

850
(ACREAGE ADDED ON
IA 34-02356)

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: A34-00633
Date Received: 12/21/1989
Receipt No: E011549
Received By: 70

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SAN FELIPE RANCHES 208-588-2805
Address: P.O. BOX 388
MACKAY, ID 83251

2. Date of Priority: JUN 01, 1896

3. Source: SWAUGER SPRINGS Trib. to: BIG LOST RIVER
CONGDON SPRINGS CREEK BIG LOST RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	24E	25	NE	SE			CUSTER

5. Description of diverting works:
DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	05/01	10/15	3.200		
DOMESTIC	01/01	12/31	0.230		

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

8. Total consumptive use is 400.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/1000 CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	25E	4	NE	NW	3	IRR	40.0

A34-00633

Page 1

Date: 01/08/90

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	25E	4	NE	NW	3	STOCK	
			NW	NW	4	IRR	40.0
			NW	NW	4	STOCK	
						Section Acres	80.0
07N	25E	33	NE	SW		IRR	40.0
			NE	SW		STOCK	
			SE	SW		IRR	40.0
			SE	SW		STOCK	
						Section Acres	80.0
						Total Acres	160.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
A34-02356

14. Remarks:
THIS CLAIM COMBINES A DECREED IRRIGATION WATER RIGHT WITH A
YEAR'ROUND STOCKWATER BENEFICIAL USE RIGHT.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

UTAH CONSTRUCTION
Decree Plaintiff

vs

JOHN F. ABBOTT, ET AL
Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am manager of
Title
San Felipe Ranch, that I have signed the foregoing
Organization

document in the space below as manager of
Title
San Felipe Ranch and that the statements contained in the
Organization
foregoing document are true and correct.

Dan Nelson
Signature of Authorized Agent

manager San Felipe Ranch
Title and Organization

1/8/90
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 8th day

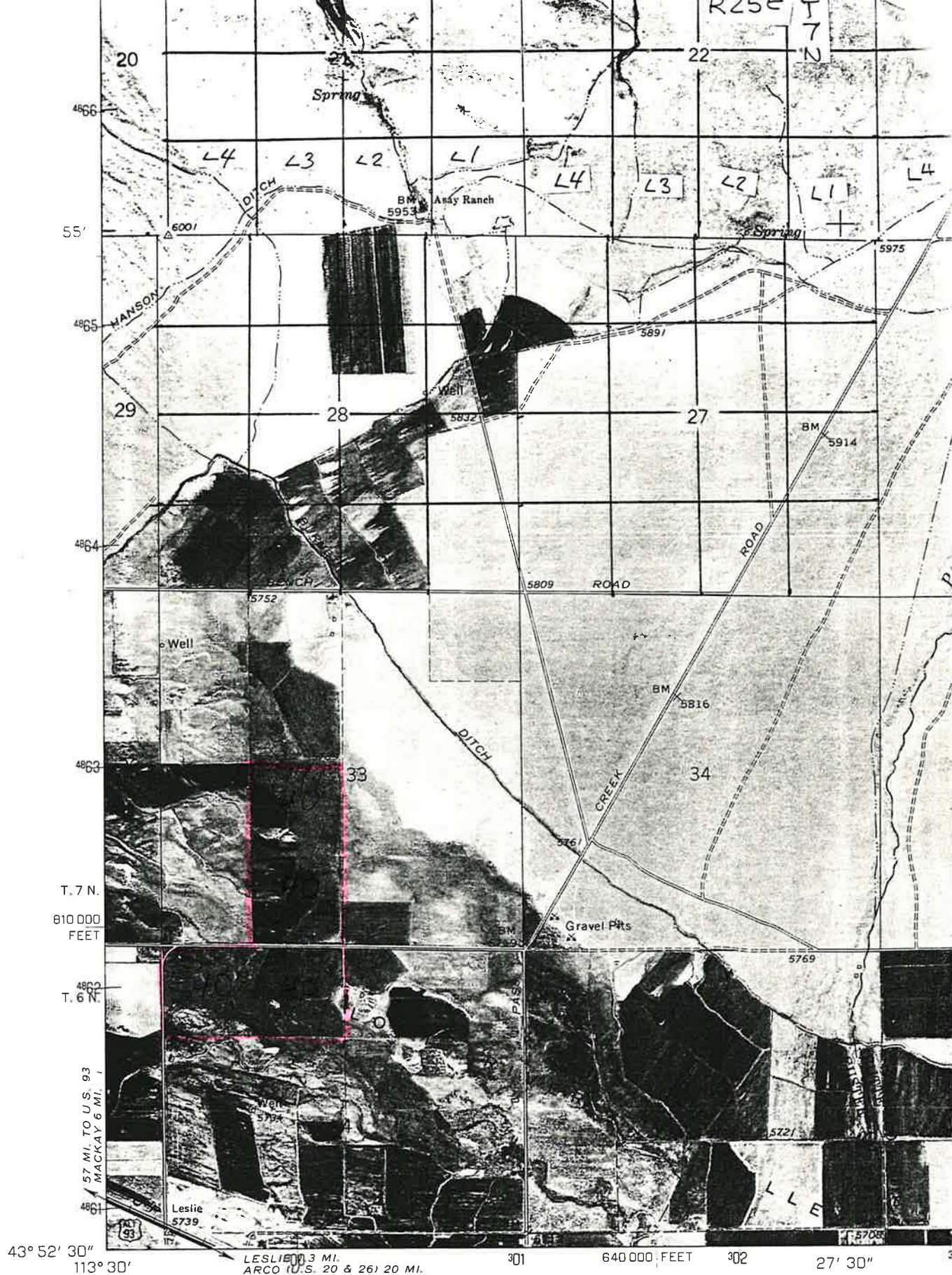
of January 19 90

Seal

Anthony S. O'Brien
Notary Public

Residing at Idaho Falls

My Commission Expires 9/12/1994



Produced by the Geological Survey
in cooperation with the U. S. Forest Service

Orthophotograph prepared from 1:78,000-scale
aerial photograph taken September 5, 1975

Projection and 10,000-foot grid ticks: Idaho coordinate
system, central zone (transverse Mercator)
1000-meter Universal Transverse Mercator grid,
zone 12. 1927 North American datum

Photoimagery rectified by automatic correlation

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NORTH

Cop
A

\$100.00

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: A34-00633
Date Received: 1/9/1990
Receipt No: E011549
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: SAN FELIPE RANCHES 208-588-2805
Address: P.O. BOX 388
MACKAY ID 83251

2. Date of Priority: JUN 1, 1896

3. Source: SWAUGER SPRINGS Trib. to: BIG LOST RIVER
CONGDON SPRINGS CREEK BIG LOST RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07N	24E	25	NE	SE			CUSTER

5. Description of diverting works:
DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	05/01	10/15	3.200		
STOCKWATER	10/16	04/30	1.000		

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

8. Total consumptive use is 400.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 1000 CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06N	25E	4	NE	NW	3	IRR	40.0
			NE	NW	3	STOCK	

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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	25E	4	NW		NW	4	IRR	40.0
			NW		NW	4	STOCK	
							Section Acres	80.0
07N	25E	33	NE		SW		IRR	40.0
			NE		SW		STOCK	
			SE		SW		IRR	40.0
			SE		SW		STOCK	
							Section Acres	80.0
							Total Acres	160.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
A34-02356

14. Remarks:
STOCKWATER ENTERS THE PROPERTY AT TWO LOCATIONS. I NEED 0.50
CFS AT EACH LOCATION TO MAINTAIN A CONTINUOUS FLOW.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

UTAH CONSTRUCTION
Decree Plaintiff

JOHN F. ABBOTT, ET AL
vs Decree Defendant

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: _____

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For Organizations:

I do solemnly swear or affirm that I am Manager. of
San Felipe Ranch, that I have signed the foregoing
Organization document in the space below as manager of
San Felipe Ranch and that the statements contained in the
Organization foregoing document are true and correct.

Dave Nelson
Signature of Authorized Agent

Manager
Title and Organization

5-5-92
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 5 day
of May 19 92

Ernest Carlson
Notary Public

Seal

Residing at Idaho Falls, ID
My Commission Expires 6-14-1994

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NOV 23 1992

STATE OF ILLINOIS
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

CLAIM NUMBER: A34-00633

00:07:48
08/23/90

LAST: PHILLIPPI
ADDRESS:
CITY:
PHONE NUMBER: 208-000-0000
OWNER CODE: 0
FIRST: W. M.
STATE: ID ZIP: 00000

LAST: SAN FELIPE RANCHES
ADDRESS: P.O. BOX 388
CITY: MACKAY
PHONE NUMBER: 208-588-2805
STATE: ID ZIP: 83251

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE FIELD
Y EXAMINER

CLAIM REMARKS: THIS CLAIM COMBINES A DECREED IRRIGATION WATER RIGHT WITH A
YEAR ROUND STOCKWATER BENEFICIAL USE RIGHT.

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CONTACT PERSON: _____

DATE OF FIELD EXAM: 12/4/90

APPOINTMENT MADE: Y() N(☒)

PHONE NUMBER: ()
TIME: : A() P()

ACCOMPANIED BY: _____

PHONE NUMBER: ()

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS: _____

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A. AJ CLAIM: # A34-00633 PRIORITY DATE: 06-01-1896 STAGE: D

B. WR RECORD: # 34-00633 PRIORITY DATE: 06-01-1896 STAGE: D

C. FIELD EXAM REQUIRED? DATABASE N FIELD EXAMINER

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

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

REMARKS:

RECOMMENDED PRIORITY DATE:

06-01-1896

REVIEWED BY

DATE

DC 1/9/91

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A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	10T	CNTY
A34-00633	07N	24E	20	31	change	NE	SE	CUSTER

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: SWAUGER SPRINGS
CONGDON SPRINGS CREEK

TRIB: BIG LOST RIVER
BIG LOST RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	10T	CNTY
34-00633	07N	25E	32			NW		CUSTER

OTHER WR RECORDS WITH SAME WR POD
A PREFIX R PREFIX
NONE NONE

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

SOURCE: SWAUGER SPRINGS
CONGDON SPRINGS CREEK

TRIB: BIG LOST RIVER
BIG LOST RIVER

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY?	(Y/N)	DATABASE	FIELD EXAMINER
DUE TO SOURCE DISCREPANCY?	(Y/N)	N	

REMARKS:

*change to NE NW NW
change to point where water is put into main line
SWAUGER SPENDS SOURCE MAYBE DRY AT THIS TIME*

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RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:		1/4	LOT	COUNTY
TWP.	RGE.	SEC.		
~~640~~ <i>640</i>	~~28E~~ <i>28E</i>	~~04~~ <i>04</i>		
SOURCE: SWAUGER SPRINGS		TRIB: BIG LOST RIVER		
REVIEWED BY: <i>DE</i>	DATE: <i>12/5/90</i>			

OK
SEC 32 NW

A. ROOT WATER RIGHT NUMBERS: A34-00633

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
06N	25E	4	NE	NW	3	SAN FELIPE RANCHES SAN FELIPE RANCHES	A34-00633 /40.0 A34-02356 /40.0	34-00633 / 34-02356 /40.0			50.0
06N	25E	4	NW	NW	4	SAN FELIPE RANCHES SAN FELIPE RANCHES	A34-00633 /40.0 A34-02356 /40.0	34-00633 / 34-02356 /40.0			51.0
07N	25E	33	NE	SW		SAN FELIPE RANCHES SAN FELIPE RANCHES	A34-00633 /40.0 A34-02356 /40.0	34-00633 / 34-02356 /40.0			40.0
07N	25E	33	SE	SW		SAN FELIPE RANCHES SAN FELIPE RANCHES	A34-00633 /40.0 A34-02356 /40.0	34-00633 / 34-02356 /40.0			42.0
07N	25E	33	NE	SW		SAN FELIPE RANCHES SAN FELIPE RANCHES	A34-00633 / A34-02356 /40.0	34-00633 / 34-02356 /40.0			40.0
07N	25E	33	SE	SW		SAN FELIPE RANCHES SAN FELIPE RANCHES	A34-00633 / A34-02356 /40.0	34-00633 / 34-02356 /40.0			42.0
06N	25E	4	NE	NW	3	SAN FELIPE RANCHES SAN FELIPE RANCHES	A34-00633 / A34-02356 /40.0	34-00633 / 34-02356 /40.0			50.0
06N	25E	4	NW	NW	4	SAN FELIPE RANCHES SAN FELIPE RANCHES	A34-00633 / A34-02356 /40.0	34-00633 / 34-02356 /40.0			51.0
TOTAL ACRES							A34-00633	150.00			366.00

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y () N (X)

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

FIELD
EXAMINER
DATABASE
Y

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PRESUMPTION FLAG:

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES:

160

REVIEWED BY:

PC

DATE:

12/5/90

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A. AJ CLAIMED USES:

PURPOSES
A34-00633 IRRIGATION
A34-00633 DOMESTIC

MONTH/DAY
FROM 05-01 TO 10-15
FROM 01-01 TO 12-31

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
3,200 CFS
.230 CFS
3,200 CFS

B. WR RECORDED USES:

PURPOSES
34-00633 IRRIGATION

MONTH/DAY
FROM 05-01 TO 10-15

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
3,200 CFS
3,200 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N(☒)

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N() Explain in remarks, below.

REMARKS:

Change domestic to stockwater

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 3.200 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 3.200 CFS

*** 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?

FIELD
DATABASE EXAMINER

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

Y

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: A34-02356

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A34-00633	SWAUSER SPRINGS	SAN FELIPE RANCHES	3.200	0.020		
A34-02356	CONDON SPRINGS CREEK	SAN FELIPE RANCHES	3.200	0.020		
	GROUNDWATER					

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

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D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 160 * 0.02 CFS/ACRE = 3.2 CFS
(Taken from p/u review)

1b. CALCULATIONS

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 400.0 AF/A

ACRES 160 * CONSUMPTIVE VOL. AF/A FOR AREA 12.5 =

TOTAL CONSUMPTIVE USE 400 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 160 * DIVERSION VOL. AF/A FOR AREA 3 =

TOTAL DIVERSION VOLUME 480 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AC/A	REC. CONS. USE
see stack	5/1 10/15 10/01 10/15	320 0.23	480	400
TOTAL FOR THIS RIGHT				

REVIEWED BY: JDe DATE: 1/9/90

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP
FOREFEIT/ABANDON
ADDITIONAL DIV. AMOUNT

ACCEPTED
AS CLAIMED
(X)
(X)
(X)
()
()
()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 34-00633
TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
3.200

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A34-00633	3.200	-		34-00633	3.200
TOTAL CFS		3.200				3.200

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
Y

FIELD
EXAMINER

REMARKS:

AUTHENTICATION:

SIGNATURE:

NAME OF FIELD EXAMINER:

DATE:

TITLE:

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NOV 23 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

CLAIM NUMBER: A3A-00633

00:07:48
08/23/90

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								
POINT OF DIO	Y		DC 12/4/90	Y	1,2,4,5		DC 2/2/91	
SOURCE								
PLACE OF USE	Y			N	1,2,4,5			
DIO AMOUNT CES/VOLUME	Y			N				
CONSUMPTIVE USE	-							
PURPOSES	Y		DC 12/4/90	Y			DC 2/2/91	
PERIOD OF USE	Y			N				
BASIS OF CLAIM				N				
REMARKS	Y			N				

*VERIFIED BY * CONES

TOPO MAP/ORCHD-PQ = 1
 ASCS MAP = 2
 WATERMASTER RECORDS = 3
 NAPP 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.

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NOV 23 1992

From: DWR70::CARLSEN 3-MAY-1991 09:42:15.07
To: DCARLSON
CC:
Subj: FOR YOUR INFORMATION SHOULD YOU HAVE A CONGDON SPRINGS NOTICE

From: DWR03::BAUMHOFF 2-MAY-1991 11:45:34.90
To: DWR70::CARLSEN,DWR70::VERNER
CC: BAUMHOFF
Subj: CONGDON SPRINGS...

HI AGAIN ERIC,

I JUST SPOKE TO CARTER ABOUT "CONGDON SPRINGS"...

THIS IS THE POSITION DOUG R. HAS TAKEN AND CARTER AGREES WITH HIM..

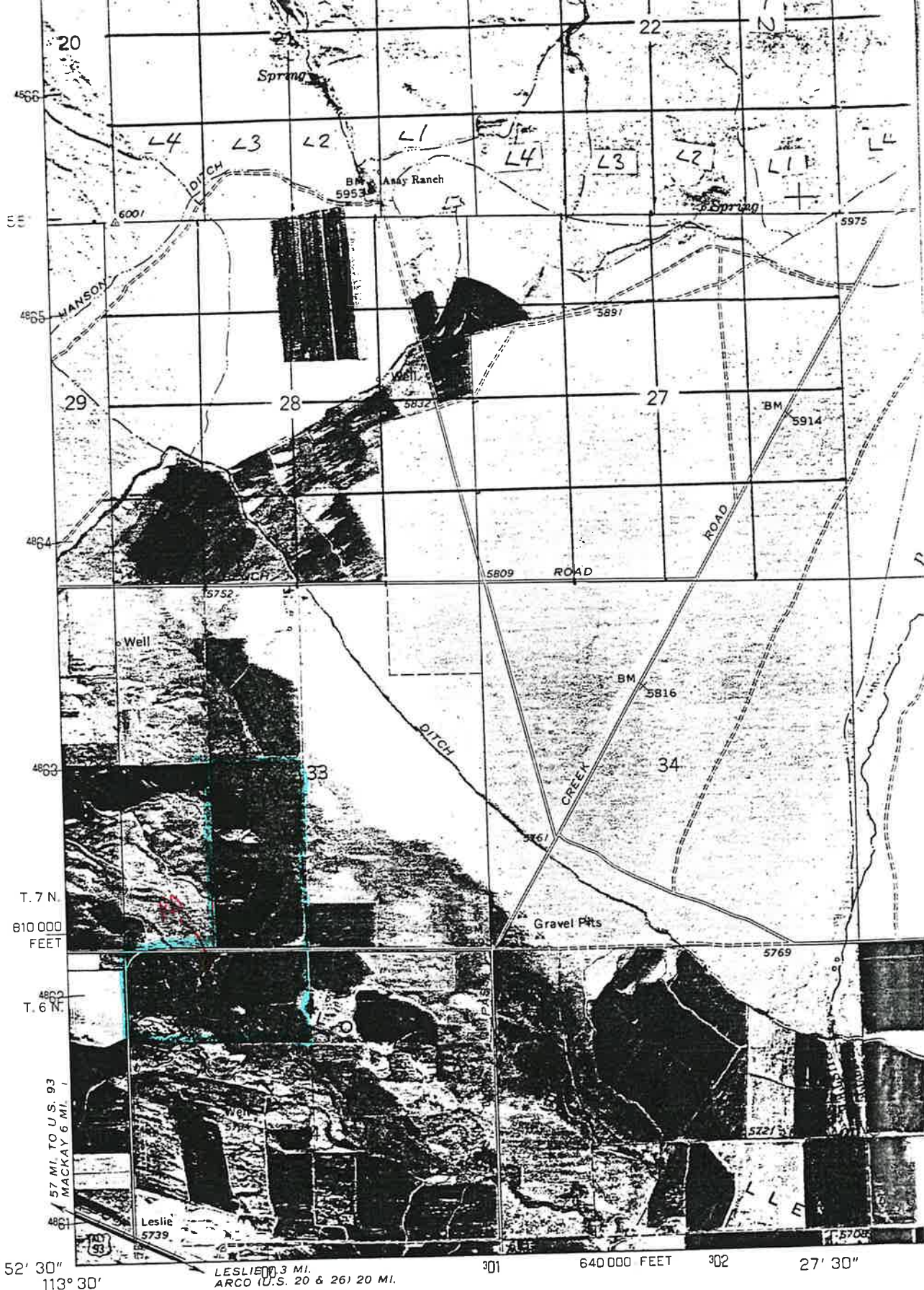
THE HEAD OF "CONGDON SPRINGS CREEK" IS WHERE THEY HAVE A HEADGATE AND PIPE UNDER THE BURNETT DITCH...: SE,NW,NE sec. 31 AND RIGHTS TAKEN OUT OF THE "CREEK" WILL HAVE THE SOURCE "CONGDON SPRINGS CREEK" AND DIFFERENT P/D'S ALONG THE CREEK WHERE THEY ACTUALLY TAKE THE WATER OUT....

THE BALANCE OF THE "SPRINGS" FLOWS INTO THE BURNETT AT:
NE,NW,NE sec. 31,
RIGHTS FOR "CONGDONS SPRINGS" OR "CONGDONS SPRINGS CREEK" THAT ARE TAKEN FROM THE BURNETT WILL HAVE THIS P/D AND THE SOURCE "CONGDON SPRINGS"

I HOPE THIS MAKES SENSE, IF YOU HAVE QUESTIONS PLEASE CALL.

ANNA

MICROFILMED
NOV 23 1992



7N
6N

MICROFILMED
NOV 23 1992

633

Produced by the Geological Survey
in cooperation with the U. S. Forest Service
Orthophotograph prepared from 1:78,000-scale
aerial photograph taken September 5, 1975
Projection and 10,000-foot grid ticks: Idaho coordinate
system, central zone (transverse Mercator)
1000-meter Universal Transverse Mercator grid,
zone 12. 1927 North American datum
Photoimagery rectified by automatic correlation

NORTH

Co

Water Right Number - R34-00633

Prefix Translation: RESEARCH

Old (D) Number -

*** C - CURRENT OWNER ***
SAN FELIPE RANCHES
Last Name - First Name - Address -

*** O - ORIGINAL OWNER ***
PHILLIPPI

W. M.

1 - P.O. BOX 388
2 -
3 -
City- MACKAY
Phone - 208-588-2805
State- ID Zip- 83251
City-
Phone - 208-000-0000
State- ID Zip- 00000

Priority Date - 06/01/1896
Region - 15 EASTERN
D - DECREED
Stage -
Status -

SOURCE
SHAUGER SPRINGS
CONGDON SPRINGS CREEK

tributary
BIG LOST RIVER
BIG LOST RIVER

Twn Rng Sec Tract Lot RFlg County Point of Diversion
06N 25E 4 NE NW NW (37) CUSTER

Code	Description	Period From	Water Use	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		05/01	10/15		3.200	
04 - STOCKWATER		05/01	10/15		0.230	

Total Div. Rate - 3.200
Total Div. Volume -
Total Consumptive Use - 0.0
KW Usage -

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Description	County
06N	25E	4	NE NW	3	40.0	01	IRRIGATION	(37) CUSTER
06N	25E	4	NW NW	4	40.0	01	IRRIGATION	(37) CUSTER
07N	25E	33	NE SW		40.0	01	IRRIGATION	(37) CUSTER
07N	25E	33	SE SW		40.0	01	IRRIGATION	(37) CUSTER
06N	25E	4	NE NW	3		04	STOCKWATER	(37) CUSTER
06N	25E	4	NW NW	4		04	STOCKWATER	(37) CUSTER
07N	25E	33	NE SW			04	STOCKWATER	(37) CUSTER
07N	25E	33	SE SW			04	STOCKWATER	(37) CUSTER

Total Acres: 160.0

- - - Diversion Means - PUMP TO MAINLINES/ SPRINKLER SYSTEM

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Water right number - R34-00633

Prefix Translation: RESEARCH

+ - - Non-Irrigation Use - S/1000 CATTLE

+ - - Other Rights for Same Use - A34-02356

REMARKS
USE OF THIS RIGHT WITH RIGHT NO. 34-02356 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 3.2 CFS, A TOTAL COMBINED ANNUAL
CONSUMPTIVE USE VOLUME OF 400 AF, AND TO THE IRRIGATION OF A
COMBINED TOTAL OF 160 ACRES IN A SINGLE IRRIGATION SEASON.

+ - - No Old Water Right Numbers Found

+ - - CD4 - RIGHT INCLUDES CHANGE IN PURPOSE OF USE.

+ - - - - Decree Plaintiff - - - +

JOHN F. ABBOTT, ET AL

+ - Decree Date - +
00/00/0000

+ - - - - Comments - - - - - No Comments Found

+ - - Audit Fields - - - +
09/06/91 DCARLSON

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 12/04/1990	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 09/06/1991	Old Judicial District	-
Claim Received Date	- 01/09/1990	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- E011549	Water District	- 34
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

MICROFILMED
NOV 23 1992

JAN-18-1992

NOTICE OF ERROR FORM

RECEIVED
MAR 3 1992

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

Idaho Department of Water Resources

Statehouse Mail

Boise, Idaho 83720-9000

Department of Water Resources

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: MAR-02-1992

1. Water right number: *A 34: 00633.*

2. Name: *SAN FELIPE RANCH.*

Address: *Box 388*
MACKEY ID 8325

Weekday Telephone Number: *588-2805*

MICROFILMED
NOV 23 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.) A34:00633.

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

- A - CONSUMPTIVE USE
- B. STOCKWATER
- C - DELIVERY SHRINKAGE

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

- A. - SHOULD NOT BE CONSIDERED.
- B. - PROVISIONS FOR YEAR-ROUND USE & TIE TO DECREE
- C. - CONSIDERATION FOR DELIVERY SHRINKAGE

5. Describe why you disagree with the proposed recommendation:

- A. VARIATIONS IN CROPS, CLIMATIC CONDITIONS & APPLICATION
- B. NO PROVISIONS FOR YEAR ROUND USE METHODS.
- C. NOT CONSIDERED ON PROPOSAL.

6. Date:

2/17/92

SIGNATURE

Don Nelson

Water Right Number - R34-00633

Prefix Translation: RESEARCH

Old (D) Number -

*** C - CURRENT OWNER ***
SAN FELIPE RANCHES
+ - - - - Last Name - - - - + + - First Name - - - + + - - - - - Address - - - - -

*** O - ORIGINAL OWNER ***
PHILLIPPI

W. M.

1 - P.O. BOX 388
2 -
3 -
City- MACKAY
Phone - 208-588-2805

State- ID Zip- 83251

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - Status - - - +
06/01/1896 15 EASTERN D - DECREED

Source - - - - -
SMAUGER SPRINGS
CONGDON SPRINGS CREEK

+ - - - - Tributary - - - - -
BIG LOST RIVER
BIG LOST RIVER

+ - - - - Point of Diversion - - - - -
Twn Rng Sec Tract Lot RFlg County
06N 25E 4 NE NW NW (37) CUSTER

+ - - - -
Code Description Period From Period To Water Use Diversion Rate Diversion Volume
01 - IRRIGATION 05/01 10/15
04 - STOCKWATER 10/16 04/30 3.200 1.000

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
3.200 0.0

+ - - - - Place of Use - - - - -
Twn Rng Sec Tract Lot Acres Code Description County
06N 25E 4 NE NW 3 40.0 01 IRRIGATION (37) CUSTER
06N 25E 4 NW NW 4 40.0 01 IRRIGATION (37) CUSTER
07N 25E 33 NE SW 4 40.0 01 IRRIGATION (37) CUSTER
07N 25E 33 SE SW 4 40.0 01 IRRIGATION (37) CUSTER
06N 25E 4 NE NW 3 40.0 04 STOCKWATER (37) CUSTER
06N 25E 4 NW NW 4 40.0 04 STOCKWATER (37) CUSTER
07N 25E 33 NE SW 4 40.0 04 STOCKWATER (37) CUSTER
07N 25E 33 SE SW 4 40.0 04 STOCKWATER (37) CUSTER

Total Acres: 160.0

+ - - Diversion Means - PUMP TO MAINLINES/ SPRINKLER SYSTEM

MICROFILMED

NOV 23 1992

Water right number - R34-00633

Prefix Translation: RESEARCH

+ - - Non-Irrigation Use - STOCKWATER 1000 CATTLE

+ - - Other Rights for Same Use - A34-02356

Remarks
USE OF THIS RIGHT WITH RIGHT NO. 34-02356 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 3.2 CFS, A TOTAL COMBINED ANNUAL
CONSUMPTIVE USE VOLUME OF 400 AF, AND TO THE IRRIGATION OF A
COMBINED TOTAL OF 160 ACRES IN A SINGLE IRRIGATION SEASON.

+ - - No Old Water Right Numbers Found

Conditions of Approval
N01 - THE APPROPRIATOR IS ENTITLED TO THE AMOUNT OF WATER DESCRIBED
- ABOVE FOR STOCKWATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE
- DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED ABOVE.
N02 - THE PORTION OF THIS RIGHT FOR STOCKWATER PURPOSES MAY BE DIVERTED
- SO LONG AS THE AMOUNT OF WATER DIVERTED AT THE POINT OF DIVERSION
- FOR STOCKWATER PURPOSES DOES NOT CONSTITUTE UNREASONABLE WASTE
- AND DOES NOT CONFLICT WITH THE PUBLIC INTEREST, AS DETERMINED BY
- THE DIRECTOR.

+ - - Decree Plaintiff - - - +
UTAH CONSTRUCTION+ - - - - Decree Defendant - - - +
JOHN F. ABBOTT, ET AL+ - Decree Date - +
00/00/0000Date: 05/06/1992 User Id: DCARLSON Subject: NOTICE OF ERROR
ADDED STOCKWATER OUTSIDE IRRIGATION SEASON

Comments- - - - - STOCKWATER ENTERS PROPERTY AT TWO PLACES WANTS 0.50 CFS AT EACH.

+ - - Audit Fields - - - +

05/06/92 DCARLSON

Adjudication Rights Dates and Flags Area	
Court Report Filing	- 00/00/0000
Objection Filed Date	- 00/00/0000
Response Filed Date	- 00/00/0000
Claim Received Date	- 01/09/1990
Field Inspection Made	- 12/04/1990
Field Inspection Flag	-
Verified Date	- 00/00/0000
Last Amended Date	- 00/00/0000
Receipt Number	- E011549
POU Ownership Flag	- Y
Name Connector	-
Civil Case Number	- 39576
Old Case Number	-
Old Judicial District	-
Temporary Right	- P
Water District	- 34
Federal/State Indicator	- S
Presumption Flag	-
Notice of Error Flag	- C

MICROFILMED

NOV 23 1992

*Claim 100-
mailed to Doug R.*

34-00633

RECEIVED
JAN 12 1994

DEC 09 1993
Department of Water Resources
Adjudication Bureau Eastern District Office

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.

Case No. 39576

STANDARD FORM 3

The State of Idaho, ex rel. R. Keith
Higginson in his official capacity as
Director of the Idaho Department
of Water Resources,

STANDARD FORM FOR NOTICE
OF CHANGE IN ADDRESS

OR

Petitioner,

CONSENT TO SUBSTITUTION OF
PARTY

vs.

change already made

The United States; the State of Idaho; and
all Claimants to the Use of Water From
the Snake River Basin Water System,

8-10-94

Respondents.

INSTRUCTIONS FOR USE

This form must be used to provide notice of change in address or to substitute a party whose water right recommendation is in a director's report which has been filed with the court. The filing of Standard Form 3 cannot result in a contested matter. A hearing will not be scheduled.

This form has been adopted by the court in *SRBA Administrative Order 1* (amended June 21, 1993), Section 4A, which may be consulted for further information.

Standard Form 3 shall not operate to excuse compliance with the statutory requirements of I.C. § 42-1409(7) where a water right recommendation is not before the court.

As used in this form, the term "prior claimant/seller" means any person who, pursuant to I.C. § 42-1409(2), (3) and (6), filed a notice of claim asserting the right to the use of water or on whose behalf the right to the use of water was asserted. "New claimant/purchaser" means any successor in interest of a "prior claimant/seller," whether the interest is acquired by purchase, gift, inheritance or other means.

A *Consent to Substitution of Party (Substitution)* must be signed by the prior claimant/seller and the new claimant/purchaser. The *Substitution* shall be filed by the new claimant/purchaser.

Check either the *Change in Address* or *Consent to Substitution of Party* box and fill in the requested information. A party may copy or reproduce the standard form. The text of the form must be on the front and back of each page, exactly as it appears here.

Follow the instructions on the form or the court will not accept it for filing. The Verification and the Certificate of Mailing must be completed.

The standard form may be obtained from the Idaho Department of Water Resources and the court. You must provide a copy of this form to each party, or to their legal counsel, in any subcase in which you are a party.

☒ CHANGE IN ADDRESS

My name is G. David Nelson

I am the claimant of 34-02415, 00637E, 00208A, 00030, 10406, 10518, 10407, 10509, 34-00633, 02356, 02325, 10532, 10505, 10563, 10517
(Insert each water right number)

I have filed an objection/response to the following water right(s) _____

34-10532, 02325

(Insert each water right number)

My new mailing address is HC 86 Box 4110 Mackay, Idaho 83251

My phone number is: Work 588-2805 Home 588-2805

☒ **CONSENT TO SUBSTITUTION OF PARTY**

My name is G. David Nelson

My address is HC 86, Box 4110, Mackay, Idaho 83251

My phone number is: Work 208-588-2805 Home 208-588-2805

The name and address of the party who I wish to be substituted for are:

San Felipe Ranch

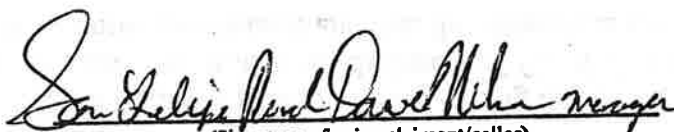
HC 86, Box 4322, Mackay, Idaho 83251

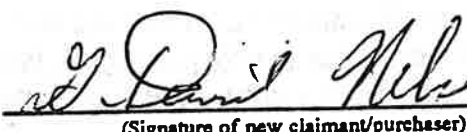
I am the new claimant/purchaser of 34-00633, 02356, 02325, 10532, and
34-10505, 10563, 10517 (Insert each water right number)

I am submitting proof of acquisition of the interest of the prior claimant/seller, *which is required by the court* to support my *Substitution*. Proof must contain a legal description of the property, including the water right numbers conveyed. You must describe the documents you are submitting.

Warranty Deed

Notices of Claims


(Signature of prior claimant/seller)
San Felipe Ranch - Dave Nelson
Manager


(Signature of new claimant/purchaser)
G. David Nelson

☐ **ATTORNEY OF RECORD COMPLETING FORM**

My name is _____

I am the attorney of record for _____

(Identify party/claimant)

My address and phone number are _____

VERIFICATION

(Must be completed for either a *Notice of Change in Address* or for *Consent for Substitution of Party*)

State of Idaho

County of Custer

G. David Nelson, being first duly sworn, upon oath, deposes and says:
(Insert name of party/claimant filing form)

That I am the person or entity filing this form, that I am a water right claimant or party or their successor in interest, defined by I.C. §§ 42-1401A(1), (7) or (10); and that I have read this form, know its contents and that the statements are true to the best of my knowledge and belief.

G. David Nelson
Signature of person filing form

By: _____
Attorney signing in representative capacity

Subscribed and sworn to before me on November 5, 1993
(Insert Date)

Charlotte J. Wall
Notary Public for Idaho
Residing at: Mackay Idaho
My Commission expires: 12-18-93

INSTRUCTIONS FOR MAILING

You must mail the form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. FAX filings will not be accepted by the SRBA Clerk of the Court.

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I certify that on December 6, 1993, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. A *Change of Address* must be served on each party, or their attorney, in each subcase in which you are a party at the following address(es):

<u>U.S. Dept. of Justice</u>	<u>Chief, Natural Resources Division</u>
<u>550 West Fort Street</u>	<u>Office of the Attorney General</u>
<u>P.O. Box 33</u>	<u>State of Idaho</u>
<u>Boise, Idaho 83734</u>	<u>Box 44449 Boise, Id. 83711-4449</u>

3. A *Consent to Substitution of Party* must be served on the prior claimant/seller or their attorney at the following address:

<u>San Felipe Ranch</u>
<u>HC 86 Box 4322</u>
<u>Mackay, Idaho 83251</u>

4. A *Consent to Substitution of Party* must be served on each party, or their attorney, to each subcase in which the prior claimant/seller is a party at the following address(es):

<u>U.S. Dept. of Justice</u>	<u>Chief, Natural Resources Division</u>
<u>550 West Fort Street</u>	<u>Office of the Attorney General</u>
<u>P.O. Box 33</u>	<u>State of Idaho</u>
<u>Boise, Idaho 83734</u>	<u>P.O. Box 44449</u>
	<u>Boise, Idaho 83711-4449</u>

DATE: OCTOBER 19, 1993

G DAVID NELSON
STAR ROUTE
MACKAY ID 83251

RE: Snake River Basin Adjudication (SRBA)
Notice(s) of Claim #34-00633, -02356, -02325,
-10532, -10505, -10563
Change in Ownership

Dear Mr. Nelson:

We have received your Change in Ownership (Form 42-1409(7)) and have changed IDWR records to show you as the current owner.

Although IDWR records have been changed to reflect you as the current owner, SRBA Judge Daniel C. Hurlbutt, Jr. issued an Order dated June 17, 1993, requiring claimants identified in a Director's Report to use Standard Form 3 for Change in Ownerships.

I have enclosed Form 3 for your convenience. You will need to follow the directions enclosed with the form on how and where to mail the form. If you have any questions, do not hesitate to contact our department (525-7161) or the District Court in Twin Falls (736-3011).

Respectfully submitted,

Gregory J. Taylor
Sr. Water Agent, ADjudications

GT:jt

Enclosure: Standard Form 3

MICROFILMED
APR 19 1994

(208) 879-4488

JAMES R. BENNETTS
ATTORNEY AT LAW
P.O. Box 36
CHALLIS, IDAHO 83226

May 12, 1993

RECEIVED

MAY 14 1993

Department of Water Resources
Eastern District Office

Idaho Department of Water Resources
Eastern Region Office
150 Shoup Avenue
Idaho Falls, ID 83401

Dear Sirs:

Enclosed is NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP regarding San Felipe Ranch and G. David Nelson.

Very truly yours,

James R. Bennetts

JRB:ja
Enclosure

MICROFILMED

APR 19 1994



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

MAY 14 1993

Department of Water Resources
Eastern District Office

DATE OF CLOSING: August 1, 1992

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s) A34-00633, A34-02356, A34-02325, A34-10532,
Assigned by IDWR: A-34-10505, A34-10563, and any storage rights by virtue of
A34-00810Z6, A34-00810Z1, or other rights appurtenant to the lands conveyed.
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): SAN FELIPE RANCHES, by DAVID PACKARD & WILLIAM R. HEWLETT
P. O. Box 388
Mackay, ID 83251
- ☐ New Owner/Claimant (Purchaser): G. DAVID NELSON
- ☐ New Mailing Address: Star Route
Mackay, ID 83251
- ☐ New Telephone Number: (208) 588 - 2805
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: See copy of Warranty Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s): G. David Nelson Date _____
G. David Nelson Date _____
- ☐ Signature of Former Owner/Claimant(s): [Signature] Date 9-1-92
[Signature] Date 9/1/92

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: _____ By: _____
Further Action Needed:
Further Action Taken
Date: _____ By: _____
Final Review and Data-Entry
Date: _____ By: _____
Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

MICROFILMED

APR 19 1994

202480
RECEIVED

MAY 14 1993

WARRANTY DEED

Department of Water Resources
Eastern District Office

FOR VALUE RECEIVED, DAVID PACKARD, an unmarried man, in his own behalf and as Trustee of the Survivor's Trust under Declaration of Revocable Trust dated April 20, 1987, as amended, WILLIAM R. HEWLETT, a married man dealing with his sole and separate property, and SAN FELIPE RANCH-IDAHO, INC., a California Corporation, d/b/a SAN FELIPE RANCH, a Partnership, the Grantors, do hereby grant, bargain, sell and convey unto G. DAVID NELSON, a married man, the Grantee, whose current address is P. O. Box 388, Mackay, Idaho 83251, the following described premises, to-wit:

See Exhibit "A" attached hereto and made a part hereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that said premises are free from all incumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: Effective August 1, 1992.

David Packard
David Packard, individually, as Partner of the above-named Partnership and as Trustee of the above-named Trust

William R. Hewlett
William R. Hewlett, individually and as Partner of the above-named Partnership

SAN FELIPE RANCH-IDAHO, INC.,
a California Corporation,

By: David Packard
David Packard, President

0202480

#

Custer County Reg. of

Custer County Title

Time 2:20 P. .M.

9-11-92
Ethel M. Peck, Clerk

1204
MICROFILMED

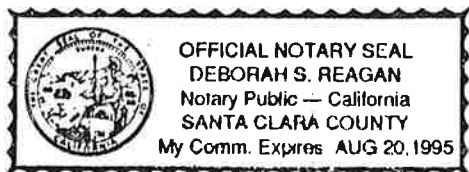
APR 19 1994

STATE OF CALIFORNIA

County of Santa Clara)
: ss.
)

On this 1st day of September, 1992, before me, the undersigned, a Notary Public in and for said State, personally appeared WILLIAM R. HEWLETT, in his capacity individually and as a Partner, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



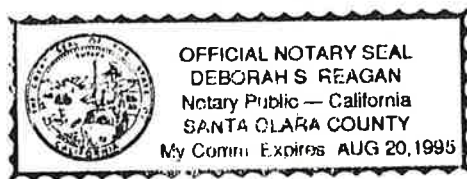
Deborah S. Reagan
Notary Public for California
Residing at:
My Comm. Expires: 8-20-95

STATE OF CALIFORNIA

County of Santa Clara)
: ss.
)

On this 1st day of September, 1992, before me, the undersigned, a Notary Public in and for said State, personally appeared DAVID PACKARD, in his capacity individually, as a Partner, and as a Trustee, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Deborah S. Reagan
Notary Public for California
Residing at:
My Comm. Expires: 8-20-95

MICROFILMED

APR 19 1994

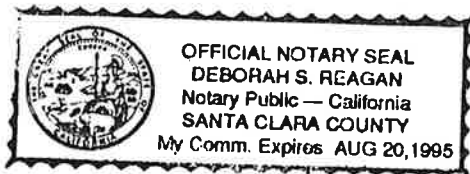
STATE OF CALIFORNIA

County of *Santa Clara*

)
: ss.
)

On this 1st day of September, 1992, before me, the undersigned, a Notary Public in and for said State, personally appeared DAVID PACKARD, known to me to be the President of the corporation that executed this instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Deborah S. Reagan
Notary Public for California
Residing at:
My Comm. Expires: 8-20-95

MICROFILMED
APR 19 1994

EXHIBIT "A"

TRACT I.

TOWNSHIP 7 NORTH, RANGE 24 EAST, BOISE MERIDIAN, CUSTER COUNTY,
IDAHO.

Section 25: S1/2
Section 36: NE1/4

TOWNSHIP 7 NORTH, RANGE 25 EAST, BOISE MERIDIAN, CUSTER COUNTY,
IDAHO.

Section 30: Lots 3 and 4
Section 33: E1/2SW1/4.

TOWNSHIP 6 NORTH, RANGE 25 EAST, BOISE MERIDIAN, CUSTER COUNTY,
IDAHO.

Section 4: Lots 3 and 4.

TRACT II.

TOWNSHIP 8 NORTH, RANGE 22, EAST BOISE MERIDIAN
Section 8: NE1/4, E1/2SE1/4NW1/4.

TOGETHER WITH All improvements and appurtenances
presently thereupon including, but not limited to, all sprinkler
equipment and miscellaneous sprinkler lines upon the property
or used to benefit the property, whether considered real or
personal property, and the normal replacement thereof; and

TOGETHER WITH All water, regardless of source, used
upon and in connection with the above described real property;
and

TOGETHER WITH All grazing and mineral rights.

MICROFILMED
APR 19 1994

Water Right Number - 34-00633 Prefix Translation: WATER RIGHT Old (D) Number -
+ - - - - Last Name - - - - + + - First Name - - - - + Address - - - - - +

*** C - CURRENT OWNER *** NELSON G DAVID

1 - STAR ROUTE
2 -
3 -
City- MACKAY State- ID Zip- 83251
Phone - 208-588-2805

*** D - DIR RPT OWNER ***
SAN FELIPE RANCHES

1 - P.O. BOX 388
2 -
3 -
City- MACKAY State- ID Zip- 83251
Phone - 208-588-2805

*** O - ORIGINAL OWNER ***
PHILLIPPI W. M.

1 -
2 -
3 -
City- - State- ID Zip- 00000
Phone - 208-000-0000

+ - - Priority Date - - + + - - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/01/1896 15 EASTERN D - DECREED

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
SWAUGER SPRINGS BIG LOST RIVER
CONGDON SPRINGS CREEK BIG LOST RIVER

+ - - - - - - - - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County

06N 25E 4 NE NW NW (37) CUSTER

+ - - - - Description Period From Period To Diversion Rate Diversion Volume
Code 01 - IRRIGATION 05/01 10/15 3.200
04 - STOCKWATER 10/16 04/30 1.000

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
3.200 0.0

+ - - - - - - - - - - - Place of Use - - - - - County
TwN Rng Sec Tract Lot Acres Code Description
06N 25E 4 NE NW 3 40.0 01 IRRIGATION (37) CUSTER
06N 25E 4 NW NW 4 40.0 01 IRRIGATION (37) CUSTER
07N 25E 33 NE SW 40.0 01 IRRIGATION (37) CUSTER
07N 25E 33 SE SW 40.0 01 IRRIGATION (37) CUSTER
06N 25E 4 NE NW 3 04 STOCKWATER (37) CUSTER
06N 25E 4 NW NW 4 04 STOCKWATER (37) CUSTER
07N 25E 33 NE SW 04 STOCKWATER (37) CUSTER

MICROFILMED
APR 19 1994

Water right number - 34-00633

Prefix Translation: WATER RIGHT

| Twn | Rng | Sec | Tract | Lot | Acres | Place of Use | Description | County |
|-----|-----|-----|-------|-----|-------|--------------|-------------|-------------|
| 07N | 25E | 33 | SE SW | | | 04 | STOCKWATER | (37) CUSTER |

Total Acres: 160.0

+ - - Diversion Means - PUMP TO MAINLINES/ SPRINKLER SYSTEM

+ - - Non-Irrigation Use - STOCKWATER 1000 CATTLE

+ - - Other Rights for Same Use - A34-02356

+ - - - - - Remarks - - - - -

USE OF THIS RIGHT WITH RIGHT NO. 34-02356 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.2 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 400 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 160 ACRES IN A SINGLE IRRIGATION SEASON. SOURCES FOR THIS RIGHT ARE CONGON SPRINGS CREEK TRIBUTARY TO BIG LOST RIVER, SWAUGER SPRINGS TRIBUTARY TO BIG LOST RIVER.

+ - - - - - No Old Water Right Numbers Found - - - - -

+ - - - - - Conditions of Approval - - - - -

N01 - THE APPROPRIATOR IS ENTITLED TO THE AMOUNT OF WATER DESCRIBED ABOVE FOR STOCKWATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED ABOVE.

N02 - THE PORTION OF THIS RIGHT FOR STOCKWATER PURPOSES MAY BE DIVERTED SO LONG AS THE AMOUNT OF WATER DIVERTED AT THE POINT OF DIVERSION FOR STOCKWATER PURPOSES DOES NOT CONSTITUTE UNREASONABLE WASTE AND DOES NOT CONFLICT WITH THE PUBLIC INTEREST, AS DETERMINED BY THE DIRECTOR.

+ - - - - - Decree Plaintiff - - - +

UTAH CONSTRUCTION

+ - - - - - Decree Defendant - - - +

JOHN F. ABBOTT, ET AL

+ - - - - - Decree Date - - +

00/00/0000

+ - - - - - Comments - - - - -

No Comments Found

+ - - - - - Audit Fields - - +

05/14/93 THOMPSON

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

| | | | | | |
|----------------------|--------------|-----------------------|--------------|-----------------------|---------|
| Court Report Filing | - 06/18/1992 | Field Inspection Made | - 12/04/1990 | 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 | - 01/09/1990 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| | | Receipt Number | - E011549 | Water District | - 34 |

MICROFILMED
APR 19 1994

[illegible]

| POU Ownership Flag | - Y | Federal/State Indicator - S |
|--------------------|-----|-----------------------------|
| Name Connector | - | Presumption Flag |
| | | Notice of Error Flag - C |

MICROFILMED
APR 19 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

MAY 17, 1993

G DAVID NELSON
STAR ROUTE
MACKAY ID 83251

Dear Mr. Nelson:

The Change in Ownership concerning the Notices of Claim in the above reference has been processed, changing the Department's records to show you as the current owner.

Although IDWR records have been changed, further action is likely to be required to complete the process. The Director's Report (DR) containing recommendations for water rights in the Big Lost River drainage has been filed with the Fifth District Court in Twin Falls. The above claim(s), as listed in the DR, remain in the former claimant's name. Once a procedure for updating the DR has been adopted by the court, you will be notified of further action required by you.

Review the forms and if there are other corrections or questions, feel free to contact this office (525-7161).

If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,

for *Ja Thompson*
Ernest Carlsen
Adjudication Supervisor

EC:jt

Enclosure: Copies of Notices

cc: San Felipe Ranches/copy letter/ownership form
James R Bennetts/Attorney

MICROFILMED

APR 19 1994

34-00633
RECEIVED
JAN 25 1995
Department of Water Resources
Eastern District Office

RECEIVED

JAN 17 1995

Movant: OFFICE OF THE
ATTORNEY GENERAL

San Felipe Ranches
G. David Nelson

Attorney Name and Address: HEPWORTH, LEZAMIZ & HOHNHORST,
CHARTERED
133 Shoshone St. North
P.O. Box 389
Twin Falls, ID 83303-0389
Telephone: (208)734-7510

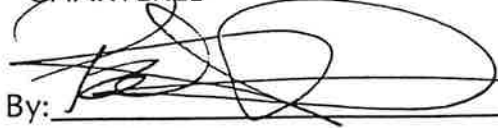
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA) Subcase No. See Exhibit "A"
)
) NOTICE OF APPEARANCE
)
Case No. 39576)
)

COMES NOW the firm of Hepworth, Lezamiz & Hohnhorst, Chartered, and
appears on behalf of San Felipe Ranches and on behalf of G. David Nelson, for the water
right numbers listed in Exhibit "A" attached.

Dated this 12 day of January, 1995.

HEPWORTH, NUNGESTER & LEZAMIZ,
CHARTERED

By: 
Patrick D. Brown

MICROFILMED
NOV 18 1996

HLH
Chartered
Hepworth,
Lezamiz &
Hohnhorst

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

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDINGS

SUBCASE NO. 34-00030, 34-00208A,
34-00633, 34-00637E, 34-02325,
34-02356, 34-02415, 34-10532

IDWR has completed the following Administrative proceeding: **CHANGE OF ADDRESS**

Name and New Address of Claimant:

G DAVID NELSON
5688 CHILLY RD
MACKAY ID 83251

Phone:

(208) 588-2805

The Claimant has filed Objections or Responses to the following water rights:

34-00030, 34-00208A, 34-02325

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: December 10, 1997



Signature of IDWR Representative

NOTICE OF COMPLETED

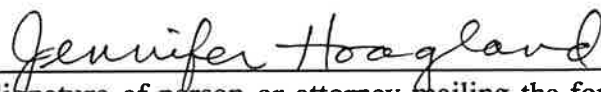
ADMINISTRATIVE PROCEEDING

5/21/96 34-00030, 34-00208A, 34-00633, 34-00637E, 34-02325, 34-02356, 34-02415, 34-10532

CERTIFICATE OF MAILING

I certify that on Dec 10, 1997, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant or attorney of record:
PATRICK BROWN
HEPWORTH LEZAMIZ HOHNHORST
PO BOX 389
TWIN FALLS ID 83303-0389
3. One Copy to:
Each party in the subcase or attorney of record:
N/A
4. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
5. One Copy to:
United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 10, 1997

PATRICK BROWN
HEPWORTH LEZAMIZ & HOHNHORST
PO BOX 389
TWIN FALLS ID 83303-0389

RE: Notice of Change of Address for G. David Nelson (34-00030, 34-00208A, 34-00633, 34-00637E, 34-02325, 34-02356, 34-02415, 34-10532) and Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. Brown:

On December 3, 1997, the Idaho Department of Water Resources (IDWR) received a change of address for the above referenced water right(s). Based on this change, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Hoagland
Technical Records Specialist

Enclosure

RECEIVED

DEC 18 1997

Department of Water Resources
Adjudication Bureau

MAIL10841



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

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDINGS

SUBCASE NO. 34-00030, 34-00208A,
34-00633, 34-00637E, 34-02325, 34-02356, 34-02415, 34-10532

IDWR has completed the following Administrative proceeding: CHANGE OF ADDRESS

Name and New Address of Claimant:

G DAVID NELSON
5688 CHILLY RD
MACKAY ID 83251

Phone:

(208) 588-2805

The Claimant has filed Objections or Responses to the following water rights:

34-00030, 34-00208A, 34-02325

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED:

December 10, 1997

Signature of IDWR Representative

NOTICE OF COMPLETED

ADMINISTRATIVE PROCEEDING

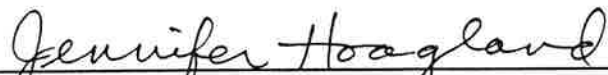
5/21/96 34-00030, 34-00208A, 34-00633, 34-00637E, 34-02325, 34-02356, 34-02415, 34-10532

Page 1

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Snake River Basin Adjudication
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Twin Falls ID 83303-2707
2. One Copy to:
Claimant or attorney of record:
PATRICK BROWN
HEPWORTH LEZAMIZ HOHNHORST
PO BOX 389
TWIN FALLS ID 83303-0389
3. One Copy to:
Each party in the subcase or attorney of record:
N/A
4. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
5. One Copy to:
United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: DEC-9-1997
PAGE: A-4

RIGHTS FROM: SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

RIGHT NUMBER: 34-00030

NAME & ADDRESS: G DAVID NELSON
5688 CHILLY RD
MACKAY ID 83251

SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

QUANTITY: 2.6 CFS

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER
DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT
WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED.

PRIORITY DATE: 03/10/1894

POINT OF DIVERSION: T08N R21E S12 NENWNW Within CUSTER County

PURPOSE AND

| PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|----------------|----------------|-------------------|----------|
| | IRRIGATION | Irrigation Season | 2.6 CFS |
| | STOCKWATER | 01-01 12-31 | 0.4 CFS |

| PLACE OF USE: | IRRIGATION | Within CUSTER County | | | |
|---------------|-----------------|----------------------|---------|---------|---------|
| | T09N R22E S20 | NESE 40 | NWSE 40 | SWSE 40 | SESE 40 |
| | S21 | SWSW 40 | | | |
| | S28 | NWNW 40 | | | |
| | S29 | NENE 40 | NWNE 40 | | |
| | 320 ACRES TOTAL | | | | |

USE OF THIS RIGHT WITH RIGHT NO. 34-00208A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 320 ACRES IN A SINGLE
IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 130 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Place of use for STOCKWATER is same as IRRIGATION

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: DEC-9-1997
PAGE: A-5

RIGHTS FROM: SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

RIGHT NUMBER: 34-00030 (CONT)

EXPLANATORY MATERIAL: (CONT)

WATER DELIVERED THROUGH CHILLY DITCH.
STOCKWATER 800 CATTLE

| | | |
|--------------|------------------------|------------------|
| RIGHTS FROM: | SOURCE: BIG LOST RIVER | TRIBUTARY: SINKS |
|--------------|------------------------|------------------|

| | | | |
|----------------------------|---|------------------------------------|----------------------|
| RIGHT NUMBER: | 34-00208A | | |
| NAME & ADDRESS: | G DAVID NELSON
5688 CHILLY RD
MACKAY ID 83251 | | |
| SOURCE: | BIG LOST RIVER | TRIBUTARY: SINKS | |
| QUANTITY: | 3.4 CFS | | |
| PRIORITY DATE: | 03/01/1902 | | |
| POINT OF DIVERSION: | T08N R21E S12 | NENWNW | Within CUSTER County |
| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE
IRRIGATION | PERIOD OF USE
Irrigation Season | QUANTITY
3.4 CFS |
| PLACE OF USE: | IRRIGATION | Within CUSTER County | |
| | T09N R22E S20 | NESE 40 | NWSE 40 |
| | S21 | SWSW 40 | SWSE 40 |
| | S28 | NWNW 40 | SESE 40 |
| | S29 | NENE 40 | NWNE 40 |
| | 320 ACRES TOTAL | | |

USE OF THIS RIGHT WITH RIGHT NO. 34-00030 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 320 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 170 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

WATER DELIVERED THROUGH THE CHILLY DITCH.

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: DEC-9-1997
PAGE: A-7

RIGHTS FROM: SOURCE: CONGDON SPRINGS CREEK TRIBUTARY: BIG LOST RIVER

RIGHT NUMBER: 34-00633

NAME & ADDRESS: G DAVID NELSON
5688 CHILLY RD
MACKAY ID 83251SOURCE: SWAUGER SPRINGS TRIBUTARY: BIG LOST RIVER
CONGDON SPRINGS CREEK BIG LOST RIVER

QUANTITY: 3.2 CFS

USE OF THIS RIGHT WITH RIGHT NO. 34-02356 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.20 CFS.

PRIORITY DATE: 06/01/1896

POINT OF DIVERSION: T07N R25E S32 SESWNW Within CUSTER County

PURPOSE AND

| PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|----------------|----------------|-------------------|----------|
| | IRRIGATION | Irrigation Season | 3.2 CFS |
| | STOCKWATER | 01-01 12-31 | 1.00 CFS |

PLACE OF USE: IRRIGATION Within CUSTER County
T06N R25E S04 Lot 3 (NENW)40 Lot 4 (NWNW)40
T07N R25E S33 NESW 40 SESW 40
160 ACRES TOTALUSE OF THIS RIGHT WITH RIGHT NO. 34-02356 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 160 ACRES IN A SINGLE
IRRIGATION SEASON.STOCKWATER Within CUSTER County
T06N R25E S04 Lot 3 (NENW) Lot 4 (NWNW)
T07N R25E S33 NESW SESW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE
STOCKWATER, 1000 CATTLE

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: DEC-9-1997

PAGE: A-3

RIGHTS FROM: SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

RIGHT NUMBER: 34-00637E

NAME & ADDRESS: G DAVID NELSON
HEATHER M NELSON
5688 CHILLY RD
MACKAY ID 83251

SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

QUANTITY: 0.62 CFS

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER
DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT
WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED.

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

USE OF THIS RIGHT WITH RIGHT NO. 34-02415 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.62 CFS.

PRIORITY DATE: 06/01/1888

POINT OF DIVERSION: T07N R24E S18 SESWNE Within CUSTER County

| PURPOSE AND
PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|-------------------------------|----------------|-------------------|----------|
| | IRRIGATION | Irrigation Season | 0.62 CFS |
| | STOCKWATER | 01-01 12-31 | 0.02 CFS |

PLACE OF USE: IRRIGATION Within CUSTER County
T07N R24E S20 NWNW 18
18 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 34-02415 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 18.0 ACRES IN A SINGLE
IRRIGATION SEASON.

Place of use for STOCKWATER is same as IRRIGATION

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE
WATER IS DELIVERED THROUGH STREETER DITCH.

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: DEC-9-1997
PAGE: A-8

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 34-02325

NAME & ADDRESS: G DAVID NELSON
5688 CHILLY RD
MACKAY ID 83251

SOURCE: GROUNDWATER

QUANTITY: 6.5 CFS
1687.0 AFY

USE OF THIS RIGHT WITH RIGHT NO. 34-10532 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 11.22 CFS.

PRIORITY DATE: 03/09/1955

POINT OF DIVERSION: T07N R24E S25 SWNWSW Within CUSTER County

| PURPOSE AND
PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|-------------------------------|----------------|-------------------|------------|
| IRRIGATION | | Irrigation Season | 6.5 CFS |
| | | | 1687.0 AFY |

| PLACE OF USE: | IRRIGATION | Within CUSTER County | | | |
|-----------------|----------------|----------------------|----------------|---------|---------|
| T07N R24E S25 | | SENE 4 | SWNW 3 | SENW 5 | NESW 40 |
| | | NWSW 37 | SWSW 40 | SESW 40 | NESE 26 |
| | | NWSE 34 | SWSE 38 | SESE 2 | |
| S36 | | NENE 40 | NWNE 40 | SWNE 40 | SENE 40 |
| R25E S30 | Lot 2 (SWNW) 4 | Lot 3 (NWSW) 38 | Lot 4 (SWSW) 7 | | SESW 4 |
| 482 ACRES TOTAL | | | | | |

USE OF THIS RIGHT WITH RIGHT NO. 34-10532 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 482 ACRES IN A SINGLE
IRRIGATION SEASON.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: DEC-9-1997
PAGE: A-9

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 34-02356

NAME & ADDRESS: G DAVID NELSON
5688 CHILLY RD
MACKAY ID 83251

SOURCE: GROUNDWATER

QUANTITY: 3.2 CFS
560.0 AFY

USE OF THIS RIGHT WITH RIGHT NO. 34-00633 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.20 CFS.

PRIORITY DATE: 03/24/1960

POINT OF DIVERSION: T06N R25E S04 NWNW Within CUSTER County

| PURPOSE AND
PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|-------------------------------|----------------|-------------------|----------------------|
| IRRIGATION | | Irrigation Season | 3.2 CFS
560.0 AFY |

PLACE OF USE: IRRIGATION Within CUSTER County
T06N R25E S04 Lot 3 (NENW)40 Lot 4 (NWNW)40
T07N R25E S33 NESW 40 SESW 40
160 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 34-00633 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 160 ACRES IN A SINGLE
IRRIGATION SEASON.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: DEC-9-1997
PAGE: A-10-----
RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 34-02415

NAME & ADDRESS: HEATHER M NELSON
G DAVID NELSON
5688 CHILLY RD
MACKAY ID 83251

SOURCE: GROUNDWATER

QUANTITY: 0.36 CFS
63.0 AFYUSE OF THIS RIGHT WITH RIGHT NO. 34-00637E IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.62 CFS.

PRIORITY DATE: 05/15/1961

POINT OF DIVERSION: T07N R24E S20 NENWNW Within CUSTER County

| PURPOSE AND
PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|-------------------------------|----------------|-------------------|----------------------|
| | IRRIGATION | Irrigation Season | 0.36 CFS
63.0 AFY |

PLACE OF USE: IRRIGATION Within CUSTER County
T07N R24E S20 NWNW 18
18 ACRES TOTALUSE OF THIS RIGHT WITH RIGHT NO. 34-00637E IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 18.0 ACRES IN A SINGLE
IRRIGATION SEASON.EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE
RIGHT NO. 34-10407 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: DEC-9-1997
PAGE: A-1

RIGHTS FROM: SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

RIGHT NUMBER: 34-10532

NAME & ADDRESS: G DAVID NELSON
5688 CHILLY RD
MACKAY ID 83251

SOURCE: BIG LOST RIVER TRIBUTARY: SINKS

QUANTITY: 6.6 CFS

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER
DESCRIBED ABOVE AT THE POINT OF MEASUREMENT IN T07N, R24E, S28,
NESWSE.

USE OF THIS RIGHT WITH RIGHT NO. 34-02325 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 11.22 CFS.

PRIORITY DATE: 10/12/1884

POINT OF DIVERSION: T07N R24E S20 SWNESW Within CUSTER County

PURPOSE AND

| PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|----------------|----------------|-------------------|----------|
| | IRRIGATION | Irrigation Season | 6.6 CFS |
| | STOCKWATER | 01-01 12-31 | 1.00 CFS |

PLACE OF USE: IRRIGATION Within CUSTER County

| | | | | |
|-----------------|----------------|-----------------|----------------|---------|
| T07N R24E S25 | SENE 4 | SWNW 3 | SENE 5 | NESW 40 |
| | NWSW 37 | SWSW 40 | SESW 40 | NESE 26 |
| | NWSE 34 | SWSE 38 | SESE 2 | |
| R25E S30 | Lot 2 (SWNW) 4 | Lot 3 (NWSW) 38 | Lot 4 (SWSW) 7 | SESW 4 |
| 322 ACRES TOTAL | | | | |

USE OF THIS RIGHT WITH RIGHT NO. 34-02325 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 482 ACRES IN A SINGLE
IRRIGATION SEASON.

Place of use for STOCKWATER is same as IRRIGATION

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: DEC-9-1997

PAGE: A-2

RIGHTS FROM:

SOURCE: BIG LOST RIVER

TRIBUTARY: SINKS

RIGHT NUMBER:

34-10532 (CONT)

EXPLANATORY MATERIAL: (CONT)

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 34-00715 AND
34-00716.

WATER DELIVERED THROUGH THE SWAUGER DITCH.
STOCKWATER, 1500 CATTLE

RECEIVED
JAN 09 1998
Department of Water Resources
Eastern Region

*Partial Decree filed
12-10-97*

1997 DEC 17 PM 12:14
VOID
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDINGS

SUBCASE NO. 34-00030, 34-00208A,
34-00633, 34-00637E, 34-02325,
34-02356, 34-02415, 34-10532

IDWR has completed the following Administrative proceeding: CHANGE OF ADDRESS

Name and New Address of Claimant:

G DAVID NELSON
5688 CHILLY RD
MACKAY ID 83251

Phone:

(208) 588-2805

The Claimant has filed Objections or Responses to the following water rights:

34-00030, 34-00208A, 34-02325

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IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: December 10, 1997

Ernest Carlson

Signature of IDWR Representative

NOTICE OF COMPLETED

ADMINISTRATIVE PROCEEDING

5/21/96 34-00030, 34-00208A, 34-00633, 34-00637E, 34-02325, 34-02356, 34-02415, 34-10532

Page 1

M E M O R A N D U M

Date: January 13, 1998

To: Files

From: Jennifer Hoagland

Re: NCAP FOR CHANGE OF ADDRESS FOR 34-00633, 34-02356

THE ABOVE WATER RIGHTS WERE ALREADY DECREED SO THE COURT RECORDS WILL NOT REFLECT THE CHANGE OF ADDRESS NCAP I SUBMITTED ON DEC 10, 1997.

**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 |) | A. Subcase | 34-00633 |
| |) | | (Insert water right number |
| |) | | from the Objection Form) |
| Case No. 39576 |) | STANDARD FORM 2 | |
| |) | RESPONSE TO OBJECTION | |
| |) | | |

Please **print or type** the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: State of Idaho

Address: 700 W. Jefferson, Room 210
P.O. Box 44449
Boise, Idaho 83711-4449

Phone: Work: (208) 334-2400 Home: N/A

Name and Address of Attorney, if any:

Attorney Name: ALAN G. LANCE
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
HARRIET HENSLEY
Deputy Attorney General

Attorney Address: Office of the Attorney General
700 W. Jefferson, Room 210
P.O. Box 44449
Boise, ID 83711-4449

Attorney Phone No. (208) 334-2400
ISB# 5235

C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO WHICH YOU ARE RESPONDING

Name: G. David and Heather M. Nelson
Address: 5688 Chilly Road
Mackay, ID 83251

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
2. ☐ **Source**
3. ☐ **Quantity**
4. ☐ **Priority Date**
5. ☐ **Point(s) of Diversion**
6. ☐ **Instream Flow Description**
7. ☐ **Purposes(s) of Use**
8. ☒ **Period of Year**
9. ☐ **Place of Use**
10. ☒ **General Provisions as recommended by the June 24, 1999, Supplemental Director's Report, Reporting Area 1, IDWR Basin 34, Regarding Revision of the following: Period of Use (for Irrigation Water Users) Conjunctive Management General Provisions.**
11. **Recommendation**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Harriet Hensley, duly sworn, upon oath, deposes and says:

That the State of Idaho, in both its sovereign and proprietary capacity, is filing this response and that I am a Deputy Attorney General authorized to represent the State of Idaho, which is a party/claimant in this proceeding, as defined by I.C. § 42-1401A(1)

and (7), and I have read this response, know its contents and that the statements are true to the best of my knowledge and belief.

(Signature of person filing response)

Harriet Hensley
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:



Sept. 7, 1999
Patricia Boehm
Notary Public for IDAHO
Residing at: BOISE, ID
My commission expires: Nov. 6, 2003

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all parties listed below in the Certificate of Mailing.

F. CERTIFICATE OF MAILING

I certify that on September 7, 1999 I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

G. David and Heather M. Nelson
5688 Chilly Road
Mackay, ID 83251

3. One copy to the party who filed the objection at the following address:

Same as claimant

4. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC ~~003~~ 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

(Not Applicable)


Your signature or signature of attorney mailing on your behalf

RECEIVED

AUG 02 1999

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
Department of Water Resources
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

) A. Subcase 34-00633
)
) STANDARD FORM 1a
) OBJECTION TO IRRIGATION SEASON
) AND/OR CONJUNCTIVE MANAGEMENT
) GENERAL PROVISIONS
)

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: G. David and Heather M.
Nelson

Name & Address of attorney, if any:

Address: 5688 Chilly Road
Mackay, Idaho 83251

Daytime Phone: (208)588-2805

C. Claimant of Water Right As Listed
In Supplemental Director's Report

Name: G. David & Heather M.
Nelson

Address: 5688 Chilly Road
Mackay, Idaho 83251

D. Elements Objected To:

8. Period (Irrigation Season) of Use
Should be: 4/01 - 11/01

12. General Provision

Number: 1, 2, 3, Reported in Basin: 34
7

Comments: SEE ATTACHED REASONS
SUPPORTING OBJECTION

E. Reasons Supporting Objection: (if you have any additional reasons, please attach to this form)

This standard form is for the sole purpose of objecting to the Director's supplemental recommendations on irrigation season of use and general provisions. This form may not be used to object to any other elements of your water right.

If you have any evidence that the recommendations on irrigation season of use and/or conjunctive management adversely affect other elements of your water right, please contact the Snake River Basin Adjudication at 208-736-3011. A deputy clerk of the court will inform you of how to proceed.

E. Reasons Supporting Objection:

8. Period of Use. Irrigation Season.

Reason: Recharge to the underground aquifer, particularly in the immediate reach below the Mackay Reservoir, is an equally important beneficial use of the waters of the Big Lost River. Early irrigation, as well as late season irrigation, aides in the delivery of water rights throughout the irrigation season.

12. General Provision

12.1 Definitions:

Reasons: (c). The language used to identify when the Mackay Reservoir is considered to be "full" is not specific. An exact elevation should be given.

12.2 Storage/Non-Irrigation Season.

Reasons: (1) This entire paragraph contains ambiguous language that requires further clarification.

(2) Making all other water rights subordinate to right nos. 34-0012 and 34010873 is contrary to Idaho water law.

(3) Exact language regarding how stockwater and domestic water rights located below the Mackay Reservoir shall be delivered during the non-irrigating season should be included.

(4) Clarification regarding the natural flow being maintained at 50 cfs below the Mackay Reservoir and its relation to stockwater/domestic rights is needed.

12.3. Rotation Storage.

Reasons: In General: (1) Language specifying who makes the determination that rotation into storage is considered to be efficient should be included.

(2) Language to the effect that the Big Lost River Irrigation District may not withhold consent to rotate without any specific reason should be included.

(d): The diversion rate should not limit the practice of utilizing rotation storage water.

12.7 Conjunctive Administration with Snake River Water Rights.

Reasons: Language regarding how calls for water delivery upon the Snake River, its tributaries, and streams it is tributary to, and such effects to Basin-34 rights, should be included in this provision. Such language could provide a reasonable assurance to Basin-34 water rights that the rights in this decree have valid standing.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Custer)

G. David Nelson, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

G. David Nelson
(Signature of person filing objection)

Subscribed and sworn to before me on: 7/29/99

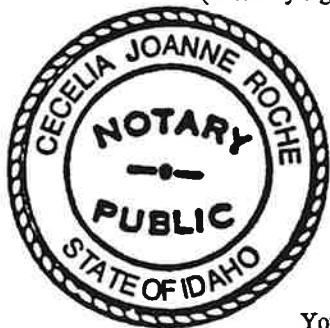
(Attorney signing in representative capacity)

Cecelia Joanne Roche
Notary Public

for State of Idaho

Residing at: Mackay, Idaho

My Commission Expires: 3-11-2005



INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on 7/29, 1999, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right
at the following address:

G. David & Heather M. Nelson
5688 Chilly Road
Mackay, ID 83251

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
5550 West Fort Street, MSC 033
Boise, ID 83724

G. David Nelson
Signature of Objector or attorney

RECEIVED
SEP 20 2001
Department of Water Resources

2001 SEP 19 PM 12:02

DISTRICT COURT
TWIN FALLS, IDAHO
FILED *[Signature]*

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 34-00633 |
| |) | |
| |) | 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 10, 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 1, IDWR Basin 34, 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. On July 30, 1999, Claimants G. David Nelson and Heather Nelson filed an objection to the season of use recommendation, but withdrew the objection on April 20, 2001.

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: 05-01 TO 10-15

The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.

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

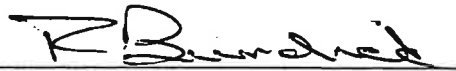
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the court a point in time no later than the entry of a final unified decree. I.C. section 42-1412(6).

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 September 19, 2001.



ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER AMENDING IRRIGATION PERIOD OF USE ELEMENT IN PARTIAL DECREE was mailed on September 19, 2001, with sufficient first-class postage to the following:

STATE OF IDAHO

Represented by:

HARRIET A. HENSLEY

PO BOX 83720

BOISE, ID 83720-0010

Phone: 208-334-4543

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

~~G DAVID NELSON~~

~~5688 CHILLY RD~~

~~MACKAY, ID 83251~~

G DAVID & HEATHER NELSON

5688 CHILLY ROAD

MACKAY, ID 83251

Phone: 208-588-2805