



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

July 2, 2009

ALVIN YANTIS *253-4411*  
2235 MIDDLE FORK RD  
COUNCIL ID 83612

RE: Snake River Basin Adjudication (SRBA)  
**Notice of Claim to a Water Right #67-313**

Dear Mr. Yantis:

It was nice visiting with you this morning. As I promised, I have enclosed an ownership change form for you and also made a copy of the Recorder's Office document in your file showing the former owner, amount of water used and priority dates.

Please call me toll-free at 1-800/451-4129 if you have any questions.

Sincerely,

Sally Sherman  
Technical Records Specialist  
Adjudication Bureau

SS:region  
Enclosures:

Recorder's Office Document Copy  
Notice of Change in Water Right Ownership Form

SCANNED

JUL - 2 2009

12/13/2006

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

RIGHT NUMBER: 67-313

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: 0.400 CFS

PRIORITY DATE: 06/01/1889

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          | 0.400 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 32.0 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.



# Idaho Department of Water Resources

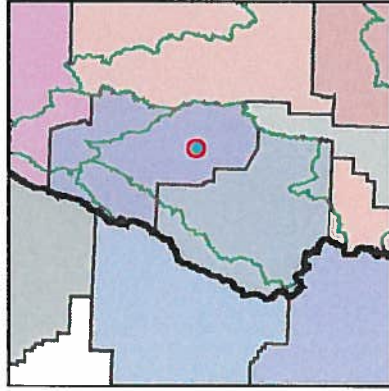
SRBA Recommendation:

**67-313**

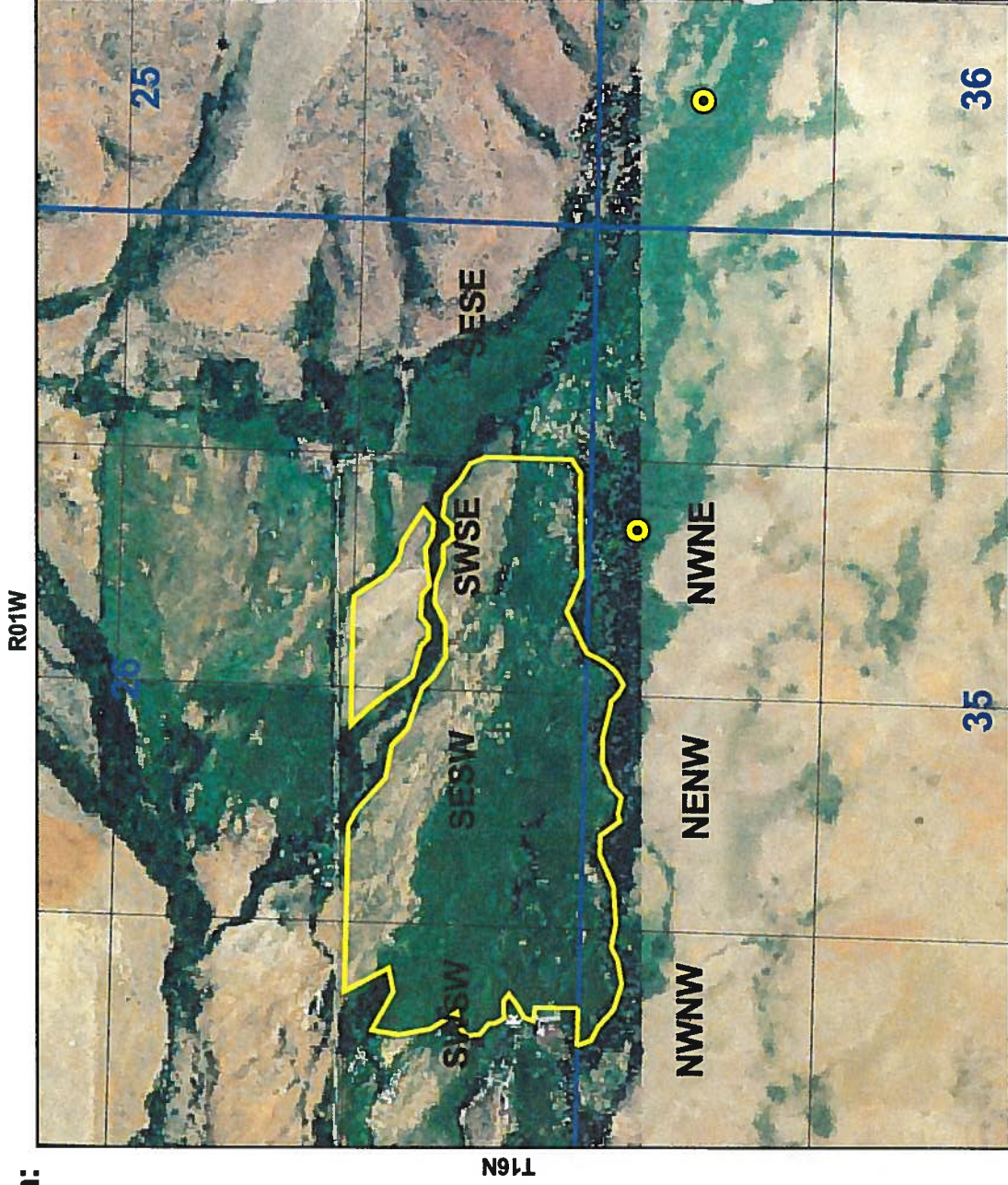
(Irrigation)

## Legend

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

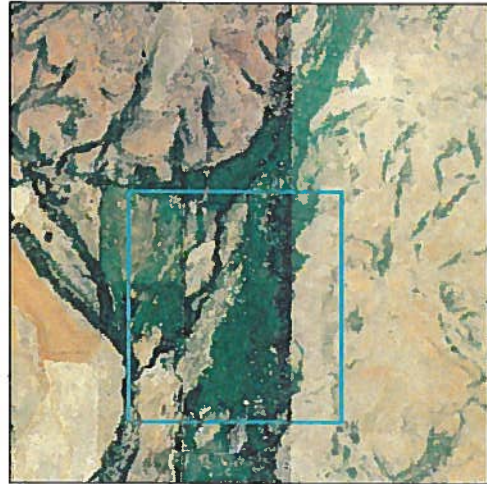
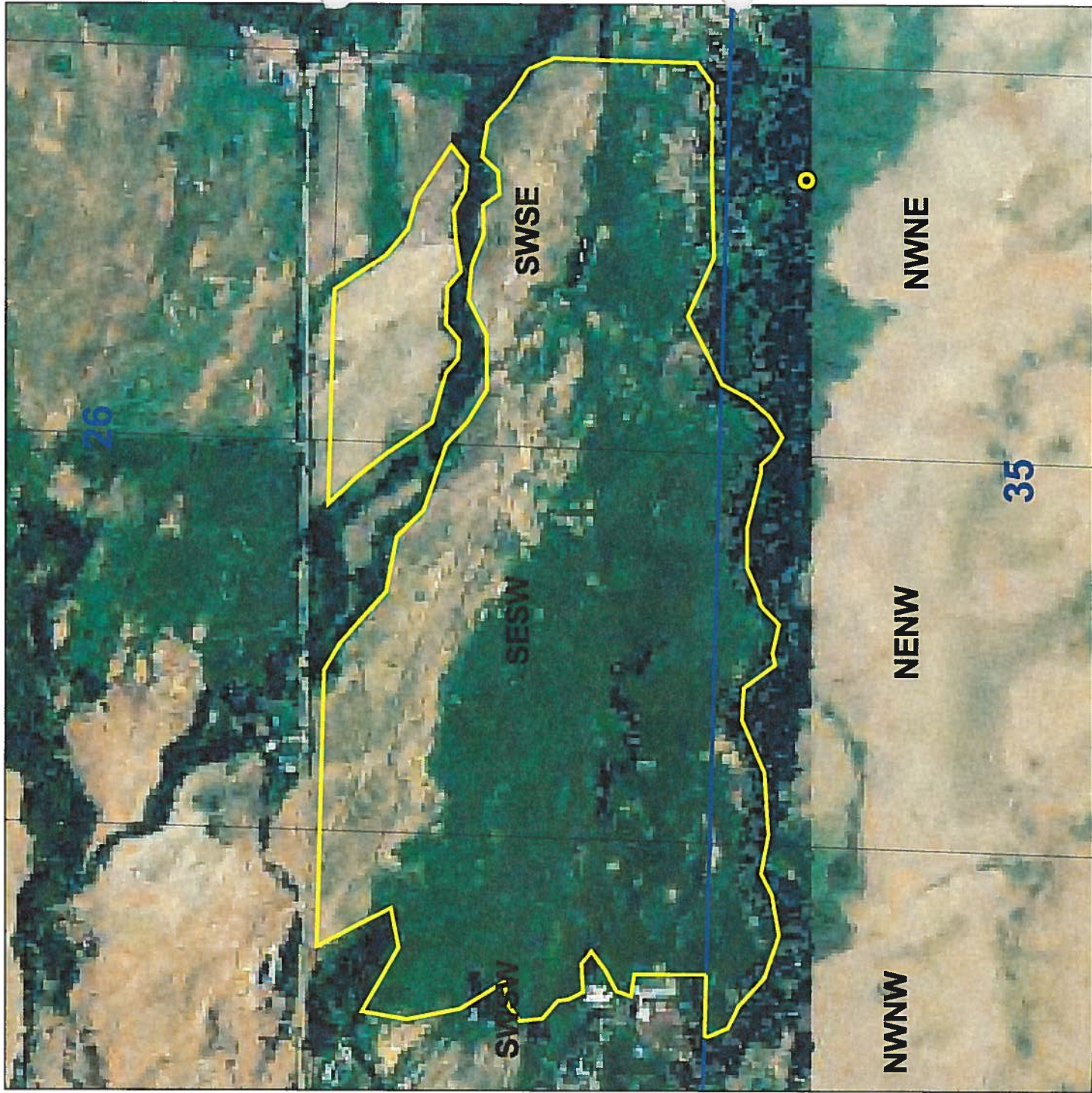


Adams County  
IDWR Basin 67



Prepared by IDWR State Office  
On Wednesday, December 13, 2006  
1987/88 Aerial Photography

67-313



## Adjudication Recommendation Report 67-313 V1

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

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        | 0.400 CFS             |                      |
|                       | Total Diversion:      | 0.400 CFS             |                      |

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

## IRRIGATION

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommendation Report 67-313 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. K06 This right is limited to the irrigation of 32.0 acres within the place of use described above in a single irrigation season.
3. 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
4. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Remarks:

Comments:

1. 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.

2. csaxton 10/2/2006 POU

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.

3. mvanbussum 12/13/2006 Dan Nelson NOE Review 67-312

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 67-313 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  | 7/20/2004 8:24:54 AM      | segbert         |                           |                 | Active        |
| POD            | 7/20/2004 8:32:32 AM      | segbert         |                           |                 | Active        |
| Source         | 7/20/2004 8:32:44 AM      | segbert         |                           |                 | Active        |
| POU            | 7/20/2004 8:33:13 AM      | segbert         |                           |                 | Active        |
| Use            | 7/20/2004 8:38:44 AM      | segbert         |                           |                 | Active        |
| Season         | 7/20/2004 8:39:07 AM      | segbert         |                           |                 | Active        |
| Quantity       | 7/20/2004 8:39:57 AM      | segbert         |                           |                 | Active        |
| Contacts       | 10/2/2006 10:24:54 AM     | csaxton         |                           |                 | Active        |
| Priority Date  | 10/2/2006 10:25:11 AM     | csaxton         |                           |                 | Active        |
| POD            | 10/2/2006 10:25:23 AM     | csaxton         |                           |                 | Active        |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 67-313 V1

|          |                       |         |        |
|----------|-----------------------|---------|--------|
| Source   | 10/2/2006 10:26:02 AM | csaxton | Active |
| POU      | 10/2/2006 10:26:09 AM | csaxton | Active |
| Use      | 10/2/2006 10:28:55 AM | csaxton | Active |
| Season   | 10/2/2006 10:29:39 AM | csaxton | Active |
| POU      | 10/2/2006 10:30:19 AM | csaxton | Active |
| Quantity | 10/2/2006 10:30:31 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>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|----------------|------------------------|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Contacts       | 10/2/2006 10:25:04 AM  | csaxton         | (No) 1. Do you want to schedule an appointment?<br><br>Comment for 1: Desktop Review                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Use            | 10/2/2006 10:29:06 AM  | csaxton         | (Yes) 1. Is the basis of this claim a Decree or License?<br>(No) 4. Does the Decree or License have a Purpose of Use?<br>(No) 6. Is there evidence that there has been a change in the Purpose of Use?<br>(No) 11. Does the file contain all the necessary information to verify the Water Use?<br>(No) 13. Is a Purpose of Use remark and/or condition required?                                                                                                                                                                                                                                                                                   |
| POD            | 10/2/2006 10:26:02 AM  | csaxton         | Updated PLS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| POU            | 10/2/2006 10:28:13 AM  | csaxton         | Updated shape for Active POU                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Summary        | 10/2/2006 10:32:41 AM  | csaxton         | (Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?<br>(No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?<br>(Yes) 5. Does this right have any combined use limits with other rights?<br>(Yes) 6. Is an additional remark and/or condition required?<br>(Yes) 7. Would you like to view the recommended right?<br>(No) 8. Is this a split or combined right?<br>(No) 9. Do you have documents you would like to attach or link to the file?<br>(Yes) 10. Would you like to set the verification date? |
| POU            | 10/2/2006 10:28:46 AM  | csaxton         | Updated PLS for Active POU                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 67-313 V1

|         |                       |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------|-----------------------|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| General | 10/2/2006 10:25:21 AM | csaxton | (No) 1. Should this water use have been included in a later court decree of the water rights from this source?<br>(Yes) 4. Is the basis of claim decree or license?<br>(Yes) 5. Does the decree or license have a Priority Date?<br>(Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ?<br>(Yes) 15. Is the basis of claim coded correctly?<br>(No) 16. Is a Priority Date remark and/or condition required?                                                                           |
| POD     | 10/2/2006 10:25:33 AM | csaxton | (Yes) 1. Is the basis of this claim a Decree or License?<br>(No) 4. Does the Decree or License have a POD?<br>(No) 6. Is there evidence that there has been a change in the POD?<br>(Yes) 9. Does the file contain all the necessary information to verify the POD?<br>(No) 10. Is a POD remark and/or condition required?                                                                                                                                                                                 |
| POD     | 10/2/2006 10:25:52 AM | csaxton | Updated shape                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Source  | 10/2/2006 10:26:12 AM | csaxton | (Yes) 1. Is the basis of claim Decree or License?<br>(Yes) 4. Does the Decree or License have a source?<br>(Yes) 5. Can the claimed source be verified using the water right file?<br>(No) 11. Is a Source remark and/or condition required?                                                                                                                                                                                                                                                               |
| POU     | 10/2/2006 10:26:19 AM | csaxton | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 2a. Is the POU required?<br>(Yes) 5. Does the Decree or License have a POU?<br>(Yes) 6. Can the claimed POU be verified using the water right file?<br>(No) 14. Is a POU remark and/or condition required?                                                                                                                                                                                                                               |
| POU     | 10/2/2006 10:26:34 AM | csaxton | Updated shape for Active POU                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| POU     | 10/2/2006 10:28:38 AM | csaxton | Updated shape for Active POU                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Season  | 7/20/2004 8:39:08 AM  | segbert | (Yes) 1. Is the basis of claim Decree or License?<br>(No) 4. Does the Decree or License have a Period of Use?<br>(No) 6. Is there evidence that there has been a change in the Period of Use?<br>(Yes) 12. Does the file contain all the necessary information to verify the Period of Use?<br>(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?<br>(Yes) 15. Is irrigation claimed as a Purpose of Use? |
| POD     | 7/20/2004 8:32:06 AM  | segbert | Edited point location                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| POU     | 7/20/2004 8:38:21 AM  | segbert | Edited shape boundary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 67-313 V1

|               |                       |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|---------------|-----------------------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Priority Date | 7/20/2004 8:24:54 AM  | segbert | (No) 1. Should this water use have been included in a later court decree of the water rights from this source?<br>(Yes) 4. Is the basis of claim decree or license?<br>(Yes) 5. Does the decree or license have a Priority Date?<br>(Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ?<br>(Yes) 15. Is the basis of claim coded correctly?                                                                                                                                                                                                             |
| POD           | 7/20/2004 8:28:18 AM  | segbert | Edited point location                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| POD           | 7/20/2004 8:32:33 AM  | segbert | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 4. Does the Decree or License have a POD?<br>(Yes) 5. Can the claimed POD be verified using the water right file?                                                                                                                                                                                                                                                                                                                                                                                         |
| Source        | 7/20/2004 8:32:45 AM  | segbert | (Yes) 1. Is the basis of claim Decree or License?<br>(Yes) 4. Does the Decree or License have a source?<br>(Yes) 5. Can the claimed source be verified using the water right file?                                                                                                                                                                                                                                                                                                                                                                                          |
| POU           | 7/20/2004 8:33:14 AM  | segbert | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 2a. Is the POU required?<br>(Yes) 5. Does the Decree or License have a POU?<br>(Yes) 6. Can the claimed POU be verified using the water right file?                                                                                                                                                                                                                                                                                                                                                       |
| Use           | 7/20/2004 8:38:45 AM  | segbert | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 4. Does the Decree or License have a Purpose of Use?<br>(Yes) 5. Can the claimed Purpose of Use be verified using the water right file?                                                                                                                                                                                                                                                                                                                                                                   |
| Quantity      | 7/20/2004 8:39:58 AM  | segbert | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 4. Does the Decree or License have a diversion rate and/or volume?<br>(Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file?                                                                                                                                                                                                                                                                                                                                       |
| POU           | 10/2/2006 10:26:43 AM | csaxton | Updated PLS for Active POU                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Season        | 10/2/2006 10:29:49 AM | csaxton | (Yes) 1. Is the basis of claim Decree or License?<br>(No) 4. Does the Decree or License have a Period of Use?<br>(No) 6. Is there evidence that there has been a change in the Period of Use?<br>(Yes) 12. Does the file contain all the necessary information to verify the Period of Use?<br>(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?<br>(Yes) 15. Is irrigation claimed as a Purpose of Use?<br>(No) 18. Is a Period of Use remark and/or condition required? |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 67-313 V1

|          |                        |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|----------|------------------------|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| POU      | 10/2/2006 10:30:30 AM  | csaxton    | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 2a. Is the POU required?<br>(No) 5. Does the Decree or License have a POU?<br>(Yes) 7. Is there evidence that there has been a change in the POU?<br>(Yes) 8. Can the claim be verified as an accomplished transfer?<br>(Yes) 13. Does the file contain all the necessary information to verify the POU?<br>(Yes) 14. Is a POU remark and/or condition required?<br>Description for Question 8 - 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).<br>Description for Question 13 - WM Records |
| Quantity | 10/2/2006 10:30:42 AM  | csaxton    | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 4. Does the Decree or License have a diversion rate and/or volume?<br>(Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file?<br>(No) 8. Does the parent right have an annual diversion volume limit?<br>(No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit?<br>(No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use?<br>(No) 12. Is a Quantity remark or condition required?                                                |
| POD      | 12/13/2006 10:51:07 AM | mvanbussum | Updated shape                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

Water Supply Bank:

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: 67-313

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 ROW S26 SWSESE Adams County*

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*

*H 208-253-6120*

*W 208-253-0036*

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

*Added POD per NOE review  
MVB 12-13-06*

SCANNED  
DEC 08 2006

26

Lester Creek

Man-made Ditch.  
Diversion off of this  
ditch are not described  
on water rights.

SURSW

SESW

SNSW

Cottonwood Creek

MINNE

Current point of diversion  
recommended

POD that should be added:  
T16N, R1W, S36, NENWNW

26 25  
35 36

NENWNW

# **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 = |          |        |         |        |               |           | 89    |          |                 |             |                |
| 67      | 14096    |        | Decreed |        | 5/1/1900      | 0.16      | 8     | COTTONWO | IRRIGATION      | NIELSEN, CC | Recommendation |
| Total = |          |        |         |        |               |           | 8     |          |                 |             |                |
| 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(aft) | Source    | Water Use(s)    | Owner(s)    | Source Table |
|-------|----------|--------|-------------|--------|---------------|-----------|-------------|-----------|-----------------|-------------|--------------|
| 67    | 312      |        | Decreed     | Active | 1884-06-01    | 1         |             | COTTONWO  | IRRIGATION      | PHIPPS, WIL | WaterRight   |
| 67    | 313      |        | Decreed     | Active | 1889-06-01    | 0.4       |             | COTTONWO  | IRRIGATION      | PHIPPS, WIL | WaterRight   |
| 67    | 314      |        | Decreed     | Active | 1892-06-01    | 0.06      |             | COTTONWO  | IRRIGATION      | PHIPPS, WIL | WaterRight   |
| 67    | 4119     |        | Statutory C | Active | 1880-06-01    | 3.12      |             | COTTONWO  | IRRIGATION, STC | JONES, LOU  | WaterRight   |
| 67    | 11372    |        | Decreed     | Active | 1880-06-01    | 0.06      |             | GROUND W/ | DOMESTIC, STC   | NIELSEN, CC | WaterRight   |

# **Water Master**

| Page # | Parcel #   | Name     | Inches | WR # | Original Ow/ | Priority |
|--------|------------|----------|--------|------|--------------|----------|
| 1      | 16N01W3418 | NIELSON, | 20     | 310  | P. W. Higgin | 9/6/84   |
| 1      | 16N01W266  | NIELSON, | 50     | 312  | W. PHIPPS    | 6/1/84   |
| 1      | 16N01W289  | RENWICK  | 20     | 313  | W. PHIPPS    | 6/1/89   |
| 1      | 16N01W350  | NIELSON, | 3      | 314  | W. PHIPPS    | 6/1/92   |
| 2      | 16N01W350  | NIELSON, | 3      | 323  | G. MOORE     | 5/1/00   |
| 2      | 16N01W350  | NIELSON, | 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.

Clifford-Sorensen Ditch.

M P Gifford

Elisa 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

Gladwell 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 M 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 PERMLES: 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 B MINCAID: 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

37 1/2 " " 1889

F. W. Beier

58 " " 1882

P. W. Higgins

20 Sept 6, 1884

Edgar Moser

22 1/2 " " "

Grant Moore

3 May 1, 1900  
5 " " "

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

15 5/8 June 1, 1888  
31 3/8 " " 1887

Mary E. Houston

25 July 2, 1890

A. W. Peebles

4 Apr 1, 1896

R. S. Kincaid

4 " " "

James H. McGinley

72 July 1, 1890  
3 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: **A67-00313**  
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, 1889

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

4. Point of Diversion:

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

5. Description of diverting works:  
HEADGATE 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 | 0.400 |      |        |

7. Total Quantity Appropriated is:  
0.400 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:  
67-312, 67-314, 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) A67-00313  
 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 C. 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 474, Council, ID 83612 ~~1149, Norton, WA 98356,~~

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 4<sup>th</sup> 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

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: A67-00313  
Date Received: 12/22/1989  
Receipt No: W007236  
Received By: BHS

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 C. JONES 208-253-4882  
Address: HC 62 BOX 1730  
COUNCIL, ID 83612

2. Date of Priority: JUN 01, 1889

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

4. Point of Diversion:

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

5. Description of diverting works:  
HEADGATE 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 | 0.400  |      |        |

7. Total Quantity Appropriated is:  
0.400 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:  
67-312, 67-314, 67-4119

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

JOHN T. MUIR

Decree Plaintiff

vs

WILLIAM ALLISON

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do        do not        wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments:       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):       A. L. Jones       Date:       12/22/89        
\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of       Ada       ) ss.

Subscribed and sworn (or affirmed) before me this       22       day  
of       December       19       89             Bruce A. Schell        
Notary Public

Seal

Residing at       Boise Idaho        
My Commission Expires       4/11/91

A67-00313

Clearwood Sch

(Abund.)

3027

3024

3522

3000

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2906

Middle Eo.  
School

3026

3730

MICROFILMED  
OCT 8 1 1992



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

March 9, 1999

KARL J. DREHER  
DIRECTOR

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