

12/13/2006

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

RIGHT NUMBER: 67-14096
NAME AND ADDRESS: CORNELIUS G NIELSEN
PO BOX 474
COUNCIL ID 83612

JOHANNA M NIELSEN
PO BOX 474
COUNCIL ID 83612

SOURCE: COTTONWOOD CREEK TRIBUTARY: WEISER RIVER
QUANTITY: 0.160 CFS
PRIORITY DATE: 05/01/1900
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>
IRRIGATION	03/15 11/15	0.160 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T16N R01W S35	NWNE	0.80	T16N R01W S35	NENW	4.50
T16N R01W S35	NWNW	2.70			

8 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:

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 - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed
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42-1425, Idaho Code.



Idaho Department of Water Resources

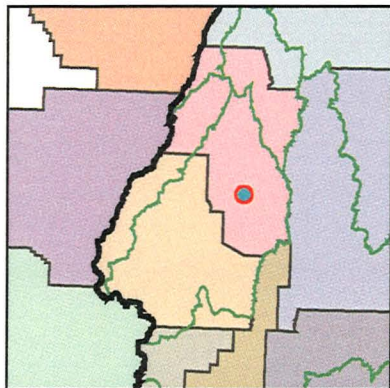
SRBA Recommendation:

67-14096

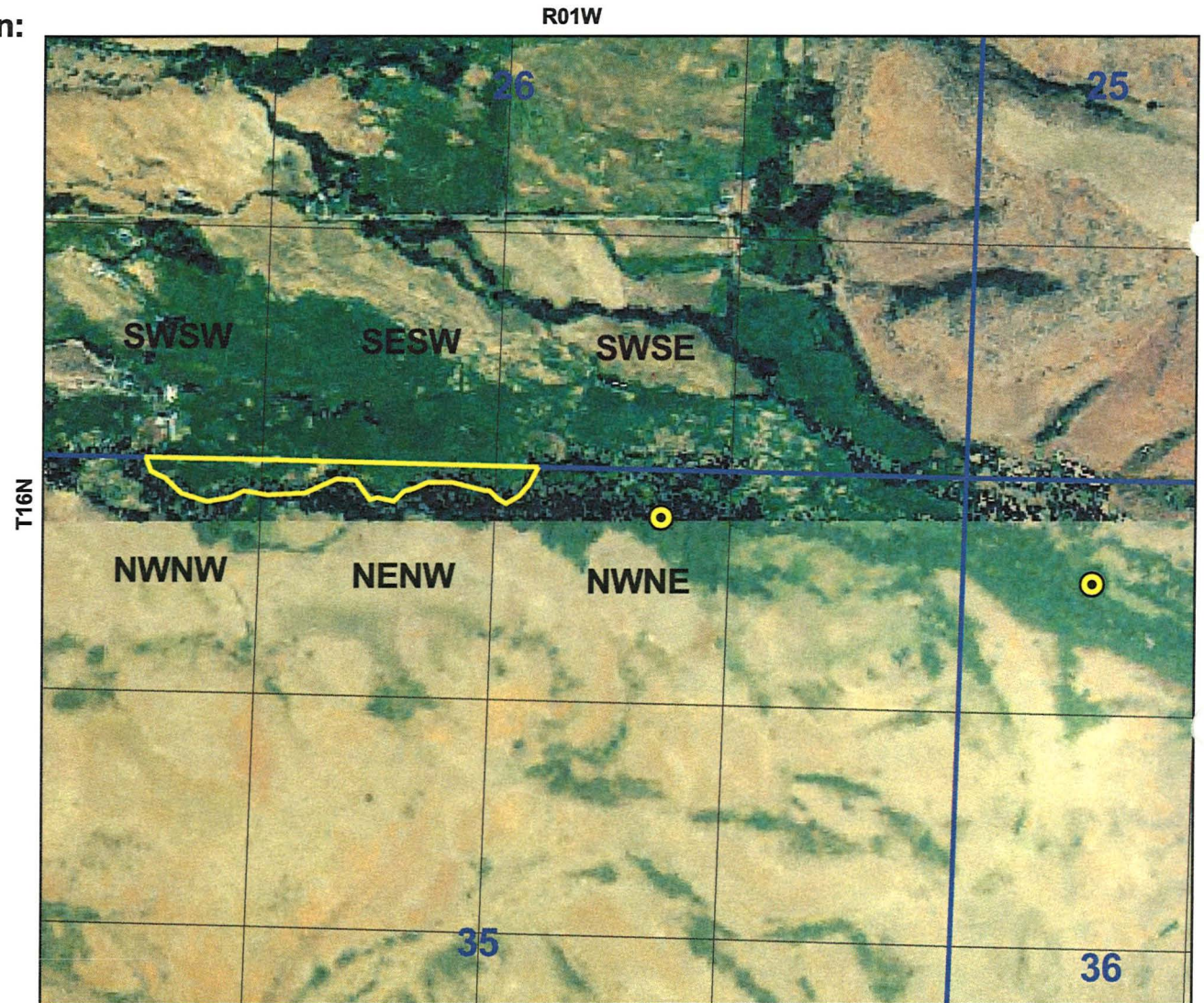
(Irrigation)

Legend

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



Adams County
IDWR Basin 67

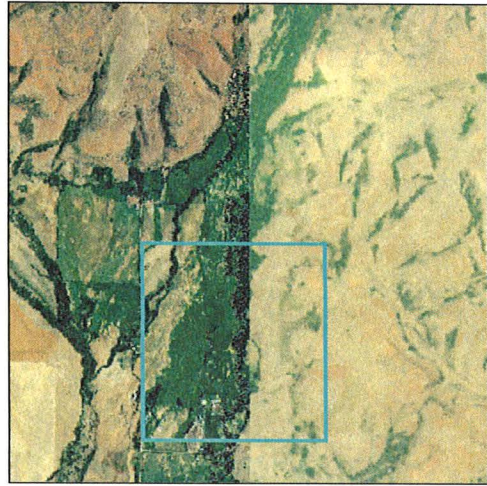
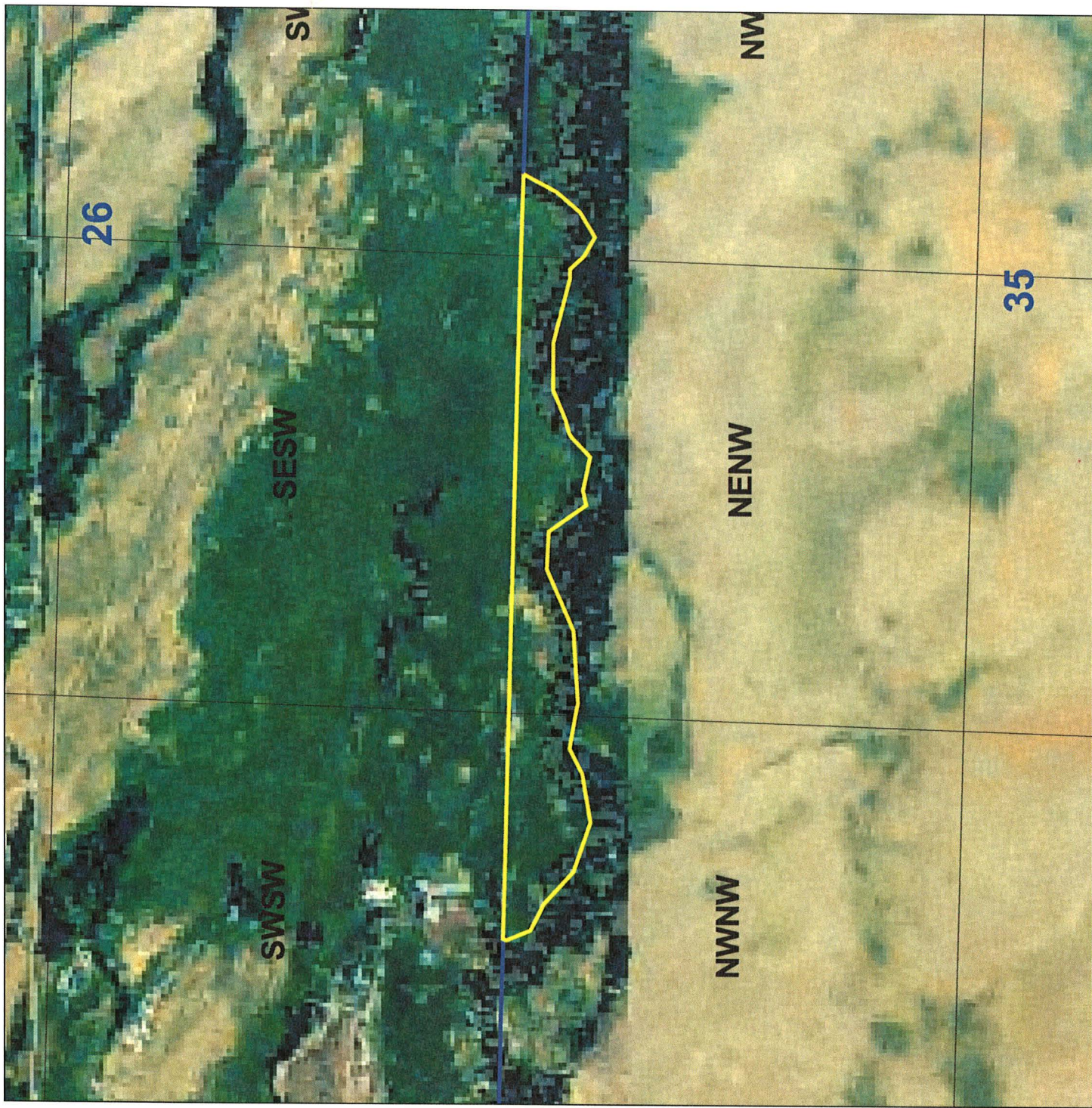


0 0.4 0.8 Miles



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

67-14096



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14096 V1

WATER RIGHT NUMBER: 67-14096 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	GRANT MOORE
	, ID
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
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

Priority Date: 05/01/1900

Basis: Decreed

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>
IRRIGATION	03/15 to 11/15	0.160 CFS	
	<u>Total Diversion:</u>	0.160 CFS	

Location of Point(s) of Diversion

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

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	35		.8			4.5	2.7											8.0

Total Acres: 8

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-14096 V1

Conditions of Approval:

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
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. 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 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.

2. 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.

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

Comment: THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 67-00323 AND 67-00324. 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.

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: 67

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:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14096 V1

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
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88

Combined Water Rights: 67-312 , 67-313 , 67-314 , 67-14096 , 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 11:28:45 AM	csaxton			Active
Priority Date	10/2/2006 11:29:07 AM	csaxton			Active
POD	10/2/2006 11:29:52 AM	csaxton			Active
Source	10/2/2006 11:30:09 AM	csaxton			Active
POU	10/2/2006 11:31:04 AM	csaxton			Active
Use	10/2/2006 11:32:03 AM	csaxton			Active
Season	10/2/2006 11:32:11 AM	csaxton			Active
Quantity	10/2/2006 11:32:33 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 11:29:58 AM	csaxton	Updated PLS
POU	10/2/2006 11:31:46 AM	csaxton	Updated shape for Active POU
POD	10/2/2006 11:29:44 AM	csaxton	Updated shape
Contacts	10/2/2006 11:29:04 AM	csaxton	(No) 1. Do you want to schedule an appointment? Comment for 1: Desktop Review
General	10/2/2006 11:29:26 AM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	10/2/2006 11:30:12 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a POD? (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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14096 V1

Source	10/2/2006 11:30:28 AM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	10/2/2006 11:31:55 AM	csaxton	Updated PLS for Active POU
Use	10/2/2006 11:32:23 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
POD	12/13/2006 11:01:04 AM	mvanbussum	Updated shape
POU	10/2/2006 11:31:23 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (No) 6. Can the claimed POU be verified using the water right file? (Yes) 7. Is there evidence that there has been a change in the POU? (Yes) 8. Can the claim be verified as an accomplished transfer? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 8 - Part of the recommended POU is in a QQ not described in the decree. Description for Question 13 - WM Records
Season	10/2/2006 11:32:31 AM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14096 V1

Quantity	10/2/2006 11:32:53 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (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?
Summary	10/2/2006 11:35:40 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (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? (Yes) 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?
POU	3/22/2006 9:26:27 AM	dnarsavage	Updated shape for Active POU

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: 67-14096

CORNELIUS G NIELSEN
PO BOX 474
COUNCIL ID 83612

JOHANNA M 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 T16N ROW S 26 SESE Adams Co

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.

____ 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*

H 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
MLB 12-13-06*

SCANNED
DEC 08 2006

26

Lester Creek

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

SW 1/4

SESW

SWSE

Cottonwood Creek

26 25
35 36

NWNE

Current point of diversion
recommended

NWNW

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

Der C. Saxton 12-12-2001

Nelson:

07-14096, 4119, 312, 314, 313

07-3~~4~~ add 2nd POP

Mr Nelson states he (owner x 10 yrs)
& prior owner (Ed Woodrow Jones - 90+ yrs)
who lived on property x 50 yrs told
Nelson the 2nd POP in SESE had always
been used. Notes say Wm was only
1 POP but Mr Nelson says there is
gate & well. Bosco told him it would
take H₂O from Leaky Co. but
Nelson says it is Cottonwood Creek.

Forward to Craig ↑

Claim

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Status</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Acres</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Source Table</u>
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

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Status</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Acres</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Source Table</u>
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 =						1.46	80	88			
67	14096		Decreed		5/1/1900	0.16	8	COTTONWO	IRRIGATION	NIELSEN, CC	Recommendation
Total =						0.16	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

<u>Basin</u>	<u>Sequence</u>	<u>Suffix</u>	<u>Basis</u>	<u>Status</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Volume(af)</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Source Table</u>
67	312		Decreed	Active	1884-06-01	1		COTTONWO	IRRIGATION	PHIPPS, WIL	wrWaterRight
67	313		Decreed	Active	1889-06-01	0.4		COTTONWO	IRRIGATION	PHIPPS, WIL	wrWaterRight
67	314		Decreed	Active	1892-06-01	0.06		COTTONWO	IRRIGATION	PHIPPS, WIL	wrWaterRight
67	4119		Statutory C	Active	1880-06-01	3.12		COTTONWO	IRRIGATION, STC	JONES, LOL	wrWaterRight
67	11372		Decreed	Active	1880-06-01	0.06		GROUND W/	DOMESTIC, STOC	NIELSEN, CC	wrWaterRight

Water Master

<u>Page #</u>	<u>Parcel #</u>	<u>Name</u>	<u>Inches</u>	<u>WR #</u>	<u>Original Owr</u>	<u>Priority</u>
1	P16N01W3418	NIELSON,	20	310	P. W. Higgin	9/6/84
1	P16N01W2660	NIELSON,	50	312	W. PHIPPS	6/1/84
1	P16N01W2890	RENWICK,	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

*approved by Miner
vs. Allison Moore
dated 6-20-1921*

67-0223

STATE OF IDAHO

OFFICE OF STATE ENGINEER .

CERTIFICATE NO. 184, AUTHORIZING TRANSFER OF WATER RIGHT.

DISTRICT No. 41 -J.

Permission is hereby granted Alfred G. Moore, of Council, County of Adams, State of Idaho, to transfer the use of twelve (12) inches of the waters of Cottonwood Creek, in the County of Adams and State of Idaho, from the lands upon which it is now used, i.e., the North half of the Northwest quarter ($N\frac{1}{2}NW\frac{1}{4}$), Section thirty-five (35) Township sixteen (16) North, Range one (1) West of the Boise Meridian, to the following described tract, to-wit; the Southeast quarter of the Northwest quarter ($SE\frac{1}{4}NW\frac{1}{4}$) Section thirty-five (35) Township sixteen (16) North, Range one (1) West of Boise Meridian, said waters to be diverted as originally intended, in the North east quarter of the Southwest quarter ($NE\frac{1}{4}SW\frac{1}{4}$), Section twenty-six (26) Township sixteen (16) North, Range one (1) West of the Boise Meridian. *DP*

The water right appurtenant to the above described lands was adjudged by decree, dated December 1, 1908, of Edward J. Bryan, Judge of the District Court, of the Seventh Judicial District of the State of Idaho, in and for the County of Washington, in the matter of George Gould, et al., plaintiffs, vs. L. J. Rinehart, et al, defendants in the following words, to-wit:

"It is hereby ordered, adjudged and decreed that the above named plaintiffs are owners of the first right to the use of the waters of Cottonwood Creek, in Washington County, State of Idaho, as against the above named defendants, and each and all of them to the amounts to each, as follows: "

"The plaintiffs, B.D.K. Davis, is entitled to twelve (12) miners inches of the waters of said creek for agricultural and domestic purposes".

That on December 21st, 1915, B.D.K. Davis, transferred to Alfred G. Moore, also known as Grant Moore, all his right, title and interest in and to said water right, as shown by the copy of the assignment on file in this office.

WITNESS My hand and the seal of my office at Boise, Idaho, this eighteenth day of February, 1916.

J. H. SMITH,

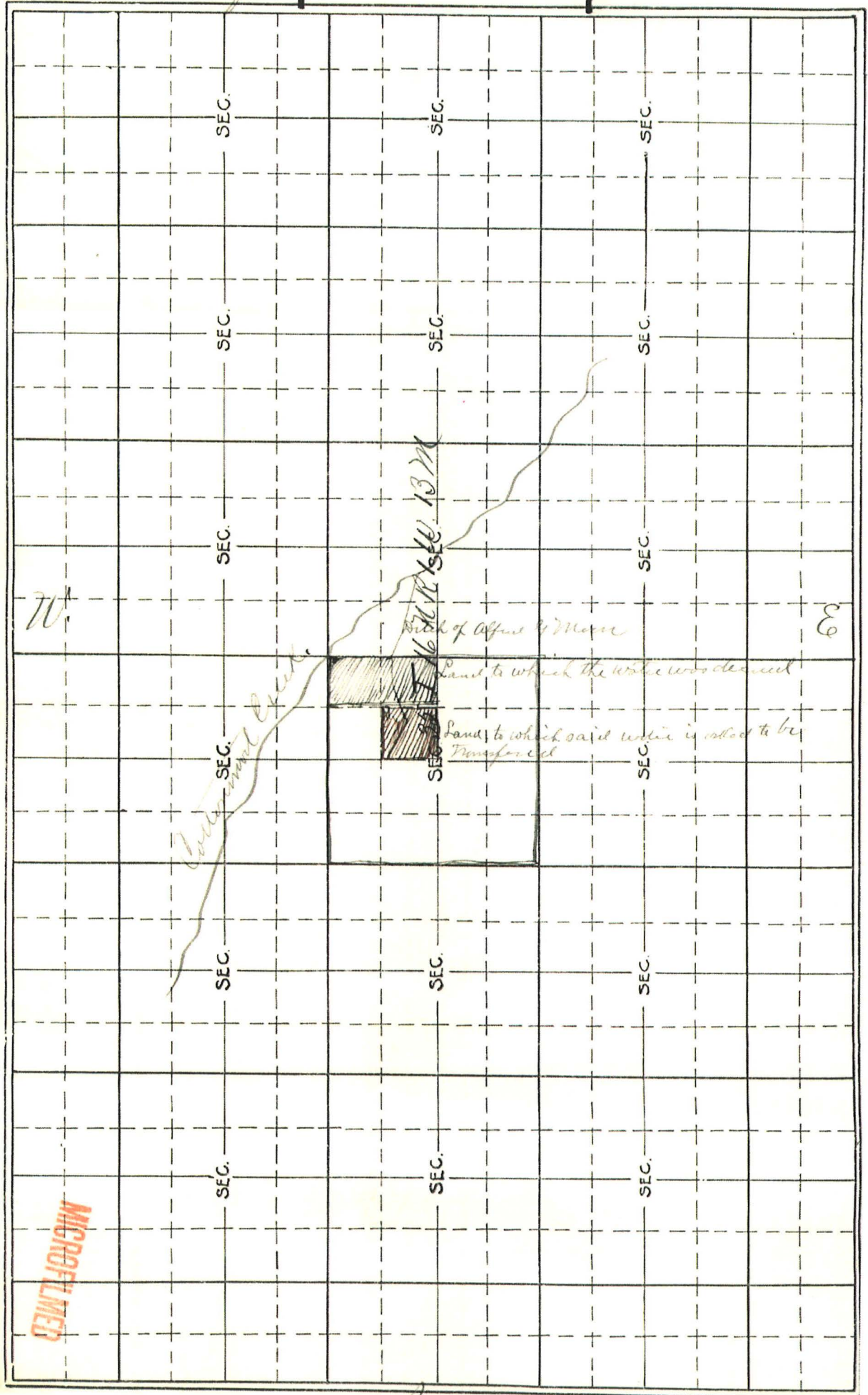
State Engineer.

By F. A. Wilkie

Deputy.

RECORDED

Name of Applicant: *Edw. G. Moore*^{n.}



MICROFILMED



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

March 9, 1999

KARL J. DREHER
DIRECTOR

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:1

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

NOV 28 1995

WATER RESOURCES
WESTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 9, 1995

W.L. Jones
Sha Ron Jones
HC 62, Box 1730
Council, ID 83612

Re: Identification Number Change for a Notice of Claim in the
Snake River Basin Adjudication (SRBA)
Adams County - Claim No. A67-14096

Dear Claimants,

The identification number of your Notice of Claim to a Water Right has been changed from A67-00324 to A67-14096. The claim you filed actually combines two existing rights: 67-00323 and 67-00324. The Idaho Department of Water Resources assigns identification numbers to claims that will allow processing without duplication or confusion; this change does not affect your claim in any other way.

Enclosed is a computer-generated copy of your claim with the new identification number. Refer to this record number in any future inquiries or correspondence. Please do not hesitate to contact this office, if you have any questions.

Sincerely,

Roxanne McCarthy
Sr. Water Resource Agent
Adjudication Bureau

RM:rm:west
Enclosures:
copy of Notice of Claim

MICROFILMED

OCT 22 1996

Cow Creek.

American Falls Development Company, sub for
W H Philbrick and R B Greenwood

47

June 1, 1886 ~~67~~ 0306

Goodrich Creek.

J P Ogilvie

10

May 1, 1892 ~~67~~ 0307

Ashton Roby

4

May 1, 1911 ~~67~~ 0308

Cottonwood Creek.

F W Beier

58

June 1, 1882 ~~67~~ 0309

P W Higgins

20

Sept 6, 1884 ~~67~~ 0310

Edgar Moser

22 1/2

Sept 6, 1884 ~~67~~ 0311

William Phipps

50

June 1, 1884 ~~67~~ 0312

20

June 1, 1889 ~~67~~ 0313

3

June 1, 1895 ~~67~~ 0314

I A Whiteley sub for I A Whiteley and J D Neale

31 3/8

June 1, 1887 ~~67~~ 0315

15 5/8

June 1, 1888 ~~67~~ 0316

G W Phipps

37 1/2

37 1/2

June 1, 1889 ~~67~~ 0317

James H McGinley

3

May 1, 1889 ~~67~~ 0318

72

July 1, 1896 ~~67~~ 0319

Cottonwood Creek (Con)

Mary R Houston

25

July 2, 1890 ~~67~~ 0320

A W Peebles

4

April 1, 1896 ~~67~~ 0321

R S Kinoid

4

April 1, 1896 ~~67~~ 0322

Grant Moore

3

May 1, 1900 ~~67~~ 0323

5

May 1, 1900 ~~67~~ 0324

North Fork Cottonwood Creek.

Gifford-Borenson Ditch.

M P Gifford

107

June 5, 1902 ~~67~~ 0325

Elisa Borenson

62

June 5, 1902 ~~67~~ 0326

James L Stewart and William F Smith

20

June 5, 1902 ~~67~~ 0327

B D Piper

10

June 5, 1902 ~~67~~ 0328

Mrs J T Root sub for M Rhinehart

96

June 5, 1902 ~~67~~ 0329

Emma Cool, sub for Fred Cool

10

June 5, 1902 ~~67~~ 0330

J A Carr

25

June 5, 1902 ~~67~~ 0331

Gladwell Commercial Bank

58

June 5, 1902 ~~67~~ 0332

A L Freehafer

5

June 5, 1902 ~~67~~ 0333

Emma Arrington

5

June 5, 1902 ~~67~~ 0334

Washington County Land & Development Co.

25

June 5, 1902 ~~67~~ 0335

Frank E Brown

2 1/2

June 5, 1902 ~~67~~ 0336

Winkler & Weid

23 3/4

June 5, 1902 ~~67~~ 0337

Crystal Foust

5

June 5, 1902 ~~67~~ 0338

Robert Waffler

2 1/2

June 5, 1902 ~~67~~ 0339

First National Bank of Vale

16

June 5, 1902 ~~67~~ 0340

North Fork Cottonwood Creek (Con)

Ben Houston

3

June 5, 1902 ~~67~~ 0341

A Grossen

10

June 5, 1902 ~~67~~ 0342

Hans Grossen

5

June 5, 1902 ~~67~~ 0343

JUL 24 1936

half of the Northeast Quarter of Section 34, Township 16 North, Range 1 West Boise Meridian.

P W HIGGINS: The Southeast Quarter of the Northwest Quarter, Section 34, and the Southwest Quarter of the Northeast Quarter Section 34, and a strip 10 rods wide on the South side of the Northeast Quarter of the Northwest Quarter of Section 34, all in Township 16 North, Range 1 West Boise Meridian.

EDGAR MOSER: The Southeast Quarter of the Southwest Quarter Section 27, and the Northeast Quarter of the Northwest Quarter Section 34, except the P & I N right-of-way and a strip 10 rods wide off the South side of the Northeast Quarter of the Northwest Quarter of Section 34, Township 16 North, Range 1 West Boise Meridian.

WILLIAM PHIPPS: The South half of the Southwest Quarter, the Southwest Quarter of the Southeast Quarter of Section 26, and the Northwest Quarter of the Northeast Quarter of Section 35, Township 16 North, Range 1 West Boise Meridian.

I A WHITLEY: The North half of the Southeast Quarter, the Southwest Quarter of the Northeast Quarter and the Southeast Quarter of the Northwest Quarter of Section 27, Township 16 North, Range 1 West Boise Meridian.

G W PHIPPS: The North half of the Northwest Quarter of Section 34, and 4 acres immediately north of Section 27, Township 16 North, Range 1 West Boise Meridian.

JAMES H MCGINLEY: The North half of the South half and the Southeast Quarter of the Southeast Quarter, Section 26 and the Northeast Quarter of the Northeast Quarter Section 35, Township 16 North, Range 1 West Boise Meridian.

MARY E HOUSTON: The Northeast Quarter of the Northeast Quarter, the South half of the Northeast Quarter, and the Southeast Quarter of the Northwest Quarter of Section 26, Township 16 North, Range 1 West Boise Meridian.

A W PEEBLES: The Southwest Quarter of the Southeast Quarter and the East half of the Northwest Quarter of Section 28, Township 16 North, Range 1 West Boise Meridian.

R S KINCAID: The Northeast Quarter of the Northeast Quarter of Section 28, Township 16 North, Range 1 West Boise Meridian.

GRANT MOORE: North half of the Northwest Quarter of Section 35, Township 16 North, Range 1 West Boise Meridian.

M P GIFFORD: The Southeast Quarter of the Southeast Quarter of Section 15, the Southwest Quarter of the Southeast Quarter of Section 15, the Southwest Quarter of Section 14, all in Township 16 North, Range 1 West Boise Meridian.

ELIZA BORNSEN: The Southwest Quarter of Section 16, Township 16 North, Range 1 West Boise Meridian.

JAMES L STEWART AND WILLIAM F SMITH: The Southeast Quarter of the Southwest Quarter of Section 11, Township 16 North, Range 1 West Boise Meridian.

B D PIPER: The North half of the Southwest Quarter of the Southeast Quarter of Section 11, Township 16 North, Range 1 West Boise Meridian.

MRS J T ROOT: The Southeast Quarter of the Northeast Quarter of Section 10, the Southwest Quarter of the Northwest Quarter and the North half of the Southwest Quarter of Section 11, Township 16 North, Range 1 West Boise Meridian.

EMMA COOL: The Northeast Quarter of the Northwest Quarter and the South half of the Southwest Quarter of the Southeast Quarter of Section 23, Township 16 North, Range 1 West Boise Meridian.

COTTONWOOD CREEK

William Phipps	50	June 1, 1884
	20	" " 1889
	3	" " 1892
G. W. Phipps	37½	" " 1889
F. W. Beier	58	" " 1882
P. W. Higgins	20	Sept 6, 1884
Edgar Moser	22½	" " "
Grant Moore	3 5	May 1, 1900
I. A. Whiteley, sub. for I. A. Whiteley and J. D. Neale	15 5/8 31 3/8	June 1, 1888 " " 1887
Mary E. Houston	25	July 2, 1890
A. W. Peebles	4	Apr 1, 1896
R. S. Kincaid	4	" " "
James H. McGinley	72 3	July 1, 1890 May 1, 1889

JUL 2 4 1906

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: **A67-14096**
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: MAY 1, 1900

3. Source: COTTONWOOD CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
16N	01W	26	SE	SE			ADAMS
		35	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	04/15	10/15	0.160		

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

8. Total consumptive use is 27.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NA

SCANNED
APR 12 2004

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	01W	35	NE	NW		IRR	4.0
			NW	NW		IRR	5.0
						Section Acres	9.0
						Total Acres	9.0

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:

67-4119, 67-00312, 67-00313, 67-00314

14. Remarks:

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 67-00323 AND
67-00324.
OWNERSHIP CHANGED BY LH 3/9/99.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

JOHN T. MUIR

Decree Plaintiff

WILLIAM ALLISON

vs

Decree Defendant

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) A67-14096
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, ☒ 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) Johanna M. Nielsen Date 8/4/97
Cornelius G. 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.)

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

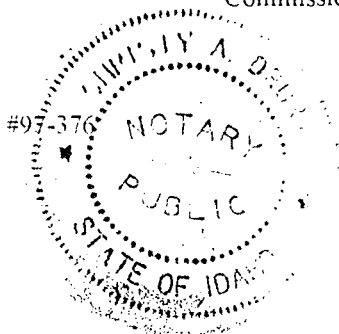
at 41 minutes past 3 o'clock PM.
this 5 day of Aug, 19 97 in my
office, and duly recorded in Book
of Deeds at page

Christy A. Amy
Notary Public
Residing at *Unitvale, Idaho*
Commission expires: *8/4/98*

MICHAEL FISK
Ex-Officio Recorder

By: *Peggy Linkal*
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

RECEIVED

NOV 28 1995

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: 39576

Ident. Number: **A67-14096**
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: WL 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: MAY 1, 1900

3. Source: COTTONWOOD CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
16N	01W	26		SE	SE		ADAMS
		35		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	04/15	10/15	0.160		

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

8. Total consumptive use is 27.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NA

MICROFILMED
OCT 22 1996

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	01W	35	NE	NW		IRR	4.0
			NW	NW		IRR	5.0
Section Acres							9.0
Total Acres							9.0

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:

67-4119, 67-00312, 67-00313, 67-00314

14. Remarks:

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 67-00323 AND
67-00324.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

JOHN T. MUIR

Decree Plaintiff

WILLIAM ALLISON

vs Decree Defendant

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

Renumbered to A67-14096

Ident. Number: A67-00324

Date Received: 12/22/1989

Receipt No: W007236

Received By: PAS

**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: MAY 01, 1900

3. Source: COTTONWOOD CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
16N	01W	26	SE	SE			ADAMS
		35	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	04/15	10/15	0.160		

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

8. Total consumptive use is 27.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NA

A67-00324

Page 1

Date: 12/22/89

MICROFILMED
OCT 01 1992
MICROFILMED
OCT 22 1996

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	01W	35	NE	NW		IRR	4.0
			NW	NW		IRR	5.0
						Section Acres	9.0
						Total Acres	9.0

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:

67-4119, 67-00312, 67-00313, 67-00314

14. Remarks:

THIS IS A COMBINED RIGHT OF 67-00323 AND 67-00324

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

JOHN T. MUIR

Decree Plaintiff

vs

WILLIAM ALLISON

Decree Defendant

~~MICROFILMED~~
~~OCT 01 1992~~

MICROFILMED
OCT 22 1996

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): *Phil Jones* Date: 12/22/89
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 *Bowl* *Idaho*
My Commission Expires 4/11/95

~~MICROFILMED~~
~~OCT 01 1992~~
~~MICROFILMED~~
~~OCT 22 1996~~



67-0324

Cottonwood Sch

(Abandoned)

3027

Cottonwood

3522

35

36

3566

TRAIL

JEEP

1

3730

3720

2906

Middle Fork School

3023

MICROFILMED

OCT 01 1992

MICROFILMED

OCT 22 1996