

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 37-21395
Date Received: 12/9/2004
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

GARY N NELSON & CO Phone: (208)736-8400
1031 EASTLAND DR STE 3B
TWIN FALLS ID 83301

2. Date of Priority: 05/01/1896

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER
SNAKE RIVER COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
10S	21E	28	SW NW	JEROME	
10S	21E	28	SW NW	JEROME	

5. Description of diverting works:

MILNER DAM ON SNAKE R., MILNER-GOODING CANAL, LATERALS F & H

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/10	10/01	0.284	

7. Total Quantity Appropriated is:
0.284 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05S	16E	12	NW	SE	IRRIGATION	9.6
					Section Acres	9.6
					Total Acres	9.6

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:

14. Remarks:

This right is a split from former right 37-533A.

15. Basis of Claim: Decreed



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 14, 2004

GARY N NELSON & CO
1031 EASTLAND DR STE 3B
TWIN FALLS ID 83301

RE: SRBA Claim(s) 37-533a

Dear Claimants:

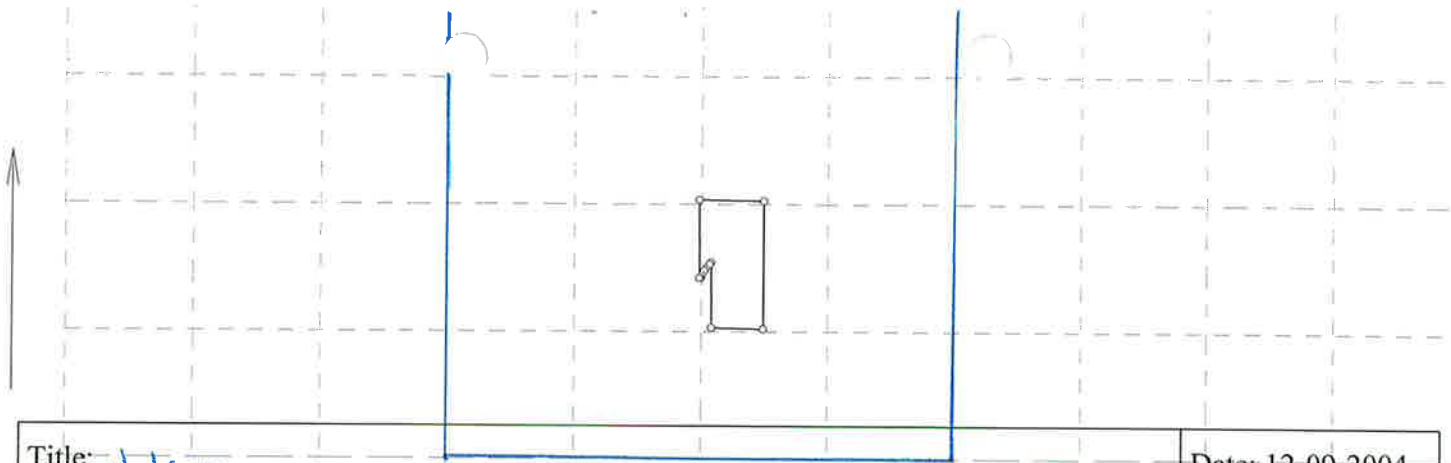
Pursuant to the notification that you purchased a portion of the property to which the above referenced adjudication claim is appurtenant, the department has split the original claim. Your portion has been numbered 37-21395.

Enclosed please find your copy of the computer-generated claim. Review this document and should you have any questions or corrections, please contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

enc.



Title: Nelson		Date: 12-09-2004
Scale: 1 inch = 2000 feet	File:	
Tract 1: 18.806 Acres: 819169 Sq Feet: Closure = n40.0111e 0.01 Feet: Precision = 1/450769: Perimeter = 4247 Feet		
001= ~~n~~ e,se,12,5s,16e	006= ~~s~~ 44.5728w 25.04	011= ~~s~~ 45.4214w 3.65
002= ~~n~~ 89.0203w 1988.70	007= ~~s~~ 42.3920w 64.57	012= ~~n~~ 79.2800w 10.36
003= ~~s~~ 00.0826e 1326.71	008= ~~s~~ 31.2846w 25.91	013= ~~n~~ 00.1428w 811.50
004= ~~n~~ 88.5546w 547.4	009= ~~s~~ 26.1158w 50.05	014= ~~s~~ 89.0203e 675.70
005= ~~n~~ 00.1428w 675.42	010= ~~s~~ 30.3113w 30.39	

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
37-0533					

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

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

OR

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

3. Name and Address of Former Owner/Claimant(s) Michael L. Sant
464 W. Four Mile Rd., Shoshone, ID 83352
4. New Owner/Claimant(s) Gary N. Nelson & Co., an Idaho Corporation
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 5422 North 400 East
- City, State and ZIP Code Hagerman, ID 83332
- New Telephone Number (208) 736-8400
- Date you acquired the property Dec. 2000

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

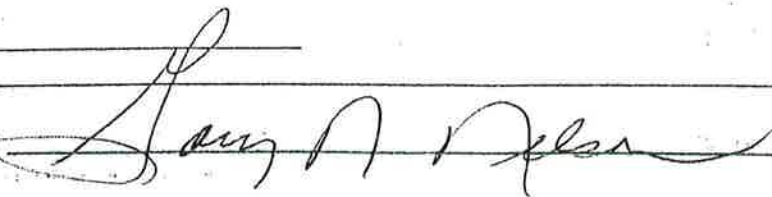
DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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



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

For Office Use Only

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

WARRANTY DEED

#GL-02428

For Value Received

Michael L. Sant and Sandra Sant, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Gary N. Nelson & Co., an Idaho Corporation

Address: 5422 North 400 East, Hagerman, ID 83332

STATE OF IDAHO COUNTY OF LINCOLN Recorded at the request of LAND TITLE & ESCROW	169728
DEC 20 2000	
at 23 minutes past 2:00 P.M. recorded by <i>Nelson & Co.</i> Fee: <i>2.00</i> Return to: <i>Above</i> <i>By hand.</i>	

Hereinafter called the Grantee, the following described premises situated in Lincoln County, Idaho, to-wit:

TOWNSHIP 5, RANGE 16 EAST, OF THE BOISE MERIDIAN, LINCOLN COUNTY, IDAHO

Section 12: A parcel of land located in the SE $\frac{1}{4}$, said parcel being a portion of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and more particularly described as follows:

Commencing at the East one quarter (E $\frac{1}{4}$) corner of said Section 12, from which the West one quarter (W $\frac{1}{4}$) corner of said Section 12 bears North 89°02'03" West, 5339.20 feet;
Thence North 89°02'03" West along the North boundary of the SE $\frac{1}{4}$ of said Section 12 for a distance of 1988.70 feet to THE TRUE POINT OF BEGINNING;
Thence South 00°08'26" parallel to the East boundary of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 12 for a distance of 1326.71 feet to a point on the South boundary of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 12;
Thence North 88°55'46" West along the South boundary of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 12 for a distance of 547.40 feet;
Thence North 00°14'28" West parallel to the West boundary of the SE $\frac{1}{4}$ of said Section 12 for a distance of 675.42 feet to a point in the center of the Charles Smiley Wilcox Ditch;
Thence along the center of the ditch on the following courses:
South 44°57'28" West, 25.04 feet;
South 42°39'20" West, 64.57 feet;
South 31°28'46" West, 25.91 feet;
South 26°11'58" West, 50.05 feet;
South 30°31'13" West, 30.39 feet;
South 45°42'14" West, 3.65 feet;
North 79°28'00" West, 10.36 feet to a point on the West boundary of the SE $\frac{1}{4}$ of said Section 12;
Thence North 00°14'28" West along the West boundary of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 12 for a distance of 811.50 feet to the Northwest corner of the SE $\frac{1}{4}$ of said Section 12;
Thence South 89°02'03" East along the North boundary of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 12 for a distance of 675.70 feet to THE TRUE POINT OF BEGINNING.

SUBJECT TO:

- 1) A 25.0 foot wide county road easement along the North boundary of the before described parcel.
- 2) A 40.0 foot wide access and utility easement, said easement being adjacent to and on the East side of the West boundary of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 12.
- 3) An easement for the use and maintenance of irrigation ditches that lie within and/or adjacent to the boundaries of the before described parcel.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes subsequent to the year 2000 of which are an lien, but not yet due and payable.

Assessments of the American Falls Reservoir District No. 2 and the rights and powers of said District as by law provided.

Assessments of the Big Wood Canal Company and the rights and powers of said Company as by law provided.

Right of way for canals, laterals and waste ditches of Big Wood Canal Company.

Terms, conditions and provisions set forth in that certain Ditch Contract by and between Clinton Sheep Company, Ltd., a corporation, and T. E. Palnter and R. W. Houston and J. F. Lecker as recorded March 28, 1918 in Book 1 of Bonds and Agreements at Page 537 as Instrument Number 14294, Lincoln County records.

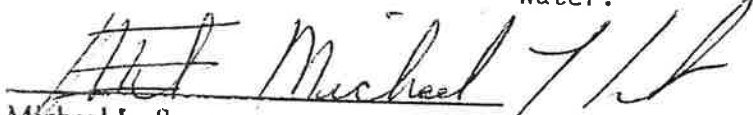
Power Line Easement given by T. E. Thompson and Mabel M. Thompson, husband and wife, to Idaho Power Company, a corporation, dated June 12, 1940, recorded September 6, 1940 in Book 5 of Bonds and Agreements at Page 39 as Instrument Number 79329, Lincoln County records, affecting the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12, Township 5 South, Range 15, East Boise Meridian.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to ~~13.0 acres of American Falls Reservoir District No. 2~~ 14.2 inches *

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

* (0.284 cfs) of the Big Wood River decreed water right #37-0533 and 6.9 shares of the supplemental American Falls water.

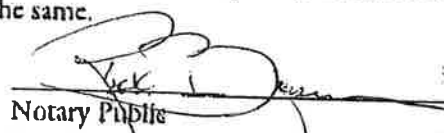
Dated: December 15, 2000


Michael L. Sant


Sandra Sant

STATE OF IDAHO)
COUNTY OF Gooding) ss.

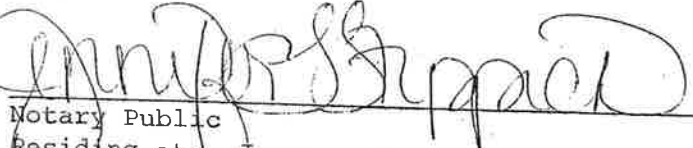
On this 18 day of December, 2000, before me, the undersigned, a Notary Public in and for said State, personally appeared Michael L. Sant and Sandra Sant, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.


Notary Public
Residing at _____
My Commission expires _____

RICK BERNSEN
★ NOTARY PUBLIC ★
STATE OF IDAHO
RESIDING AT JEROME, ID
MY COMMISSION EXPIRES 7-30-02

STATE OF IDAHO)
COUNTY OF JEROME) ss.

On this 18th day of December, 2000, before me the undersigned, a Notary Public in and for said State, personally appeared Michael L. Sant, known or identified to me to be the persons whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.


Notary Public
Residing at: Jerome, ID
My Commission Expires: 8-20-04

JENNIFER L. STIPPICH
NOTARY PUBLIC
STATE OF IDAHO

STATE OF IDAHO 170605
COUNTY OF LINCOLN
Recorded at the request of
LAND TITLE & ESCROW
JUN - 7 2001
at 11 minutes past 2 P. M.
recorded by Allen Jackson, Dep.
Fee: has Return to: Above
By hand.

04/07/2005

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

RIGHT NUMBER: 37-21395

NAME AND ADDRESS: GARY N NELSON & CO
1031 EASTLAND DR STE 3B
TWIN FALLS ID 83301

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.284 CFS

PRIORITY DATE: 05/01/1896

POINT OF DIVERSION:

T04S R18E S15 SWNWSE Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.284 CFS

PLACE OF USE:

IRRIGATION Within LINCOLN County

T05S R16E S12 NWSE 9.6

9.6 ACRES TOTAL

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

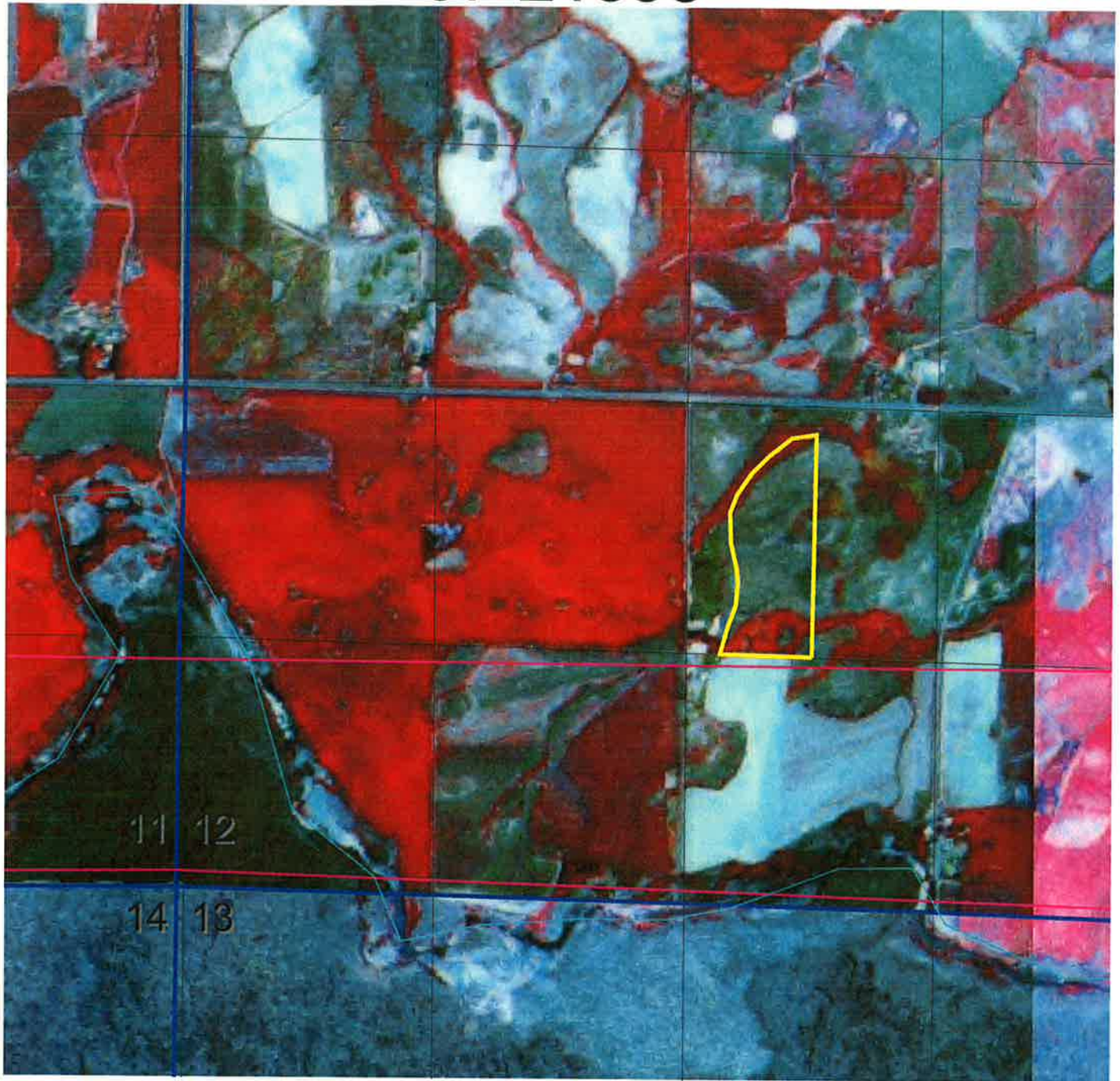
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Decreed

WATER IS DELIVERED THROUGH NORTH SHOSHONE CANAL.

IDAHO DEPT OF WATER RESOURCES

37-21395



1320 0 1320 Feet

-  Basin 37 part 1-POU
-  Basin 37 part 1-POD
-  Ownership FED-Private
-  Streams
-  Section Lines
-  Quarter - Quarter lines

TWN: 5S
RNG: 16E
SEC: 12



GIS Place of Use Presentation
NAPP Aerial Photo 1987/1988
By Steve Clelland

Date: APRIL 7, 2005