

AJ5856NP

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

DATE: SEP-9-1997
PAGE: A-230

RIGHT NUMBER: 45-10324

NAME & ADDRESS: LA MAR C NIELSEN
JEANNE P NIELSEN
503 EAST 42
BURLEY ID 83318

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 11/08/1963

POINT OF DIVERSION: T11S R23E S05 LOT 1 (SWNE) Within CASSIA County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.02 CFS
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: STOCKWATER Within CASSIA County
T11S R23E S05 NENE

DOMESTIC Within CASSIA County
T11S R23E S05 Lot 1 (NENE)

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. 00002001006A
STOCKWATER, 10 CATTLE & HORSES.

Claim proofread by: CJ

Date: 9-26



State of Idaho
DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

May 9, 1996

LaMont Williamson
386 East 500 South
Burley, ID 83318

Dear Mr. Williamson:

In response to your request, I searched the allocation and adjudication records for all diversions within the NENE $\frac{1}{4}$ of Section 5, Township 11 South, Range 23 East. This will cover the portion of the Birch Acres Subdivision that you inquired about, lots 12 and 13, and the 21 acres owned by Allan and Carmen Adams.

A search of the allocation records revealed that only the following statutory claims were diverted out of the NENE $\frac{1}{4}$ of Section 5...

45-04169 45-04170 (filed by George Welch)

A search of the adjudication claim records revealed that only the following claims were claimed to be diverted out of the NENE $\frac{1}{4}$ of Section 5...

A45-10324 A45-10534 A45-10856 A45-10892
A45-11671 A45-11673 A45-11752

I have enclosed copies of profile reports of the two allocation records and the seven adjudication claims as you requested. It should be noted, that none of the adjudication claims listed above correspond to the two statutory claims originally filed by George Welch. If the statutory claims, 45-04169 and 45-04170, are still being used, they are required to be claimed in the Snake River Basin Adjudication.

If there are any questions, feel free to contact our office at your convenience.

Sincerely,


Corey Skinner, EIT
Dam Safety Section

Enclosures

DEC 03 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: A45-10324
Date Received: 4/11/1989
Receipt No: S006836
Received By: R. V. St.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LA MAR C. NIELSEN 208-678-8184
Address: 503 EAST 42
BURLEY, ID 83318

AND/OR

Name: JEANNE P. NIELSEN 208-678-8184
Address: 503 EAST 42
BURLEY, ID 83318

2. Date of Priority: NOV 08, 1963

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11S	23E	5	SW	NE	NE	1	CASSIA

5. Description of diverting works:
6" X 77' WELL, 3 HP JET PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1/1 HOUSE, S/10 CATTLE & HORSES.

A45-10324

Page 1

Date: 04/11/89

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	23E	5	NE	NE	1	STOCK	
			NE	NE		DOMEST	

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
NONE

14. Remarks:

IRRIG. WATER FROM BURLEY IRRIG. DIST.

LOTS 6,7,& 8 OF BIRCH ACRES SUBDV., CASSIA CO.

IDWR NOTE: PART OF LEGAL DESCRIPTION DETERMINED BY RVW, SOUTHERN
REGION, FROM ATTACHED SUBDV. PLOT.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

Identification No. 445-10324
Date Received 4-6-89
Receipt Number 5006836

NOTICE OF CLAIM
TO A
WATER RIGHT

RECEIVED

RECEIVED

APR 10 1989

APR 7 1989

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Department of Water Resources
Southern Region Office

Where Daily Use is less than 13,000 gallons per day

Department of Water Resources
Western Regional Office

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) LaMar C. and Jeanne P. Nielsen Phone (208) 678-8184
Mailing Address 503 East 42 Burley, Idaho Zip 83318

2. Date of Priority (Only one per claim) Nov. 8, 1963 Month/Day/Year

3. Source of water supply (Check one) (X) Groundwater or Other () (a) _____
Name or kind of source
which is tributary to (b) _____

4. Location of point of diversion is: Township 11 South Range 23 East
Section 5 , SW 1/4 of NE 1/4 of NE 1/4, Govt. Lot 1 , BM.,
County of Cassia

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Well, 6" casing, 77' deep, 3 h.p. Berkley Jet Pump,
pipe to house and corral

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For Domestic purposes from 1-1 Month/Day to 12-31 Month/Day amount 0.04 (cfs)
(Both dates are inclusive)
For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed 0.04 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) Domestic: 1 Household unit Stockwater: Cattle & Horses 10 head

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10. Place of use is: Township: 11 South Range 23 East

Section 5, NE 1/4 of NE 1/4, Govt. Lot 1, B.M.,

County of Cassia for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any _____

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

12. Do you own the property listed above as place of use? Yes x No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

Burley Irrigation District None

14. Remarks: ✓ Birch Acres Subdr. (Lots 6, 7, 8) Cassia Co.

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

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

Number of Attachments 1

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Sharon G. Nielsen Date 4/3/89

James C. Nielsen Date 4/3/89

For Organizations: I do solemnly swear or affirm that I am _____

of _____, that I have signed the foregoing

document in the space below as _____ of _____

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

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or _____)

County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 3rd day of April 1989

SEAL

Notary Public Robert V. Horstzell

Residing at Twin Falls, Idaho

My Commission Expires 1/16/1995

Last Name _____ Ident No. _____

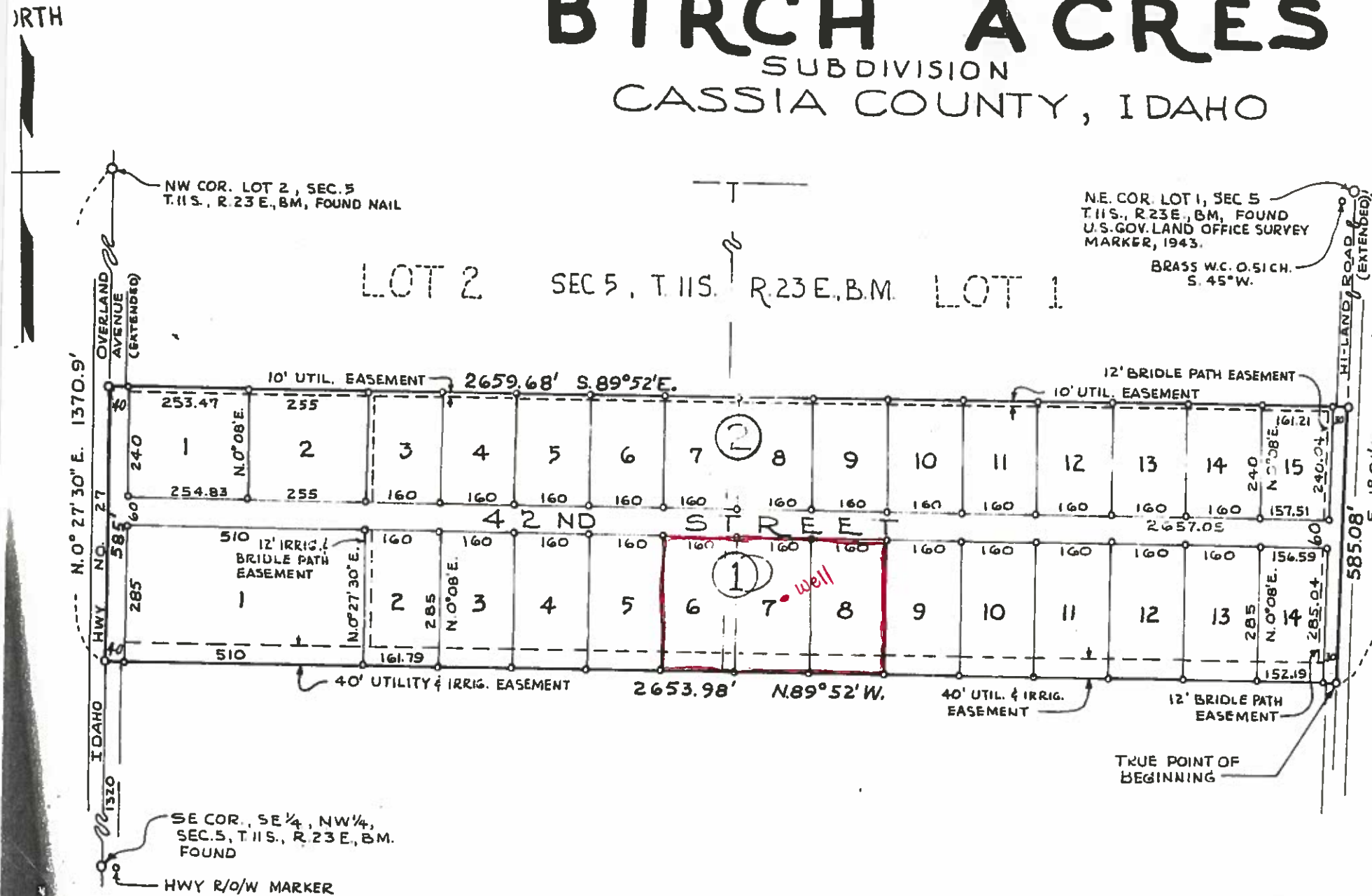
Copies: White-State, Yellow-Claimant

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MAR 09 1993

BIRCH ACRES

SUBDIVISION
CASSIA COUNTY, IDAHO



LEGAL DESCRIPTION:

KNOW ALL MEN BY THESE PRESENTS:

DEDICATION:

STATE OF IDAHO > SS.

NOTARY PUBL

STATE OF IDAHO
COUNTY OF CASSIA
ON THIS 19th DAY OF
JULY, 1943, I, DOROTHY KUN
BIRCH, DONA
KNOWN TO ME
ON THIS INSTRUMENT
THAT THEY

CITY OF BURLEY

ACCEPTED BY
IDAHO AT THEIR
APPROVED: 9

ATTEST

APPROVED

COUNTY COM

THIS IS TO CERTIFY

WATER RIGHT NUMBER - A45-10324

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - - - - OLD WATER RIGHT NUMBERS - - - - - +
+ - - - - OLD WATER RIGHT NUMBERS - - - - - +
NO OLD WATER RIGHT NUMBERS FOUND.
+ - - - - CONDITIONS OF APPROVAL - - - - - +
NO CONDITIONS OF APPROVAL FOUND.
+ - - - - DECREE PLAINTIFF - - - + + - - - - DECREE DEFENDANT - - - + + - DECREE DATE - +
00/00/0000
+ - - AUDIT FIELDS - 04/11/89 WORSTELL
+ - - - - COMMENTS - - - - - +
NO COMMENTS FOUND
+ - - - - ADJUDICATION RIGHTS DATES AND FLAGS AREA - - - - - +

COURT REPORT FILING	-	00/00/0000	FIELD INSPECTION MADE	-	00/00/0000	CIVIL CASE NUMBER	-	39576
OBJECTION FILED DATE	-	00/00/0000	FIELD INSPECTION FLAG	-		OLD CASE NUMBER	-	
RESPONSE FILED DATE	-	00/00/0000	VERIFIED DATE	-	00/00/0000	OLD JUDICIAL DISTRICT	-	
CLAIM RECEIVED DATE	-	04/11/1969	LAST AMENDED DATE	-	00/00/0000	TEMPORARY RIGHT	-	P
PROOF DUE DATE	-	00/00/0000	PROOF MADE DATE	-	00/00/0000	WATER DISTRICT	-	
LICENSED DATE	-	00/00/0000	RECEIPT NUMBER	-	S006836	FEDERAL/STATE INDICATOR	-	S
CLAIMS TAPE ERROR FLG	-		PDU OWNERSHIP FLAG	-	Y	PRESUMPTION FLAG	-	
FEE EXEMPT FLAG	-		NAME CONNECTOR	-	AND/OR	NOTICE OF ERROR FLAG	-	

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DATA ENTRY

ENTERED

CHECKED

"Verified By"
Tono Map/Ortho-PQ
ASCE Map
Watermaster Records
NAPP Photos
Field Exrm
Other (See Remarks)
County Records
Witness Statement
Project Records
IDWR Records

VERIFIED
OCT 18 1991

PROOF
SEP 16 1991

CERTIFIED
OCT 24 1991
WATER EXAMINER