

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: **A67-04119**
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, 1880

3. Source: COTTONWOOD CREEK Trib. to: WEISER RIVER
COTTONWOOD CREEK, NORTH FOR 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	04/20	07/15	3.120		
STOCKWATER	07/15	11/15	0.020		

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

8. Total consumptive use is 333.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/100 RANGE.

MAY 10 2004
SUMMIT

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
16N	01W	26	SW		SW		IRR	27.0
			SE		SW		IRR	27.0
			SW		SE		IRR	26.0
							Section Acres	80.0
		35	NW		NE		IRR	2.0
			NE		NW		IRR	3.0
			NW		NW		IRR	3.0
							Section Acres	8.0
							Total Acres	88.0

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:

A67-00312, A67-00313, A67-00314

14. Remarks:

PRIORITIES ARE 1885 & 1880.

AC. DIV. RATE=1.5 IN/ACRE OR 156 IN.

SOURCES ARE COTTONWOOD CK.& COTTONWOOD CK. N. FK. TRIB. WEISER R.

OWNERSHIP CHANGED BY LH 3/9/99.

15. Basis of Claim: STATUTORY CLAIM

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

RECEIVED
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) A67-04119
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/Sharon 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) Cornelius G. Nielsen Date 8/4/97
Johanna M. Nielsen Date 8/4/97

8. 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.

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights, and, if a required claim for the water right has not been filed, to file the needed claim.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. If you would like any of these brochures, or if you have questions about completing this form, please contact your nearest IDWR office or call 1-800-451-4129.

If you need additional space to describe or explain any of the items on the form, please attach additional sheets to the form as you may require.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at **Item 1**. If you or the seller believe there are water rights for the property but the numbers are unknown, you may wish to call IDWR or come into an office of IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at **Item 2** is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at **Item 3**.
4. The name, mailing address, and telephone number of the new owner(s) is entered at **Item 4**. Please indicate the relationship between multiple owners by using the connector "and", "or" or "and/or". If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign, however only one of the named parties is required to sign.
5. At **Item 5**, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. If the property you have purchased is only a portion of the property owned by the former owner/seller, you may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at **Item 6**.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at **Item 7**. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

IDWR Western Region, 2735 Airport Way, Boise, ID 83705-5082 (208) 334-2190

IDWR Southern Region, 222 Shoshone St. E., Twin Falls, ID 83301-6105 (208) 736-3033

IDWR Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814-2615 (208) 769-1450

IDWR Eastern Region, 900 N Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 (208) 525-7161

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 474, Council, ID 83612 ~~1149, Morton, WA 98356,~~

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

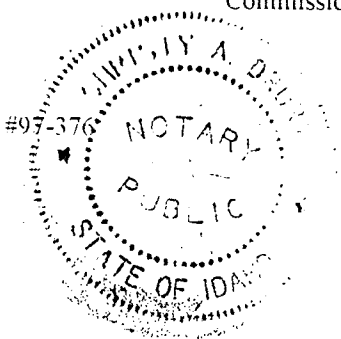
at 41 minutes past 3 o'clock PM.
this 5 day of Aug, 19 97 in my
office, and duly recorded in Book
of Deeds at page

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

WATER RESOURCES
WESTERN REGION

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: A67-04119
Date Received: 12/22/1989
Receipt No: W007236
Received By: BAS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: W. L. JONES 208-253-4882
Address: HC 62 BOX 1730
COUNCIL, ID 83612

OR

Name: SHA RON JONES 208-253-4882
Address: HC 62 BOX 1730
COUNCIL, ID 83612

2. Date of Priority: JUN 01, 1880

3. Source: COTTONWOOD CREEK Trib. to: WEISER RIVER
COTTONWOOD CREEK, NORTH FOR 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	04/20	07/15	3.120		
STOCKWATER	07/15	11/15	0.020		

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

8. Total consumptive use is 333.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/100 RANGE.

A67-04119

Page 1

Date: 12/22/89

MICROFILMED
OCT 02 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
16N	01W	26	SW		SW		IRR	27.0
			SE		SW		IRR	27.0
			SW		SE		IRR	26.0
							Section Acres	80.0
		35	NW		NE		IRR	2.0
			NE		NW		IRR	3.0
			NW		NW		IRR	3.0
							Section Acres	8.0
							Total Acres	88.0

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:
A67-00312, A67-00313, A67-00314

14. Remarks:
PRIORITIES ARE 1885 & 1880.
AC. DIV. RATE=1.5 IN/ACRE OR 156 IN.
SOURCES ARE COTTONWOOD CK.&COTTONWOOD CK. N. FK. TRIB. WEISER R.

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 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: *8/22/89*

Date: _____

State of Idaho)
County of *Ada*) SS.

Subscribed and sworn (or affirmed) before me this *22* day
of *December* 19 *89* *Bruce A. Schul*
Notary Public

Seal

Residing at *Brist Idaho*
My Commission Expires *4/1/95*



AGT-04119

3027
Cottonwood

Cottonwood Sch

(Abandoned)

Cottonwood

Middle Fork School

Gravel Pit

TRAIL

JEEP

MEDIAN

MICROFILMED
OCT 02 1992

12/13/2006

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

RIGHT NUMBER: 67-4119

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: 0.140 CFS

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

PRIORITY DATE: 05/10/1918

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>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	03/15 11/15	0.140 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

STOCKWATER same as IRRIGATION

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

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

The quantity of water decreed for this water right for stockwater use 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

Stockwater use is for 100 range cattle.



Idaho Department of Water Resources

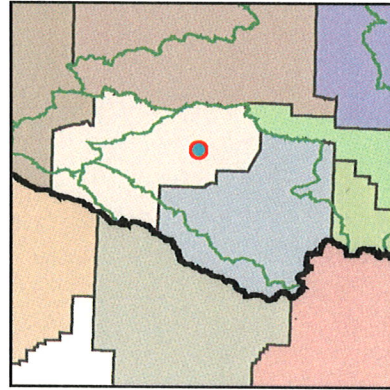
SRBA Recommendation:

67-4119

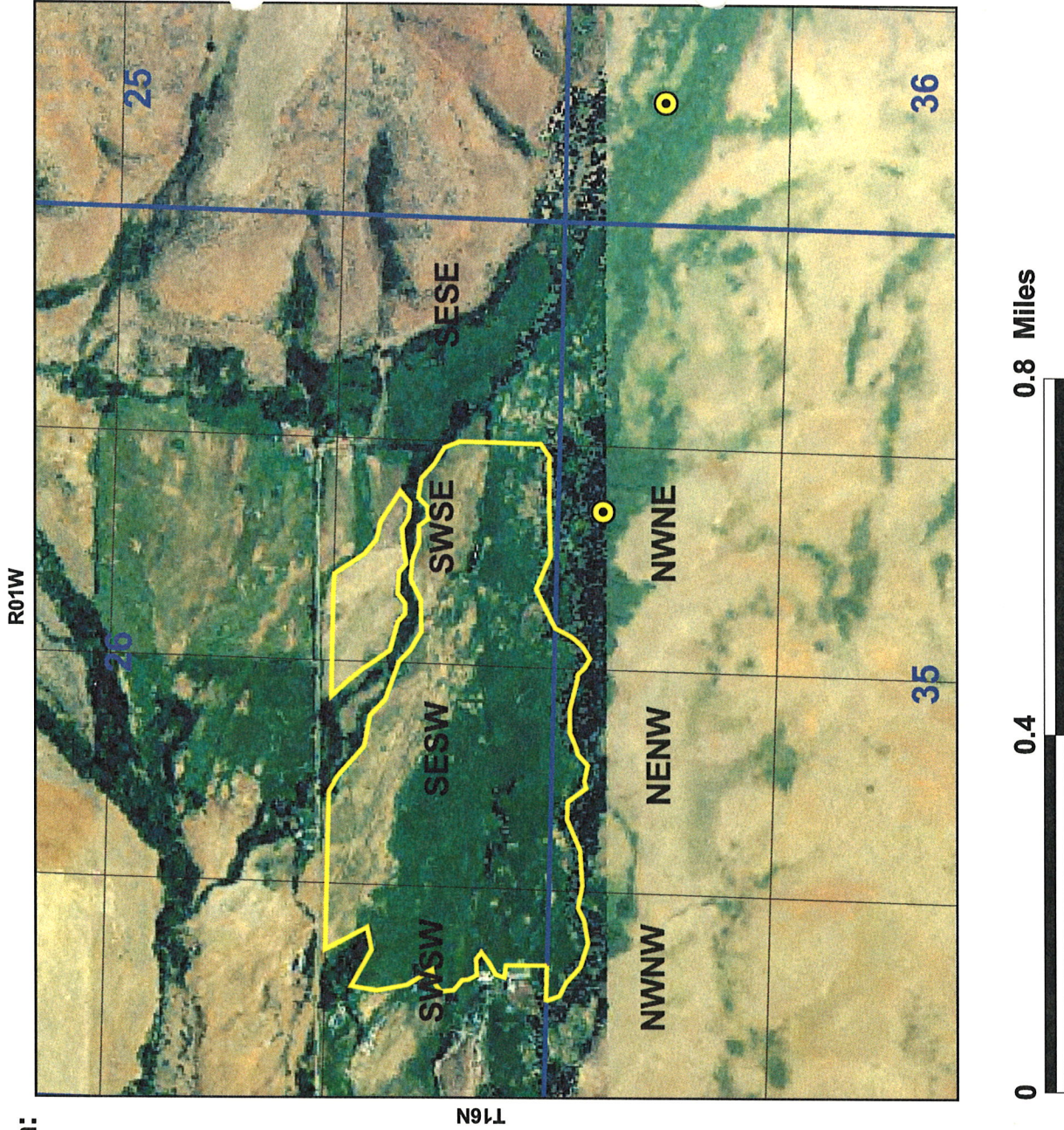
(Irrigation)

Legend

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

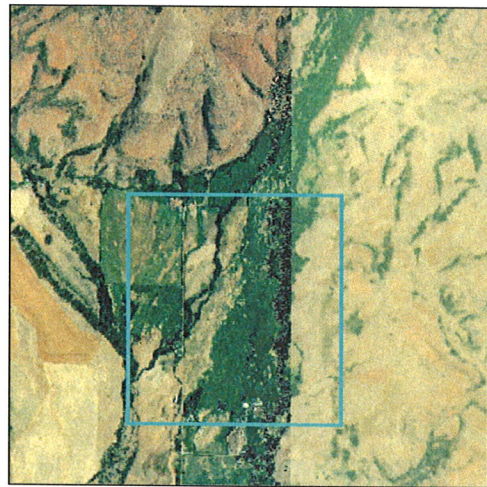
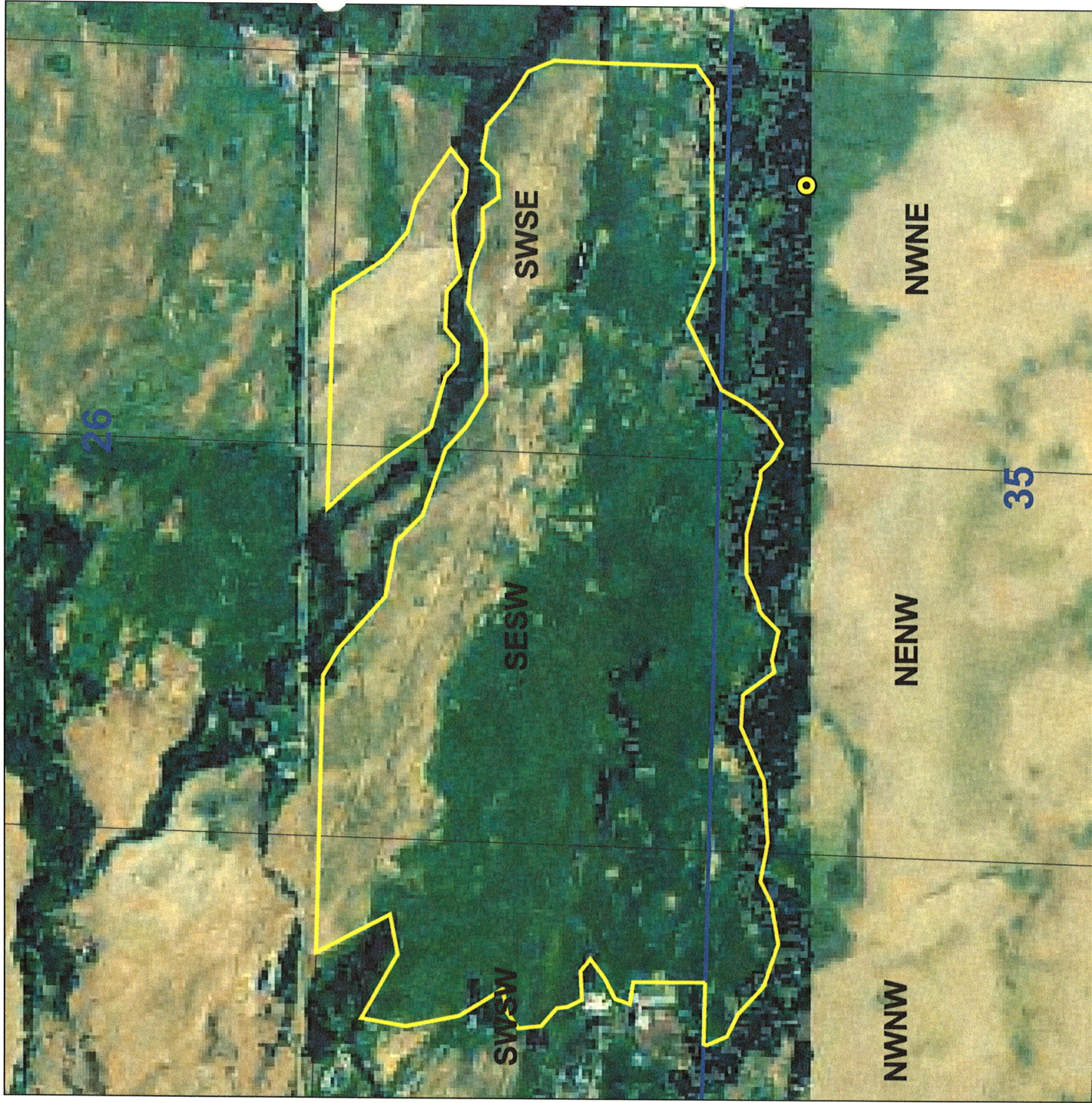


Adams County
IDWR Basin 67



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

67-4119



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4119 V1

WATER RIGHT NUMBER: 67-4119 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOHANNA M NIELSEN PO BOX 474 COUNCIL, ID 83612
Original Owner	SHARON C JONES 2305 COTTONWOOD RD COUNCIL, ID 83612-5246 (208)253-4882
Current Owner	CORNELIUS G NIELSEN PO BOX 474 COUNCIL, ID 83612
Original Owner	W L JONES 2305 COTTONWOOD RD COUNCIL, ID 83612-5246 (208)253-4882

Priority Date: 05/10/1918

Basis: Beneficial Use

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>
STOCKWATER	01/01 to 12/31	0.020 CFS	
IRRIGATION	03/15 to 11/15	0.140 CFS	
	<u>Total Diversion:</u>	0.140 CFS	

Location of Point(s) of Diversion

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

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

STOCKWATER same as IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-4119 V1

Conditions of Approval:

1. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
2. 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
3. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
4. X02 Stockwater use is for 100 range cattle.
5. 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.

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. csaxton 10/2/2006 From Claim (1)

Comment: PRIORITIES ARE 1885 & 1880.

AC. DIV. RATE=1.5 IN/ACRE OR 156 IN.

SOURCES ARE COTTONWOOD CK.& COTTONWOOD CK. N. FK. TRIB. WEISER R. OWNERSHIP CHANGED BY LH 3/9/99.

4. 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4119 V1

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:
 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:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
-------------	---------------	--------------

88

Combined Water Rights: 67-312 , 67-313 , 67-314 , 67-14096 , 67-4119

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
-------------	---------------	--------------

88

Combined Water Rights: 67-312 , 67-313 , 67-314 , 67-4119

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	10/2/2006 11:15:39 AM	csaxton			Active
Priority Date	10/2/2006 11:16:32 AM	csaxton			Active
POD	10/2/2006 11:16:39 AM	csaxton			Active
Source	10/2/2006 11:18:00 AM	csaxton			Active
POU	10/2/2006 11:18:41 AM	csaxton			Active
Use	10/2/2006 11:19:30 AM	csaxton			Active
Season	10/2/2006 11:21:41 AM	csaxton			Active
Quantity	10/2/2006 11:22:13 AM	csaxton			Active
Summary			10/02/2006	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	10/2/2006 11:17:13 AM	csaxton	Updated PLS
POU	10/2/2006 11:19:08 AM	csaxton	Updated shape for Active POU
POU	10/2/2006 11:19:18 AM	csaxton	Updated PLS for Active POU
POD	10/2/2006 11:17:04 AM	csaxton	Updated shape

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4119 V1

Season	10/2/2006 11:21:50 AM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (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?
Quantity	10/2/2006 11:22:22 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (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? Description for Question 7 - No measurement required for recommendations of 0.20 cfs or less.
Summary	10/2/2006 11:24:09 AM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (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? (No) 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4119 V1

General	10/2/2006 11:16:41 AM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Direct overlap with Muir v. Allison water. Can recommend one day after decree.
Source	10/2/2006 11:18:08 AM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Direct overlap with decreed rights where source has been previously administratively determined.
POU	10/2/2006 11:18:50 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (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 13 - Direct overlap with decreed rights where POU has been previously administratively determined.
Use	10/2/2006 11:19:39 AM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Direct overlap with decreed rights where purpose of use has been previously administratively determined.
POD	12/13/2006 10:58:46 AM	mvanbussum	Updated shape

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-4119 V1

Contacts	10/2/2006 11:15:47 AM	csaxton	(No) 1. Do you want to schedule an appointment?
POD	10/2/2006 11:16:47 AM	csaxton	Comment for 1: Desktop Review (No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (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?

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: 67-4119

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 T1W ROW S26 SESE 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 was split between the 2 points of diversion depending on the irrigation needs and the location of stock.

☐ 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
MUB 12-13-06*

SCANNED
DEC 08 2006

26

Lester Creek

Man-made Ditch.
Diversions off of this
ditch are not described
on water rights.

SW1W

SESW

SNSE

Cottonwood Creek

26 25

35 36

NNNE

Current point of diversion
recommended

POD that should be Added:
T16N, R 1W, S36, NENWNW

NWNW

Claim

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

Water Master

Page #	Parcel #	Name	Inches	WR #	Original Owr	Priority
1	P16N01W3418	NIELSON,	20	310	P. W. Higgin	9/6/84
1	P16N01W2660	NIELSON,	50	312	W. PHIPPS	6/1/84
1	P16N01W2890	RENNWICK	20	313	W. PHIPPS	6/1/89
1	P16N01W3506	NIELSON,	3	314	W. PHIPPS	6/1/92
2	P16N01W3506	NIELSON,	3	323	G. MOORE	5/1/00
2	P16N01W3506	NIELSON,	5	324	G. MOORE	5/1/00

Bosco Says that this actually is Nielson's

CONVERSATIONAL MEMORANDUM

Date: September 26, 2005

To: File 67-4119

Cc: Cornelius Nielsen

From: Craig L. Saxton

Subject: Evidence of Priority

I received a voice message from Cornelius Nielsen regarding the evidence of priority letter sent regarding his claim. I returned his call after reviewing the files. It appears that he was sent a letter requesting evidence of priority by error.

Claim 67-4119 appears to be a direct overlap with decreed rights. Therefore my guidance is we can recommend the beneficial use claim without additional evidence of priority with a priority date of May 10, 1918 (one day after Muir vs. Allison was signed).

In my conversation with Mr. Nielsen I explained this and told him that he can ignore the letter of request and the deadline of September 16, 2005, and that we did not need additional information at this time.

If additional information is required during future review, I informed Mr. Nielsen that he would be contacted.

September 17, 2005:

Explained to him why we can only recommend one day after the decree. Honestly, I can't remember all we spoke about but I think that was it.

		CPs	Inches	@ 5/8
7-14-05 :	67- 312	1.00	50	80
	67- 313	0.40	20	32
	67- 314	<u>0.06</u>	3	<u>4.8</u>
		1.46		116.8 acres

: Can Recommend all diversion Rate for decreed water on
POU.

CONVERSATIONAL MEMORANDUM

Date: September 9, 2005

To: File 67-4119

Cc: Cornelius Nielsen

From: Craig L. Saxton

Subject: Evidence of Priority

I received a voice message from Cornelius Nielsen regarding the evidence of priority letter sent regarding his claim. I returned his call after reviewing the files. It appears that he was sent a letter requesting evidence of priority by error.

Claim 67-4119 appears to be a direct overlap with decreed rights. Therefore my guidance is we can recommend the beneficial use claim without additional evidence of priority with a priority date of May 10, 1918 (one day after Muir vs. Allison was signed).

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If additional information is required during future review, I informed Mr. Nielsen that he would be contacted.

IN THE MATTER OF:

Woody Jones water
right

State of Idaho

County of Adams

RECEIVED

APR 10 1975

AFFIDAVIT
Department of Water Resources

Clarence Gould

being first duly sworn,

deposes and says:

I, Clarence Gould was born on
Cottonwood creek in 1895, on a ranch joining
what is now the Woody Jones ranch, I lived there
with my folks until 1909 when we moved to a
place about six miles away. My sister and her
husband and family owned what is now the Jones
ranch, from about 1923 until about 1952, so I know
a great deal about the place.

The Jones ranch has always been irrigated with
water from Cottonwood creek for as long as I
can remember. From what I learned from my
father and from other people who lived on the
creek I think the Jones place has been
irrigated since the very early eighteen eighties.

Clarence Gould
(signature)

Subscribed and sworn to before me this 18th day of February 19 75.

Paul Strawn
(notary public)

Residing at Council Bluffs
My commission expires 6-22-76



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:l

Enclosures