

02/02/2006

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

RIGHT NUMBER: 22-11385

NAME AND ADDRESS: KWENDEN NELSON
443 E 1ST N
REXBURG ID 83440

MERLA NELSON
443 E 1ST N
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.045 CFS
8.750 AFY

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

PRIORITY DATE: 06/08/1935

POINT OF DIVERSION:

T06N R40E S30 SESENW Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS
IRRIGATION	04/01 10/31	0.045 CFS 8.75 AFY

PLACE OF USE: IRRIGATION Within MADISON County

T06N R40E S30 Lot 2 SENW 2.50

DOMESTIC Within MADISON County

T06N R40E S30 Lot 2 SENW

2.5 ACRES TOTAL

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.

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.

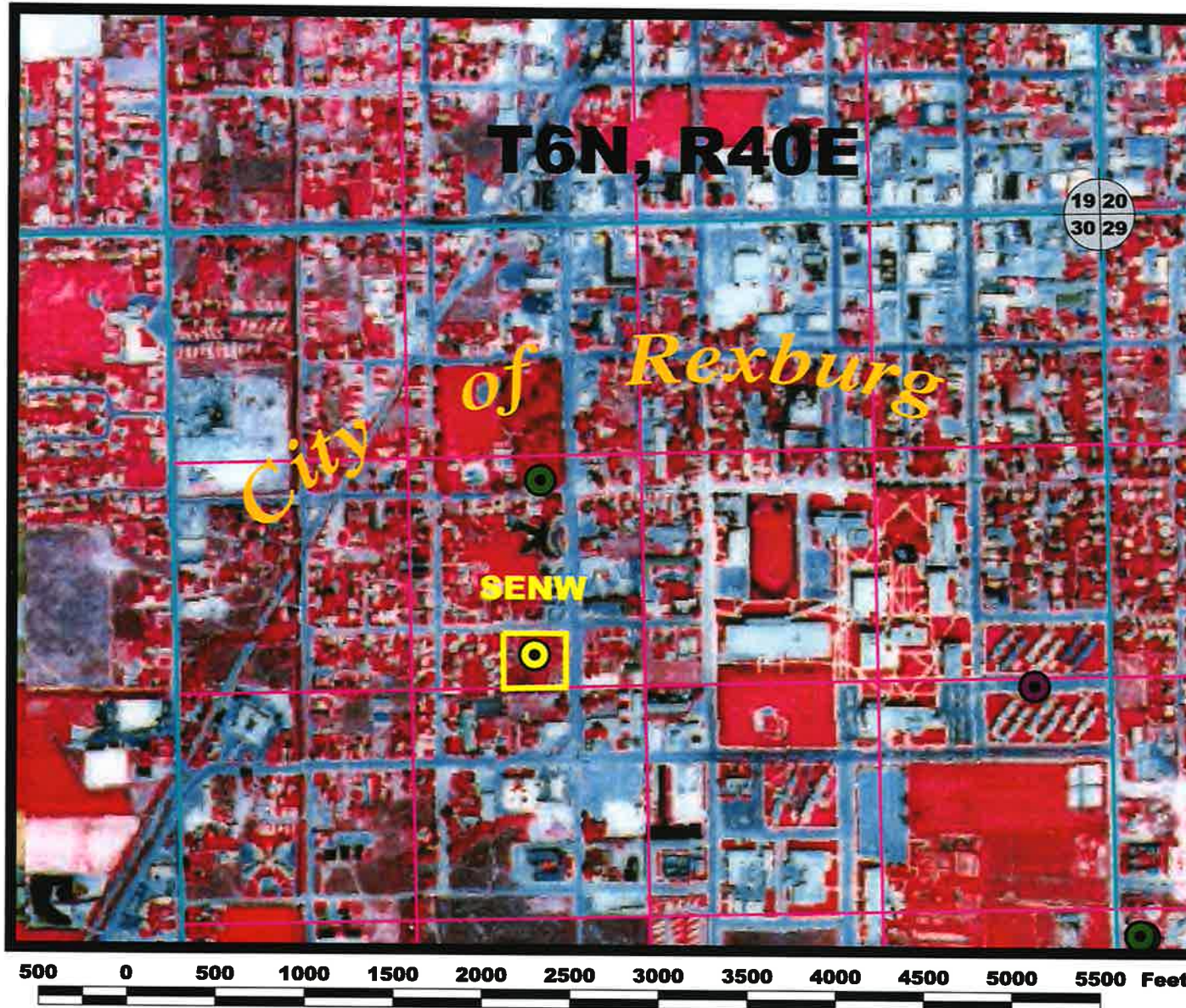
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
22-11385

Point(s) of Diversion:
T6N, R40E Sec. 30 SESENW

Place of Use: (part of)
T6N, R40E Sec. 30 SENW

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

DEPARTMENT OF WATER RESOURCES
EMERGENCY DISTRICT OFFICE
100 E. 1ST AVE DR.
IDAHO FALLS, IDAHO 83402

ADDRESS SERVICE
REQUESTED

 NOT DELIVERABLE
AS ADDRESSED,
UNABLE TO FORWARD

 NOT DELIVERABLE
AS ADDRESSED,
UNABLE TO FORWARD

FOE

KWENDEN NELSON
MERLA NELSON
443 E 1ST N
REXBURG, ID 83440

NELS443 834402011 1N 16 12/05/05
RETURN TO SENDER

NO FORWARD ORDER ON FILE
UNABLE TO FORWARD
RETURN TO SENDER

DEC 16 2005
SCAN 79

U.S. POSTAGE
00-83 DEC 05
5 2 1 9 MAILED FROM ZIP CODE

December 14, 2005

PETER STILLING
443 E 1 N
REXBURG ID 83440

RE: CHANGE IN OWNERSHIP FOR: A22-11384

22-11385

Dear Claimant:

It has come to our attention that you may have recently purchased a tract of land in Madison County. The property to which I am referring was most recently owned by Kwenden & Merla Nelson. The legal description is as follows:

T06N, R40E, SEC 30 SE/NE

This property was filed on in the Snake River Basin Adjudication (SRBA), and we recommend that if, in fact, you now own the property in question, you file a "Change in Ownership" with this department in order that we may send all further correspondence to the appropriate owner(s).

Enclosed is a Change in Ownership form. Please fill out the form completely, sign and date it and return it to my attention along with a "copy" of your Warranty Deed and legal description of the property you have purchased.

If you questions regarding this matter, please call 525-7161.

Respectfully submitted,

Katy Jackson
Office Specialist 1

Enclosure(s)

PROFILED

SCANNED
DEC 16 2005

12/09/05

PMO100 - PARCEL MASTER INQUIRY

16:38:53

PARCEL: RP RXBCA0206690 A F1=SL

F10=SW

F12=RC F14=HO

F17=DD F19=SP

*TREND

LEGAL DESCRIPTION

STILLING PETER ETUX

CITY ACREAGE

TAX 107; LESS TAX 156

20-06-40

443 E 1 N

CODE AREA 1-0000 OWNER CD

PARC TYPE LOC CODE

EPPDATE 2282001 EXPDATE

PREV PARCEL RPRXBCA0206688T

REXBURG

ID 83440

443

E

1

N

83440

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
20	2002			9919				
41	2004			75828	75828	37914		

TOTALS

85747

75828

37914

ENTER NEXT PARCEL NUMBER RP

A

FKeys: F2=TX F3=Exit F5=SS F6=NM F7=LG
 F8=CT F13=TM F18=HS F20=SrcH F22=EU

SCANNED

DEC 16 2005

Received Time Dec. 9. 4:52PM

P.002/003

DEC-09-2005(FRI) 16:44

6N40E

RECEIVED

AUG 27 2004

Department of Water Resources
Eastern Region

Law Offices

**RIGBY, THATCHER, ANDRUS
RIGBY, & MOELLER, Chartered**

Ray W. Rigby
Gordon S. Thatcher
G. Rich Andrus
Jerry R. Rigby
Michael S. Kam (1954-2001)
Gregory W. Moeller
Reed E. Andrus

P.O. Box 250
25 North Second East
Rexburg, ID 83440

Telephone: (208) 356-3633
Fax: (208) 356-0768
E-Mail: gmoeller@rigby-thatcher.com

August 26, 2004

Nick L. Olsen
Idaho Department of Water Resources, Adjudication Bureau
900 North Skyline Drive, Ste. A
Idaho Falls, Idaho 83402-1718

Re: Water Right 22-11384 and 22-11385

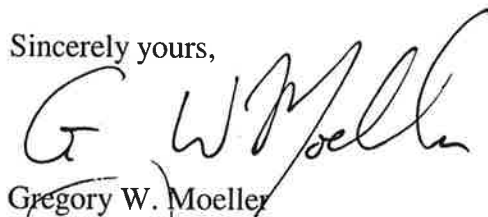
Dear Mr. Olsen:

Our firm has been contacted by Nylin Nelson to help him in clearing up the water rights for his sister, Merla Nelson and family.

Pursuant to your letter of February 26, 2004, we have compiled the following Affidavits with exhibits, which provide information in an effort to provide evidence of priority.

If you have any other questions on this matter, please do not hesitate to contact our office.

Sincerely yours,



Gregory W. Moeller

GWM:jt

cc: Nylin Nelson

Enclosures - Affidavit of Nylin Nelson
Affidavit of Frank Jenkins
Affidavit of Norma M. Perrenoud

F:\WP6\GMNELSONN.LTR

SCANNED

AUG 27 2004

PROFILED

RE: Being submitted on behalf of Water Right Claim Nos. 22-11384 and 22-11385

STATE OF IDAHO)
) ss
County of Madison)

AFFIDAVIT OF NYLIN BRENT NELSON

NYLIN BRENT NELSON, having been duly sworn, states under oath as follows:

1. My name is Nylin Brent Nelson. I am the brother of Merla Nelson and Kwenden Nelson. I reside at 1986 East 2000 North, Rexburg, Idaho 83440.

2. Merla Nelson is my sister. Kwenden Nelson is my deceased brother. I am acting on their behalf. These water rights are actually now owned by a family trust, but the name has not changed on the claim.

3. I was born June 8, 1935, in Burton, Idaho. In 1937 my family moved on to the location where water rights **22-11384 and 22-11385** are diverted.

4. As far back as I can remember, I can remember the existence of the well identified as **22-11384**. My family moved on to the place in 1937. From the time I can remember first seeing it, when I was just four or five years old, I can remember that it appeared to be a very old well.

5. Since my earliest recollection, we used that water for domestic purposes. We also, originally pumped the water into buckets and used it to help irrigate our large family garden.

6. I have taken some photographs which show the location of the well identified in **22-11384**. Attached Exhibits "A", "B", "C", "D" and "E" are photographs of the well hole with wooden planks for casing. The well hole and casings were constructed prior to 1954. These pictures were taken by me on April 21, 2004.

7. Exhibit "F" is a photograph I took on the same day, of a hand pump that still exists on

our property. Originally, the well identified as 22-11384 had the exact type of pump located on it. However, in recent years, the hand pump was stolen. You will note from Exhibits "B" and "C", that an old electric pump is located in the bottom of the well.

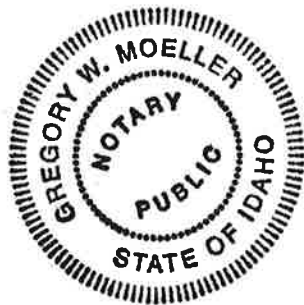
8. I have had difficulty in locating any documents, well drillers reports, etc., concerning this claim. This location is located in the area where the Teton Dam flood occurred in 1976. Our home filled with flood water and many records and documents were destroyed. This included well drilling logs and reports that I remember seeing.

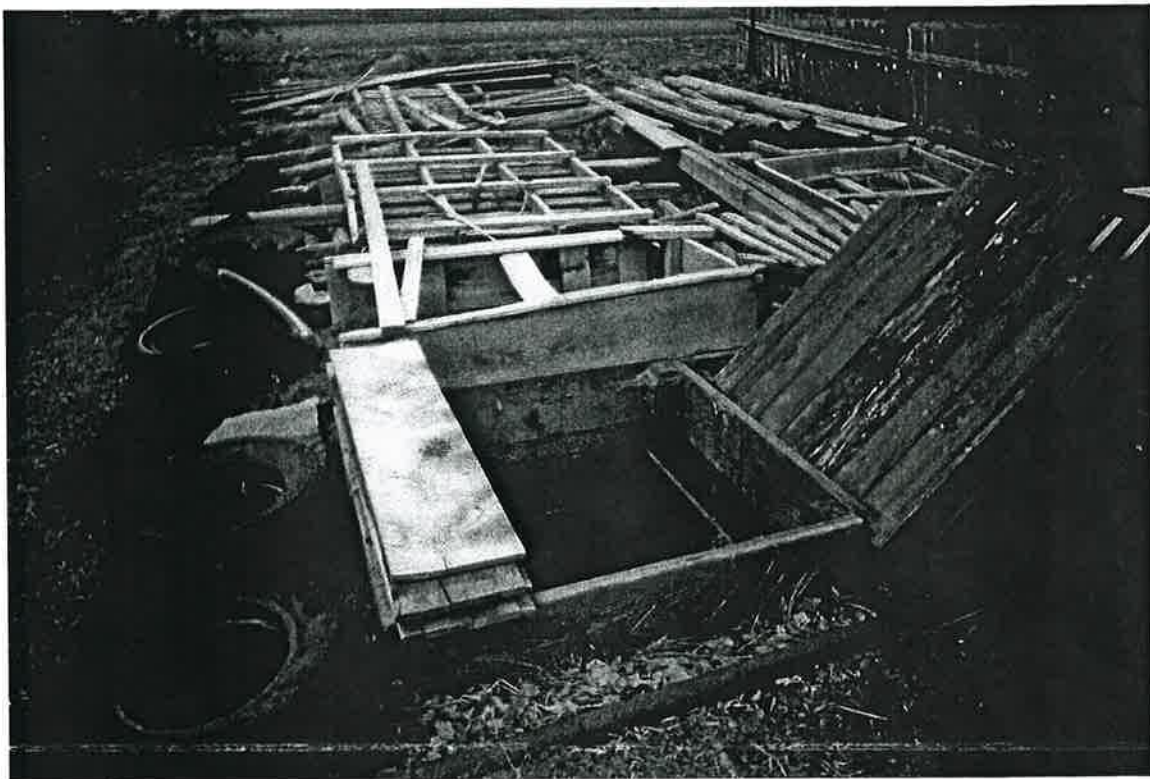
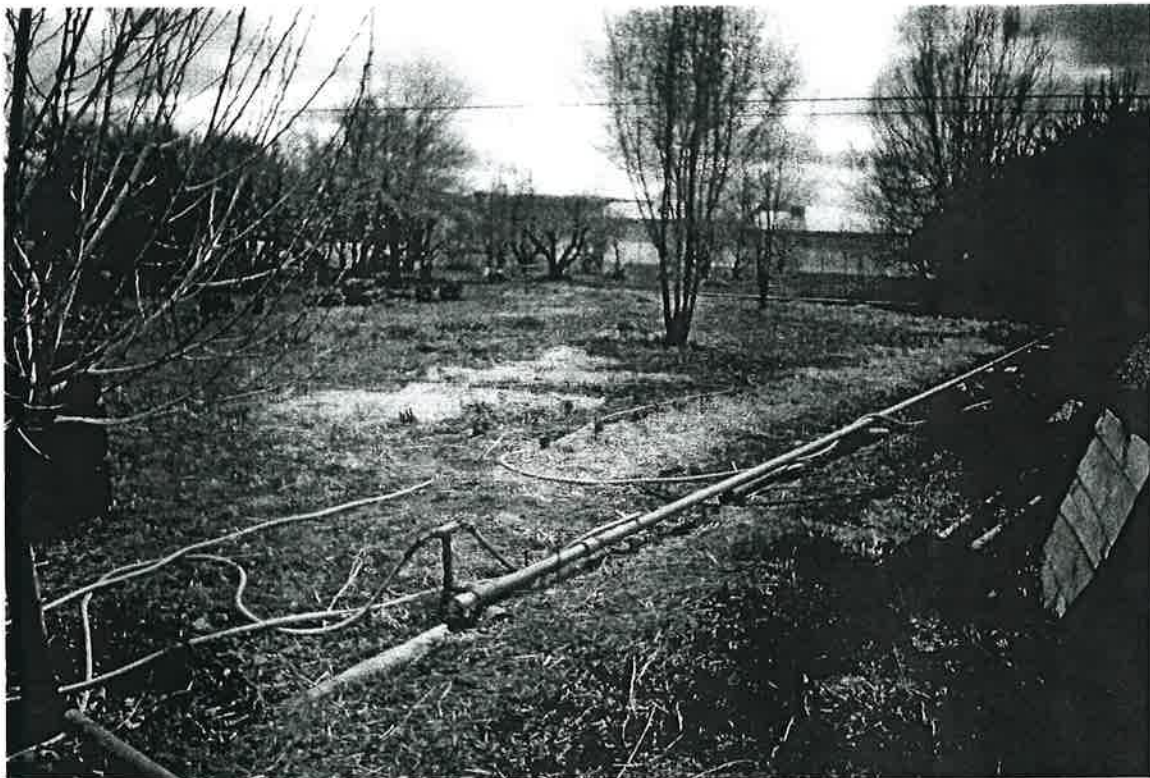
9. Concerning the 1888 right (22-11385), I have very specific recollections of discussing this matter with my father who is now deceased. He indicated that when he purchased the property he was told that the priority date was 1888. *Probably didn't know of Priority Dates then* Again, I have no documentation that survived the flood that proved this. However, I do recall the 1888 well to have appeared very old and to have been in existence long before the date I first noticed it when I was a young child.

Nylin Brent Nelson
Nylin Brent Nelson

SUBSCRIBED and SWORN To before me this 26 day of July, 2004.

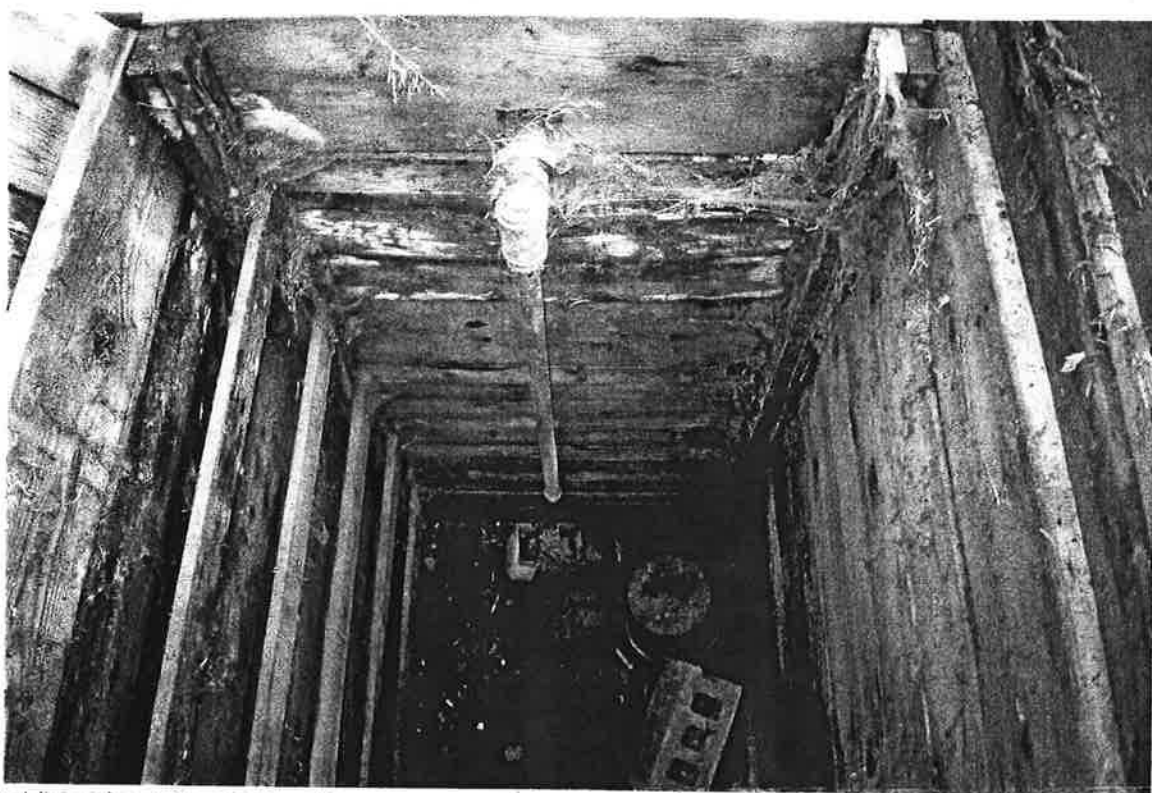
G. W. Moeller
Notary Public for Idaho
Residing at Rexburg, Idaho
Commission Expires:

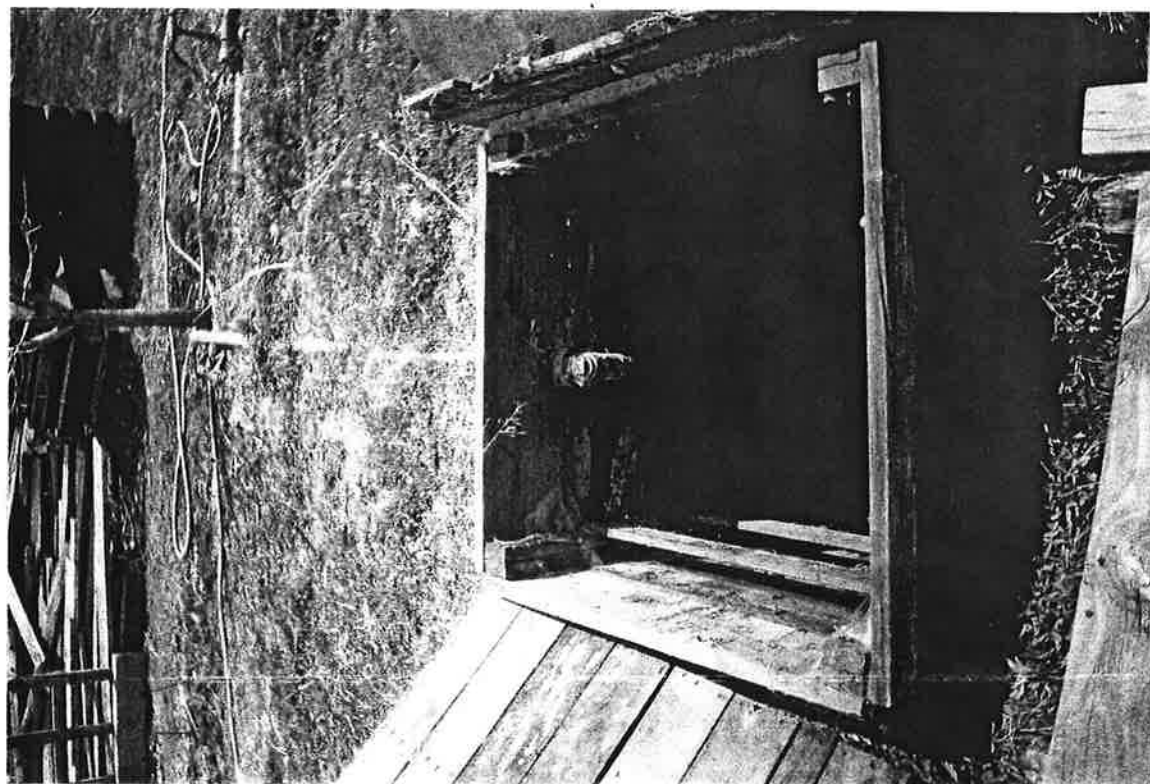
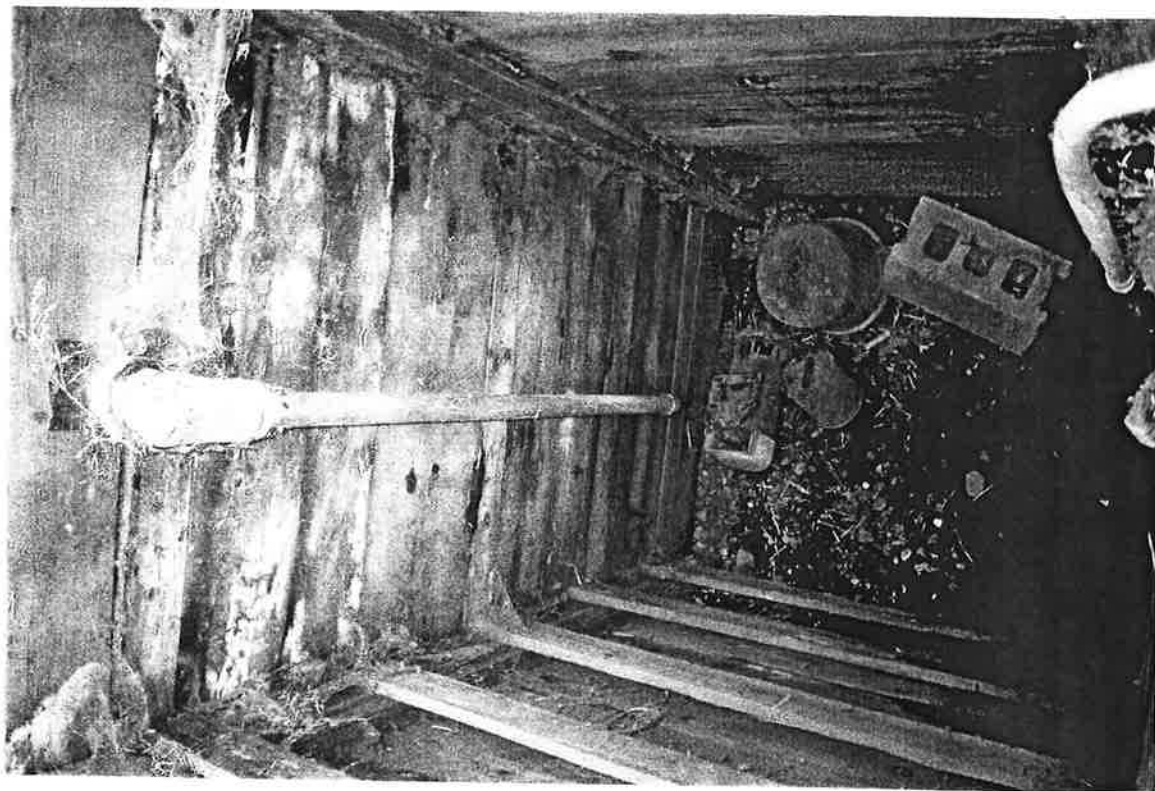


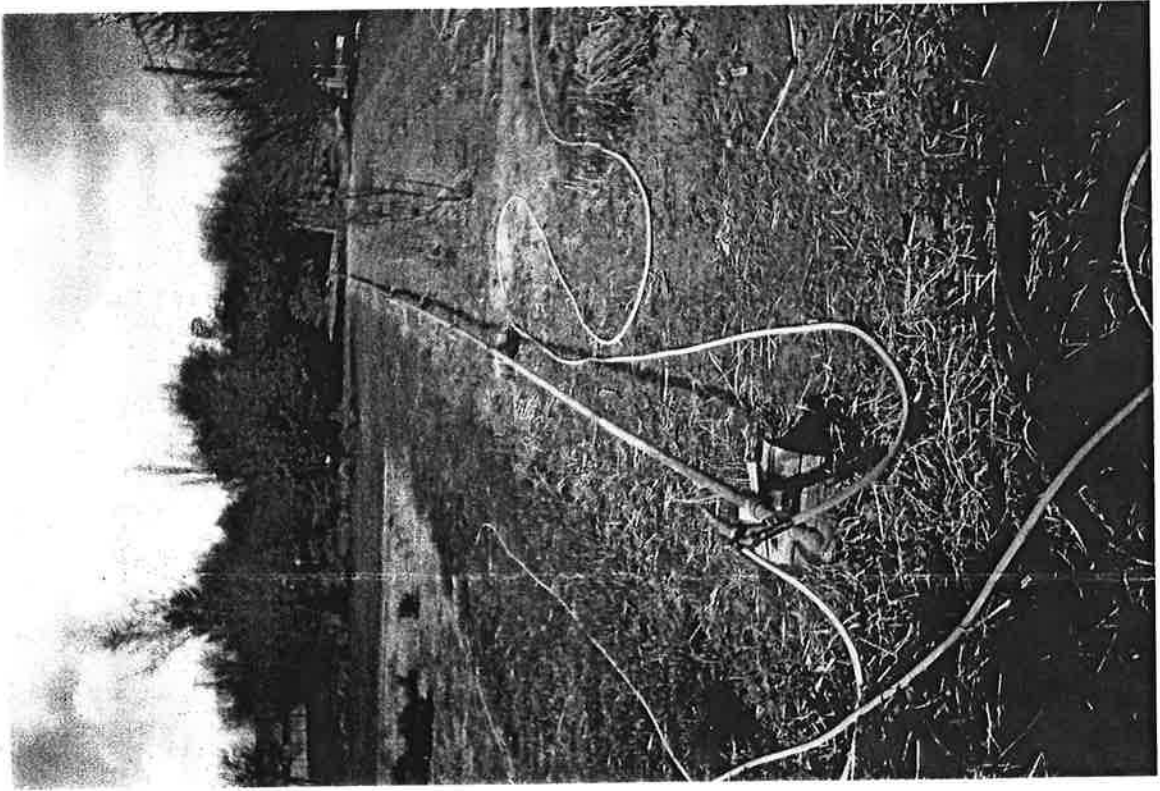


The first 4 pages of photos
appear to refer to A22-11384.
Bac 22 June 05

A



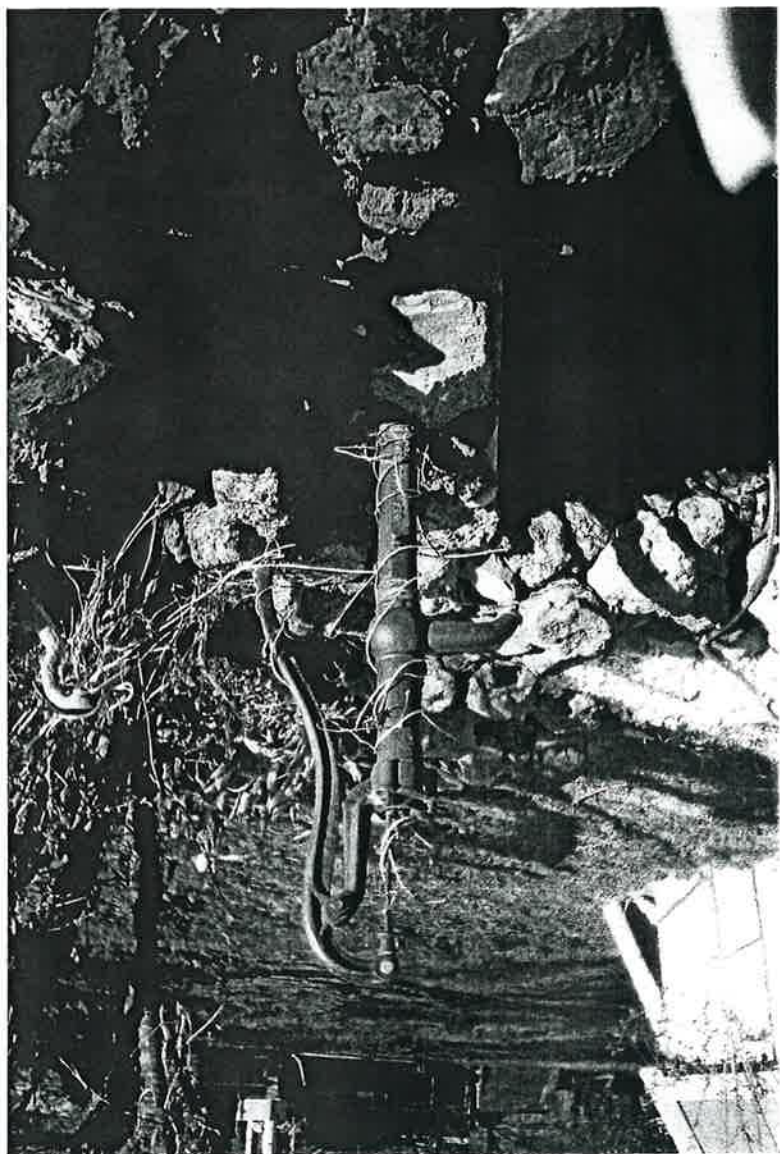




f

22 June 05.

This appears to be the original
well under A22-11385. See



RE: Being submitted on behalf of Water Right Claim Nos. 22-11384 and 22-11385

STATE OF IDAHO)

)

) ss

AFFIDAVIT OF FRANK JENKINS

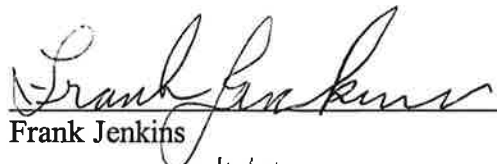
County of Madison)

FRANK JENKINS, having been duly sworn, states under oath as follows:

1. My name is Frank Jenkins. I reside at 256 West Fourth South, Rexburg, Idaho. I live approximately 300 feet from the Nelson property.

2. I can verify that there was a well on the property owned by Andrew Nelson, located at 211 West Third South, Rexburg, Idaho 83440.

3. I went to school with a son of Andrew (Dwain) and I lived just around the corner at 323 West Second South, Rexburg, Idaho at the time. My earliest recollection of the well dates back to approximately 1960. I continue to live near the property and have observed the Nelsons watering their large garden from the well.


Frank Jenkins

SUBSCRIBED and SWORN To before me this 14th day of ~~June~~ ^{July}, 2004.




Notary Public for Idaho
Residing at Rexburg, Idaho
Commission Expires: 6-26-06

RE: Being submitted on behalf of Water Right Claim Nos. 22-11384 and 22-11385

STATE OF IDAHO)

) ss

AFFIDAVIT OF NORMA M. PERRENOUD

County of Madison)

NORMA M. PERRENOUD, having been duly sworn, states under oath as follows:

1. My name is Norma M. Perrenoud. I live at 335 South Fourth West, Rexburg, Idaho.

My family home, where I lived from 1939 to 1956 was at 248 West Third South, Rexburg, Idaho.

This is just across the street from the property owned by the Nelson family.

2. One of the Nelson's daughters, Coral, was my best friend and we spent a lot of time together when I was young. I recall that there was an old well with a pump at the back door of the household for as long as I can remember. There was also a second well located on the west side of the property by the Nelson's barn that was used primarily for watering animals and irrigation of their very large gardens. I have specific recollections of both of these wells being used as far back as I can remember.

3. I now live only a few blocks away from the Nelson home and still see them regularly irrigating their large gardens.

Norma M. Perrenoud
Norma M. Perrenoud

SUBSCRIBED and SWORN To before me this 2nd day of June, 2004.



Jana Siepert
Notary Public for Idaho
Residing at Rexburg, Idaho
Commission Expires: 3-15-07

MAILED
2-26-04

4/2/04
REMAINED TO:
ANDREW NELSON
211W 35
REXBURG

February 26, 2004

MERLA NELSON
443 E 1ST N
REXBURG ID 83440

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-11385

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 23, the Swan Valley area. 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 DECEMBER 31, 1888, from a well.

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 required 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**".

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 the 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,

Nick L. Olson
Special Contract Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"
Notice of Claim (copy)

Claim no. 2211385

Claimant Contact Log

Date	Remarks	Agent initials
31 May 05	356-4194 Number no good - Brunt	
	356-6473 - Nylia Nelson no. from phone book - no answer	
15 June 8:30 AM	356-6473 8 AM @ 211 West 3rd S S from Taco Time	
22 June 05	Met w/ Martin, Merla and Nylia Nelson @ home. Bac Well is at 211 West 3rd S Rexburg.	

Location of well
211 West 3rd S
Rexburg

Contacts Data Entry Form

Water Right No. 2211385

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	KWENDEN	NELSON				
Name connector: and						
Current Owner						
Current Owner						

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

Directions to Property (If different from above) and/or update owner information:

B. U. Claim

Please see A address form. Merla Nelson,
211 W 3rd S is claimant. Nylia Nelson,
1986 E 200 N is claimant's brother and
takes care of business & legal affairs. Please
send correspondence to both addresses. Per 22 Jan 05

Per neighbor Bart Manaway, Domestic use from
Nelson's wells continued up until about two
years ago. At that time a connection was
made to Rexburg City water. Per Nylia Nelson
city water is only used inside the home. Per

Reviewer: _____

Date: _____

There is no ch Semi!

NEED LATER DOES
TO DO THIS

Priority Date Data Entry Form

Claim Number: 2211385

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 31 DEC 1888 Claimed Basis: B.U.Recommended Priority Date: _____ Recommended Basis: B.U.☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

See attached. From interview w/ Mylin Nelson,
domestic use from original well is confirmed.
Apparently original well never had an electric
pump so the extent of irrigation from that well
is uncertain. Claim A22-11384 appears to
cover the actual irrigation practice. BAC 22Jun05

Reviewer: _____

Date: _____

Water Right No(s).

2211385



GPS DATA:

Tag # A0013641 Location: on cross brace (wooden) inside decorative wishing well

Diversion Data:

Source: _____ Trib to: _____

MOTOR

Make: _____ Model: _____ Hp: _____

SN: _____

PUMP

Make: _____ Model: _____ Disch: _____

SN: _____

NOTES:

No pump installed currently. See claimant-supplied photo of original hand pump.

Field Exam Date: 22 June 05 Agent: BAC

Point of Diversion and Source Data Entry Form

Claim Number: 2211385.

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____. County:_____

Source:_____ Tributary:_____

Claimed Point of Diversion: T 6N, R 40E, Sec. 30,____, SE, NW. County: MADISON

Source: Ground water Tributary:_____

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____. County:_____

Source:_____ Tributary:_____

____ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						

Other rights from this POD? GPS Tag # A0013641

Document how the POD and Source were verified and/or Pump and Motor data:

GPS Waypoint 23, 2677714 E 1404418N ID01483.

Please see sketch. BAC 22 June 05

Transfers Changing POD _____

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number: 2211385☐ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
6N	40E	30	SE	NW	MADISON	2	2.5	Irrigation
"	"	"	SE	NW	"	"		Domestic

Total Acres 2.5

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

Please see sketch on layout and exam 11384 A22-#385. SAC

Transfers Changing POU _____

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry FormClaim Number: 2211385☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity**Water Right Period of Use and Diversion Rate**

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	4/1	10/31	.045	
Domestic	1/1	12/31	1.04	

Overall Diversion Rate .1085

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

Reviewer: _____

Date: _____

Log for claim 22-11385

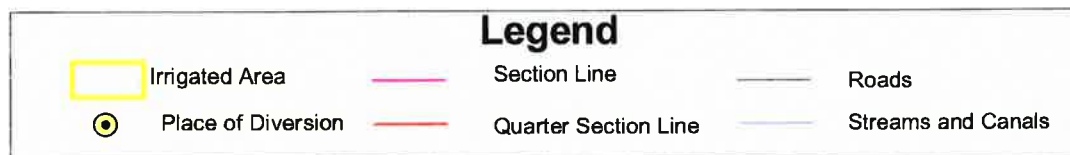
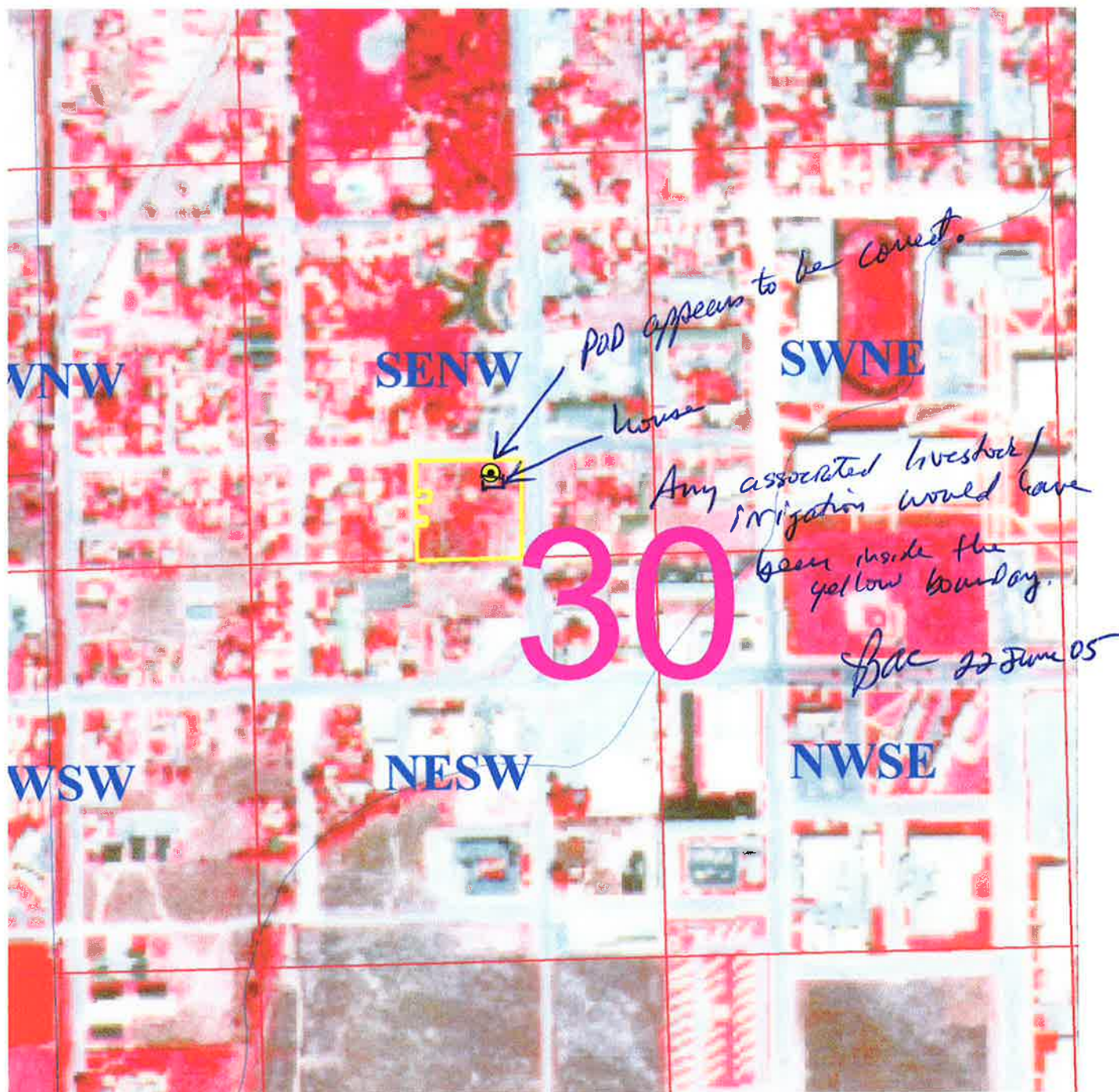
Spatial Dynamics BTD

7/16/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06n40e	30	SENW	2.5	2.5	
Totals:			2.5	2.5	

Water Right Claim Number 22-11385
Township , 6N40E

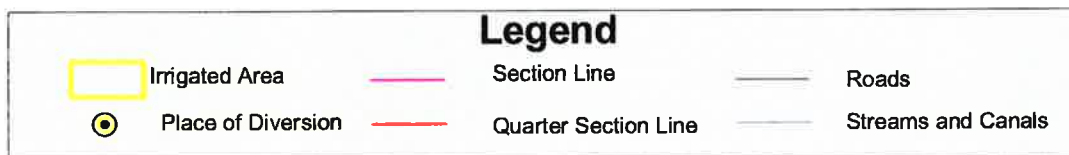
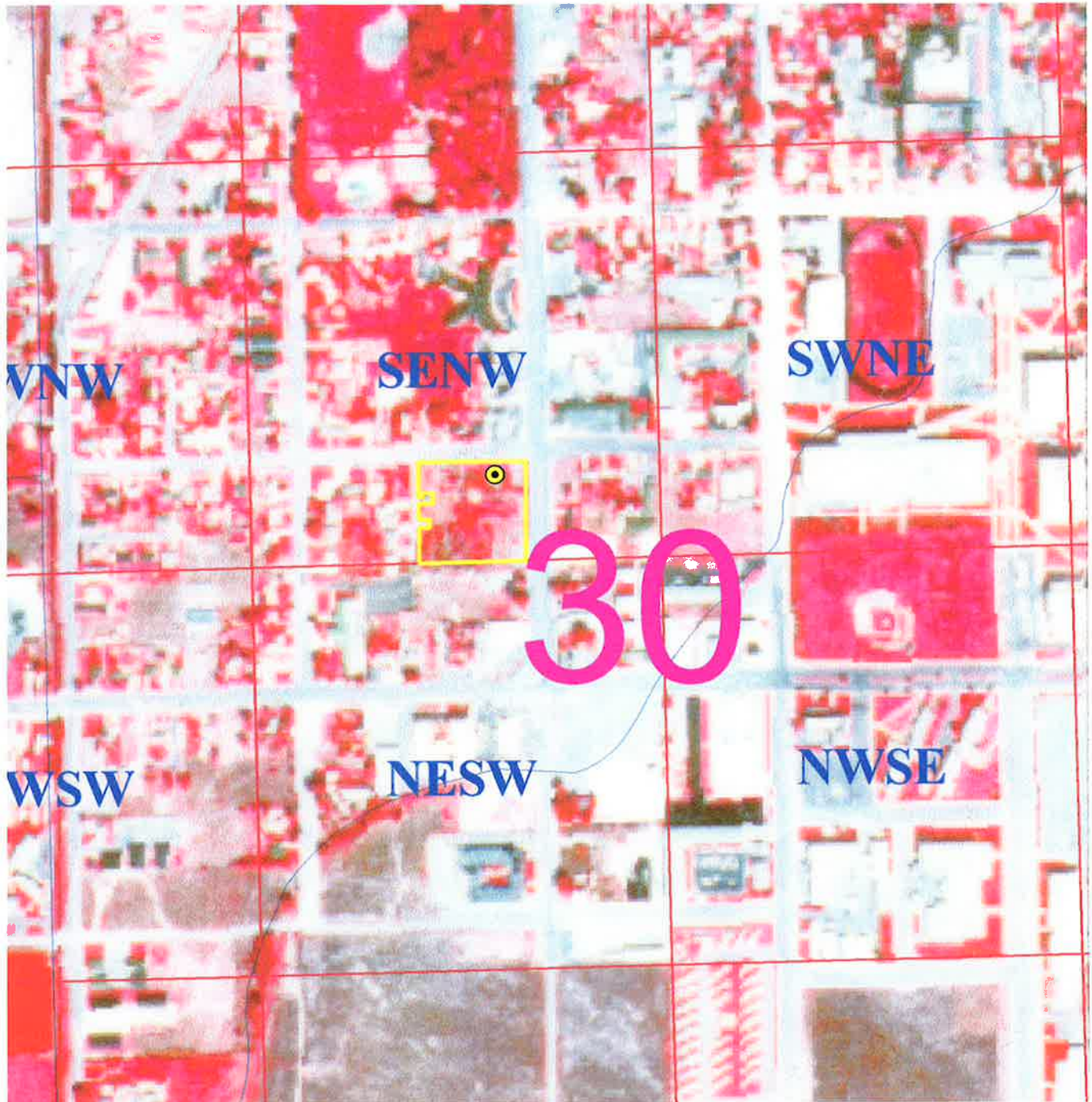
07/16/2001



SPATIAL
DYNAMICS

Water Right Claim Number 22-11385
Township , 6N40E

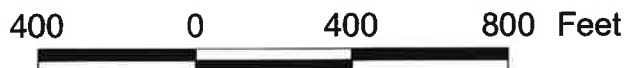
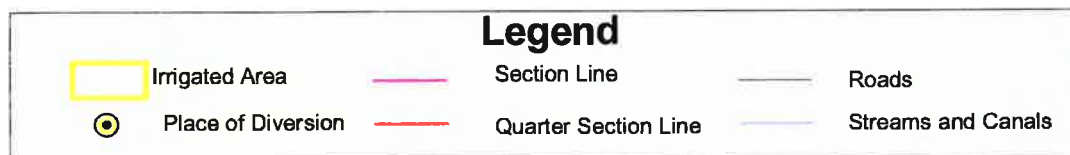
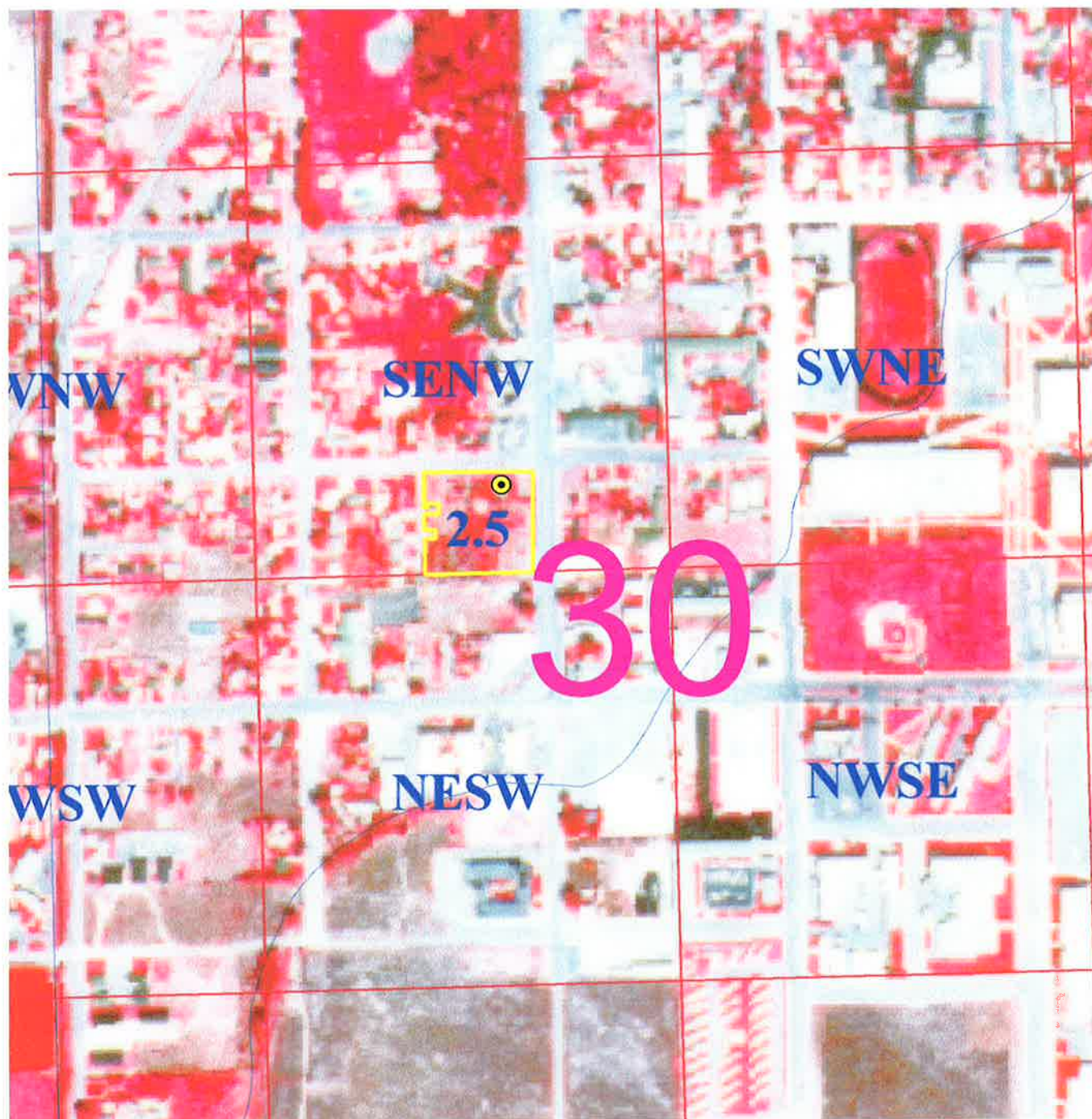
07/16/2001



SPATIAL
DYNAMICS

Water Right Claim Number 22-11385
Township , 6N40E

07/16/2001



SPATIAL
DYNAMICS

April 3, 1989

Mr. Kwenden Nelson
443 E. 1st N.
Rexburg, Idaho 83440

RE: Notice of Claim to a Water Right no. A22-11385

Dear Mr. Nelson:

Thank you for submitting the Notice of Claim for your water use. Please find enclosed a receipt for the filing fee. During the review of your claim we discovered a couple of items that need to be clarified. Enclosed is an amended claim that can be used to make the necessary clarifications.

An item on the claim you should be aware of is the priority date (item 2). This is the date (month, day & year) when water from the source started being used for the use you claim. The claim you submitted designated a year only. The priority date will be recorded as December 31, 1888 unless you designate some other date.

On items 4 and 10, you need to list, to the nearest 40 acre tract, the location of your well and home. Generally on domestic and/or stockwater claims, they are close enough to be in the same 40 acre subdivision. You have indicated the location of your well (item no. 4) correctly according to the map. However, in item 10 you indicate a different location (SE1/4 NE1/4). I assumed this was an error and have corrected the legal land description of your home to be the same as the well (item 4).

Should you determine that any of this is wrong the enclosed claim can be used to initiate a correction. To change any of the items, line-thru the error, write the correction and initial the change. When you are satisfied with the claim please sign / notarize the form and return it to our office. There is no fee for filing the amended claim.

The amended claim can be submitted anytime prior to January, 1990. There is no fee for this amendment. Please contact Eric Verner at this office if you have any questions regarding this matter.

Sincerely;

Ernest Carlsen
Water Rights Supervisor

Enclosure

MICROFILMED
NOV 06 1992

Rexburg Abstract Company

SUCCESSOR TO MADISON ABSTRACT CO., LTD.
BONDED ABSTRACTERS OF TITLE
TO LANDS IN MADISON COUNTY

POOR ORIGINAL

Instrument No. 59029.

Entry No. 5.

Probate Judge's Deed.

F. L. Davis,
Probate Judge of the County of
Madison, State of Idaho,
(Probate Court Seal),
Grantor,

to

Rudolph Dietrich,
Grantee.

Recorded June 16th, 1936,

at 4:00 P. M

IN BOOK 136 of Deeds,

page

DATED April 30th, 1936,

CONS. \$3.00

No. of Witnesses ~~~~~

Acknowledged April 30th, 1936,
before J. T. Elliott, Recorder
of Madison County, Idaho,
Auditor's and Recorder's Seal.

Granting Words:- does hereby sell, grant and convey, -forever.
Conveys:-

Lot One (1) of Block Ten (10) South End Addition to the
Rexburg Townsite (City of Rexburg.)

Shows that whereas on July 11th, 1895, the United States of
America, by patent, granted to R. H. Hopkins, Probate Judge of
Bingham County, Idaho, in trust for the occupants of the South End
Addition to the Rexburg Townsite the following described land:
SE $\frac{1}{4}$ NW $\frac{1}{4}$ and Lot 2 of Section 30, Twp 6 N. R. 40 E. B. M., and on
March 9th, 1888, F. M. Shoemaker, Probate Judge of Bingham County,
Idaho, issued to one Christian Aeschbacher a Bond for Deed of Lot
One of Block Ten of said South End Addition and thereafter, on
March 12th, 1914, said Christian Aeschbacher and Elizabeth Aes-
chbacher, as husband and wife, executed a Warranty Deed of said
property to Jacob Aeschbacher, and by means of conveyance Rudolph
Dietrich has acquired all right, title and interest of said Christ-

A22-11385

Copied from land's Title Abstract
16 March 1994

MICROFILMED
APR 11 1994

Rexburg Abstract Company

SUCCESSOR TO MADISON ABSTRACT CO., LTD.
BONDED ABSTRACTERS OF TITLE
TO LANDS IN MADISON COUNTY

POOR ORIGINAL

Instrument No. 59029, continued.

Entry No. 5, continued.

ian and Jacob Aeschbacher and Elizabeth Aeschbacher, and is in the possession of said Lot and has made application to said probate Judge for a deed of said lot, Now therefore, in consideration of the premises and sum of \$3.00 etc.
To have and to hold all and singular the above described premises unto the said party of the second part, his heirs and assigns forever, as fully and completely as the said party of the first part, by virtue of the said trust can grant and convey.

MICROFILMED
APR 11 1994

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: A22-11385
Date Received: 4/03/1989
Receipt No: E001821
Received By: SL

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: MERLA NELSON
Address: 443 E. 1ST N.
REXBURG, ID 83440 208-356-4194

OR

Name: KWENDEN NELSON
Address: 443 E. 1ST N.
REXBURG, ID 83440 208-356-4194

2. Date of Priority: DEC 31, 1888

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	40E	30	SE	NW		2	MADISON

5. Description of diverting works:
PUMP IN 35'WELL TO HOME/IRR.

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		
IRRIGATION	04/01	10/31	0.045		

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

A.F.A.

8. Total consumptive use is 6.2 Acre Feet Per Annum.

9. Non-irrigation uses:
ONE HOME

A22-11385

Page 1

Date: 04/03/89

A2211385



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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	40E	30	SE	NW	2	IRR	2.5
			SE	NW	2	DOMEST	

Section Acres 2.5

Total Acres 2.5

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:
NONE

14. Remarks:

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 t 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): Frederick Nelson Date: 4-11-89

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 11th day
of April 19 89 Colleen Wray
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 5/29/1991

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39356

Ident. Number

A22-11385

Date Received

8-8-88

Receipt Number

E001821

RECEIVED

AUG 8 1988

Department of Water Resources
Eastern District OfficeNOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Kwenden Nelson And/or Merla Nelson Phone (208) 356-4194
Mailing Address 443 East 1st North Rexburg Idaho Zip 834402. Date of Priority (Only one (1) per claim) 18883. Source of water supply (a) GROUNDWATER
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 06N Range 40E Section 30,
SE 1/4 of NW 1/4 of _____ 1/4, Govt. Lot, 2 B.M., County of MADISON

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, 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.PumpDepth About 35 Feet

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NOV 06 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic purposes from 1-1 to 12-31 amount .04 or _____
For IRRIGATION purposes from 4-1 to 10-31 amount .045 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .04.085 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
06N	40E	30				201/1 D													
						2 1/2													

Total number of acres irrigated _____

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

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

_____ or None (✓)

14. Remarks:

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NOV 06 1992

Last Name Nelson Ident No. _____

Copies: White -State, Yellow-Claimant

Kwenden Nelson AND/OR Merla Nelson 443 East 1st North Rexburg, Idaho

Scale: 2 inches equals 1 mile

A large grid of graph paper, consisting of 20 columns and 20 rows of squares. Each square contains a small crosshair pattern. In the center of the grid, there is a red 'X' and the number '30' written in red ink. The grid is divided into four quadrants by a vertical line between the 10th and 11th columns and a horizontal line between the 10th and 11th rows.

NOV 06 1992

Nelson

Ident No.

Keweenaw Nelson AND/OR Merla Nelson 443 East 1st North Rexburg, Idaho

15. Basis of Claim (check one) ☒ Beneficial Use ☐ Posted Notice ☐ License ☐ Permit ☐

Decree ☐

If applicable provide IDWR Water Right Number

Court Case Number Decree Date

Plaintiff vs 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

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

Signature of Claimant (s) Kwenden Nelson Date 8-5-88

Date

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

Title

of , that I have signed the foregoing

Organization

document in the space below as of

Title

Organization

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

Signature of Authorized Agent

Title and Organization Date

State of Idaho/or)
County of) SS.

Subscribed and sworn (or affirmed) before me this 5 day of Aug 19 88

SEAL

Notary Public E. Daine Summers

Residing at Replung

My Commission Expires 7-27-93

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature

Address

Date

MICROFILMED

NOV 06 1992

Last Name Nelson Ident. Number

Copies White-State, Yellow-Claimant

Kwenden Nelson AND/OR Merla Nelson 443 East 1st North Rexburg Idaho

1007 0 5 1992

