

Nebeker, Jake

From: Rob Harris <rharris@holdenlegal.com>
Sent: Wednesday, October 13, 2021 3:38 PM
To: Nebeker, Jake
Cc: Patricia Turville
Subject: RE: WR Application 21-13312
Attachments: 321137 Well Agreement.pdf

Jake:

Attached is a copy of the well agreement. Tommy and Ann Nixon are the parents of Scott and Judy Nixon, and Tommy and Ann are deceased. Scott and Judy are the owners, and it is unclear why the County has not updated ownership on their tax parcels. In any event, the attached well agreement covers these lots.

On the well agreement, you will see there were originally 5 parties. One lot was bought out years ago, and the other is not included in this application. Fremont County tax parcels have the lot numbers on their GIS data, but in case you don't have that, Lot 79 listed in the well use agreement is the Turville lot, Lot 74 was the Tommy Nixon parcel, and Lot 47 is Scott Nixon.

Let me know if you have any other questions.

Thanks,



Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, PLLC
1000 Riverwalk Drive, Suite 200
P.O. Box 50130
Idaho Falls, ID 83405-0130
Phone: (208) 523-0620
Fax: (208) 523-9518
E-Mail: rharris@holdenlegal.com

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From: Nebeker, Jake <Jake.Nebeker@idwr.idaho.gov>
Sent: Tuesday, October 12, 2021 10:21 AM
To: Rob Harris <rharris@holdenlegal.com>
Subject: WR Application 21-13312

Morning Rob,

I am working on an application for permit for the Turville and Nixon shared well domestic, that you are a representative for. I am finding on the Fremont County tax lot data that the larger of the three parcels is owned by Tommy and Ann Nixon, I assume that they are related to Scott and Judy Nixon. This issue could be resolved in a few different ways.

1: Add Tommy and Ann Nixon as an applicant and owner for the permit. This option will need an amendment.

2: Provide documentation from Tommy and Ann Nixon allowing the applicants to put a water right on their property. If this is within the well sharing agreement, then a copy of that would be sufficient.

Let me know if you have any questions.

Thanks,

Jake Nebeker

**Water Resource Agent /
Hydrologist**

Office. (208) 525-7161

Fax. (208) 525-7177

Email. jake.nebeker@idwr.idaho.gov

900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402-1718



Date August 11, 1970

I, THE UNDERSIGNED, ROBERT L. PHELPS, OWNER OF LOT #79, ISLAND PARK SUB. #1 SO. SEC. 36 T 14 N-R 43 EBM, FREMONT COUNTY, IDAHO INSTALLED A 6 IN. WATER WELL LOCATED AT THE N W CORNER OF SAID PROPERTY, COMPLETE WITH SUBMERSIBLE PUMP, 120 GALLON STORAGE TANK. THE TOTAL VALUE AT THIS TIME OF INSTALLATION IS \$1,175 DIVIDED INTO 5 EQUAL SHARES OF \$235 EACH.

SHARES ARE ASSIGNED AS FOLLOWS:

SHARE #1 -- ROBERT L. PHELPS OR HEIRS	Lot #79
SHARE #2 -- WENDELL PEARLAR OR HEIRS	Lot #78
SHARE #3 -- ROGER YOUNG OF HEIRS	Lot #39
SHARE #4 -- TOMMY EIDE OR HEIRS	Lot #74
SHARE #5 -- O. H. PETERSON OR HEIRS	Lot #47

IT IS AGREED BY ALL THAT ONE SHARE IS FOR WATER SERVICE TO ONE (1) LIVING UNIT ONLY ON EACH LOT, AND IS TO BE ASSIGNED TO ANY SUCCEEDING OWNER AS PART OF SALE OF SAID LOT. ANY ADDITIONAL UNITS (LIMIT ONE PER LOT) ON SAME LOT, WILL BE ASSESSED \$35.00 PER YEAR AND EQUAL PORTION OF OPERATING COSTS WHILE OCCUPIED. ASSESSMENT WILL BE DIVIDED EQUALLY BETWEEN SHARE HOLDERS.

SHARES ARE LIMITED TO THE ORIGINAL FIVE AS LISTED, UNLESS BY A VOTE OF FOUR-FIFTHS OF THE SHARE HOLDERS SHALL AGREE OTHERWISE.

OWNER OF LOT # 79 WILL BE RESPONSIBLE FOR THE MAINTENANCE OF WELL, AND ALL COSTS OF SAME, LABOR, PARTS, ETC. WILL BE BORNE BY ALL SHARE HOLDERS. EACH SHAREHOLDER SHALL HAVE THE RIGHT TO INSTALL AND MAINTAIN HIS WATER LINE ON LOT # 79 AND TO ENTER THEREON FOR SERVICING AND MAINTENANCE OF PUMP AND FACILITIES WHENEVER NECESSARY. ANY SHAREHOLDER NOT PAYING HIS ASSESSMENT WITHIN 60 DAYS OF NOTIFICATION

DATE August 11, 1970

OF HIS PART WILL WILL FORFEIT HIS SHARE IN THE WELL BY SELLING SAME TO THE REMAINING SHARE HOLDERS AT THE ORIGINAL COST TO HIM.

INASMUCH AS THE ELECTRIC POWER IS SUPPLIED THRU THE WATER OF OWNER OF LOT #79 THERE WILL BE NO MONTHLY MINIMUM COST OF WELL OPERATION. A METER WILL BE INSTALLED ON THE PUMP CIRCUIT AND ONLY THOSE USING SAME WILL PAY TO OWNER OF LOT #79 FOR THE KW USED AT THE RATE PER CHART OF SNAKE RIVER ELECTRIC, PAYABLE BY THE 25% OF EACH MONTH OF OPERATION.

EACH LOT OWNER WILL BE REQUIRED TO FURNISH AND INSTALL ALL WATER LINES AND FITTINGS FROM HIS LOT TO WELL.

SIGNATURE

SHARE #1

Robert L Phelps

SHARE #2

SHARE #3

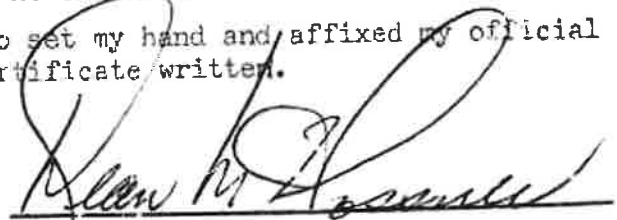
SHARE #4

SHARE #5

STATE OF IDAHO SS
COUNTY OF FREEMONT

On this 11th day of August, in the year 1970, before me, the undersigned, a Notary Public in and for said state, personally appeared Robert L. Phelps, 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 in this certificate written.



Notary Public for State of Idaho
Residing at Ashton, Idaho

321137

FILED FOR RECORD AT THE REQUEST OF

Wendell Hughes

of 456 Center, L.F.

at 35 minutes past 3

o'clock 5 M. this 26

day of Oct 1970

and recorded in Book _____

of _____ page _____

Records of Fremont County,

State of Idaho. Fee \$ 2.00

Wendell Hughes

Recorder.

By Harold Hoyer

deputy