

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

Ident. No. 13-7883

1. Name of applicant(s) Eric & Rexanne Nielsen Phone (435) 752-1100
Name connector (check one): ☐ and ☐ or ☐ and/or

Mailing address: 1324 South 3600 West City WestonState Idaho Zip 83286 Email: maryann@dtsattorneys.com

2. Source of water supply Spring which is a tributary of Bear River

3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
15S	38E	36		SW	SE	NW	Franklin	Spring	N/A
15S	38E	36		SW	NE	SW	Franklin	Spring	N/A

4. 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)

5. Total quantity to be appropriated is (a) .04 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. See answer to No. 11.

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ 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 OR reservoirs with a total 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 _____ inches; proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No

e. If well is already drilled, when? _____; drilling firm _____;

Well was drilled for (well owner) _____; Drilling Permit No. _____

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

a. Hydropower; show total feet of head and proposed capacity in kW. _____

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

c. Municipal; show name of municipality or the applicant's qualifications as a municipal provider. _____

d. Domestic; show number of households 1 household, in-house use only.

e. Other; describe fully. _____

RECEIVED

APR 19 2013

Department of Water Resources
Eastern Region

13 - 7883

8. 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	38E	36												D					

Total number of acres to be irrigated: 0

9. 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? This Application is for in-house use only.
Lawn and garden for this new house will be irrigated under a statutory claim filed concurrently with this Application.
For additional information see answer to No. 11.
10. a. Who owns the property at the point of diversion? WB Nielsen, LLC
b. Who owns the land to be irrigated or place of use? Eric & Rexanne Nielsen
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____
11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. See Attachment for answer to No. 11.

12. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).
13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

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 _____

Signature of Applicant _____

Print Name (and title, if applicable) _____

Print Name (and title, if applicable) _____

For Department Use:

Received by _____ Date 4-19-2013 Time _____ Preliminary check by _____

Fee \$ 100.00 Receipted by Kenda Jones Receipt No. E038610 Date 4-19-2013

13 - 7883

8. Description of place of use:

- 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
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total number of acres to be irrigated: _____

9. 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? _____

10. a. Who owns the property at the point of diversion? _____
 b. Who owns the land to be irrigated or place of use? _____
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. _____

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

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

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
 Eric W. Nielsen
 Print Name (and title, if applicable)


 Signature of Applicant
 Revanne Nielsen
 Print Name (and title, if applicable)

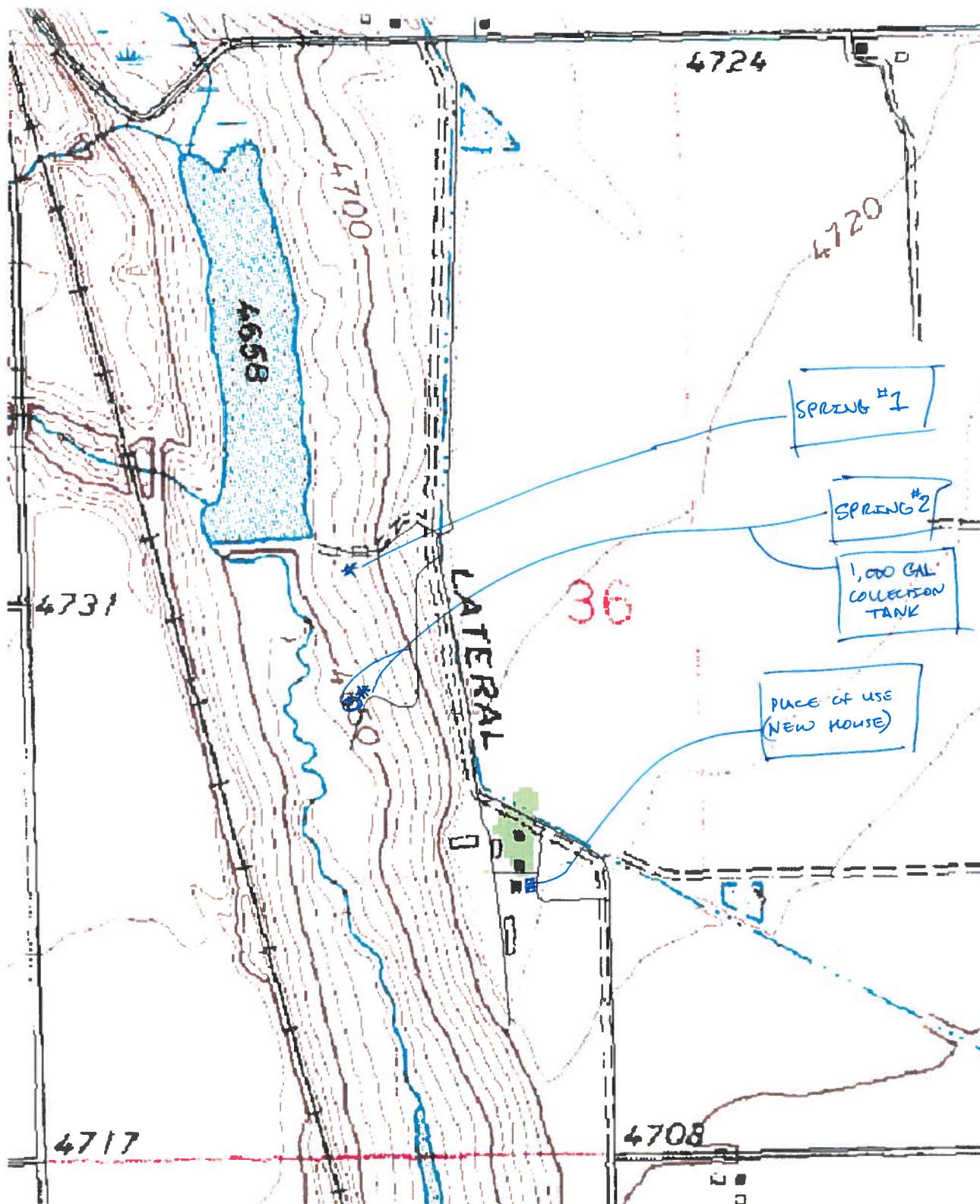
For Department Use:

Received by _____ Date 4-19-2013 Time _____ Preliminary check by _____
 Fee \$ 100.00 Received by Kendra Jones Receipt No. E038610 Date 4-19-13

13 - 7883

11. The existing diversion and collection system has been in use since 1968 for this farmstead. A statutory claim has been filed concurrently with this Application on the farmstead use. For the purposes of this Application for Permit, the proposal is to provide water for a new house (for in-house use only for the new house) on the farmstead utilizing the existing diversion and collection system. The water from two springs feed into approx 1100' of solid wall and perforated pipe going to a 1,000 gallon collection tank. A .5 horsepower pump pumps water from the 1,000 gallon tank approx a quarter mile up a small rise to a 7,000 gallon collection tank at the farmstead. A 1.5 horsepower pump distributes water from the 7,000 gallon tank to the various uses on the farmstead.

Section 36, Township 15 South, Range 38 East, Boise Meridian



DAINES, THOMAS & SMITH, LLP

ATTORNEYS & COUNSELORS AT LAW

WWW.DTSATTORNEYS.COM

CHRIS DAINES*†
JONATHAN P. THOMAS*
M. ROBERT SMITH*†
KENNETH ALLSOP*†
TYLER K. OLSON†
BRANDON J. SMITH*

*(LICENSED IN UTAH)

†(LICENSED IN IDAHO)

UTAH OFFICE

135 NORTH MAIN • SUITE 200
LOGAN, UTAH 84321
PHONE (435) 752-1100
FACSIMILE (435) 752-6500

IDAHO OFFICE

PO Box 192
PRESTON, IDAHO 83263
PHONE (208) 852-1535
FACSIMILE (208) 437-8082

April 17, 2013

Idaho Department of Water Resources
Eastern Regional Office
Attention: Michael Holliday
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 84302-1718

RECEIVED

APR 19 2013

Department of Water Resources
Eastern Region

Re: *Water Rights*

To Mr. Holliday:

Enclosed are the following documents:

1. Application for Water Right with attachments
2. Claim to a Water Right

The appropriate filing fees are enclosed along with multiple attachments. Please contact me with questions or concerns during the pendency of this process.

Sincerely,

DAINES, THOMAS & SMITH, LLP



M. Robert Smith

MRS/mab

Enclosures

cc: Client



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

May 30, 2013

ERIC W NIELSEN
REXANNE NIELSEN
1324 S 3600 W
WESTON, ID 83286

Application For Permit No. 13-7883

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 6/5/2013 and 6/12/2013. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

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,

Sharla Cox
Administrative Assistant



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

May 23, 2013

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

JOSH HANKS
Water District 11
85 CRAYON CT
LOGAN, UT 84321

RE: Application for Permit No 11-7774 and 13-7883

Dear Watermaster:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered during regional review. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

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

Sincerely,

Sharla Cox
Administrative Assistant

Enclosure(s)

Cox, Sharla

From: Cox, Sharla
Sent: Thursday, May 30, 2013 9:38 AM
To: 'legals'
Subject: Legal Notice for your paper
Attachments: Preston Citizen E-Mail.doc

Contacts: Preston Citizen

Sharla

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

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

13-7883

ERIC W NIELSEN

REXANNE NIELSEN

1324 S 3600 W

WESTON, ID 83286

Points of Diversion

SWSENW S36 T15S R38E

SWNESW S36 T15S R38E

FRANKLIN County

Source SPRING Tributary BEAR RIVER

Use: DOMESTIC

01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 4/19/2013

Place Of Use: DOMESTIC

T15S R38E S36 SESW

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 June 24, 2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on June 5 and 12, 2013