an appointment?
General	10/2/2006 9:55:27 AM	csaxton	Comment for 1: Desktop Review (No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-312 V1

POD	10/2/2006 9:55:32 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a POD? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Source	10/2/2006 9:56:34 AM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	10/2/2006 10:03:31 AM	csaxton	Updated PLS for Active POU
POU	10/2/2006 10:34:40 AM	csaxton	Updated PLS for Active POU
Use	7/15/2004 3:50:13 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file?
POU	10/2/2006 10:34:26 AM	csaxton	Updated shape for Active POU
Source	7/15/2004 3:33:29 PM	segbert	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file?
POU	7/15/2004 3:33:48 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file?
POU	7/15/2004 3:34:51 PM	segbert	Created polygon from PLS
POD	7/15/2004 3:23:12 PM	segbert	Edited point location
POU	7/15/2004 3:47:33 PM	segbert	Edited shape boundary
Quantity	7/15/2004 3:51:51 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-312 V1

Priority Date	7/15/2004 3:17:43 PM	segbert	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly?
POD	7/15/2004 3:18:10 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file?
POD	7/15/2004 3:33:00 PM	segbert	Edited point location
Season	7/15/2004 3:50:33 PM	segbert	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use?

Water Supply Bank:

Claim

Basin	Sequence	Suffix	Basin	Status	Priority Date	Rate(cfs)	Acres	Source	Water Use(s)	Owner(s)	Source Table
67	312		Decreed	Active	1884-06-01	1	88	COTTONWO	IRRIGATION	NIELSEN, CC Claim	
67	313		Decreed	Active	1889-06-01	0.4	88	COTTONWO	IRRIGATION	NIELSEN, CC Claim	
67	314		Decreed	Active	1892-06-01	0.06	100	COTTONWO	IRRIGATION	NIELSEN, CC Claim	
67	4119		Statutory C	Active	1880-06-01	3.12	88	IRRIGATION, STC	NIELSEN, CC Claim		
67	14096		Decreed	Active	5/1/1900	0.16	9	COTTONWO	IRRIGATION	NIELSEN, CC Claim	

Recommendation

Basin	Sequence	Suffix	Basin	Status	Priority Date	Rate(cfs)	Acres	Source	Water Use(s)	Owner(s)	Source Table
67	312		Decreed		1884-06-01	1	80	COTTONWO	IRRIGATION	NIELSEN, CC Recommendation	
67	313		Decreed		1889-06-01	0.4	32	COTTONWO	IRRIGATION	NIELSEN, CC Recommendation	
67	314		Decreed		1892-06-01	0.06	4.8	COTTONWO	IRRIGATION	NIELSEN, CC Recommendation	
Total =							88	88			
67	14096		Decreed		5/1/1900	0.16	8	COTTONWO	IRRIGATION	NIELSEN, CC Recommendation	
Total =							88	88			
67	4119		B-use		5/10/1918	0.14	88	COTTONWO	IRRIGATION, STC	NIELSEN, CC Recommendation	

Sum of all rights allows irrigation of POU at 1 Inch per acre =

1.76 88

WR

Basin	Sequence	Suffix	Basin	Status	Priority Date	Rate(cfs)	Volume(a)	Source	Water Use(s)	Owner(s)	Source Table
67	312		Decreed	Active	1884-06-01	1		COTTONWO	IRRIGATION	PHIPPS, WIL wrWaterRight	
67	313		Decreed	Active	1889-06-01	0.4		COTTONWO	IRRIGATION	PHIPPS, WIL wrWaterRight	
67	314		Decreed	Active	1892-06-01	0.06		COTTONWO	IRRIGATION	PHIPPS, WIL wrWaterRight	
67	4119		Statutory C	Active	1880-06-01	3.12		COTTONWO	IRRIGATION, STC	JONES, LOL wrWaterRight	
67	11372		Decreed	Active	1880-06-01	0.06		GROUND W/ DOMESTIC, STC	NIELSEN, CC wrWaterRight		

Water Master

Page #	Parcel #	Name	Inches	WR #	Original Ow'r	Priority
1	16ND01W3418	NIELSEN,	20	310	P. W. Higgin	9/6/84
1	16ND01W286	NIELSEN,	50	312	W. PHIPPS	6/1/84
1	16ND01W289	RENWICK	20	313	W. PHIPPS	6/1/89
1	16ND01W350	NIELSEN,	3	314	W. PHIPPS	6/1/92
2	16ND01W350	NIELSEN,	3	323	G. MOORE	5/1/00
2	16ND01W350	NIELSEN,	5	324	G. MOORE	5/1/00

Bosco Says that this actually is Nielson's

Cow Creek.

American Falls Development Company, sub for
W H Philbrick and R B Greenwood

Goodrich Creek.

J P Ogilvie

Ashton Roby

Cottonwood Creek.

F W Beier

F W Higgins

Edgar Moser

William Phipps

I A Whiteley sub for I A Whiteley and J D Neale

G W Phipps

James H McGinley

Cottonwood Creek (Con)

Mary R Houston

A W Peebles

R B Kincaid

Grant Moore

North Fork Cottonwood Creek.

Gifford-Sorensen Ditch.

M P Gifford

Elina Sorensen

James L Stewart and William F Smith

B D Piper

Mrs J T Root sub for M Rhinehart

Emma Cool, sub for Fred Cool

J A Carr

Oladwell Commercial Bank

A L Freehafer

Emma Arrington

Washington County Land & Development Co.

Frank E Brown

Winkler & Weid

Crystal Foust

Robert Waffler

First National Bank of Vale

North Fork Cottonwood Creek (Con)

Ben Houston

A Grossen

Hans Grossen

47

10

4

58

20

22 1/2

50

20

3

31 3/8

15 5/8

37 1/2

37 1/2

3

72

25

4

4

3

5

107

62

20

10

96

10

25

58

5

5

25

2 1/2

23 3/4

5

2 1/2

16

3

10

5

June 1, 1886 67 0306

May 1, 1892 67 0307

May 1, 1911 67 0308

June 1, 1882 67 0309

Sept 6, 1884 67 0310

Sept 6, 1884 67 0311

June 1, 1884 67 0312

June 1, 1889 67 0313

June 1, 1892 67 0314

June 1, 1887 67 0315

June 1, 1888 67 0316

June 1, 1889 67 0317

May 1, 1889 67 0318

July 1, 1892 67 0319

July 2, 1890 67 0320

April 1, 1896 67 0321

April 1, 1896 67 0322

May 1, 1900 67 0323

May 1, 1900 67 0324

June 5, 1902 67 0325

June 5, 1902 67 0326

June 5, 1902 67 0327

June 5, 1902 67 0328

June 5, 1902 67 0329

June 5, 1902 67 0330

June 5, 1902 67 0331

June 5, 1902 67 0332

June 5, 1902 67 0333

June 5, 1902 67 0334

June 5, 1902 67 0335

June 5, 1902 67 0336

June 5, 1902 67 0337

June 5, 1902 67 0338

June 5, 1902 67 0339

June 5, 1902 67 0340

June 5, 1902 67 0341

June 5, 1902 67 0342

June 5, 1902 67 0343

JUL 24 1936

half of the Northeast Quarter of Section 34, Township 16 North, Range 1 West Boise Meridian.

P W HIGGINS: The Southeast Quarter of the Northwest Quarter, Section 34, and the Southwest Quarter of the Northeast Quarter Section 34, and a strip 10 rods wide on the South side of the Northeast Quarter of the Northwest Quarter of Section 34, all in Township 16 North, Range 1 West Boise Meridian.

EDGAR MOSER: The Southeast Quarter of the Southwest Quarter Section 27, and the Northeast Quarter of the Northwest Quarter Section 34, except the P & I N right-of-way and a strip 10 rods wide off the South side of the Northeast Quarter of the Northwest Quarter of Section 34, Township 16 North, Range 1 West Boise Meridian.

WILLIAM PHIPPS: The South half of the Southwest Quarter, the Southwest Quarter of the Southeast Quarter of Section 26, and the Northwest Quarter of the Northeast Quarter of Section 35, Township 16 North, Range 1 West Boise Meridian.

I A WHITLEY: The North half of the Southeast Quarter, the Southwest Quarter of the Northeast Quarter and the Southeast Quarter of the Northwest Quarter of Section 27, Township 16 North, Range 1 West Boise Meridian.

G W PHIPPS: The North half of the Northwest Quarter of Section 34, and 4 acres immediately north of Section 27, Township 16 North, Range 1 West Boise Meridian.

JAMES H MCGINLEY: The North half of the South half and the Southeast Quarter of the Southeast Quarter, Section 26 and the Northeast Quarter of the Northeast Quarter Section 35, Township 16 North, Range 1 West Boise Meridian.

MARY E HOUSTON: The Northeast Quarter of the Northeast Quarter, the South half of the Northeast Quarter, and the Southeast Quarter of the Northwest Quarter of Section 26, Township 16 North, Range 1 West Boise Meridian.

A W PERBLES: The Southwest Quarter of the Southeast Quarter and the East half of the Northwest Quarter of Section 28, Township 16 North, Range 1 West Boise Meridian.

R S KINCAID: The Northeast Quarter of the Northeast Quarter of Section 28, Township 16 North, Range 1 West Boise Meridian.

GRANT MOORE: North half of the Northwest Quarter of Section 35, Township 16 North, Range 1 West Boise Meridian.

M P GIFFORD: The Southeast Quarter of the Southeast Quarter of Section 15, the Southwest Quarter of the Southeast Quarter of Section 15, the Southwest Quarter of Section 14, all in Township 16 North, Range 1 West Boise Meridian.

ELIZA BORNSEN: The Southwest Quarter of Section 16, Township 16 North, Range 1 West Boise Meridian.

JAMES L STEWART AND WILLIAM F SMITH: The Southeast Quarter of the Southwest Quarter of Section 11, Township 16 North, Range 1 West Boise Meridian.

S D PIPER: The North half of the Southwest Quarter of the Southeast Quarter of Section 11, Township 16 North, Range 1 West Boise Meridian.

MRS J T ROOT: The Southeast Quarter of the Northeast Quarter of Section 10, the Southwest Quarter of the Northwest Quarter and the North half of the Southwest Quarter of Section 11, Township 16 North, Range 1 West Boise Meridian.

EMMA COOL: The Northeast Quarter of the Northwest Quarter and the South half of the Southwest Quarter of the Southeast Quarter of Section 23, Township 16 North, Range 1 West Boise Meridian.

COTTONWOOD CREEK

William Phipps	50	June 1, 1884
	20	" " 1889
	3	" " 1892
G. W. Phipps	37½	" " 1889
F. W. Beier	58	" " 1882
P. W. Higgins	20	Sept 6, 1884
Edgar Moser	22½	" " "
Grant Moore	3 5	May 1, 1900
I. A. Whiteley, sub. for I. A. Whiteley and J. D. Neale	15 5/8 31 3/8	June 1, 1888 " " 1887
Mary E. Houston	25	July 2, 1890
A. W. Peebles	4	Apr 1, 1896
R. S. Kincaid	4	" " "
James H. McGinley	72 3	July 1, 1890 May 1, 1889

JUL 2 4 1996

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: A67-00312
Date Received: 12/22/1989
Receipt No: W007236
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: CORNELIUS G NIELSEN
Address: PO BOX 474
COUNCIL ID

83612

OR

Name: JOHANNA M NIELSEN
Address: PO BOX 474
COUNCIL ID

83612

2. Date of Priority: JUN 1, 1884

3. Source: COTTONWOOD CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
16N	01W	26	SW	SE	SE		ADAMS
		35	NE	NW	NE		ADAMS

5. Description of diverting works:
HEADGATES AND LATERALS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.000		

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

8. Total consumptive use is 268.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NA

SCANNED
APR 02 2004

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
16N	01W	26	SW		SW		IRR	27.0
			SE		SW		IRR	27.0
			SW		SE		IRR	26.0
							Section Acres	80.0
		35	NW		NE		IRR	8.0
							Section Acres	8.0
							Total Acres	88.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
67-00313, 67-00314, 67-4119

14. Remarks:
OWNERSHIP CHANGED BY LH 3/9/99.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

JOHN T. MUIR

Decree Plaintiff

WILLIAM ALLISON

vs Decree Defendant

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

AUG 20 1997

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 Number(s) A67-00312
 Adjudication Claim Number(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 on file with the county.)
 - OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) W.L. Jones/Sharon Jones
2305 Cottonwood Road, Council, ID 83612

4. New Owner/Claimant(s) Cornelius G. Nielsen or Johanna M. Nielsen
 Name connector (Check one): [] AND, [☒] OR, [] AND/OR
 New Mailing Address P.O. Box 474
 City, State and ZIP Code Council, ID 83612
 New Telephone Number () _____ - _____

5. Date you acquired the property 8/4/97

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 actually irrigated _____ Number and type of stock _____
 Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
 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/Claimant(s) Cornelius G. Nielsen Date 8/4/97
Johanna M. Nielsen Date 8/4/97

8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
 For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

COPY

PAGE 1 of 2
WARRANTY DEED

For Value Received, W.L. JONES, aka WOODROW L. JONES and SHARON C. JONES, husband and wife

the grantors, do hereby grant, bargain, sell and convey unto
CORNELIUS G. NIELSEN and JOHANNA M. NIELSEN, husband and wife,

the grantees, whose current address is PO Box ~~1149, Merton, WA 98356,~~ ^{474, Council, ID 83612}

the following described premises, in Adams County, Idaho, to-wit:

SEE ATTACHED EXHIBIT "A" MADE A PART HEREOF.

TO HAVE AND TO HOLD THE said premises, with their appurtenances unto the said Grantees their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all encumbrances excepting for all easements of record, rights of way, matters visible, and all matters of record and title.

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

Date: August 4, 1997

W. L. Jones

W. L. Jones, aka Woodrow L. Jones

Sharon C. Jones

Sharon C. Jones

STATE OF IDAHO)
) ss
COUNTY OF ADAMS)

STATE OF IDAHO, COUNTY OF ADAMS

I hereby certify that this instrument was filed for record
at the request of Timberline Title & Escrow

On this ^{4th} day of *Aug*, in the year of 1997, before me
a Notary Public, personally appeared W.L. JONES, aka
WOODROW L. JONES and SHARON C. JONES,
known or identified to me to be the persons whose names
are subscribed to the within instrument, and acknowledged
to me that they executed the same

at 41 minutes past 3 o'clock PM.
this 5 day of Aug 19 97 in my
office, and duly recorded in Book
of Deeds at page

Christy A. Amy

Notary Public

Residing at *Unitah, Idaho*

Commission expires: *8/4/98*

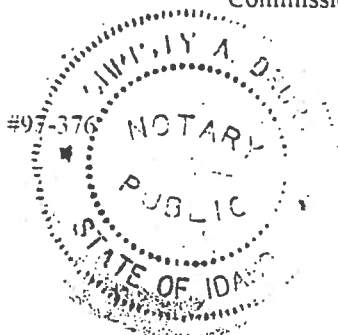
MICHAEL FISK

Ex-Officio Recorder

By: *Peggy Linkel*
Deputy

Fees \$ 6.00

Mail to: Timberline Title & Escrow



RECEIVED

AUG 20 1997

WATER RESOURCES
WESTERN REGION

Township 15 North, Range 1 West, Boise Meridian, Adams County,
Idaho

Section 2: Lots 3 and 4, and the SW1/4NW1/4

~~Township 16 North, Range 1 West, Boise Meridian, Adams County,
Idaho~~

~~Section 26: S1/2SW1/4, SW1/4SE1/4. Excepting therefrom the right
of way of the County Road known as Cottonwood Road.~~

~~Section 34: SE1/4NE1/4, E1/2SE1/4~~

~~Section 35: NW1/4NE1/4, S1/2NE1/4, NW1/4, S1/2~~

RECEIVED

AUG 20 1997

WATER RESOURCES
WESTERN REGION

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: A67-00312
Date Received: 12/22/1989
Receipt No: W00
Received By: BA5

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: W. L. JONES 208-253-4882
Address: HC 62 BOX 1730
COUNCIL, ID 83612

OR

Name: SHA RON JONES 208-253-4882
Address: HC 62 BPX 1730
COUNCIL, ID 83612

2. Date of Priority: JUN 01, 1884

3. Source: COTTONWOOD CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
16N	01W	26	SW	SE	SE		ADAMS
		35	NE	NW	NE		ADAMS

5. Description of diverting works:
HEADGATES AND LATERALS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.000		

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

8. Total consumptive use is 268.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NA

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
16N	01W	26	SW		SW		IRR	27.0
			SE		SW		IRR	27.0
			SW		SE		IRR	26.0
							Section Acres	80.0
		35	NW		NE		IRR	8.0
							Section Acres	8.0
							Total Acres	88.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:
67-00313, 67-00314, 67-4119

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

JOHN T. MUIR

Decree Plaintiff

vs

WILLIAM ALLISON

Decree Defendant

(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.

For Individuals:

Signature of Claimant(s): K. L. Jones Date: 1/2/22/89
Date: _____

Subscribed and sworn (or affirmed) before me this 22 day
of December 19 89 Burr

Residing at West Cove
My Commission Expires 4/11/95





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

March 9, 1999

Re: Notices of Claim to a Water Right Nos. A67-00312, A67-00313,
A67-00314, A67-04119, A67-14096

CORNELIUS G NIELSEN
JOHANNA M NIELSEN
PO BOX 474
COUNCIL ID 83612

Dear Mr. & Mrs. Nielsen:

Enclosed are copies of the above referenced claims which reflect the change in ownership of the land and appurtenant water rights covered under the original filings.

The Department will contact you in the future concerning any requirements that may be needed in order to process these claims for final court decree.

If you have any questions concerning the enclosed claims, please feel free to contact this office.

Sincerely,

Adjudication Section
Western Region Office

LH:1

Enclosures