

08/13/2003

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

RIGHT NUMBER: 27-4003

NAME AND ADDRESS: DOUGLAS P BEAUREGARD
364 S 2ND E
SODA SPRINGS ID 83276

ANNA M BEAUREGARD
364 S 2ND E
SODA SPRINGS ID 83276

SOURCE: SPRING

TRIBUTARY: TRAIL CREEK

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 06/01/1929

POINT OF DIVERSION:

T08S R43E S19 SWSESE Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
DOMESTIC

PERIOD OF USE
01/01 12/31

QUANTITY
0.020 CFS

PLACE OF USE: DOMESTIC Within CARIBOU County

T08S R43E S19 SESE

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

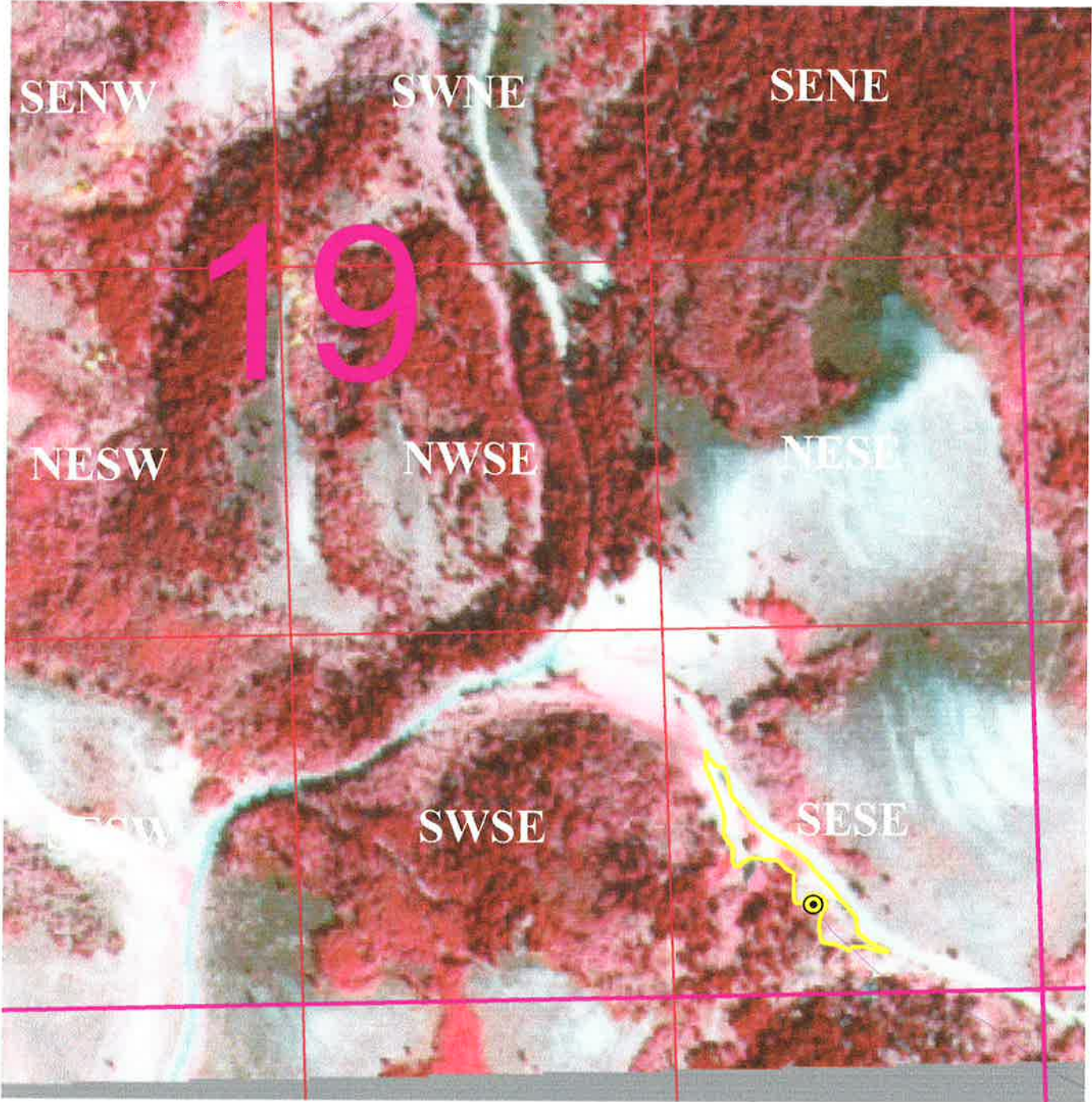
EXPLANATORY MATERIAL: Beneficial Use

SCANNED
MAR 27 2006

Water Right 27-4003

1

PROFILED



 Irrigated Area

 Section Line

 Roads

 Place of Diversion

Quarter Section Line

 Streams and Canals



01/08/2004

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:

Water right number: 27-4003

DOUGLAS P BEAUREGARD
364 S 2ND E
SODA SPRINGS ID 83276

ANNA M BEAUREGARD
364 S 2ND E
SODA SPRINGS ID 83276

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE:

5/31/2005

SIGNATURE:

[Handwritten Signature]

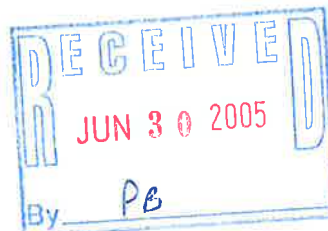
Please print your name:

DOUGLAS P BEAUREGARD

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

PROFILED

SCANNED
JUN 15 2005



RECEIVED
JUN 13 2005
Department of Water Resources
Eastern Region

10/10
6/13

Notes

5/20/03

27-4003

✓ Ownership Change to: Douglas P. Beauregard.
Anna M. Beauregard.
364 S. 2nd E.
Soda Springs, ID 83276.
ph. 547-4824.

✓ Evidence OK.

✓ Change purpose to domestic only.

✓ diversion rate 0.02 cts.

✓ ADD: C18 ; N11 & N13 Conditions.
↓ ↓ ↓
gen. gen. Qty.

SCANNED

MAR 27 2006

PROFILE

TELEPHONE & VISITOR LOG

Date: 5/20/03

Time: 11:45 AM

Call _____ Visit X

Name :

Douglas. Beavre gard.

Address:

Phone No. :

Claim No(s):

27-4003

RE: Evidence of Security

Conversation: Douglas told Pauline that

They don't irrigate anything but the

domestic lawn

=====

Action Required:

Recommend domestic use only. no

additional irrigation.

the value of α is 1

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>27-4003</u>	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

OWEN L. NELSON
PO Box 502 - SODA SPRINGS, IDAHO

4. New Owner/Claimant(s)

DOUGLAS P. BEAUREGARD - ANNA M. BEAUREGARD
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or

New Mailing Address

3164 SOUTH SECOND EAST

City, State and ZIP Code

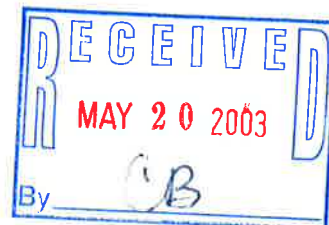
SODA SPRINGS, IDAHO 83276

New Telephone Number

(208) 547-4024

5. Date you acquired the property

JUNE 21, 1994



6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Douglas P Beaumgard
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

WARRANTY DEED

FOR VALUE RECEIVED, OWEN L. NELSON, a single man, of Trail Canyon, Soda Springs, Caribou County, Idaho (hereinafter "Grantor"), does hereby grant, bargain, sell and convey unto DOUGLAS P. BEAUREGARD and ANNA M. BEAUREGARD, husband and wife, whose current address is 364 S. 2nd E., Soda Springs, Idaho 83276 (hereinafter "Grantees"), their heirs and assigns forever, the following described premises in Caribou County, Idaho, to-wit:

Township 8 South, Range 43 East of the Boise Meridian:

Section 19: Beginning at a point 660 feet west of the Southeast corner of Section 19, aforesaid, and running thence North 250 feet, more or less, to a point on the Westerly line of Slug Creek Road; thence following the meanderings of said Slug Creek Road in a Northwesterly direction to its intersection with Trail Creek Road; thence following the meanderings of said Trail Creek Road in a Southwesterly, thence Westerly, thence Southerly direction to its intersection with the South line of said Section 19; thence East along said South line 2449 feet, to the point of beginning.

Together with all water rights and appurtenances.

SUBJECT TO a Life Estate in favor of Grantor who shall have the right to continue to occupy the described property as his personal residence for so long as he desires and is able to during the balance of his life.

TO HAVE AND TO HOLD the said premises, together with all rights and appurtenances.

Grantor does hereby covenants that he is the owner in fee simple of said premises, that they are free from all encumbrances excepting discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, easements or claims of easement not shown by the public records, use restrictions and building and zoning regulations and ordinances of any governmental unit, and that he will warrant and defend the same from all lawful claims.

DATED this 21st day of June, 1994.

148313

STATE OF IDAHO
County of Caribou

Date: July 8, 1994

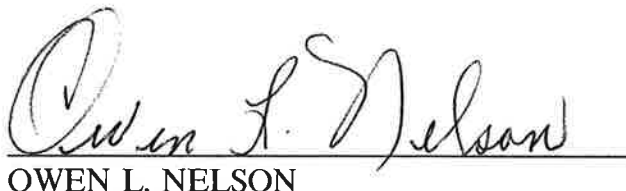
Time: 11:40 A.M.

Microfilm Records

Recorder: Edie Izatt

Deputy: Denise Hersley

Fee: 6.00 CT


OWEN L. NELSON

STATE OF IDAHO

)

: ss

County of

)

On this 21 day of June, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared OWEN L. NELSON, a single man, known to me to be the person whose name is subscribed to the foregoing and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.



Randall C. Budge

NOTARY PUBLIC FOR IDAHO

Residing at: Pocatello Id.My Commission expires: 10/11/94

May 19, 2003

Douglas P Beauregard
364 South Second East
Soda Springs, Idaho 83276

State Of Idaho
Department Of Water Resources
15 West Center Street
Soda Springs, Idaho 83276

Reference: Water Right 27-4003

Dear Sir or Madame,

This letter is in response to a notice dated April 23, 2003, sent by your office to Owen L Nelson requesting "Evidence of Priority" for his water right on Trail Creek. Enclosed are copies of photographs that corroborate the priority date of this claim, which is June 1, 1929. Mr. Nelson has the original photographs, which are reprints of older photos. Hand written notations on the back of them state the originals were taken in 1939.

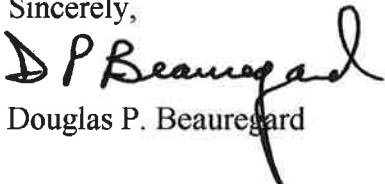
The photos show a house from various views. One of them contains an old car, perhaps a Ford Model A, which dates them to around the 1930's. Two others show ridges and skylines that locate the property on which the house stood.

I took the following three photographs on May 16, 2003. They show Mr. Nelson's home and the same ridges and skylines that are in the background of the 1939 photographs. Photograph #1 and #2 show Mr. Nelson's home from its east side. Photograph #3 shows the view looking from the home toward Trail Canyon Archery Range. The ridges and skylines clearly show Mr. Nelson's home sits on the same property as the one in the 1939 photographs.

The home in the 1939 photographs does not appear to be new, so it is reasonable to assume its construction could have pre-dated them by ten years, which would be the year of the priority date listed on Water Right 27-4003.

If further information is needed to resolve this matter, please contact me at 208-547-4024. I have purchased the land associated with this water right from Mr. Nelson and am responding on his behalf.

Sincerely,


Douglas P. Beauregard





Photograph #1



Photograph #2



Photograph #3

AUG 61

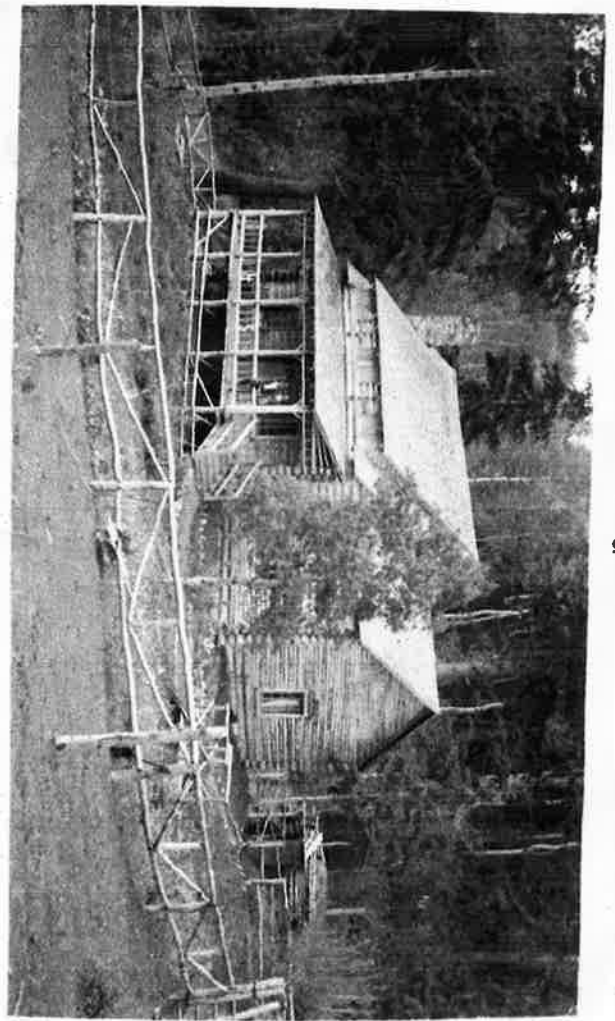


AUG • 61

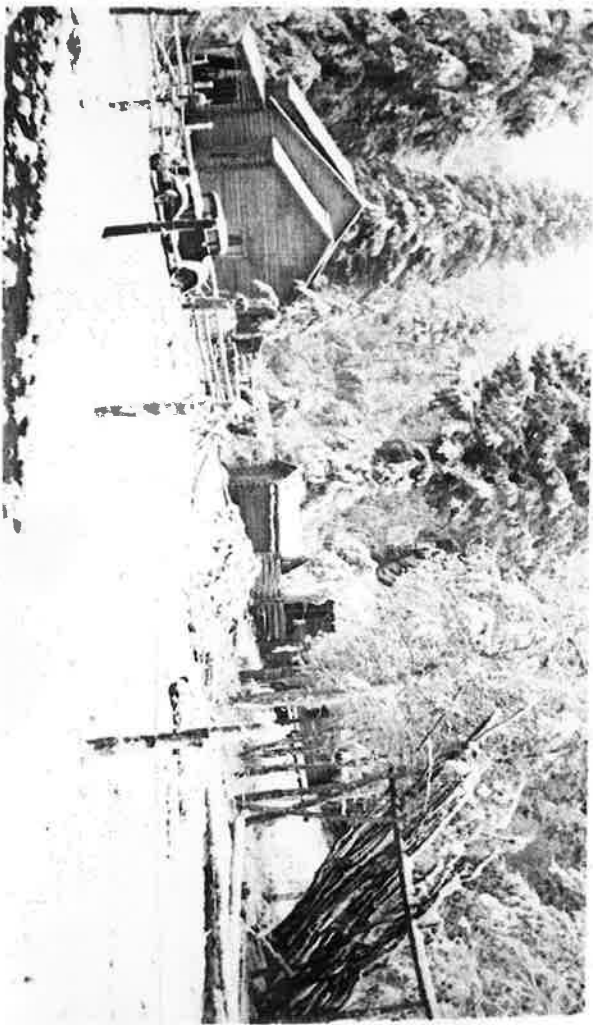


AUG • 61

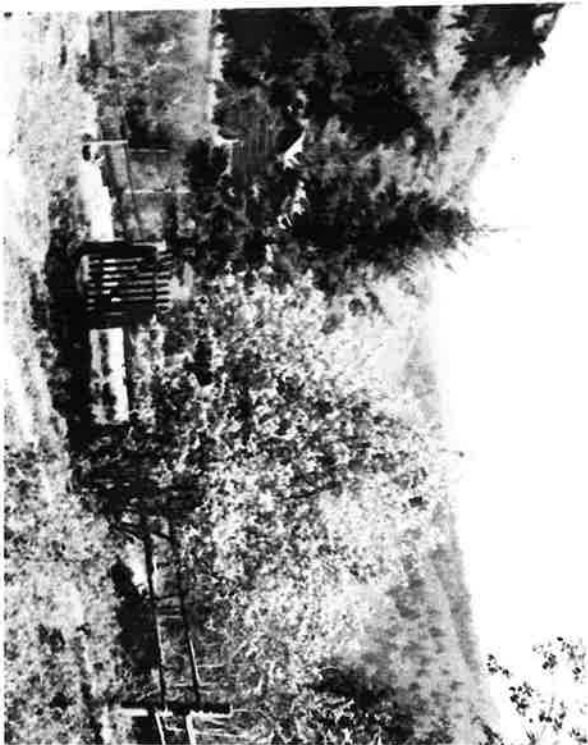




AUG - 61



AUG 61





State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Owen L. Nelson
P.O. Box 562
Soda Springs, Idaho 83276

April 23, 2003

Re: Evidence of Priority

Claim No.(s) A27-04003

Dear Claimant (s):

The Idaho Department of Water Resources has begun its water right review in Basin 27. The Notice(s) of Claim identified with the number shown above, has been filed in the Snake River Basin Adjudication (SRBA). The Notice 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 Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a 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.

It is important that each element of the Notice be substantiated. 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 enclosed 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.

.....
The Department cannot recommend the court decree the Notice if no evidence of a priority date is submitted.
.....

Please submit the documentation supporting the priority date by May 23, 2003, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter, please feel free to contact me at 547-3993.

Respectfully,

Cindy E. Bird
Adjudication Bureau

Enclosure: Brochure on "Evidence of Priority"
 Adjudication Claim Report

JUL 16 2001

Log for claim 27-04003

Spatial Dynamics LTD

12/4/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
08s43e	19	SESE	2	1.8	
Totals:			2	1.8	

AJ5809NP
No. A27-04003

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/02/00
PAGE: 73

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	OWEN L NELSON PO BOX 562 SODA SPRINGS ID 83276 (208) 547-3051	06/01/1929	IRRIGATION DOMESTIC	04-01 11-01 01-01 12-31	0.020 CFS 0.040 CFS	
TOTAL DIVERSION:					0.040 CFS	
CONSUMPTIVE USE:						5.00 AFA

Water Source: SPRING

Tributary to: TRAIL CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion: T08S R43E S19 SWSESE CARIBOU County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE													
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
08S	43E	19	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
TOTAL ACRES																							02	2.0	
																								2.0	

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE													
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	
08S	43E	19	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
																							D	:	

POU County: CARIBOU

Non-Irrigation Uses: D/ 1 HOUSE

Other Rights: A2711283

Remarks: GEN SOURCE KNOWN LOCALLY AS NELSON SPRING.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 27

Field Inspection Flag:

Presumption Flag:

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Orville L. Nelson (name of claimant)
of Box 562 Soda Springs, Idaho (mailing address), claims a right to the diversion and beneficial use of
ground water or surface water tributary to Trail Creek

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Nelson Springs
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | | | | | | | |
|--------|----------------------|-----|-------------------------------|----------------|------|--------------|----|------------------------|
| Amount | <u>.04</u> | Use | <u>domestic</u> | Period of Use: | From | <u>Jan 1</u> | To | <u>Dec 31</u> |
| Amount | <u>.02</u> | Use | <u>irrigation</u> | Period of Use: | From | <u>May 1</u> | To | <u>Oct 15</u> |
| Amount | | Use | | Period of Use: | From | | To | |
| | (cfs, gpm
or a/f) | | (dom., irri.,
stock, etc.) | | | | | (both dates inclusive) |
- (3) Total quantity of water claimed: .04 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) ~~March 1966~~ 1929
A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
SE ¼ SE ¼, Sec. 19 Twp. 85 Rge. 43E B. M. County of Carillon
Additional points of diversion:

- B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. *underground drain pipe & cistern - pump & water system*

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

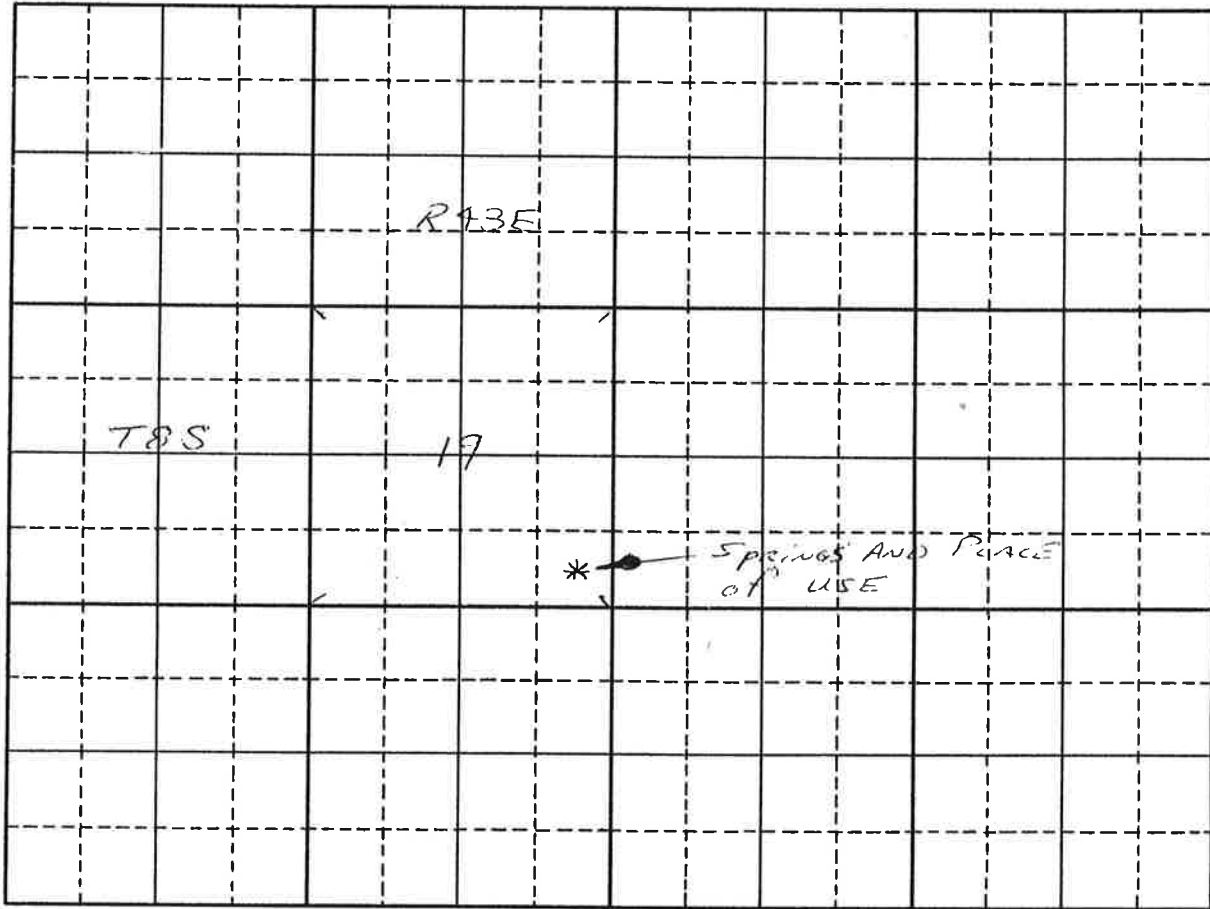
[illegible]

Total No. of acres 2

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:

- (7) If you are claiming water as a member of an organization, list name of organization: _____

(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

County of Caribou

ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

I give me this 27TH day ofJUNE

, 1977.

Clara L. Nelson
(Claimant)

Norman C. Young
Notary Public
Residing at IDAHO FALLS

6/10/75

For Department Use Only

Received by MB Date 7-1-74
 Prelim. check by MB Date 7/3/74
 \$10.00 fee received by MB Date 7-3-74
 Approved for publication by MB Date 7/3/74 No. 12942
 Published in Caribou County, Idaho
 Dates July 1-11, 1974

Exception filed by: _____ Forwarded to claimant by: _____ Date _____

JUL 16 2001

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: A27-04003
Date Received: 1/19/1990
Receipt No: MOO 5555
Received By: joe

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: OWEN L. NELSON *Douglas & Ann Beauregard*
Address: P.O. BOX 562 208-547-3051
SODA SPRINGS, ID 83276

2. Date of Priority: JUN 01, 1929

3. Source: SPRING Trib. to: TRAIL CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	43E	19	SW	SE	SE		CARIBOU

5. Description of diverting works:
HDBOX IN SPRING WITH PIPE TO HOUSE AND LAWN

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
~~IRRIGATION~~	~~04/01~~	~~11/01~~	~~0.020~~		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 5.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/ 1 HOUSE

domestic only

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	43E	19	SE	SE		IRR	2.0
			SE	SE		DOMEST	

Section Acres 2.0

A27-04003

Page 1

Date: 01/19/90

MICROFILMED
NOV 12 1992

A2704003



10. Place of Use: Continued

Total Acres 2.0

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:
A2711283

14. Remarks:
SOURCE KNOWN LOCALLY AS NELSON SPRING.

15. Basis of Claim: STATUTORY CLAIM

MICROFILMED
NOV 12 1992

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 X 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): C. L. Nelson Date: 1/19/90

Date: _____

State of Idaho)
County of Caribou) SS.

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

of Jan 19 90
Seal

John Paul Carlson
Notary Public

Residing at Boise ID

My Commission Expires 1/2/94

NOV 12 1992
MICROFILMED

