

09/20/2006

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

RIGHT NUMBER: 22-4080

NAME AND ADDRESS: GREEN CANYON HOT SPRINGS INC
C/O PHIL GENE NEIBAUR PRES
PO BOX 235
NEWDALE ID 83436

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.030 CFS
0.500 AFY

The quantity of water under this right for domestic use shall not exceed
13,000 gallons per day.

PRIORITY DATE: 04/01/1953

POINT OF DIVERSION:

T05N R43E S6 NWSWN Lot 8 Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
COMMERCIAL	01/01 12/31	0.030 CFS
		0.50 AFY
DOMESTIC	01/01 12/31	0.030 CFS

PLACE OF USE: COMMERCIAL Within MADISON County

T05N R43E S06 Lot 8 SWNW

DOMESTIC Within MADISON County

T05N R43E S06 Lot 8 SWNW

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 - Beneficial Use

Commercial use: Swimming pool facility

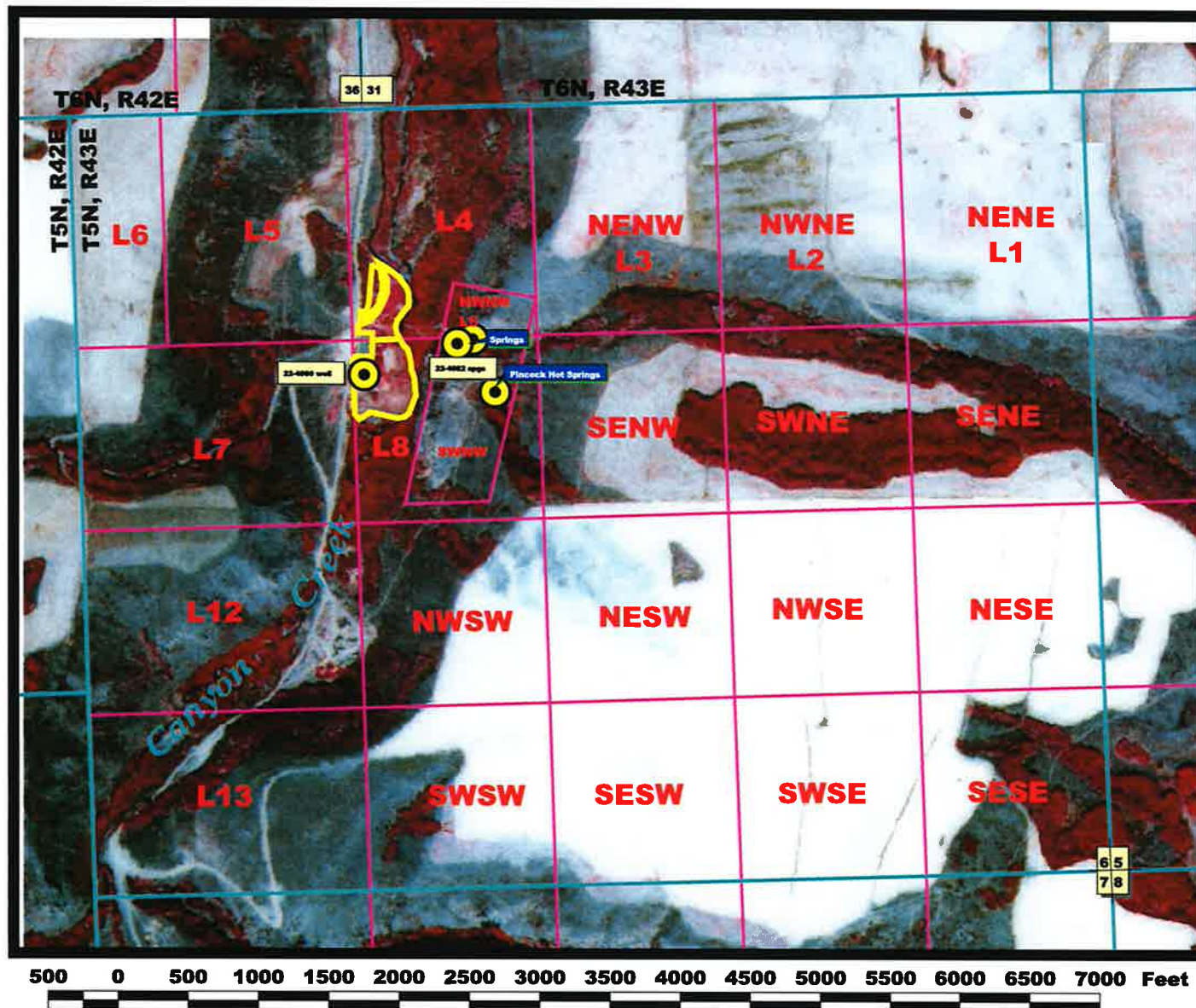
Domestic use is for 3 homes.



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

22-4080 Domestic

22-4082 Commercial

Point(s) of Diversion:

T5N, R43E Sec. 6

NESWNW (L8) 3 Spgs

NWSWNW (L8) Well

Place of Use: (parts of)

T5N, R43E Sec. 6

NWNW (L4), SWNW (L8)

LEGEND



Point of Diversion

SESE

Place of Use



Section



Quarter-Quarter



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: September 2005

36 31

T6N, R42E

T6N, R43E

T5N, R42E

T5N, R43E

L6

L5

L4

NENW
L3

NWNE
L2

NENE
L1

NWNW
L5

Springs

22-4080 & 4081

Pincock Hot Springs

SWNW

SENW

SWNE

SENE

L7

L8

Canyon Creek

L12

NWSW

NESW

NWSE

NESE

L13

SWSW

SESW

SWSE

SESE

65

78

Water Right No(s). A22-4080 + A22-4081

See Attached photos

GPS data - 2705987
1402114

GPS Rte 224081

GPS DATA:

Tag # A0015935 Location: on power panel post

Diversion Data:

Source: Groundwater Trib to: _____

MOTOR

Submerged
Make: _____ Model: _____ Hp: 1/2 hp?
SN: _____

PUMP

Submerged - Claim says 1/2 hp
Make: _____ Model: _____ Disch: _____
SN: _____

NOTES:

Only one well, original dug in 1953, this well replaced it
in 1961 when original failed. Two hemms in place in 1953
and a third added in early 1970's. Well water used in pool
facility also. Replacement well approx 130' deep.
Claimant Gus Weibauer says mailing address should be "P.O. Box 206".

Field Exam Date: 8-16-05 Agent: D. G. Jones

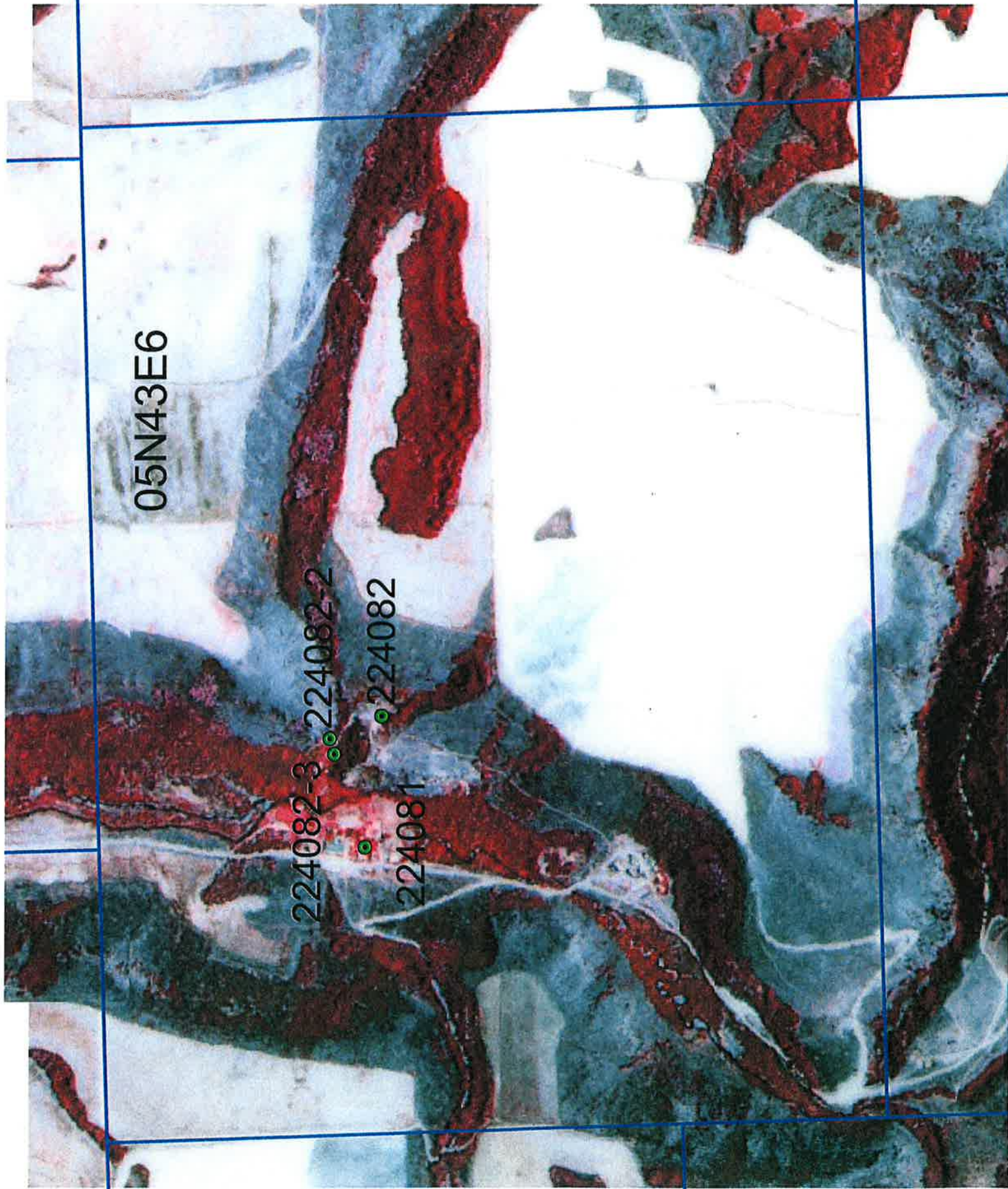
05N43E6

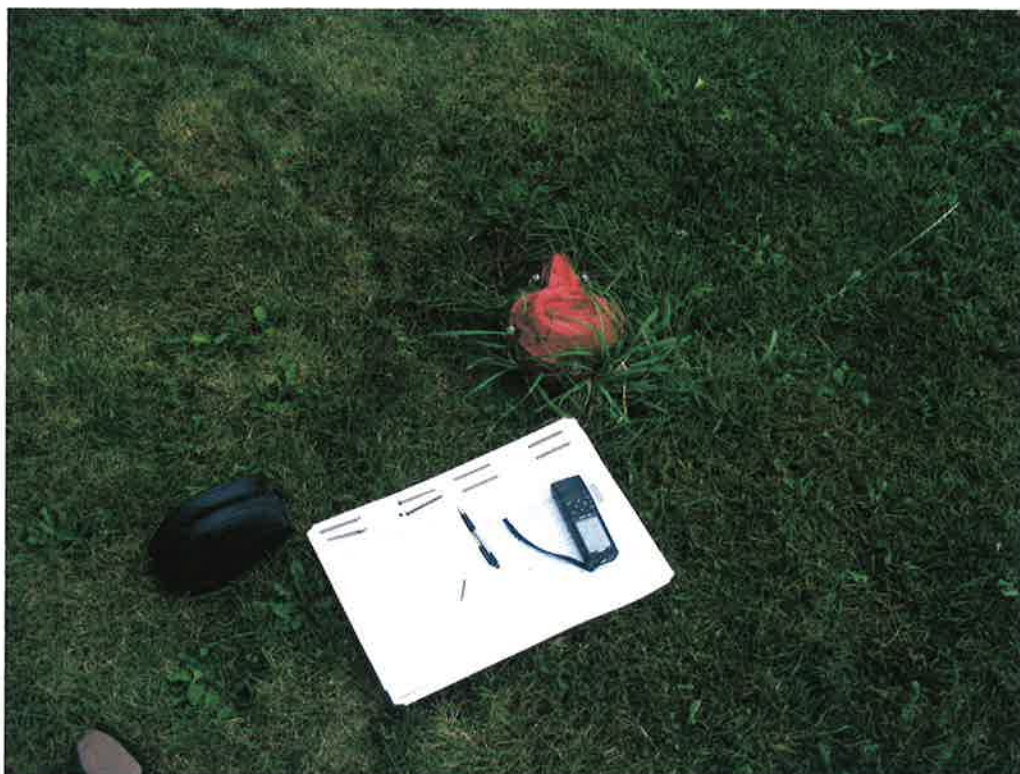
224082-3

224082-2

224082

224081





A22-4080, -4081 wellsite



A22-4080, -4081 Pool Facility



A22-4080, -4081

Domestic Residence



A 22-4080, -4081 Domestic Residence



A22-4080, -4081, Last home added. It replaced
mobile home on-site in early 1970's.

May 10, 2004

**GREEN CANYON HOT SPRINGS INC
C/O PHIL GENE NEIBAUR PRES
PO BOX 235
NEWDALE ID 83436**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-04080

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 22, the Teton River drainage. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim, as referenced above, claims a Priority Date of APRIL 01 1953 from GROUNDWATER

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

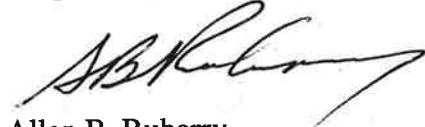
For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence which are acceptable and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**". **PLEASE READ THE ENCLOSED PAMPHLET.**

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

.....
The Department will not recommend the Notice of Claim be decreed by the court if
evidence of a priority date is not submitted. The Notice of Claim will be disallowed.
.....

Please submit documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,



Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

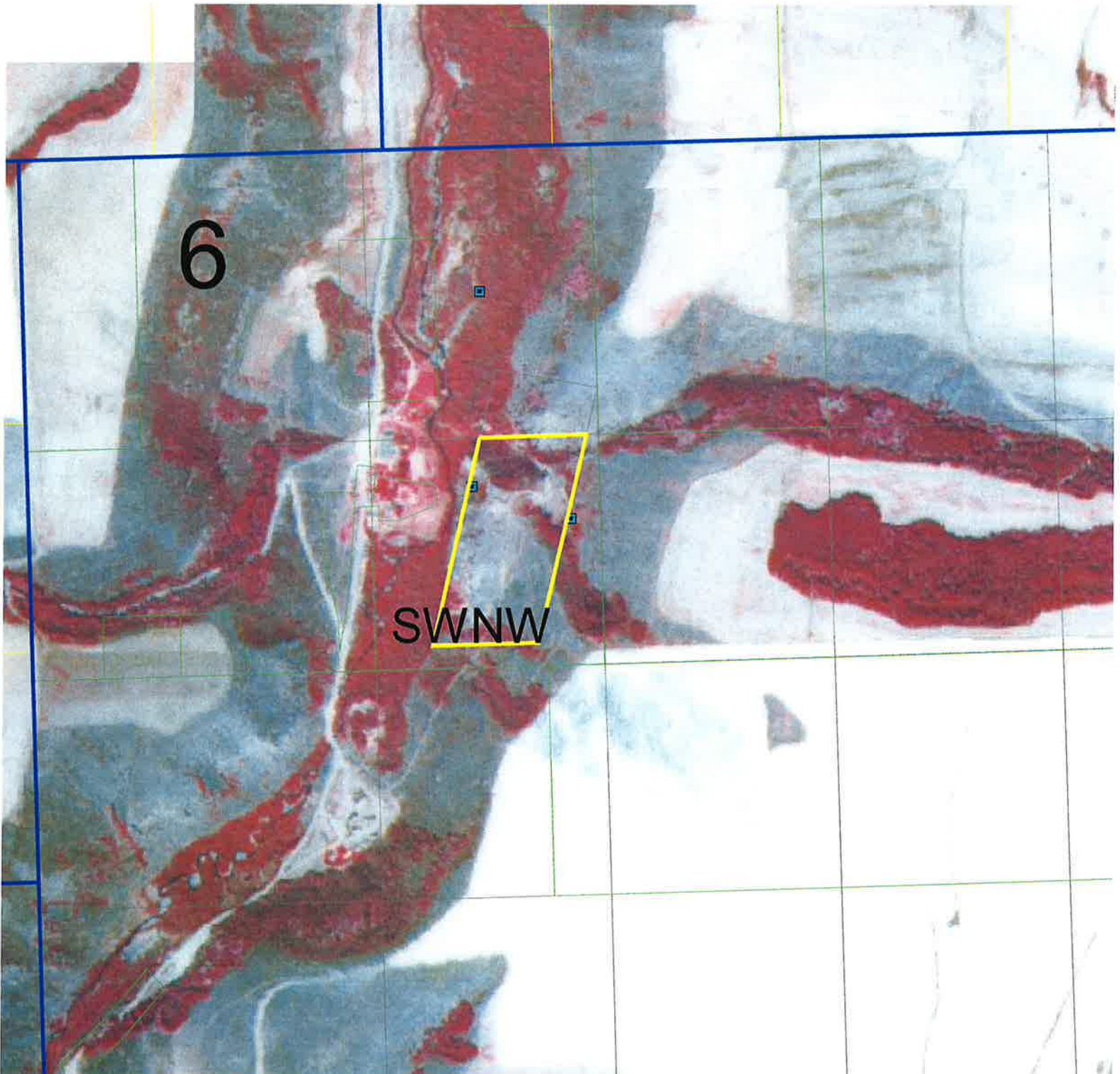
cc: File

Enclosure: Brochure on "Evidence of Priority"

22-4080

6

SWNW





GREEN CANYON HOT SPRINGS

SWIM IN NATURAL HOT WATER IN A MODERN TILED POOL

D. W. NEIBAUER, PROP.
REXBURG, IDAHO

1

92-41

92-80
1241

DATE *May 25* 1961

No 2153

PAY TO THE
ORDER OF

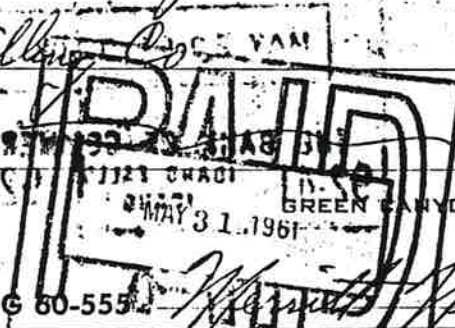
Mc. Cabe Bros. Drilling Co.

\$ *500.00*

five hundred and no

IDAHO BANK OF COMMERCE

REXBURG, IDAHO



DOLLARS

GREEN CANYON HOT SPRINGS

G 80-555 *Maurine Neibauer*



GREEN CANYON HOT SPRINGS

SWIM IN NATURAL HOT WATER IN A MODERN TILED POOL
D. W. NEIBAUER, PROP.

92-80
1241

REXBURG, IDAHO *Apr 21* 1963 No 293

PAY TO THE
ORDER OF

Hopkins Brothers

\$ *475.00*

four hundred seventy five and 00/100

IDAHO BANK OF COMMERCE

REXBURG, IDAHO

GREEN CANYON HOT SPRINGS

Maurine Neibauer

6-12-29-1992
MICROFILMED

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: A22-04080
Date Received: 8/23/1988
Receipt No: 600/575
Received By: 981

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GREEN CANYON HOT SPRINGS, INC.
Address: C/O PHIL GENE NEIBAUR, PRES.
BOX 235
NEWDALE, ID

208-458-4454

83436

2. Date of Priority: APR 01, 1953

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	43E	6	NW	SW	NW	8	MADISON

5. Description of diverting works:

6" X 90' WELL W/ 1/2 HP PUMP TO SWIMMING POOL AND THREE HOMES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.032		
DOMESTIC	01/01	12/31	0.032		

7. Total Quantity Appropriated is:

0.032 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

C/SWIMMING POOL, D/3 HOMES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	43E	6	SW	NW	8	COMMER	

A22-04080

Page

1

Date: 08/23/88

A2204080



MICROFILMED

OCT 29 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	43E	6	SW NW	8	DOMEST	

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:
22-04081, 22-04082

14. Remarks:
P/U GREEN CANYON HOT SPRINGS.
WATER USED TO FILL POOL, CULINARY USE IN POOL AND SERVES WATER
TO 3 RESIDENCES.

15. Basis of Claim: STATUTORY CLAIM

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 Organizations:

I do solemnly swear or affirm that I am President of _____ Title

Green Canyon Hot Springs Inc. that I have signed the foregoing Organization document in the space below as President of Title

Green Canyon Hot Springs Inc. and that the statements contained in the Organization foregoing document are true and correct.

Paul Gene Neilson
Signature of Authorized Agent

Pres. Green Canyon Hot Springs Inc.
Title and Organization

Aug. 23, 1988
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 23rd day of August 19 88

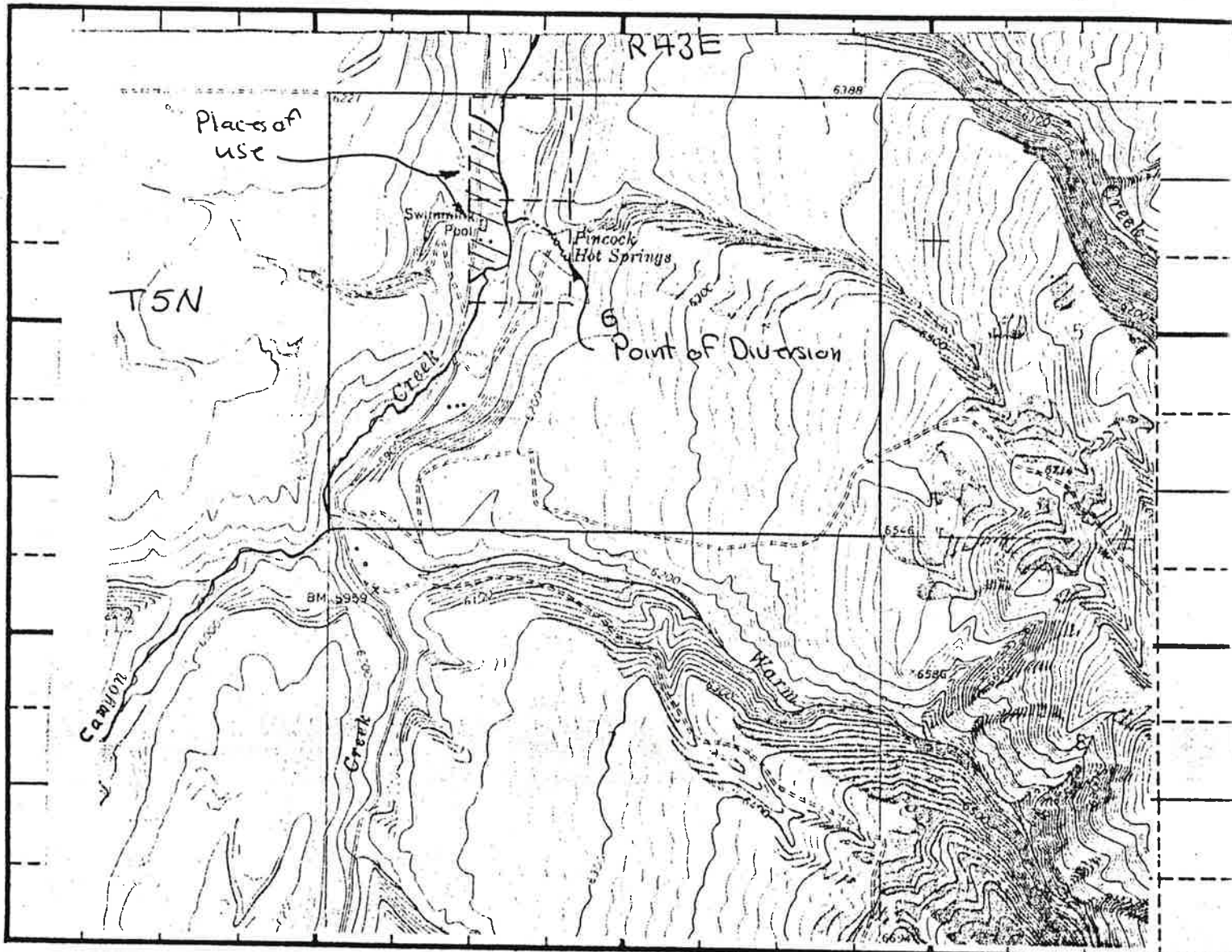
Betty J. Thompson
Notary Public

Seal

Residing at Idaho Falls

My Commission Expires 6-94

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
 County of _____)

MICROFILMED
OCT 29 1992

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim