

06/15/2006

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

RIGHT NUMBER: 67-7060
NAME AND ADDRESS: KENNETH E NELSON
2314 LAPPIN LN
PO BOX 227
COUNCIL ID 83612

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.140 CFS
40.600 AFY

PRIORITY DATE: 08/03/1971

POINT OF DIVERSION:

T17N R01W S26 SESWSW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 10/15	0.140 CFS
DOMESTIC	01/01 12/31	0.020 CFS

The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before May 1 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within ADAMS County

T17N R01W S26 SWSW 10.00

DOMESTIC Within ADAMS County

T17N R01W S26 SWSW

10 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License



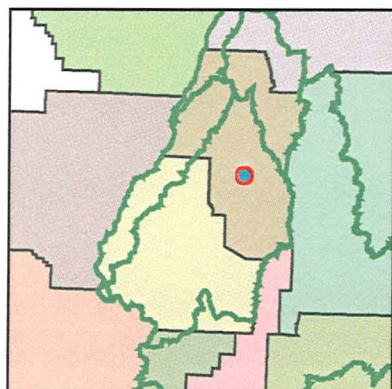
Idaho Department of Water Resources

SRBA Recommendation:

67-7060

Legend

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



Adams County
IDWR Basin 67



0 0.1 0.2 Miles



Prepared by M. Mount
On Thursday, June 15, 2006
1987/88 Aerial Photography

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: **A67-07060**
Date Received: 11/ 1/1989
Receipt No: C012629
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: KENNETH E NELSON
Address: 2314 LAPPIN LN
PO BOX 227
COUNCIL ID

83612

2. Date of Priority: AUG 3, 1971

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	01W	26	NE	SW	SW		ADAMS
			SE	SW	SW		ADAMS

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.140		
DOMESTIC	01/01	12/31	0.020		

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

8. Total consumptive use is 30.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 1 HOME AND FARMSTEAD

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	01W	26	SW	SW		IRR	10.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	01W	26	SW	SW		DOMEST	
Section Acres							10.0
Total Acres							10.0

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:
67-04460

14. Remarks:

THERE ARE TWO POINTS OF DIVERSION FOR THE IRRIGATION PORTION OF THIS WATER RIGHT. THE WELL IS USED FOR IRRIGATION AND DOMESTIC PURPOSES. THE WELL HAS AN 8" CASING FROM THE SURFACE TO THE 225' DEPTH, 6" CASING FROM THE 225' DEPTH TO THE 245' DEPTH (DEEPENED IN 1989). IT HAS A 5 HP SUBMERSIBLE PUMP. THE OTHER POINT OF DIVERSION IS THE SUMP DESCRIBED IN WATER RIGHT 67-04460. THE SUMP IS 30' X 30' X 15' WITH A CENTRIFUGAL PUMP (POWER FROM A TRACTOR PTO SHAFT). THE LAND IS SPRINKLER IRRIGATED. OWNERSHIP CHANGED BY LH 8/1/97.

15. Basis of Claim: LICENSE

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

RECEIVED

APR 24 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) A67-07060
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) Harriet Hale / Howard L. Hale

4. New Owner/Claimant(s) Kenneth E. Nelson
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address 2314 Lippin Lane, P.O. Box 227
City, State and ZIP Code Council, ID 83612
New Telephone Number () - -

5. Date you acquired the property 4/11/97
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 N/A 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) Kenneth E. Nelson Date 4/11/97

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

COPY

RECEIVED

APR 24 1997

WATER RESOURCES
WESTERN REGION

For Value Received, HOWARD L. HALE and HARRIET HALE, husband and wife

the grantors, do hereby grant, bargain, sell and convey unto

KENNETH E. NELSON, an unmarried man

the grantee, whose current address is, 2314 Lappin Lane, Council, ID 83612
~~P.O. Box 987, Payette, ID 83661~~

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 Grantee his heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, 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: April 11, 1997

Howard L. Hale
Howard L. Hale

Harriet Hale
Harriet Hale

STATE OF IDAHO
) ss
COUNTY OF WASHINGTON

On this 11th day of April in the year of 1997, before me a Notary Public, personally appeared HOWARD L. HALE & HARRIET HALE 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

STATE OF IDAHO, COUNTY OF ADAMS
I hereby certify that this instrument was filed for record at the request of Timberline Title & Escrow

at 35 minutes past 3 o'clock P.M.
this 11 day of April, 1997, in my office, and duly recorded in Book of Deeds at page

John D. Edman
Notary Public
Residing at Idaho
Commission expires: 3/27/2003

MICHAEL FISK
Ex-Officio Recorder

By: Peggy Linkel
Deputy

Fees \$6.00
Mail to: Timberline Title & Escrow

Township 17 North, Range 1 West, Boise Meridian, Adams County, Idaho

Section 26: A parcel of land in said section more particularly described as follows:

Commencing at the Section corner common to Sections 26, 27, 34 and 35 of said Township;

Thence South 89°55'00" East 995.169 feet to the REAL POINT OF BEGINNING;

Thence North 00°00'00" East 939.709 feet;

Thence North 89°54'58" West 542.386 feet;

Thence South 00°15'35" East 939.730 feet;

Thence South 89°55'00" East 538.126 feet to the REAL POINT OF BEGINNING;

AND ALSO

Commencing at the Section corner common to Sections 26, 27, 34 and 35 of said Township;

Thence South 89°55'00" East 1320.000 feet to the REAL POINT OF BEGINNING;

Thence North 00°00'00" East 939.709 feet;

Thence North 89°55'00" West 324.831 feet;

Thence South 00°00'00" West 939.709 feet;

Thence South 89°55'00" East 324.831 feet to the REAL POINT OF BEGINNING.

EXCEPTING the County Road right-of-way and any easements and public rights-of-way for state and/or County road rights-of-way.

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APR 24 1997

WATER RESOURCES
WESTERN REGION

race, color, religion, sex, marital status, or national origin are hereby deleted to the extent that such restrictions violate 42 USC § 1981 (c).



COMPLIMENTS OF

Timberline Title & Escrow
THIS CERTIFICATE IS FURNISHED TO ASSIST IN
PROPERTY LOCATION AND THE OCCUPANCY
DOES NOT GUARANTEE ACCURACY

SW 1/4 - 40A

[1320]

40 chains

No 00026

W

ONE deen # 85065
38m/34.3
N 89° 55' 00" W 1

Schwartz,
10119ae 9,40
9,171
(except in)
5852 NWS

Tax # 802
Highway Waste - 62acre
County Rd. Waste - 14acre

Eastlick, Roy
& Shirley
Combs,
Roger & Marcella
82272
17-8-92

Howard

Tax # 81

N 00° 15' 35" W 939.730'
S 00° 15' 35" E 939.730'

14.741'
1311.87'
50° 00' W 1082.259'
U.S. 95 R.O.W. - 795 acres in SW 1/4
324.74'
34.35
249.97'
6400
1.0240
27.0000
Raney,
John G & Dixie Lee
84676 9-10-93
5855ae 207.446
589° 55' 00" E

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: A67-07060
Date Received: 11/01/1989
Receipt No: CO12629
Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HARRIET HALE 208-253-4386
Address: P.O. BOX 563
COUNCIL, ID 83612
OR
Name: HOWARD L. HALE 208-253-4386
Address: P.O. BOX 563
COUNCIL, ID 83612

2. Date of Priority: AUG 03, 1971

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
17N	01W	26	NE	SW	SW		ADAMS
			SE	SW	SW		ADAMS

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.140		
DOMESTIC	01/01	12/31	0.020		

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

8. Total consumptive use is 30.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 1 HOME AND FARMSTEAD

A67-07060

Page 1

Date: 11/01/89

MICROFILMED
OCT 02 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	01W	26	SW	SW		IRR	10.0
			SW	SW		DOMEST	
						Section Acres	10.0
						Total Acres	10.0

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:
67-04460

14. Remarks:

THERE ARE TWO POINTS OF DIVERSION FOR THE IRRIGATION PORTION OF THIS WATER RIGHT. THE WELL IS USED FOR IRRIGATION AND DOMESTIC PURPOSES. THE WELL HAS AN 8" CASING FROM THE SURFACE TO THE 225' DEPTH, 6" CASING FROM THE 225' DEPTH TO THE 245' DEPTH (DEEPENED IN 1989). IT HAS A 5 HP SUBMERSIBLE PUMP. THE OTHER POINT OF DIVERSION IS THE SUMP DESCRIBED IN WATER RIGHT 67-04460. THE SUMP IS 30' X 30' X 15' WITH A CENTRIFUGAL PUMP (POWER FROM A TRACTOR PTO SHAFT). THE LAND IS SPRINKLER IRRIGATED.

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: - / -

For Individuals:

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

Signature of Claimant(s): Howard L. Holt Date: 11-1-89
_____ Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 1st day
of November 19 89 Carter Fritschle
Notary Public

Seal

Residing at _____
My Commission Expires _____

Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My Commission Expires March 21, 1994

MICROFILMED
OCT 02 1992

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 67-7060 Priority August 3, 1971 Amount 0.14 cfs

THIS IS TO CERTIFY, that HOWARD L. HALE

of Council, Idaho, has complied with the terms and conditions of Permit No. 67-7060 issued pursuant to Application for Permit dated August 3, 1971, and has submitted proof to the Department of Water Resources on March 3, 1975, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 0.14 cfs of water from a ground water source, tributary to _____, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Domestic</u>	from <u>Jan. 1</u> to <u>Dec. 31</u>	at <u>0.02</u> cfs and	<u>0.6</u> acre feet
<u>Irrigation</u>	from <u>May 1</u> to <u>Oct. 15</u>	at <u>0.14</u> cfs and	<u>40</u> acre feet or
	from _____ to _____	at _____ cfs and	<u>4.0</u> af per acre
	(both dates inclusive)		

Subject, however, to the condition that no more than 0.14 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 40.6 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 26, Twp. 17 N, Rge. 1 W, B. M. in the County of Adams

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
17 N	1 W	26																	Ten

Total number of acres irrigated Ten

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 12 day of May, 19 76.

Director



OCT 02 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 1, 1997

Re: Notices of Claim to a Water Right Nos. A67-04460, A67-07060

KENNETH E NELSON
2314 LAPPIN LN
PO BOX 227
COUNCIL ID 83612

Dear Mr. Nelson:

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.

Also during our review of this ownership change and appurtenant land we found another water right for which no claim has been filed. A computer report of this water right is enclosed for your review. Please review this right carefully to decide whether or not it is a water source you are beneficially using at this time. If so, complete the enclosed claim to a water right form and return it to this office with the appropriate fees.

If you have any questions concerning the enclosed claims, please feel free to contact this office.

Sincerely,

Lori Harris
Technical Records Specialist
Adjudication Section
Western Region Office

LH:1

Enclosures