

RECEIVED
SEP 16 2016

Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Water Right
Ident. No. 13-7968
App. ID 81210

1. Name of applicant(s) Bradley J. Nielsen, Susan M. Nielsen Phone 208-339-2033
Mailing address 509 N 8th W, Preston, ID 83263 Email bradnsus@gmail.com
Name connector (check one) ☐ and ☐ or ☐ and/or
2. Name of representative, if any N/A Phone N/A
Mailing address N/A Email N/A
- a. ☐ Send all correspondence for this application to the representative and not to the applicant OR
☐ Send original correspondence to the applicant and copies to the representative.
- b. ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant.
3. Source of water supply Unnamed Spring which is a tributary of Sinks
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
15S	39E	18		SE	NE	NE	Franklin	Unnamed Spring	

5. Water will be used for the following purposes:
- Amount .04 for Domestic purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
6. Total quantity to be appropriated is (a) .04 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).
7. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. Spring flows into 500 gallon concrete storage tank and is pumped approximately 115 feet back up to the house.
- b. Height of storage dam N/A feet; active reservoir capacity N/A acre-feet; total reservoir capacity N/A acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☒ No
- c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No
- e. If well is already drilled, when? N/A; drilling firm N/A;
well was drilled for (well owner) N/A; Drilling Permit No. N/A

Received by _____ Date _____ Time _____ Preliminary check by _____
Fee \$ _____ Receipted by _____ Receipt No. _____ Date _____

AMENDED

13-7968

8. Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity in kW. N/A

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; must complete and attach the Municipal Water Right Application Checklist.

d. Domestic; show number of households 1

e. Other; describe fully. N/A

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	39E	18	D																

Total number of acres to be irrigated: 0.5

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? No other water rights will be used for the same purpose. We intend to use this same source for our lawn, garden, and/or other landscaping.

11. a. Who owns the property at the point of diversion? Bradley J. Nielsen and Susan M. Nielsen

b. Who owns the land to be irrigated or place of use? Bradley J. Nielsen and Susan M. Nielsen

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: N/A

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. We propose to continue use of the existing spring as developed for domestic use for a single household.

13. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).

14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant

Bradley J. Nielsen
Print Name (and title, if applicable)

Signature of Applicant

Susan Nielsen
Print Name (and title, if applicable)

AMENDED

13-7968

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No. _____

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Mailing address 509 N 8th W, Preston, ID 83263 Email bradnsus@gmail.com
Name connector (check one): ☐ and ☐ or ☒ and/or
2. Name of representative, if any n/a Phone n/a
Mailing address n/a Email n/a
- a. ☐ Send all correspondence for this application to the representative and not to the applicant OR
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- b. ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant.
3. Source of water supply Unnamed spring which is a tributary of n/a

4. Location of point(s) of diversion:

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6. Total quantity to be appropriated is (a) _____ cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).

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- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No
- e. If well is already drilled, when? n/a; drilling firm n/a
well was drilled for (well owner) n/a; Drilling Permit No. n/a

Received by bc Date 7/28/16 Time _____ Preliminary check by _____
Fee \$ 100 Receipted by bc Receipt No. E042312 Date 7/28/16

SUPERCEDED

13-7968

8. Description of proposed uses (if irrigation only, go to item 8):
- Hydropower; show total feet of head and proposed capacity in kW. n/a
 - Stockwatering; list number and kind of livestock. n/a
 - Municipal; must complete and attach the [Municipal Water Right Application Checklist](#).
 - Domestic; show number of households 1
 - Other; describe fully. n/a

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- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
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- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: n/a
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The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant

Bradley J. Nielsen

Print Name (and title, if applicable)

Signature of Applicant

Susan M. Nielsen

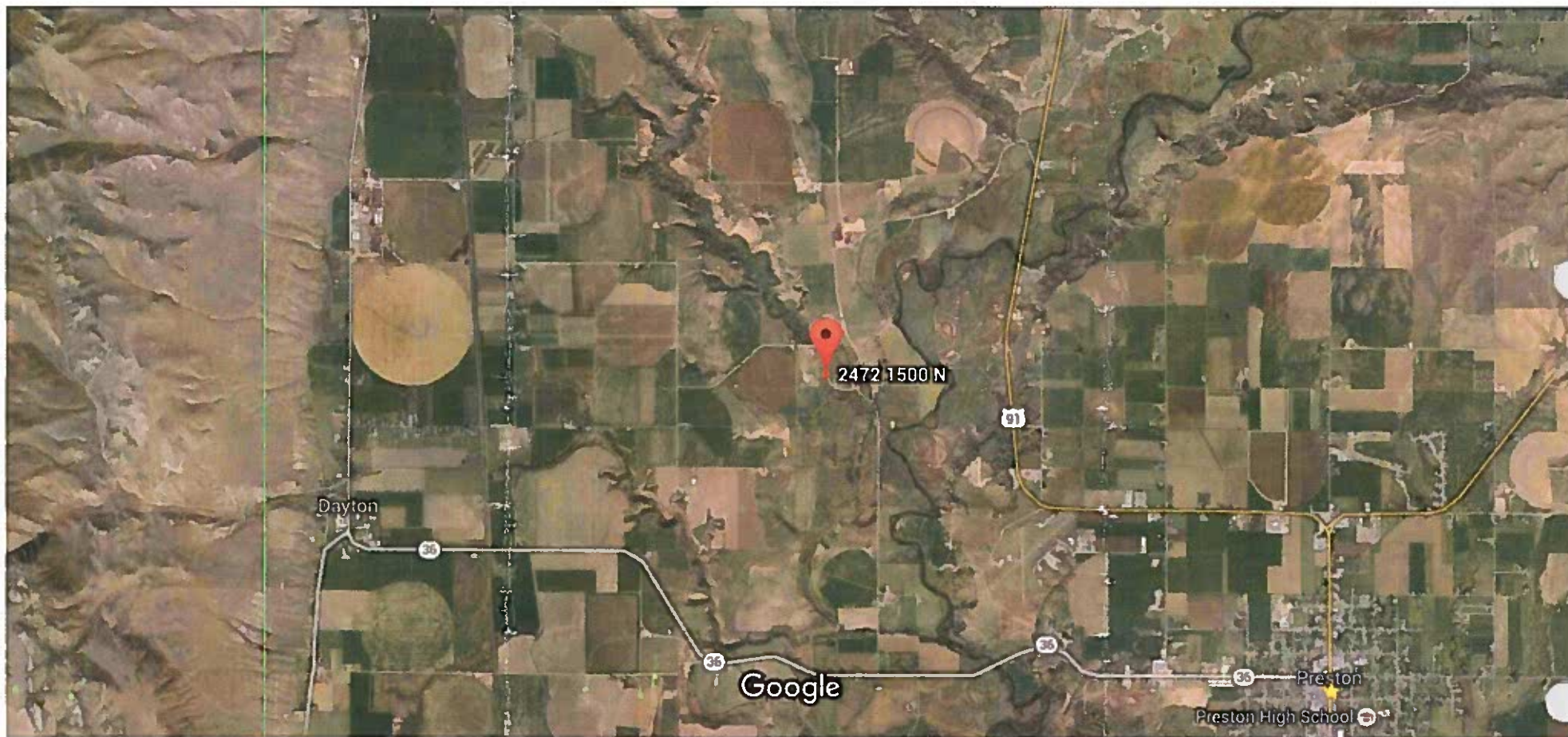
Print Name (and title, if applicable)

SUPERCEDED

18-7968

18-7968





1:30pm 8/27/09
 EN LAND SURVEYING, P.C.
 C. Allen

SECTION 18
 FND 5/8" REBAR & CAP
 PLS 9163
 CP&FR INSTR. # 208963



HIC SCALE



IN FEET)
 b = 50 ft.

SYMBOL LEGEND

- SET 5/8" REBAR & CAP
PLS 9163
- FOUND 5/8" REBAR & CAP
PLS 9163
- CORNER NOT SET
OR FOUND

LINE TABLE		
LINE	LENGTH	BEARING
L1	27.49	S 49°39'26" E

CURVE TABLE				
ARC	RADIUS	DELTA	CHORD	L.C.B.
371.13	2000.00	10°37'58"	370.60	S 10°46'09" E
365.56	1970.00	10°37'56"	365.04	S 10°46'09" E
184.36	1970.00	5°21'43"	184.29	S 12°02'59" E
40.90	1970.00	1°11'22"	40.90	S 15°29'25" E
356.28	330.00	61°51'33"	339.23	S 47°00'53" E
273.70	300.00	52°16'19"	264.30	S 51°48'30" E
50.20	300.00	9°35'14"	50.14	S 20°52'43" E
323.89	300.00	61°51'33"	308.39	S 47°00'53" E
5.66	1970.00	0°09'53"	5.66	S 14°46'47" E

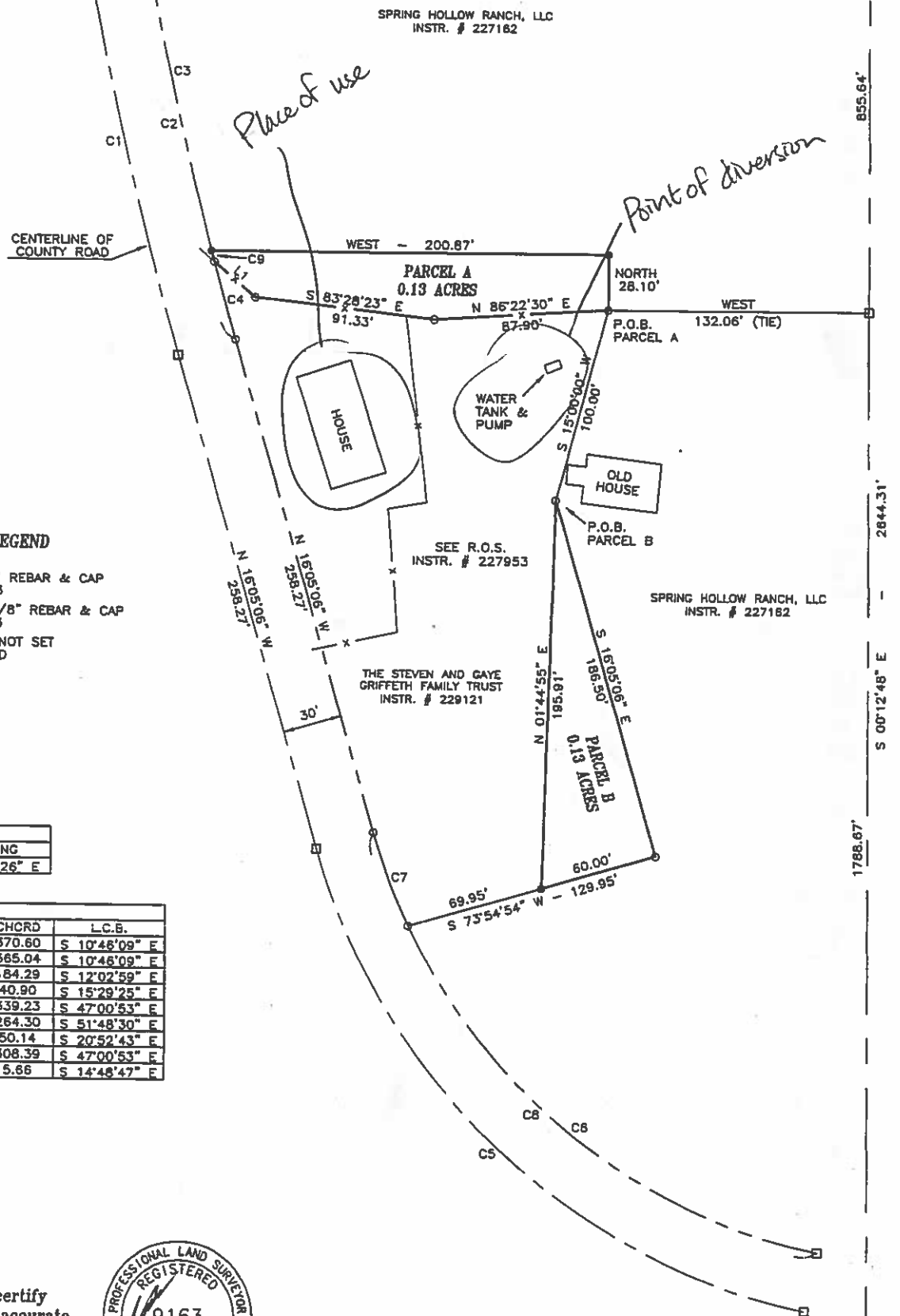
SURVEYOR'S CERTIFICATE

I, Brian J. Allen, do hereby certify that this plat is a true and accurate representation of the land surveyed under my direction and control.



18-7968

EAST QUARTER CORNER
 SECTION 18
 FND 5/8" REBAR & CAP
 PLS 9163
 CP&FR INSTR. # 208967



268920 1-3

Recorded at the request of
Northern Title Co.
Time 12:45 Amount \$ 16.00

NTF-79511
Debra Brown
2472 West 1500 North
Preston, Idaho 83263

OCT 12 2016

SHAUNA T. GEDDES, RECORDER
By C. Carter Deputy
Franklin County, Idaho

WARRANTY DEED

Brad Nielsen and Susan Nielsen, Husband and Wife

Grantor(s) of Preston, County of Franklin, State of ID hereby **CONVEY AND WARRANT** to

Debra Brown, an Unmarried Woman

Grantee(s) of Preston, County of Franklin, State of ID for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, the following described tract of land in Franklin County, State of ID:

****see attached Exhibit "A"**

Subject to easements, declarations of covenants and restrictions, rights of way of record, and taxes for the current year and thereafter.

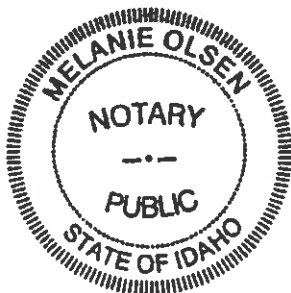
Witness, the hand(s) of said Grantor(s), this October 11, 2016

Brad Nielsen
Brad Nielsen

Susan Nielsen
Susan Nielsen

State of ID)
County of Franklin)

On October 11, 2016, before me, a Notary Public in and for said county and state, personally appeared, Brad Nielsen and Susan Nielsen, known or proved to me to be the person(s) who executed the foregoing instrument, and acknowledged to me that he/she/they executed the same.



Melanie Olsen
Notary Public
Resides: Preston, Idaho
Commission expires: October 4, 2022

Exhibit "A"

A parcel of land located in the Northeast quarter of the Northeast quarter of Section 18, Township 15 South, Range 39 East, Boise Meridian, Franklin County, Idaho, and more particularly described as follows:

Commencing at the Northeast corner of said Section 18, from which the East quarter corner of Section 18 bears South 00° 12' 48" East;

Thence South 00° 12' 48" East 833.02 feet along the East boundary of Section 18;

Thence West 331.40 feet to a 5/8" rebar and cap labeled "ALLEN LAND SURVEYING, PLS 9163" at the intersection of a fence line and the east right of way line of the County Road, the Point of Beginning.

Thence South 49° 39' 26" East 27.49 feet along said fence line to a 5/8" rebar and cap; Thence South 83° 28' 23" East 91.33 feet along said fence line to a 5/8" rebar and cap; Thence North 86° 22' 30" East 87.90 feet along said fence line to a 5/8" rebar and cap; Thence South 15° 00' 00" West 100.00 feet to a 5/8" rebar and cap;

Thence South 16° 05' 06" East 186.50 feet to a 5/8" rebar and cap;

Thence South 73° 54' 54" West 129.95 feet to a 5/8" rebar and cap at the east right of way line of the County Road, said point being on a 300.00 foot radius non-tangent curve concave to the Northeast, whose center bears North 64° 19' 40" East;

Thence northwesterly along said curve (right of way line) through a central angle of 09° 35' 14" a distance of 50.20 feet to the point of tangency (chord = North 20° 52' 43" West 50.14 feet); Thence North 16° 05' 06" West 258.27 feet along said right of way line to the beginning of a 1970.00 foot radius curve concave to the Northeast;

Thence Northwesterly along said curve (right of way line) through a central angle of 01° 11' 22" a distance of 40.90 feet to the Point of Beginning (chord = North 15° 29' 25" West 40.90 feet).

Also;

A parcel of land located in the Northeast quarter of the Northeast quarter of Section 18, Township 15 South, Range 39 East, Boise Meridian, Franklin County, Idaho, and more particularly described as follows:

Commencing at the Northeast corner of said Section 18, from which the East quarter corner of Section 18 bears South 00° 12' 48" East;

Thence South 00° 12' 48" East 855.64 feet along the East boundary of Section 18;

Thence West 132.06 feet to a 5/8" rebar and cap labeled "A.L.S., PLS 9163" at the Northeast corner of the parcel of land depicted and described on Record of Survey instrument number 227953, the Point of Beginning.

Thence North 28.10 feet to a 5/8" rebar and cap;

Thence West 200.87 feet to a 5/8" rebar and cap at the east right of way line of the County Road, said point being on a 1970.00 foot radius non-tangent curve concave to the Northeast, whose center bears North 75° 16' 09" East;

Thence Southeasterly along said curve (right of way line) through a central angle of 00° 09' 53" a distance of 5.66 feet to a 5/8" rebar and cap at the Northwest corner of said parcel (chord = South 14° 48' 47" East 5.66 feet);

Thence along the North boundary line of said parcel the following three (3) courses:

Thence South 49° 39' 26" East 27.49 feet to a 5/8" rebar and cap;

Thence South 83° 28' 23" East 91.33 feet to a 5/8" rebar and cap;

Thence North 86° 22' 30" East 87.90 feet to Point of Beginning.

EXCEPTING THEREFROM:

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Thence South 16° 05' 06" East 186.50 feet along the East boundary line of said parcel to a 5/8" rebar and cap at the Southeast corner of said parcel;

Thence South 73° 54' 54" West 60.00 feet along the South boundary line of said parcel to a 5/8" rebar and cap; Thence North 01° 44' 55" East 195.91 feet to Point of Beginning.

268039 1-3

Recorded at the request of
Northern Title Co.
Time 1:56 Amount \$ 16.00

JUN 30 2016

SHAUNA T. GEDDES, RECORDER
By C. Carter Deputy
Franklin County, Idaho

NTF-77761
Brad Nielsen
509 N 800 W
Preston, ID 83263

WARRANTY DEED

Steven B. Griffeth and Gaye M. Griffeth aka Gay M. Griffeth, initial Trustees or their successors, in trust, of The Steven and Gaye Griffeth Family Trust, established by Trust Agreement dated February 28, 2005.

Grantor(s) of Preston, County of Franklin, State of ID hereby **CONVEY AND WARRANT** to
Brad Nielsen and Susan Nielsen, Husband and Wife

Grantee(s) of Preston, County of Franklin, State of ID for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, the following described tract of land in Franklin County, State of ID:

See Attached Exhibit "A"

Subject to easements, declarations of covenants and restrictions, rights of way of record, and taxes for the current year and thereafter.

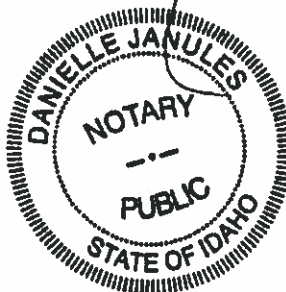
Witness, the hand(s) of said Grantor(s), this June 29, 2016

Steven B. Griffeth, Trustee
Steven B. Griffeth, Trustee

Gaye M. Griffeth, Trustee
Gaye M. Griffeth, Trustee

State of Idaho)
County of Franklin)

On this 29th day of June, 2016, personally appeared before me, **Steven B. Griffeth, Trustee and Gaye M. Griffeth, Trustee**, who, being by me duly sworn, did say that ~~THEY~~ ARE the Trustee(s) of **The Steven B. Griffeth and Gaye M. Griffeth aka Gay M. Griffeth, initial Trustees or their successors, in trust, of The Steven and Gaye Griffeth Family Trust, established by Trust Agreement dated February 28, 2005**, and that said instrument was signed in behalf of said Trust by the authority of its Trust Agreement, and the aforesaid individual(s) acknowledged to me that said Trust executed the same.



[Signature]
Notary Public
Resides: Preston, ID
Expires: 12/07/21

13-7968

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Thence northwesterly along said curve (right of way line) through a central angle of 09° 35' 14" a distance of 50.20 feet to the point of tangency (chord = North 20° 52' 43" West 50.14 feet); Thence North 16° 05' 06" West 258.27 feet along said right of way line to the beginning of a 1970.00 foot radius curve concave to the Northeast;

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July 8, 2016

Statement of water for 2472 W 1500 N Preston, ID.

In 1975 Steve B. Griffeth developed a spring on the acre owned by him at the above address. This property was previously owned by Vaughan P. Griffeth and before that by George Andrew Griffeth Jr. George Andrew homesteaded the farm in September 30, 1897.

Steve put in a 500 gallon tank to catch the water which we used for culinary water and also for watering garden and yard.

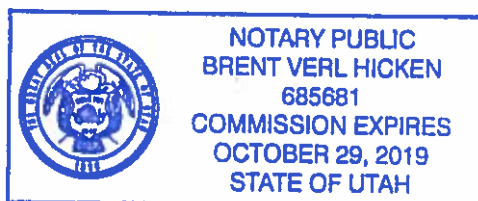
Through a gentleman's agreement Steve allowed Andy Griffeth's to use the runoff from the spring to water his pasture.

We were completely unaware of any laws that we couldn't use the water for yard or garden.

~~Steven B Griffeth~~
~~Steven B Griffeth~~

Ray M. Griffeth

State of Utah County of Washington
Subscribed and sworn before me on 07/08/2016
(Date)
[Signature]
(Notary Signature)





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 29, 2016

BRADLEY NIELSEN
SUSAN NIELSEN
509 N 8th W
Preston, ID 83263

Application For Permit No. 13-7968

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the PRESTON CITIZEN on October 5 and 12, 2016. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**on October 24, 2016 at 5:00 pm**).

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in blue ink that reads "Sharla Cox". The signature is written in a cursive style with a large, looping initial 'S'.

Sharla Cox
Administrative Assistant

Cox, Sharla

From: Cox, Sharla
Sent: Thursday, September 29, 2016 11:17 AM
To: 'Preston Citizen'
Subject: Legal Notice for your paper
Attachments: Preston Citizen E-Mail.doc

Contacts: Preston Citizen

Sharla

*Sharla Cox
Administrative Assistant
Idaho Dept of Water Resources
900 N Skyline Dr. Ste A.
Idaho Falls ID 83402
sharla.cox@idwr.idaho.gov
208-525-7161 phone
208-525-7177 fax*

September 29, 2016

MAY CONTAIN MORE THAN ONE PAGE!

Legal Notice Department

Preston Citizen

PO Box 472

Preston ID 83263

RE: Legal Ad for your paper

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before October 24, 2016. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant
Dept of Water Resources
900 N Skyline Dr Ste A
Idaho Falls ID 83402
208-525-7161
208-525-7177 – fax

PLEASE PUT IN NORMAL COLUMN AND NO BORDERS. THANK YOU.

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

13-7968

BRADLEY NIELSEN

SUSAN NIELSEN

509 N 8th W

Preston, ID 83263

Point of Diversion

SENESE S18 T15S R39E

FRANKLIN County

Source UNNAMED SPRING Tributary SINKS

Use: DOMESTIC

01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 7/28/2016

Place Of Use: DOMESTIC

T15S R39E S18 NENE

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before October 24, 2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on October 5 and 12, 2016

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GARY SPACKMAN, Director

Published on October 5 and 12, 2016

Stosich, Scott

From: Stosich, Scott
Sent: Friday, September 16, 2016 3:39 PM
To: 'bradnsus@gmail.com'
Subject: Application for Permit
Attachments: application-for-permit_Nielson_updated.pdf

Mr. and Mrs. Nielson,

Here is the amended application with the updated information that we discussed. As long as everything looks correct, you can sign and email the application back to me, or fax it to our office(the number is below my information).

Along with your signatures on the application, include a copy of your deed showing legal access to the place of use and point of diversion.

Please let me know if you have any questions.

Thanks,

Scott Stosich

Water Resource Agent
Department of Water Resources-Eastern Region
Office: (208) 525-7161
Fax: (208) 525-7177
Scott.Stosich@idwr.idaho.gov