

12/13/2006

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

RIGHT NUMBER: 67-314

NAME AND ADDRESS: JOHANNA M NIELSEN
PO BOX 474
COUNCIL ID 83612

CORNELIUS G NIELSEN
PO BOX 474
COUNCIL ID 83612

SOURCE: COTTONWOOD CREEK TRIBUTARY: WEISER RIVER

QUANTITY: 0.060 CFS

PRIORITY DATE: 06/01/1892

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	0.060 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

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

This right is limited to the irrigation of 4.8 acres within the place of use described above in a single irrigation season.

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

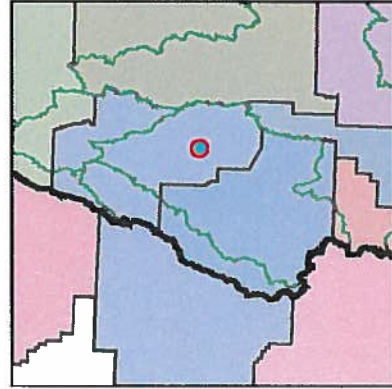
SRBA Recommendation:

67-314

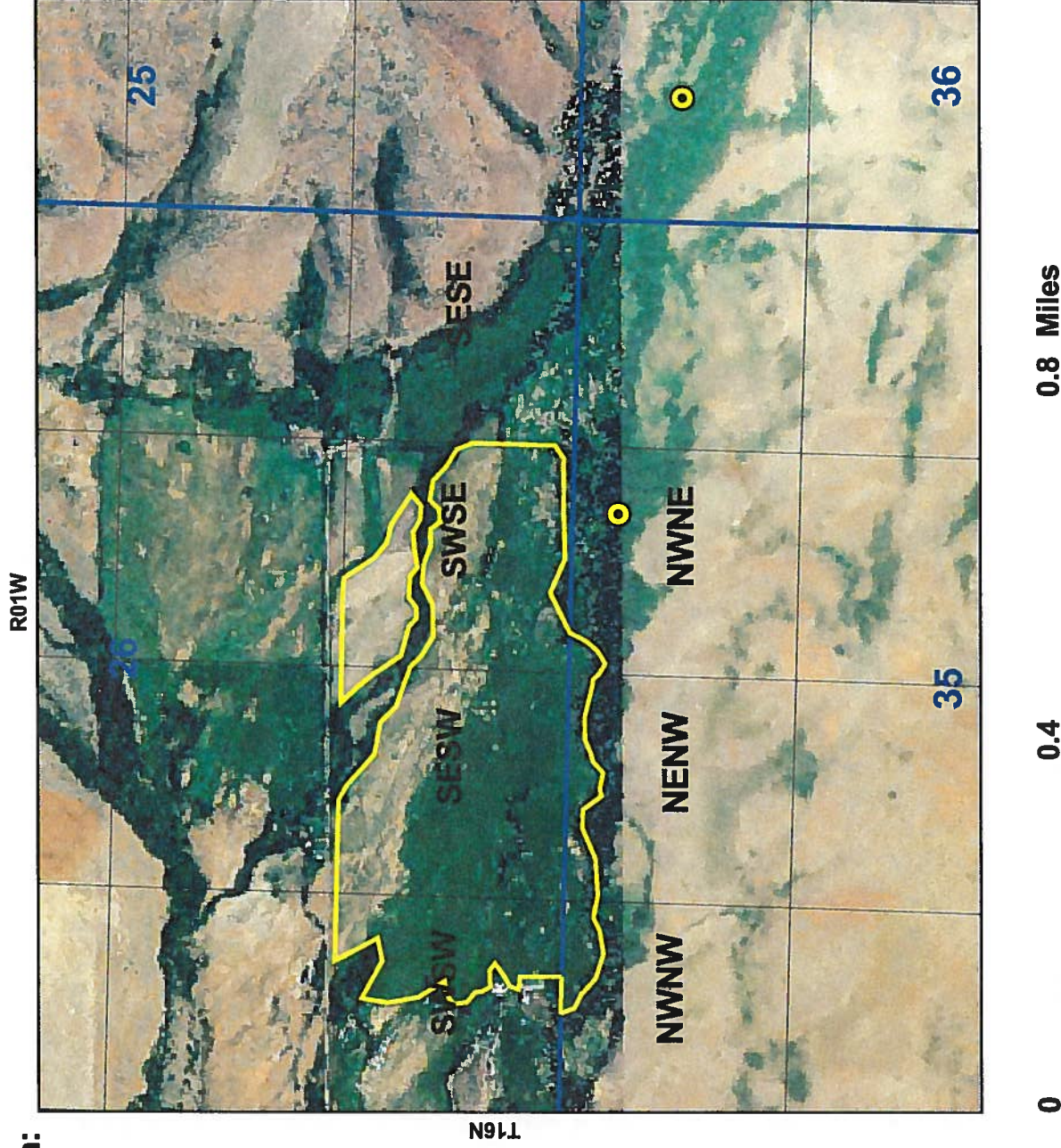
(Irrigation)

Legend

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

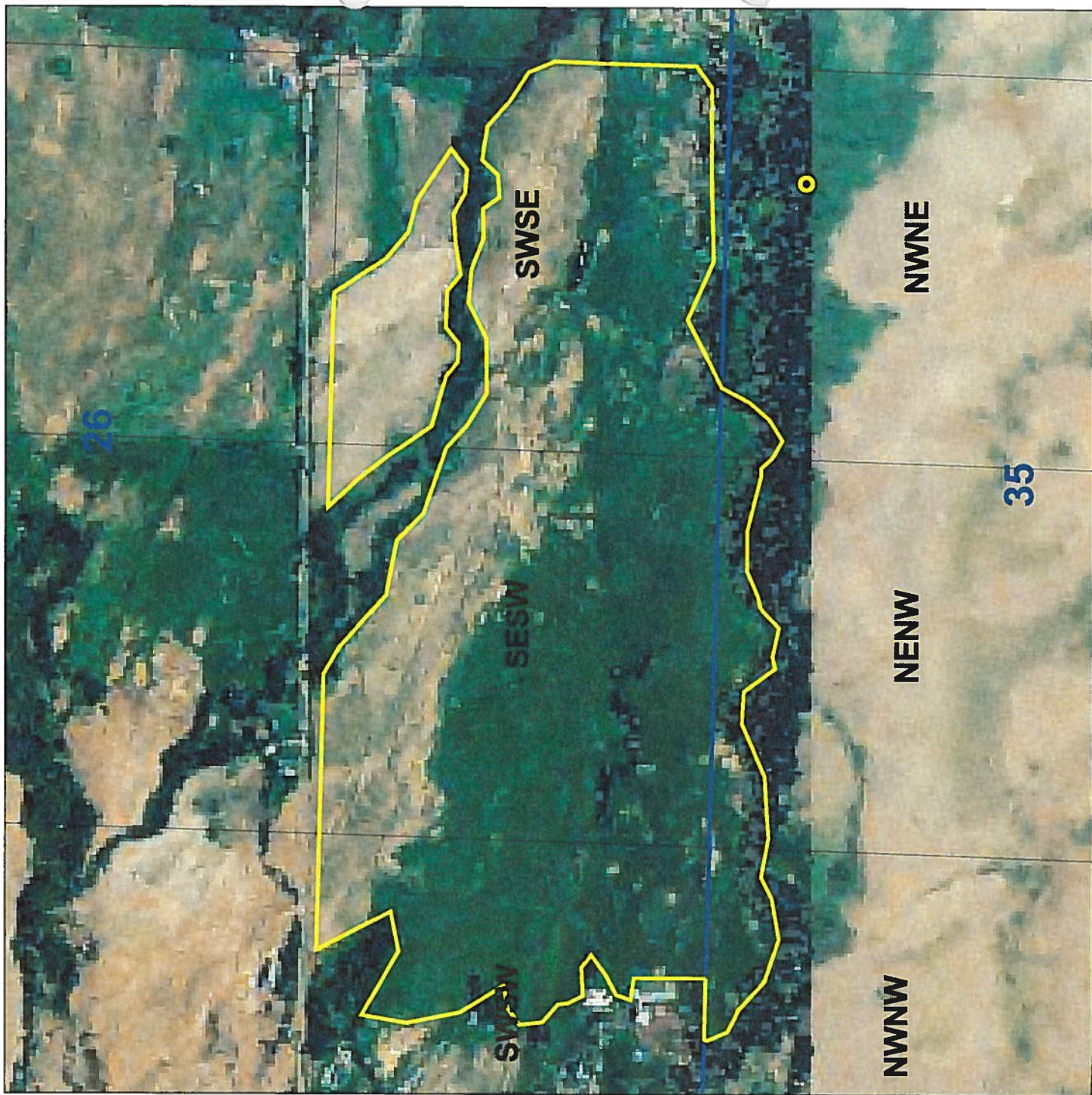
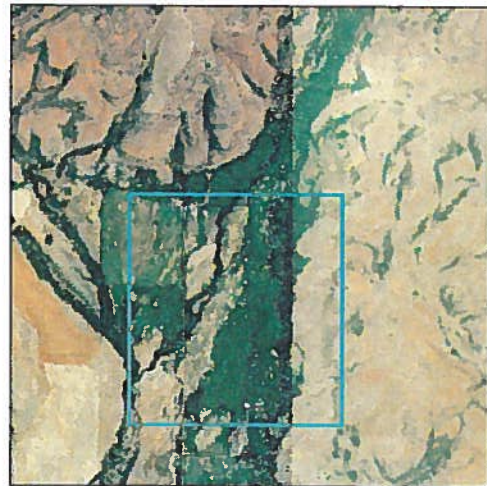


Adams County
IDWR Basin 67



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

67-314



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-314 V1

WATER RIGHT NUMBER: 67-314 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	W L JONES 2305 COTTONWOOD RD COUNCIL, ID 83612-5246 (208)253-4882
Original Owner	WILLIAM C PHIPPS RT 1 BOX 227 CAMBRIDGE, ID 83610 (208)257-3230
Current Owner	JOHANNA M NIELSEN PO BOX 474 COUNCIL, ID 83612
Current Owner	CORNELIUS G NIELSEN PO BOX 474 COUNCIL, ID 83612

Priority Date: 06/01/1892

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	0.060 CFS	
	<u>Total Diversion:</u>	0.060 CFS	

Location of Point(s) of Diversion

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

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
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 67-314 V1

Conditions of Approval:

1. 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
2. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. 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.
4. K06 This right is limited to the irrigation of 4.8 acres within the place of use described above in a single irrigation season.

Remarks:Comments:

1. csaxton 10/2/2006 PPU

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. 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.

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:

Adjudication Recommendation Report 67-314 V1

<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		

<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 8:43:10 AM	segbert			Active
POD	7/20/2004 8:43:29 AM	segbert			Active
Source	7/20/2004 8:48:51 AM	segbert			Active
POU	7/20/2004 8:49:12 AM	segbert			Active
Use	7/20/2004 8:51:00 AM	segbert			Active
Season	7/20/2004 8:51:28 AM	segbert			Active
Quantity	7/20/2004 8:52:11 AM	segbert			Active
Contacts	10/2/2006 11:02:54 AM	csaxton			Active
Priority Date	10/2/2006 11:03:09 AM	csaxton			Active
POD	10/2/2006 11:03:25 AM	csaxton			Active
Source	10/2/2006 11:05:02 AM	csaxton			Active
POU	10/2/2006 11:05:52 AM	csaxton			Active
Use	10/2/2006 11:06:49 AM	csaxton			Active
Season	10/2/2006 11:06:58 AM	csaxton			Active
Quantity	10/2/2006 11:07:04 AM	csaxton			Active
Summary			10/02/2006	csaxton	Active

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
General	10/2/2006 11:03:25 AM	csaxton	(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 ? (No) 15. Is the basis of claim coded correctly? (Yes) 16. Is a Priority Date remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-314 V1

POD	10/2/2006 11:04:03 AM	csaxton	Updated shape
POD	10/2/2006 11:05:02 AM	csaxton	Updated PLS
Source	10/2/2006 11:05:18 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 11:06:08 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? (No) 6. Can the claimed POU be verified using the water right file? (Yes) 7. Is there evidence that there has been a change in the POU? (Yes) 8. Can the claim be verified as an accomplished transfer? (Yes) 13. Does the file contain all the necessary information to verify the POU? (Yes) 14. Is a POU remark and/or condition required? 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). Description for Question 13 - WM Records
Use	10/2/2006 11:07:06 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 11:07:15 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-314 V1

Summary	10/2/2006 11:09:08 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? (Yes) 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? (Yes) 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?
Quantity	10/2/2006 11:07:20 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?
Source	7/20/2004 8:48:52 AM	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	7/20/2004 8:49:12 AM	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?
POD	12/13/2006 10:41:28 AM	mvanbussum	Updated shape
POD	7/20/2004 8:46:33 AM	segbert	Edited point location
Use	7/20/2004 8:51:00 AM	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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-314 V1

Priority Date	7/20/2004 8:43:11 AM	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	7/20/2004 8:43:30 AM	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	7/20/2004 8:45:02 AM	segbert	Edited point location
POU	7/20/2004 8:50:04 AM	segbert	Edited shape boundary
Season	7/20/2004 8:51:29 AM	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?
Quantity	7/20/2004 8:52:11 AM	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?
Contacts	10/2/2006 11:03:10 AM	csaxton	(No) 1. Do you want to schedule an appointment?
POD	10/2/2006 11:03:41 AM	csaxton	Comment for 1: Desktop Review (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?
POU	10/2/2006 11:06:28 AM	csaxton	Updated shape for Active POU
POU	10/2/2006 11:06:37 AM	csaxton	Updated PLS for Active POU

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: 67-314

JOHANNA M NIELSEN
PO BOX 474
COUNCIL ID 83612

CORNELIUS G 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 SW SE SE 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

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.
Diversions off of this
ditch are not described
on water rights.

S1W4E

S6SW

S1WSE

Cottonwood Creek

N1WNE

Current point of diversion
recommended

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

26 25
25 36

N1WNE

Doc. Section 15-12-200

Claim									
Basin	Sequence	Suffix	Basis	Status	Priority Date	Rate(cfs)	Acres	Source	Water Use(s)
67	312		Decreed	Active	1884-06-01	1	88	COTTONWO	IRRIGATION
67	313		Decreed	Active	1889-06-01	0.4	88	COTTONWO	IRRIGATION
67	314		Decreed	Active	1892-06-01	0.06	100	COTTONWO	IRRIGATION
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	Basis	Status	Priority Date	Rate(cfs)	Acres	Source	Water Use(s)
67	312		Decreed		1884-06-01	1	80	COTTONWO	IRRIGATION
67	313		Decreed		1889-06-01	0.4	32	COTTONWO	IRRIGATION
67	314		Decreed		1892-06-01	0.06	4.8	COTTONWO	IRRIGATION
					Total =	1.46	80		
67	14096		Decreed		5/1/1900	0.16	8	COTTONWO	IRRIGATION
					Total =	0.16	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	Basis	Status	Priority Date	Rate(cfs)	Volume(a)	Source	Water Use(s)
67	312		Decreed	Active	1884-06-01	1		COTTONWO	IRRIGATION
67	313		Decreed	Active	1889-06-01	0.4		COTTONWO	IRRIGATION
67	314		Decreed	Active	1892-06-01	0.06		COTTONWO	IRRIGATION
67	4119		Statutory C	Active	1880-06-01	3.12		COTTONWO	IRRIGATION, STC
67	11372		Decreed	Active	1880-06-01	0.06		GROUND W/ DOMESTIC, STC	NIELSEN, CC

Water Master									
Page #	Parcel #	Name	Inches	WR #	Original Ow	Priority			
1	16ND1W3418	NIELSON,	20	310	P. W. Higgins	9/6/84			
1	16ND1W266d	NIELSON,	50	312	W. PHIPPS	6/1/84			
1	16ND1W289d	RENWICK	20	313	W. PHIPPS	6/1/89			
1	16ND1W350d	NIELSON,	3	314	W. PHIPPS	6/1/92			
2	16ND1W350d	NIELSON,	3	323	G. MOORE	5/1/00			
2	16ND1W350d	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

P W Higgins

Edgar Moser

William Phipps

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

O 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

Elias 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 Frechafer

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

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, 1896 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 1906

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 WHITELEY: 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 H 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 PERKINS: 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

37 1/2 " " 1889

F. W. Beier

58 " " 1882

P. W. Higgins

20 Sept 6, 1884

Egar 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

RECEIVED
JUL 24 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: A67-00314
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, 1892

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	0.060		

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

8. Total consumptive use is 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	36.0
			SE	SW		IRR	40.0
			SW	SE		IRR	20.0
						Section Acres	96.0
		35	NW	NE		IRR	4.0
						Section Acres	4.0
						Total Acres	100.0

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, 67-00312, 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

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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) A67-00314
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
2305 Cottonwood Road, Council, ID 83612
4. New Owner/Claimant(s) Cornelius G. Nielsen or Johanna M. Nielsen
Name connector (Check one): [] AND, [X] 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) Johanna M. Nielsen Date 8/4/97
Cornelius G. 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

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, Nerton, 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 Unit 1, Idaho

Commission expires: 8/4/98

MICHAEL FISK

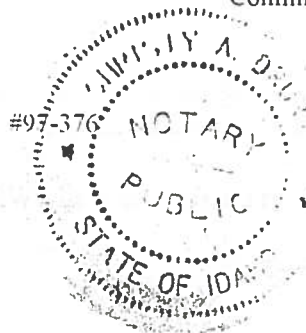
Ex-Officio Recorder

By: *Peggy Link*

Deputy

Fees \$ 6.00

Mail to: Timberline Title & Escrow



RECEIVED

AUG 20 1997

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: 39570

Ident. Number: A67-00314
Date Received: 12/22/1989
Receipt No: W007236
Received By: PAS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: JUN 01, 1892

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:
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	0.060		

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

8. Total consumptive use is 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	36.0
			SE	SW		IRR	40.0

A67-00314

Page 1

Date: 12/22/89

MICROFILMED
OCT 01 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	01W	26	SW	SE		IRR	20.0
						Section Acres	96.0
		35	NW	NE		IRR	4.0
						Section Acres	4.0
						Total Acres	100.0

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, 67-00312, 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): H. 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. Schulz
Notary Public

Seal

Residing at Boise Idaho
My Commission Expires 4/11/95



A67-00314

324

Cottonwood Sch

(Abund)

Cottonwood Sch

Middle Fork School

MICROFILMED
OCT 11 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

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