

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: A36-07882B
Date Received: 7/11/1988
Receipt No: S000848
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARK LEE NEILSON 208-532-4450
Address: RT. 2, BOX 2567
PAUL, ID 83347

OR
Name: LETA RENAE NEILSON 208-532-4450
Address: RT. 2, BOX 2567
PAUL, ID 83347

2. Date of Priority: DEC 07, 1979

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	21E	22	SE	NW	SE		LINCOLN
		23	SW	SW	SW		LINCOLN

5. Description of diverting works:
TWO WELLS AND PUMPS, SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	7.850		

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

8. Total consumptive use is 1920.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06S	21E	22	NE		NE		IRR	10.0
			NW		NE		IRR	22.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
						Section Acres	272.0	
		23	SW		NE		IRR	5.0
			SW		NW		IRR	35.0
			SE		NW		IRR	20.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	28.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	368.0
							Total Acres	640.0

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:
A36-02367A, A36-02368A

14. Remarks:

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: 2

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): Mark Lee Nelson Date: July 11 1988

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 11th day
of July 19 88

Mary A. Baldwin
Notary Public

Seal

Residing at Dooding Id
My Commission Expires 10/16/1992

MICROFILMED
FEB 05 1983

FEB 05 1963

R. 21E

22

23

Hw/y 24

P.D. 1

④ P.D.

T.65

27

26

MICROFILMED

FEB 05 1993

Scale: 2 inches equal 1 mile.

A 36-07882B

A 36-07802D
I, _____, do hereby make application for permit to appropriate the public waters of _____

District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls, ID 83303-2707

36-7882B

Important Information About Your Water Right

January 2, 2002

mark Lee Neilson
Leta Renae Neilson
Rt 2 Box 2567
Paul, ID 83347

RECEIVED

JAN 22 2002

Department of Water Resources
Southern Region

Dear Water Right Claimant(s):

The reverse side of this letter contains a copy of an **Order Amending Irrigation Period of Use Element in Partial Decree, Nunc Pro Tunc** (hereinafter "**Order**") for water right number 36-07882B. According to Idaho Department of Water Resources (IDWR) records, you are the current owner of this water right. If you are not the current owner, please contact IDWR immediately at:

Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706
800-451-4129

The purpose of the **Order** is to set forth beginning and ending dates for the irrigation period of use for this water right. As stated in the face of the **Order**, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). This **Order** also incorporates into the **Partial Decree** an express statement that the **Partial Decree** is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This **Order**, in combination with the **Partial Decree** that was issued for this water right on December 29, 1997, sets forth all of the elements of your water right. The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the **Partial Decree** to show evidence of this water right. The original of this **Order** and the original of the **Partial Decree** for this water right are on file with SRBA Court. If you do not have a copy of the original **Partial Decree**, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the **Order** is entered **Nunc Pro Tunc**, meaning that the **Order** will be treated as if it were issued on the same date that the **Partial Decree** was originally issued.

Sincerely,


Diana Delaney
Case Administrator

2002 JAN -2 PM 2:38

FILED
JAN 13 2002
IDAHO

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	Water Right 36-07882B
	)	
	)	ORDER AMENDING IRRIGATION PERIOD OF USE
	)	ELEMENT IN PARTIAL DECREE and
Case No. 39576	)	INCORPORATING INTO PARTIAL DECREES AN
	)	EXPRESS STATEMENT REGARDING GENERAL
	)	PROVISIONS, <i>NUNC PRO TUNC</i>

A *Partial Decree* was entered for the above-captioned irrigation water right on December 29, 1997. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, on June 24, 1999, IDWR filed a *Supplemental Director's Report, Reporting Area 3, IDWR Basin 36, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this *Supplemental Director's Report*.

THEREFORE, IT IS ORDERED that the period of use element for the irrigation portion of the above-captioned water right is hereby amended and decreed as:

PERIOD OF USE: 03-15 to 11-15

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned water right is hereby amended and decreed to contain the following:

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. I.C. section 42-1412(6).

This order is being entered *nunc pro tunc* as of the date the ***Partial Decree*** was issued and is not intended to modify subsequent administrative changes for the water right, if any, which occurred following entry of the ***Partial Decree***.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

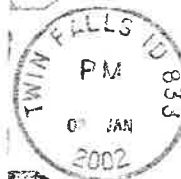
Dated **JAN 02 2002**



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

STATE OF IDAHO
District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

- ☐ MOVED, LEFT NO ADDRESS
☒ NOT DELIVERABLE AS ADDRESSED
☐ UNABLE TO FORWARD
☐ ATTEMPTED - NOT KNOWN
☐ UNCLAIMED ☐ REFUSED
☐ NO SUCH STREET - NUMBER
☐ DO NOT REMAIN IN THIS ENVELOPE
☐ INSUFFICIENT ADDRESS
☐ NO MAIL BACKSPACE
☐ MAIL COULD NOT BE DELIVERED



RECEIVED

JAN 18 2002

Department of Water Resources

83347



6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Georgia Satterlee

DATE
February 17, 1998 5:25pm

CUSTOMER
HISAW, CHARLIE

SUBJECT: 36-07882B, -15360
phone call (X) walk-in (.)

This is the second time I have faxed these reports to him. I went through the same hoop w/ him last week, however he said he never rcvd. them. If this doesn't work maybe we will try the regular mail method, or he can come in and get them himself, yea that's the ticket.

TRANSMISSION VERIFICATION REPORT

TIME : 02/17/1998 17:51
NAME : IDWR SOUTHERN REGION
FAX : 2087363037
TEL : 2087363033

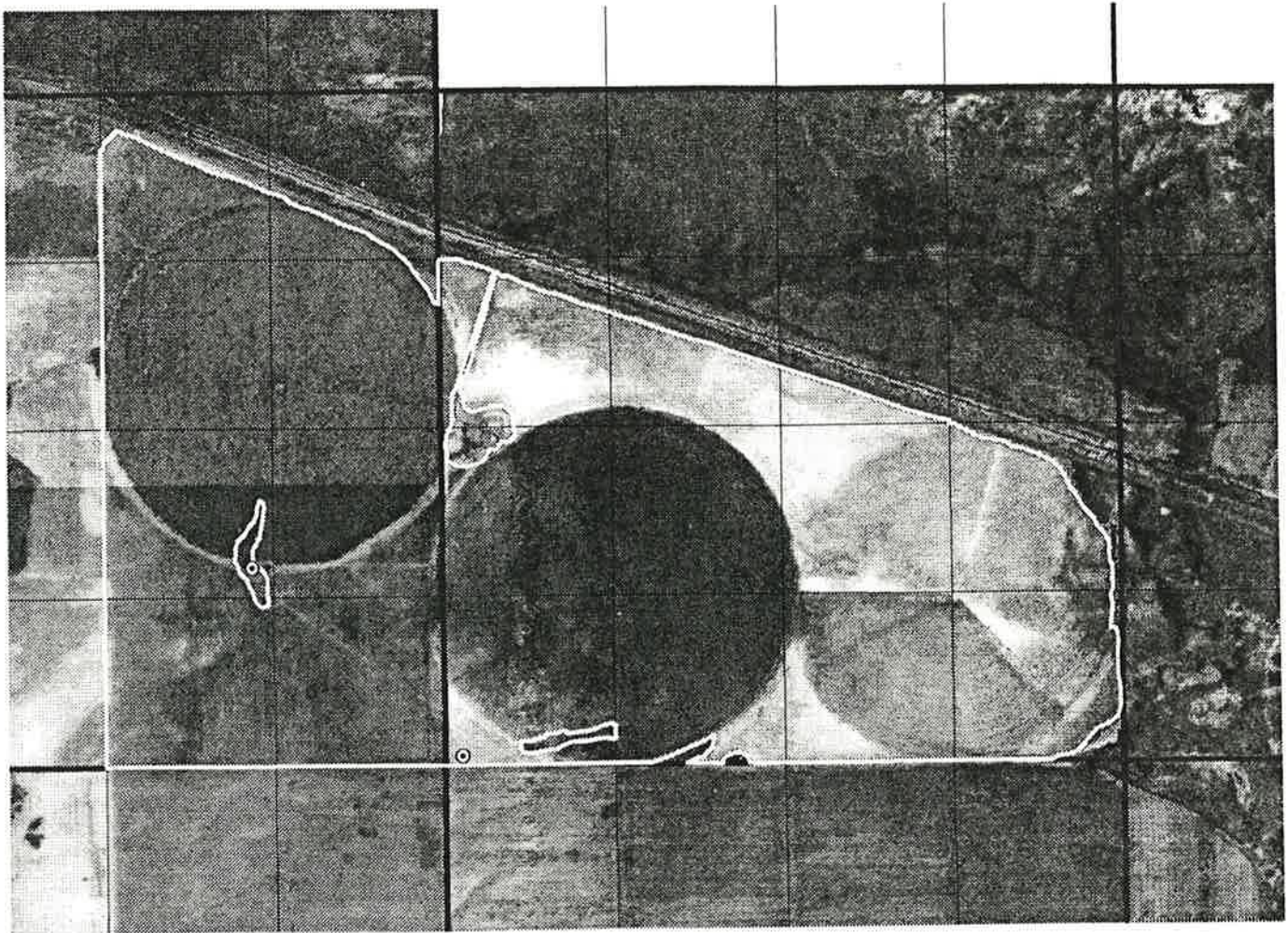
DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

FAX #

02/17 17:50
97350490
00:00:54
04
OK
STANDARD
ECM

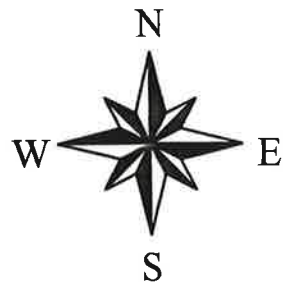
IDAHO DEPARTMENT OF WATER RESOURCES

36-07882B & 36-15360



660 0 660 1320 1980 2640 Feet

TNS 6S, RNG 21E,
SEC 22 & 23



⊙ Recommended Point of Diversion

Recommended Place of use



Section lines



Quarter/Quarter Lines

"DO NOT FILM"

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATA ENTRY SEPTEMBER 1997
BY STEVE CLELLAND

NO. OF CLAIMS IN POLYGON _____

CLAIM NUMBERS A36-07882B
A36-15360DATE 9/29/97AGENT su

TRANSFER NUMBER _____

OBJECTION FILED NoTOTAL ACRES FROM RECOMMENDATION 639.5GEOGRAPHIC INFO SYSTEM (625) 627

RIGHT NO				NE				NW				SW				SE				
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
RECOM	6S	21E	22	10.5	24	40	40									40	40	40	40	274.5
GIS				7	24	40	39									40	38	40	40	268
RECOM			23			6	~~33~~			33	21	40	37	40	40	30	40	40	38	365
GIS						7				32	21	40	37	38	39	28	40	40	37	359
RECOM																				
GIS																				
RECOM																				
GIS																				

UPDATED

B36-DBPOU.DBF _____

B36-DBPOD.DBF _____

POLYGON #

UPDATED

ATTRIBUTES OF B36-POU.SHP 483 9/29/97 suATTRIBUTES OF B36-POD.SHP 447 448

P/U CONFLICT yes () no (X)

P/D CONFLICT yes () no (X)

SENT FOR DECREE yes (X) no ()

"DO NOT FILM"

NO. OF CLAIMS IN POLYGON _____

CLAIM NUMBERS A36-07882BDATE 9/29/97

TRANSFER NUMBER _____

OBJECTION FILED NoAGENT suTOTAL ACRES FROM RECOMMENDATION 639.5GEOGRAPHIC INFO SYSTEM (625) 627

RIGHT NO				NE				NW				SW				SE				
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
RECOM	6S	21E	22	10.5	24	40	40									40	40	40	40	274.5
GIS				7	24	40	39									40	38	40	40	268
RECOM			23			6	33			33	21	40	37	40	40	30	40	40	38	365
GIS						7				32	21	40	37	38	39	28	40	40	37	359
RECOM																				
GIS																				
RECOM																				
GIS																				

UPDATED

POLYGON #

UPDATED

B36-DBPOU.DBF _____

ATTRIBUTES OF B36-POU.SHP

4839/29/97 su

B36-DBPOD.DBF _____

ATTRIBUTES OF B36-POD.SHP

447+448

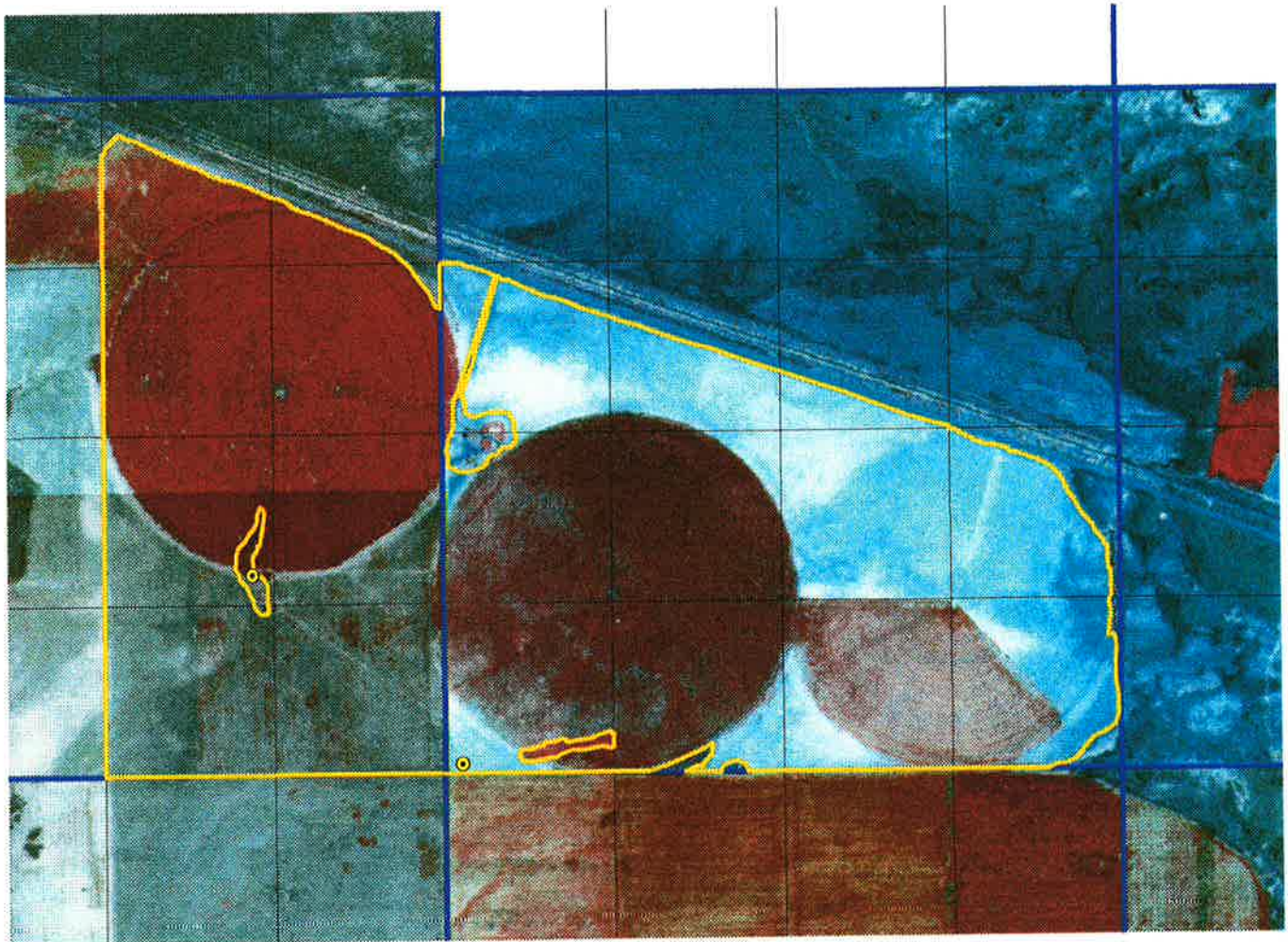
P/U CONFLICT yes () no (X)

P/D CONFLICT yes () no (X)

SENT FOR DECREE yes (X) no ()

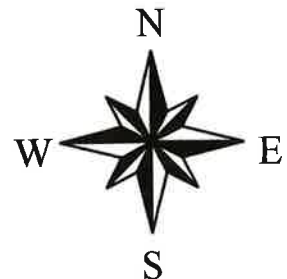
IDAHO DEPARTMENT OF WATER RESOURCES

36-07882B & 36-15360



660 0 660 1320 1980 2640 Feet

TNS 6S, RNG 21E,
SEC 22 & 23



⊙ Recommended Point of Diversion

□ Recommended Place of use

— Section lines

□ Quarter/Quarter Lines

GIS PLACE OF USE PRESENTATION
1987 and/or 1988 NAPP PHOTOGRAPHY
DATA ENTRY SEPTEMBER 1997
BY STEVE CLELLAND

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF

MICROFILMED

FEB 05 1993

AUG-24-1992

NOTICE OF ERROR FORM

RECEIVED

SEP 25 1992

Department of Water Resources

Please type or print clearly, fill out completely, and return to:

Idaho Department of Water Resources

Statehouse Mail

Boise, Idaho 83720-9000

The notice of error must be received at IDWR by the **deadline date** printed below with your proposed recommendation.

YOUR DEADLINE FOR FILING A NOTICE OF ERROR IS: SEP-24-1992

RECEIVED

SEP 28 1992

Department of Water Resources
Boise Region Office

1. Water right number: 36-0788 Z B

2. Name: MARK LEE NELSON

RTA Z Box 2567

Address:

PAUL, IDAHO

83347

Weekday Telephone Number:

208-552-4450

MICROFILMED

SEP 25 1992

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

(Instead of filling in items 3 and 4 below you may include a copy of your proposed recommendation with the changes marked on the copy.)

3. Describe the portion of proposed recommendation with which you disagree:

PERIOD OF USE

PRIORITY DATE IS IN QUESTION

4. Describe the changes you wish to have made in the proposed recommendation:

FROM CALENDAR YEAR 04-01, 10-31 TO
ORIGINAL 03-15, 11-15

5. Describe why you disagree with the proposed recommendation:

CROPS REQUIRE WATERING BEFORE APRIL AND
MANY TIME PAST OCTOBER 15TH

6. Date: SEPTEMBER 22 1992

SIGNATURE Mark Lee Nelson



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

08-Oct-1992

Mark Lee Neilson
Rt 2 Box 2567
Paul ID 83347

RE: Proposed Recommendation for Water Right Nos: 36-07882B & 36-15360

Dear Mr. Neilson:

This letter is in response to the Notice of Error (NOE) you recently filed with IDWR regarding the Director's proposed recommendation of the claims listed above. Your NOE indicates that you would like the recommendation to show a longer season of use for irrigation. For the reasons states below, the season of use that will be recommended in the Director's Report will remain as proposed.

The proposed recommendation is based on irrigation season of use standards adopted by the director for the various regions throughout the state. These standards are based on the period of the year in which there is less than a 75% chance of a 24 degree F. frost.

In addition, since there are some years in which water can be beneficially used for irrigation outside the irrigation season, the proposed Director's Report includes a general provision which provides for irrigation outside the irrigation season under certain conditions. The conditions are that the water is beneficially used, as determined by the director; that all water rights with a period of use outside the irrigation season regardless of priority, are satisfied; and that the use does not conflict with the public interest as determined by the director. This proposed general provision will be included in the Director's Report.

You have also questioned the recommended priority date. That date is based upon the priority date which was originally licensed and later claimed, 12/7/1979.

If you still disagree with IDWR's recommendations you will have an opportunity to file an objection to the Director's report with the court. When the Director's Report is filed with the court, you will be mailed a notice that will contain more information about the objection process.

Sincerely,

Marci Sterling

Marci Sterling
Engineering Specialist (EIT)

MICROFILMED
FEB 05 1993

Water Right Number - R36-07882B

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
NEILSON

MARK LEE

1 - RT 2 BOX 2567

2 -

3 -

City- PAUL

State- ID Zip- 83347

Phone - 208-532-4450

NEILSON

LETA RENAE

1 - RT 2 BOX 2567

2 -

3 -

City- PAUL

State- ID Zip- 83347

Phone - 208-532-4450

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
12/07/1979 ERROR IN REGION L - LICENSE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County
06S 21E 22 SE NW SE (63) LINCOLN
23 SW SW SW (63) LINCOLN+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 7.850+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
7.850 0.0+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
06S 21E 22 NE NE 10.5 01 IRRIGATION (63) LINCOLN
06S 21E 22 NW NE 24.0 01 IRRIGATION (63) LINCOLN
06S 21E 22 SW NE 40.0 01 IRRIGATION (63) LINCOLN
06S 21E 22 SE NE 40.0 01 IRRIGATION (63) LINCOLN
06S 21E 22 NE SE 40.0 01 IRRIGATION (63) LINCOLN
06S 21E 22 NW SE 40.0 01 IRRIGATION (63) LINCOLN
06S 21E 22 SW SE 40.0 01 IRRIGATION (63) LINCOLN
06S 21E 22 SE SE 40.0 01 IRRIGATION (63) LINCOLN
06S 21E 23 SW NE 6.0 01 IRRIGATION (63) LINCOLN
06S 21E 23 SW NW 33.0 01 IRRIGATION (63) LINCOLN
06S 21E 23 SE NW 21.0 01 IRRIGATION (63) LINCOLN
06S 21E 23 NE SW 40.0 01 IRRIGATION (63) LINCOLN
06S 21E 23 NW SW 37.0 01 IRRIGATION (63) LINCOLN
06S 21E 23 SW SW 40.0 01 IRRIGATION (63) LINCOLN
06S 21E 23 SE SW 40.0 01 IRRIGATION (63) LINCOLNMICROFILMED
FEB 05 1993

Water right number - R36-07882B

Prefix Translation: RESEARCH

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
06S	21E	23	NE SE		30.0	01	IRRIGATION	(63) LINCOLN
06S	21E	23	NW SE		40.0	01	IRRIGATION	(63) LINCOLN
06S	21E	23	SW SE		40.0	01	IRRIGATION	(63) LINCOLN
06S	21E	23	SE SE		38.0	01	IRRIGATION	(63) LINCOLN

Total Acres: 639.5

+ - - Diversion Means - TWO WELLS AND PUMPS WITH MOTORS AND BOOSTER; SPRINKLER SYSTEM.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 36-15360

Remarks

RIGHT NO. 36-15360 IS ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE.

USE OF THIS RIGHT WITH RIGHT NO. 36-15360 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 9.11 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2558 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 1918.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 639.5 ACRES IN A SINGLE IRRIGATION SEASON.

Old Water Right Numbers

No Old Water Right Numbers Found

Conditions of Approval

No Conditions of Approval found.

Decree Plaintiff

Decree Defendant

Decree Date 00/00/0000

Comments

Date: 04/06/1992 User Id: KEEN Subject: CLAIM REVIEW
DESKTOP REVIEW, RECOMMENDATIONS, AND DATA ENTRY BY S.W. KEEN.
LICENSE WAS ISSUED IN 1991. THE PLACE OF USE ON THE LICENSE
TIME OF THE BENEFICIAL USE FIELD EXAM.

Date: 09/25/1992 User Id: SCHULTZ Subject: NOTICE OF ERROR (NOE)
NOE RECEIVED 9/25/92. CHANGED NOE FLAG FROM BLANK TO A.

Date: 10/08/1992 User Id: SOUTH1 Subject: NOE - RESPONSE
NO CHANGE MADE TO STANDARD SEASON OF USE OR TO PRIORITY DATE.

PERMIT 36-07882B WAS EXAMINED BY GARY FUNDERBURG ON 7-9-87.
WAS AMENDED IN 1992 TO ADD ACRES WHICH HAD BEEN IN CRP AT THE
***** S.W. KEEN

CLAIM VERIFIED 4/6/92. DID NOT REVERIFY ANY PART OF CLAIM.

LETTER SENT 10/8/92. M. STERLING

Audit Fields

10/08/92 SOUTH1

MICROFILMED
FEB 05 1993

Water right number - R36-07882B

Prefix Translation: RESEARCH

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 04/06/1992	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 07/11/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S000848	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- OR	Presumption Flag	-
				Notice of Error Flag	- B

MICROFILMED
FEB 05 1993

R PROOF



CVR



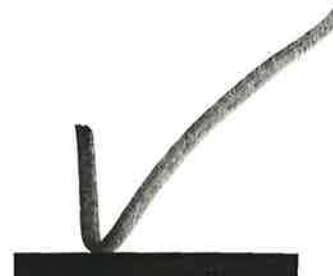
MAPS



PHOTOS



MISC



MICROFILMED

FEB 05 1983

Old (D) Number -

Phone - 208-532-4450

LETA RENAE

06S	21E	22	NE NE	10.5	01	IRRIGATION	(63)	LINCOLN
06S	21E	22	NW NE	24.0	01	IRRIGATION	(63)	LINCOLN
06S	21E	22	SW NE	40.0	01	IRRIGATION	(63)	LINCOLN
06S	21E	22	SE NE	40.0	01	IRRIGATION	(63)	LINCOLN
06S	21E	22	NE SE	40.0	01	IRRIGATION	(63)	LINCOLN
06S	21E	22	NW SE	40.0	01	IRRIGATION	(63)	LINCOLN
06S	21E	22	SW SE	40.0	01	IRRIGATION	(63)	LINCOLN
06S	21E	22	SE SE	40.0	01	IRRIGATION	(63)	LINCOLN
06S	21E	23	SW NE	6.0	01	IRRIGATION	(63)	LINCOLN
06S	21E	23	SW NW	33.0	01	IRRIGATION	(63)	LINCOLN
06S	21E	23	SE NW	21.0	01	IRRIGATION	(63)	LINCOLN
06S	21E	23	NE SW	40.0	01	IRRIGATION	(63)	LINCOLN
06S	21E	23	NW SW	37.0	01	IRRIGATION	(63)	LINCOLN
06S	21E	23	SW SW	40.0	01	IRRIGATION	(63)	LINCOLN
06S	21E	23	SE SW	40.0	01	IRRIGATION	(63)	LINCOLN
06S	21E	23	NE SE	30.0	01	IRRIGATION	(63)	LINCOLN

MICROFILMED
FEB 05 1993

Water right number - R36-07882B

Prefix Translation: RESEARCH

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
06S	21E	23	NW SE		40.0	01	IRRIGATION	(63) LINCOLN
06S	21E	23	SW SE		40.0	01	IRRIGATION	(63) LINCOLN
06S	21E	23	SE SE		38.0	01	IRRIGATION	(63) LINCOLN

Total Acres: 639.5

+ - - Diversion Means - TWO WELLS AND PUMPS WITH MOTORS AND BOOSTER; SPRINKLER SYSTEM.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 36-15360

RIGHT NO. 36-15360 IS ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE.
USE OF THIS RIGHT WITH RIGHT NO. 36-15360 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 9.11 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2558 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 1918.5 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 639.5 ACRES IN A SINGLE IRRIGATION SEASON.

Old Water Right Numbers -
No Old Water Right Numbers found.

Conditions of Approval -
No Conditions of Approval found.

Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - Audit Fields - 02/26/92 KEEN 04/01/92 KEEN 04/06/92 KEEN

Date: 04/06/1992 User Id: KEEN Subject: CLAIM REVIEW
DESKTOP REVIEW, RECOMMENDATIONS, AND DATA ENTRY BY S.W. KEEN. PERMIT 36-07882B WAS EXAMINED BY GARY FUNDERBURG ON 7-9-87.
LICENSE WAS ISSUED IN 1991. THE PLACE OF USE ON THE LICENSE WAS AMENDED IN 1992 TO ADD ACRES WHICH HAD BEEN IN CRP AT THE
TIME OF THE BENEFICIAL USE FIELD EXAM. ***** S.W. KEEN

+ - - - - Adjudication Rights Dates and Flags Area - - - - -

Court Report Filing	- 00/00/0000	Field Inspection Made	- 04/06/1992	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 04/06/1992	Old Judicial District	-
Claim Received Date	- 07/11/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-
Licensed Date	- 00/00/0000	Receipt Number	- S000848	Federal/State Indicator	- S
Claims Tape Error Flg	-	POU Ownership Flag	- Y	Presumption Flag	-
Fee Exempt Flag	-	Name Connector	- OR	Notice of Error Flag	-

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MEMO TO FILE

FILE: R36-02368A, R36-02367A, R36-07882B, and R36-15360
FROM: S.W. Keen
DATE: April 6, 1992
RE: Combined Right Recommendation R36-15360

Claims A36-02368A and A36-02367A were combined and recommended as R36-15360. These two claims are based on licenses which originally had the same priority date but different points of diversion (separate wells). The place of use for A36-02368A completely overlaps the place of use for A36-02367A, plus it includes 25 additional acres.

About 1980 the wells were improved and interconnected into one sprinkler system. This resulted in license 36-07882B being issued with both points of diversion, a slightly larger overlapping place of use, and both wells for points of diversion.

In the SRBA, the claimant claimed A36-02367A, A36-02368A, and A36-07882B with both wells and the entire place of use for the system. Because A36-02368A and A36-02367A were to be recommended with the same priority date, the same two points of diversion, and the same permissible place of use, it was decided to combine the claims and recommend them as one right.

36-07882B	12/07/79	639.5 acres	7.85 cfs}	Licenses
36-02367A	12/31/58	537.0 acres	2.46 cfs}	
36-02368A	12/31/58	562.0 acres	3.66 cfs}	
A36-07882B	12/07/79	640.0 acres	7.85 cfs}	Claims
A36-02367A	12/31/58	640.0 acres	2.46 cfs}	
A36-02368A	12/31/58	640.0 acres	3.66 cfs}	
R36-07882B	12/07/79	639.5 acres	7.85 cfs}	Recommendations
R36-15360	12/31/58	562.0 acres	6.12 cfs}	

The recommendation for R36-15360 includes a permissible place of use of 562 of 639.5 acres. The recommendations for R36-07882B and R36-15360 also contain a combined diversion rate limitation of 9.11 cfs, which is the system capacity.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:16:15
02/25/92

PAGE: 14
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-07882B

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE			S.W. Keen 2-25-92	No	6	S.W. Keen 4-6-92	S.W. Keen 4-6-92	4-6-92 S.W. Keen
POINT OF DIV	Y		S.W. Keen 2-25-92	No	6,1			
SOURCE			S.W. Keen 2-25-92	No	6			
PLACE OF USE	Y		S.W. Keen 4-6-92	Yes	6,4,2			
DIV. AMOUNT CFS/VOLUME	Y			Yes	6			
CONSUMPTIVE USE	-			Yes	6			
PURPOSES				No	6,4			
PERIOD OF USE				Yes	6			
BASIS OF CLAIM	Y			No	6			
REMARKS	Y			Yes	6			

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAIP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

Presumption Flag = None
Cond Code = None

Remarks = F05: ~~36-02367A and 36-02368A~~ 36-15360

EOI: 36-15360 ~~1111~~ 9.11 cfs; 2558 AF; 1918.5 AF; 639.5 ACRES.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:16:15
02/25/92

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-07882B

LAST: NEILSON
ADDRESS: RT. 2 BOX 2567
CITY: PAUL
PHONE NUMBER: 208-532-4450

FIRST: MARK LEE
STATE: ID ZIP: 83347

OWNER CODE: C

LAST: NEILSON
ADDRESS: RT. 2 BOX 2567
CITY: PAUL
PHONE NUMBER: 208-532-4450

FIRST: LETA RENAE
STATE: ID ZIP: 83347

OWNER CODE: C

FIELD EXAM REQUIRED?

FIELD
EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

CLAIM REMARKS: AMENDED TOTAL DIVERSION TO ACTUAL FLOW.

} Not Standard. Copy to comments field in the database.

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CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

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FEB 05 1993

A. AJ CLAIM: # A36-07882B PRIORITY DATE: 12-07-1979 STAGE: L.
B. WR RECORD: # 36-07882B PRIORITY DATE: 12-07-1979 STAGE: L

C. FIELD EXAM REQUIRED?
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE N FIELD EXAMINER SW Keen

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(☒)
IF YES EXPLAIN.

REMARKS: Claimed priority date matches licensed priority date.

=====

RECOMMENDED PRIORITY DATE:
12-07-1979

REVIEWED BY S.W. Keen DATE 2-25-92

=====

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A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-07882B	06S	21E	22	SE	NW	SE		LINCOLN
A36-07882B	06S	21E	23	SW	SW	SW		LINCOLN

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A36-02367A NONE
A36-02368A

WR RECORDS IN SAME 40 ACRE TRACT

36-02367
36-02368
36-07882A

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-07882B	06S	21E	22		NW	SE		LINCOLN
36-07882B	06S	21E	23		SW	SW		LINCOLN

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

36-02367
36-02368
36-07882A

A36-02367A NONE
A36-02368A

SOURCE: GROUNDWATER

TRIB:

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)
DUE TO SOURCE DISCREPANCY? (Y/N)

DATABASE
X NO
N

FIELD
EXAMINER
SWKear
SWKear

REMARKS:

Beneficial use field report for the license show the wells existing in the claimed 10-acre tracts. There are wells in these locations on USGS O.Q. AA27 as well. Recommend as claimed based on this evidence.

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RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
<u>6S</u>	<u>21E</u>	<u>22</u>	<u>SE</u>	<u>NW</u>	<u>SE</u>	—	<u>Lincoln</u>
<u>6S</u>	<u>21E</u>	<u>23</u>	<u>SW</u>	<u>SW</u>	<u>SW</u>	—	<u>Lincoln</u>

SOURCE: GROUNDWATER

TRIB:

REVIEWED BY: S.W. Keen

DATE: 2-25-92

No govt. Lots
Sections 22 + 23.

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FEB 05 1993

CLAIMANT'S NAME: Mark + Leta Renae Neilson DATE: 4-1-92
COUNTY: Lincoln
EMPLOYEE: S.W. Keen

I called 532-4450 and told Leta Renae Neilson that license 36-07882B was amended today. I also asked her when the two wells were intertied into one system. She responded that she and Mark bought this farm in 1980 and made a lot of changes then. Therefore, she thinks it was 1980.

Application for permit on 36-07882 (covers the same land) was made listing both wells on 12-7-1979. Assignment to Virgil Neilson was made on 8-4-81, and assignment from Virgil Neilson to Mark Neilson was made on 9-10-87.

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A. ROOT WATER RIGHT NUMBERS: A36-07882B

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
06S	21E	22	NE	NE		NEILSON, MARK LEE	A36-07882B /10.0	36-07882B /10.5	11.0	9	10.5
			NE	NE		NEILSON, MARK LEE	A36-02367A /10.0	- /			
			NE	NE		NEILSON, MARK LEE	A36-02368A /10.0	- /			
06S	21E	22	NW	NE		NEILSON, MARK LEE	A36-07882B /22.0	36-07882B /24.0	26.0	23	~~23~~
			NW	NE		NEILSON, MARK LEE	A36-02367A /22.0	- /			
			NW	NE		NEILSON, MARK LEE	A36-02368A /22.0	- /			24
			NW	NE		CLARK, JR., SAMUEL A.		36-02367 /20.0			
			NW	NE		CLARK, JR., SAMUEL A.		36-02368 /20.0			
06S	21E	22	SW	NE		NEILSON, MARK LEE	A36-07882B /40.0	36-07882B /40.0	42.0	40	40
			SW	NE		NEILSON, MARK LEE	A36-02367A /40.0	- /			
			SW	NE		NEILSON, MARK LEE	A36-02368A /40.0	- /			
			SW	NE		CLARK, JR., SAMUEL A.		36-02367 /40.0			
			SW	NE		CLARK, JR., SAMUEL A.		36-02368 /40.0			
06S	21E	22	SE	NE		NEILSON, MARK LEE	A36-07882B /40.0	36-07882B /40.0	38.0	40	40
			SE	NE		NEILSON, MARK LEE	A36-02367A /40.0	- /			
			SE	NE		NEILSON, MARK LEE	A36-02368A /40.0	- /			
			SE	NE		CLARK, JR., SAMUEL A.		36-02367 /38.0			
			SE	NE		CLARK, JR., SAMUEL A.		36-02368 /38.0			
06S	21E	22	NE	SE		NEILSON, MARK LEE	A36-07882B /40.0	36-07882B /40.0	40.0	40	40.0
			NE	SE		NEILSON, MARK LEE	A36-02367A /40.0	- /			
			NE	SE		NEILSON, MARK LEE	A36-02368A /40.0	- /			
			NE	SE		CLARK, JR., SAMUEL A.		36-02367 /40.0			
			NE	SE		CLARK, JR., SAMUEL A.		36-02368 /40.0			
06S	21E	22	NW	SE		NEILSON, MARK LEE	A36-07882B /40.0	36-07882B /40.0	37.0	39	40
			NW	SE		NEILSON, MARK LEE	A36-02367A /40.0	- /			
			NW	SE		NEILSON, MARK LEE	A36-02368A /40.0	- /			
			NW	SE		CLARK, JR., SAMUEL A.		36-02367 /40.0			
			NW	SE		CLARK, JR., SAMUEL A.		36-02368 /40.0			
06S	21E	22	SW	SE		NEILSON, MARK LEE	A36-07882B /40.0	36-07882B /40.0	40.0	40	40.0
			SW	SE		NEILSON, MARK LEE	A36-02367A /40.0	- /			
			SW	SE		NEILSON, MARK LEE	A36-02368A /40.0	- /			
			SW	SE		CLARK, JR., SAMUEL A.		36-02367 /40.0			
			SW	SE		CLARK, JR., SAMUEL A.		36-02368 /40.0			
06S	21E	22	SE	SE		NEILSON, MARK LEE	A36-07882B /40.0	36-07882B /40.0	37.0	40	40
			SE	SE		NEILSON, MARK LEE	A36-02367A /40.0	- /			
			SE	SE		NEILSON, MARK LEE	A36-02368A /40.0	- /			
			SE	SE		CLARK, JR., SAMUEL A.		36-02367 /39.0			

using ASCS
MAP + planimeter



FIELD
EXAM.

RECOMM.
ACRES

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FEB 05 1999

274.5

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
			SE	SE		CLARK, JR. , SAMUEL A.		36-02368 /39.0			
06S	21E	23	SW	NE		NEILSON , MARK LEE	A36-07882B / 5.0	- -7882B/6	34.0	5	
			SW	NE		NEILSON , MARK LEE	A36-02367A / 5.0	- /			
			SW	NE		NEILSON , MARK LEE	A36-02368A / 5.0	- /			
06S	21E	23	SW	NW		NEILSON , MARK LEE	A36-07882B /35.0	- -7882B/35	38.0	35	
			SW	NW		NEILSON , MARK LEE	A36-02367A /35.0	- /			
			SW	NW		NEILSON , MARK LEE	A36-02368A /35.0	- /			
			SW	NW		CLARK, JR. , SAMUEL A.		36-02368 /20.0			
06S	21E	23	SE	NW		NEILSON , MARK LEE	A36-07882B /20.0	- -7882B/20	27.0	20	21
			SE	NW		NEILSON , MARK LEE	A36-02367A /20.0	- /			
			SE	NW		NEILSON , MARK LEE	A36-02368A /20.0	- /			
			SE	NW		CLARK, JR. , SAMUEL A.		36-02368 / 5.0			
06S	21E	23	NE	SW		NEILSON , MARK LEE	A36-07882B /40.0	36-07882B /40.0	43.0	40	40
			NE	SW		NEILSON , MARK LEE	A36-02367A /40.0	- /			
			NE	SW		NEILSON , MARK LEE	A36-02368A /40.0	- /			
			NE	SW		CLARK, JR. , SAMUEL A.		36-02367 /40.0			
			NE	SW		CLARK, JR. , SAMUEL A.		36-02368 /40.0			
06S	21E	23	NW	SW		NEILSON , MARK LEE	A36-07882B /40.0	36-07882B /37.0	40.0	37	37
			NW	SW		NEILSON , MARK LEE	A36-10195 /	- /			
			NW	SW		NEILSON , MARK LEE	A36-02367A /40.0	- /			
			NW	SW		NEILSON , MARK LEE	A36-02368A /40.0	- /			
			NW	SW		NEILSON , MARK LEE	R36-10195 /	- /			
			NW	SW		CLARK, JR. , SAMUEL A.		36-02367 /40.0			
			NW	SW		CLARK, JR. , SAMUEL A.		36-02368 /40.0			
06S	21E	23	SW	SW		NEILSON , MARK LEE	A36-07882B /40.0	36-07882B /40.0	40.0	40	40.0
			SW	SW		NEILSON , MARK LEE	A36-02367A /40.0	- /			
			SW	SW		NEILSON , MARK LEE	A36-02368A /40.0	- /			
			SW	SW		CLARK, JR. , SAMUEL A.		36-02367 /40.0			
			SW	SW		CLARK, JR. , SAMUEL A.		36-02368 /40.0			
06S	21E	23	SE	SW		NEILSON , MARK LEE	A36-07882B /40.0	36-07882B /40.0	42.0	40	40
			SE	SW		NEILSON , MARK LEE	A36-02367A /40.0	- /			
			SE	SW		NEILSON , MARK LEE	A36-02368A /40.0	- /			
			SE	SW		CLARK, JR. , SAMUEL A.		36-02367 /40.0			
			SE	SW		CLARK, JR. , SAMUEL A.		36-02368 /40.0			
06S	21E	23	NE	SE		NEILSON , MARK LEE	A36-07882B /28.0	36-07882B /30.0	39.0	26	30
			NE	SE		NEILSON , MARK LEE	A36-02367A /28.0	- /			
			NE	SE		NEILSON , MARK LEE	A36-02368A /28.0	- /			
			NE	SE		CLARK, JR. , SAMUEL A.		36-02367 /10.0			
			NE	SE		CLARK, JR. , SAMUEL A.		36-02368 /10.0			

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TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
06S	21E	23	NW	SE		NEILSON, MARK LEE	A36-07882B /40.0	36-07882B /40.0	37.0	39	
			NW	SE		NEILSON, MARK LEE	A36-02367A /40.0	- /			
			NW	SE		NEILSON, MARK LEE	A36-02368A /40.0	- /			
			NW	SE		CLARK, JR., SAMUEL A.		36-02367 /30.0			
			NW	SE		CLARK, JR., SAMUEL A.		36-02368 /30.0			
06S	21E	23	SW	SE		NEILSON, MARK LEE	A36-07882B /40.0	36-07882B /40.0	40.0	40	
			SW	SE		NEILSON, MARK LEE	A36-02367A /40.0	- /			
			SW	SE		NEILSON, MARK LEE	A36-02368A /40.0	- /			
			SW	SE		CLARK, JR., SAMUEL A.		36-02367 /40.0			
			SW	SE		CLARK, JR., SAMUEL A.		36-02368 /40.0			
06S	21E	23	SE	SE		NEILSON, MARK LEE	A36-07882B /40.0	36-07882B /38.0	38.0	38	
			SE	SE		NEILSON, MARK LEE	A36-02367A /40.0	- /			
			SE	SE		NEILSON, MARK LEE	A36-02368A /40.0	- /			
			SE	SE		CLARK, JR., SAMUEL A.		36-02367 /40.0			
			SE	SE		CLARK, JR., SAMUEL A.		36-02368 /40.0			
TOTAL ACRES							A36-07882B	640.00	579.50	689.00	631

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N(✓)
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y/N

FIELD
EXAMINER
SW Keen

POU COUNTY: LINCOLN

639.5
ACRES

PRESUMPTION FLAG:

REMARKS:

B/U Field exam dated 7-9-87. Place of use preserved to match the license except:
1) 6S 21E S23 NWSE reduced because of RR track and SESE reduced because 1.0 acre in SE corner is not irrigated
2) SWNW and SENW in S23 added for 1.0 acre each because the circle extends slightly into these 40s.

RECOMMENDATIONS:

TOTAL ACRES: 639.5

REVIEWED BY: S.W. Keen

DATE: 4-1-92

License 36-07882B was amended on 4-1-92 to a total place of use of 639.5 acres!
Recent license. Recommend as licensed.

ASCS total = 623.2 ACRES.

A. AJ CLAIMED USES:

PURPOSES
A36-07882B IRRIGATION

MONTH/DAY
FROM 03-15 TO 11-15

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
9.110 CFS

9.110 CFS

B. WR RECORDED USES:

PURPOSES
36-07882B IRRIGATION

MONTH/DAY
FROM 03-15 TO 11-15

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
7.850 CFS 2318.00 AF/A

7.850 CFS 2318.00 AF/A

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

DUE TO WATER-USE DISCREPANCY? (Y/N)
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)

DATABASE	FIELD EXAMINER
N	<u>SW Ken</u>
<u>X</u> N	<u>SW Ken</u>
N	<u>SW Ken</u>

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N(☒)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(☒) N() Explain in remarks, below.

REMARKS:

New standard season of use is 4/1 to 10/31.

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N(☒)

AJ TOTAL CLAIMED DIVERSION RATE:
WR ROOT RIGHT TOTAL DIVERSION RATE:

9.110
7.850

CFS
CFS

licensed on 2/12/91 for 7.85.

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

FIELD
DATABASE EXAMINER
** N Swken*

Permit 36-07882 is for 9.91 cfs

1987 Beneficial Use Field Exam shows 9.110 cfs

*2.06 for Permit 36-07882A and 7.85 for
license 36-07882B according to assignment of permit
dated 8-4-91.*

B.

FLOW MEASUREMENT

MEASUREMENT METHOD

, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y(☒) N() IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: A36-02367A, A36-02368A

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A36-07882B	GROUNDWATER	NEILSON , MARK LEE	9.110	0.014		
A36-02367A	GROUNDWATER	NEILSON , MARK LEE	2.460	0.003		
A36-02368A	GROUNDWATER	NEILSON , MARK LEE	3.660	0.005		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-10195	DOMESTIC	NEILSON , MARK LEE	FROM 01-01 TO 12-31	.040 CFS	
A36-10195	STOCKWATER	NEILSON , MARK LEE	FROM 01-01 TO 12-31	.040 CFS	

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D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1b. CALCULATIONS

1a. IRRIGATION RATE
ACRES ~~639.5~~ x 0.02 CFS/ACRE = ~~12.79~~ CFS
639.5 (Taken from p/u review) 12.79

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N(☒)

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 1920.0 AF/A

ACRES ~~639.5~~ x CONSUMPTIVE VOL. AF/A FOR AREA ~~3.0~~ =
639.5
TOTAL CONSUMPTIVE USE 1918.5 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 639.5 x DIVERSION VOL. AF/A FOR AREA 4.0 =
TOTAL DIVERSION VOLUME 2558 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

7.85 cfs x 214 days x 1.98 = 3326.2 AFY potential volume

Use is combined with A36-02368A and A36-02367A } Combined and recommended as R36-15360.

Combined acres = 639.5

Combined div. rate = 9.11 cfs ← retained from license 36-07882B = system capacity.

Combined div. volume = 2558 AFY

Combined ~~to~~ consumptive use volume = 1918.5 AFY

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RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS USE
IRRIGATION	<u>4-1</u> ~~03-15~~ <u>10-31</u> ~~11-15~~	DATABASE EXAMINER ~~9.110~~ <u>7.85</u>	DATABASE EXAMINER _____	DATABASE EXAMINER ~~1920.0~~ _____
TOTAL FOR THIS RIGHT		9.110		1920.0
REVIEWED BY: <u>S.W. Keen</u>		DATE: <u>4-1-92</u>		Covered in combined use remarks.

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A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED AS CLAIMED	NEEDS REVIEW
()	()
()	()
()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-07882

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
9.910

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A36-07882B	9.110	-	-	36-07882B	7.850
-	-	-	-	-	36-07882	-
-	-	-	-	-	36-07882A	2.060
TOTAL CFS		9.110				9.910

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE
N

FIELD
EXAMINER

REMARKS:

No splits

AUTHENTICATION:

SIGNATURE:

Shelley Walter Keen

DATE:

4-6-92

NAME OF FIELD EXAMINER:

Shelley Walter Keen

TITLE:

Sr. W.R. Agent

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FEB 05 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:24:11
02/25/92

PAGE: 15
PROFILE REPORT

CLAIM NUMBER: A36-07882B

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MARK LEE NEILSON	12/07/1979	IRRIGATION	03-15 11-15	9.11 CFS	
C	LETA RENAE NEILSON RT. 2 BOX 2567 PAUL ID 83347 (208) 532-4450				9.11 CFS	
TOTAL DIVERSION:					9.11 CFS	
CONSUMPTIVE USE:						1920.0 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T06S R21E S22 SENWSE
S23 SWSWSW

LINCOLN County
LINCOLN County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE									
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM	
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac			
06S	21E	22	:	10		22	40	40	:					:	40				:	40		40	40	:	272.0
06S	21E	23	:			05			:		35	20		:	40	40	40	40	:	28	40	40	40	:	368.0
TOTAL ACRES																							640.0		

POU County: LINCOLN

Other Rights: A36-02367A, A36-02368A

Remarks: AMENDED TOTAL DIVERSION TO ACTUAL FLOW.

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

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$$\frac{N}{4}$$

~~T606~~

412

19.4

24

10

3
5.8

40

141.8

40

33

4
62.8

21

6

40

40'

70

37

40

40

30

Well

8

101.2

40

40

40

40

4C

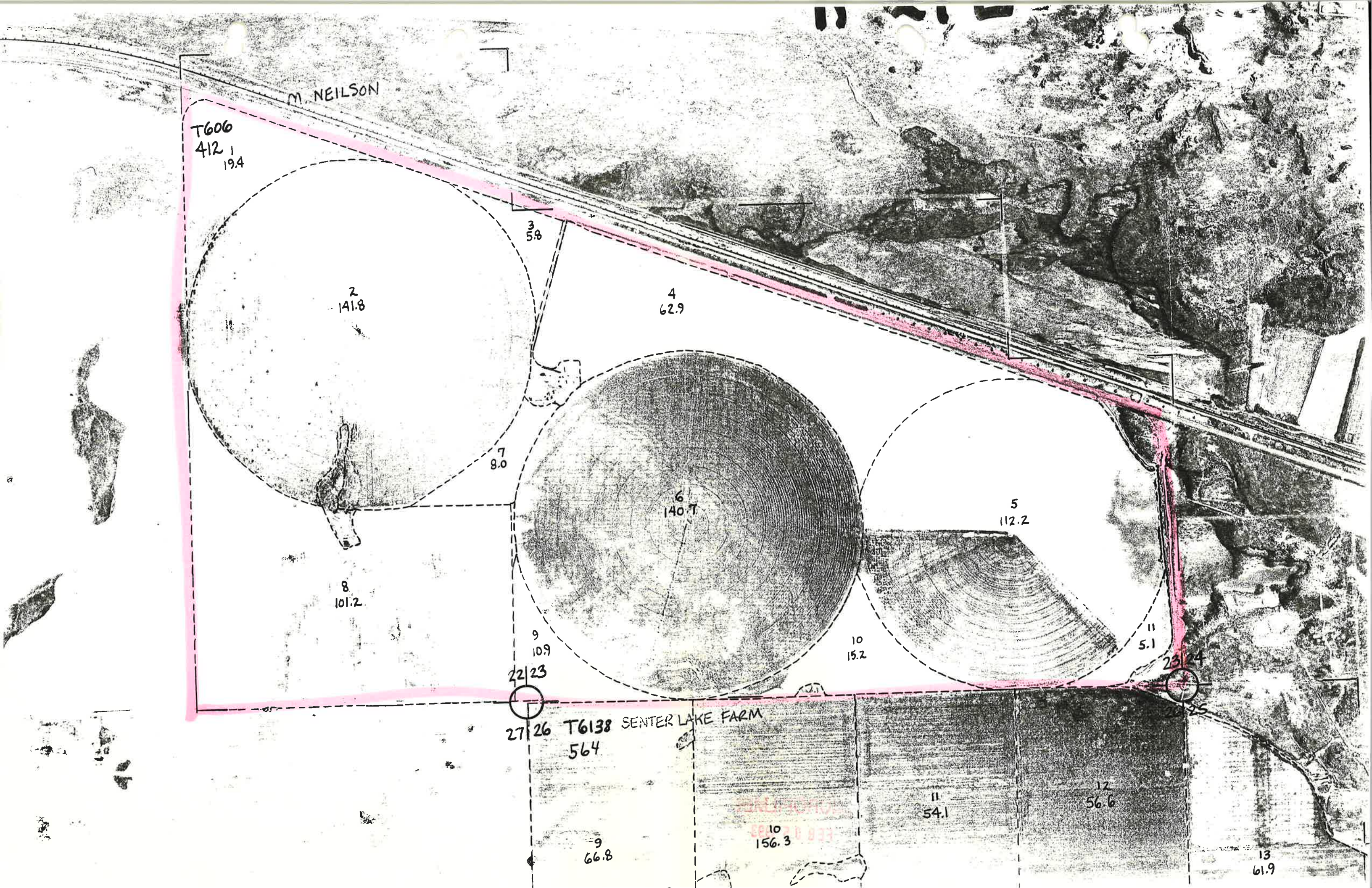
38

22 | 23

11

well

27 26 T6138 SENTER LAKE FARM



M. NEILSON

T606
412
19.4

2
141.8

4
62.9

3
5.8

7
8.0

8
101.2

6
140.7

5
112.2

10
15.2

11
5.1

9
10.9
22/23

27/26 T6138 SENTER LAKE FARM
564

9
66.8

10
156.3

11
54.1

12
56.6

13
61.9

State of Idaho
Department of Water Resources

AMENDED

AMENDED

WATER RIGHT LICENSE

WATER RIGHT NO. 36-07882B

Priority: December 7, 1979

Maximum Diversion Rate: 7.85 CFS
Maximum Diversion Volume: 2318.0 AF

This is to certify, that MARK L. NEILSON
2381 E. HWY. 24
PAUL ID 833470000

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated December 7, 1979; and
has submitted Proof of Beneficial Use on December 31, 1984. An examination indicates
that the works have a diversion capacity of 9.110 cfs of water from a GROUNDWATER
source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	7.85 CFS	2318.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NWSE , Sec. 22, Township 06S, Range 21E
SWSW , Sec. 23, Township 06S, Range 21E
LINCOLN County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06S	21E	22	NENE 10.5	NWNE 24	SWNE 40	
			SENE 40	NESE 40	NWSE 40	
			SWSE 40	SESE 40		274.5
	23		SWNE 6	SWNW 33	SENW 21	
			NESW 40	NWSW 37	SWSW 40	
			SESW 40	NESE 30	NWSE 40	
			SWSE 40	SESE 38		365

Total number of acres irrigated: 639.5

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

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FEB 05 1993

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 36-07882B

CONDITIONS/REMARKS:

5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
6. The maximum combined rate of diversion under this right & Rights 36-2367 & 36-2368 shall not exceed 9.11 cfs.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 1ST day of APRIL, 1972.


R. Keith Higginson, Director

MICROFILMED
FEB 05 1993

M E M O

TO: Sharla Curtis
FROM: Shelley Keen
RE: Place of Use in License 36-07882B
DATE: March 10, 1992

License #36-07882B was issued on February 12, 1991, without listing any acres in the SWNW, SENW, or SWNE of S23, T06S, R21E as part of the place of use. The owner, Mark Neilson, claims this land on his SRBA claims, and he wonders why it was not included on license #36-07882B. Based upon the information described below, is it possible to amend license #36-07882B to cover acres in the tracts listed above?

In the license file, the tracts referenced above appear in the place of use on

- 1) Application for Permit #36-07882, and on
- 2) a partial assignment from Chris Newbold to Virgil Neilsen.

In addition, maps attached to the field exam report done by Gary Funderburg show acreage numbers in these tracts as follows:

SWNW	33 acres
SENE	21 acres
SWNE	6 acres
=====	
	60 acres

These tracts do not, however, appear on

- 1) the recommended place of use in the beneficial use field report, nor on
- 2) the license.

There is nothing in the file explaining the exclusion of these acres from Gary Funderburg's recommendation. On my request Mr. Funderburg reviewed the file and concluded that the ground in question was in a government set-aside program at the time of the exam. I confirmed this with the claimant and with the Lincoln County ASCS office. IDWR also has NAPP aerial photography dated 7-13-87 which shows that the ground in question had been worked at some time. This land is now in production according to the owner and the Lincoln County ASCS office.

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The tracts addressed here are partially covered by license #36-02368 (see attached POU Comparison), but the owner asserts that substantially more acres in these tracts had been put under production prior to the exam for #36-07882B. This seems to be supported by the maps Gary Funderburg attached to his exam.

The diversion rate on this license is 7.85 cfs for 579.5 acres, or 0.0135 cfs per acre. Including 60 more acres would result in a diversion rate of 0.0123 cfs per acre, which is above the 0.01 cfs per acre rate acceptable for sprinkler irrigation systems.

Finally, Permit Processing Memo No. 11 indicates that CRP (set-aside) land can be recommended by the field examiner if other sources, such as aerial photography, support the conclusion that the land has been irrigated. This memo was issued after Mr. Funderburg's exam, but prior to licensing. Based upon information on the maps in the field exam report, upon ASCS records, and upon the NAPP aerial photography, I conclude that the land in question was irrigated prior to the beneficial use field exam and that it was merely in government set-aside at the time of the exam. Furthermore, adding 60 acres would not bring the appropriation below 0.01 cfs per acre. Therefore, is it possible to amend license #36-07882B to include acreage in the SWNW, SENW, and SWNE of S23, T06S, R21E?

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(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM			
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
3607882B	T06S R21E S22	GROUNDWATER																			
		10		24		40		40								40		40		40	
3602367	GROUNDWATE			20		40		38								40		40		40	
A3602367A	GROUNDWATE		10	22		40		40								40		40		39	
3602368	GROUNDWATE			20		40		38								40		40		40	
A3602368A	GROUNDWATE		10	22		40		40								40		40		39	
3607002	GROUNDWATE															40		40		40	
A3607002A	GROUNDWATE						15	02	26	31		24	32	26	29						
3607881	GROUNDWATE						15	02	26	31		24	32	26	29						
A3607881A	GROUNDWATE						09	25	38	14		16	08	14	11						
A3607882B	GROUNDWATE		10	22		40		40		09	25	38	14		16	08	14	11			
--86 MAP--	C63Q-AA 27		11	26		42		38		34	38	38	38		39	39	37	39		40	
																40		37		40	
3607882B	T06S R21E S23	GROUNDWATER																			
												40	37	40	40		30	40	40	38	
3602367	GROUNDWATE											40	40	40	40		10	30	40	40	
A3602367A	GROUNDWATE			05					35	20		40	40	40	40		28	40	40	40	
3602368	GROUNDWATE								20	05		40	40	40	40		10	30	40	40	
A3602368A	GROUNDWATE			05					35	20		40	40	40	40		28	40	40	40	
A3607882B	GROUNDWATE			05					35	20		40	40	40	40		28	40	40	40	
--86 MAP--	C63Q-AA 27			01		34		19		38	27		43	40	40	42		39	37	40	

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FEB 05 1993

RECEIVED

MAR 06 1992

Department of Water Resources
Southern Region Office

M E M O

TO: Gary Funderburg
FROM: Shelley Keen
RE: Place of Use in 36-07882B
DATE: March 5, 1992

Gary;

Thanks for offering to take a look at this for me. I have enclosed copies of most of the file on 36-07882. I am specifically interested in why the S1/2 NW1/4 and SW1/4 NE1/4 of Sec. 23 do not appear in the place of use on License 36-07882B.

I have taken the liberty of highlighting the pages I think are pertinent to this question. You will see that the tracts referenced above appear on the Application for Permit, on an assignment from Newbold to Virgil Neilsen, and on maps attached to the field exam report. They do not, however, appear on the recommended place of use in the report or on the license. Do you remember why? I have the NAPP photo here (dated 7-13-87), and it shows that the ground in question has been worked at some time. The claimant told me the ground may have been in CRP at that time.

I am awaiting your answer.

If you have any questions, please contact me at 327-7934 in Boise.

Sincerely,



Shelley Walter Keen
Senior Water Resource Agent

Shelley
This ground in question was in CRP and no Irrigation was used at that time. This is all I can tell you. Could part of this be covered in another file.

MICROFILMED
FEB 05 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 28, 1992

Mark Neilson
Rt. 2, Box 2567
Paul, ID 83347

RE: Snake River Basin Adjudication (SRBA)
Lincoln County - #A36-07882B, #A36-02367A, and #A36-02368A

Dear Mr. Neilson:

Thank you for taking my call so early this morning. In light of our discussion, I have decided that I should talk to Gary Funderburg before proceeding further. Unfortunately, Gary is out of town until next Wednesday.

Meanwhile, I have enclosed a brochure entitled "Idaho Water Rights: A Primer" for you to read. I think it provides a good overview of Idaho water law. The most important point made by the brochure regarding your current situation is that an adjudication confirms and defines existing water rights; an adjudication is not for establishing new water rights. The basis for my concern is that existing licenses appurtenant to your land do not show more than 579.5 acres, yet your current place of use appears to be greater than 620 acres. Consequently, in order for this department to recommend your entire place of use to the court, you may have to file an expansion claim based on Idaho Code §42-1416(2).

In addition to the brochure, I have enclosed six computer printouts for your records. Three of them describe water right licenses which appear to be appurtenant to your land. The next three show your SRBA claims which are based upon those licenses.

I will contact you again after speaking with Gary Funderburg next week. If you have any questions, please contact me at 327-7934 in Boise. Or, if you are in Boise and would like to go over our maps and files with me, my office is at 1301 N. Orchard.

Sincerely,

Shelley Walter Keen
Senior Water Resource Agent

Enclosures:
Idaho Water Rights Primer

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FEB 05 1993

State of Idaho
Department of Water Resources

RECEIVED

WATER RIGHT LICENSE
WATER RIGHT NO. 36-07882B

MAR 06 1982

Department of Water Resources

Priority: December 7, 1979

Maximum Diversion Rate: 7.85 CFS
Maximum Diversion Volume: 2318.0 AF

This is to certify, that MARK L. NEILSON
2381 E. HWY. 24
PAUL, ID 833470000

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated December 7, 1979; and
has submitted Proof of Beneficial Use on December 31, 1984. An examination indicates
that the works have a diversion capacity of 9.110 cfs of water from a **GROUNDWATER**
source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	7.85 CFS	2318.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NWSE , Sec. 22, Township 06S, Range 21E
SWSW , Sec. 23, Township 06S, Range 21E
LINCOLN County

PLACE OF USE: IRRIGATION
TWN RGE SEC

	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06S 21E 22	NENE 10.5	NWNE 24	SWNE 40	
	SENE 40	NESE 40	NWSE 40	
	SWSE 40	SESE 40		274.5
23	NESW 40	NWSW 37	SWSW 40	
	SESW 40	NESE 30	NWSE 40	
	SWSE 40	SESE 38		305

Total number of acres irrigated: 579.5

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

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MAR 04 1991

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FEB 05 1992

State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**
WATER RIGHT NO. 36-07882BCONDITIONS/REMARKS:

5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
6. The maximum combined rate of diversion under this right & Rights 36-2367 & 36-2368 shall not exceed 9.11 cfs.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 12TH day of FEBRUARY, 1991.


R. Keith Higginson, Director

MAR MICROFILMED

FEB 05 1993