

Page 37E

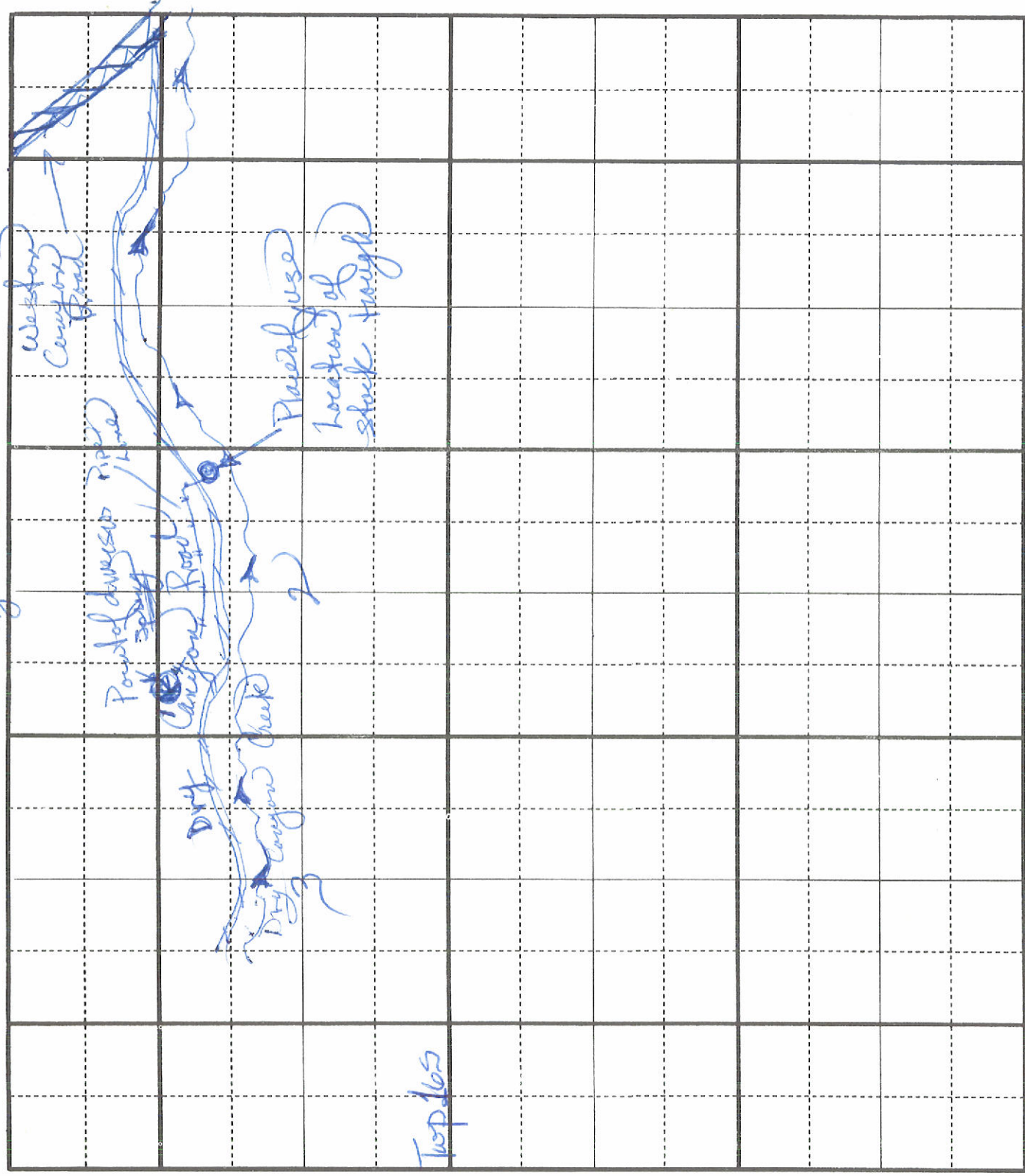
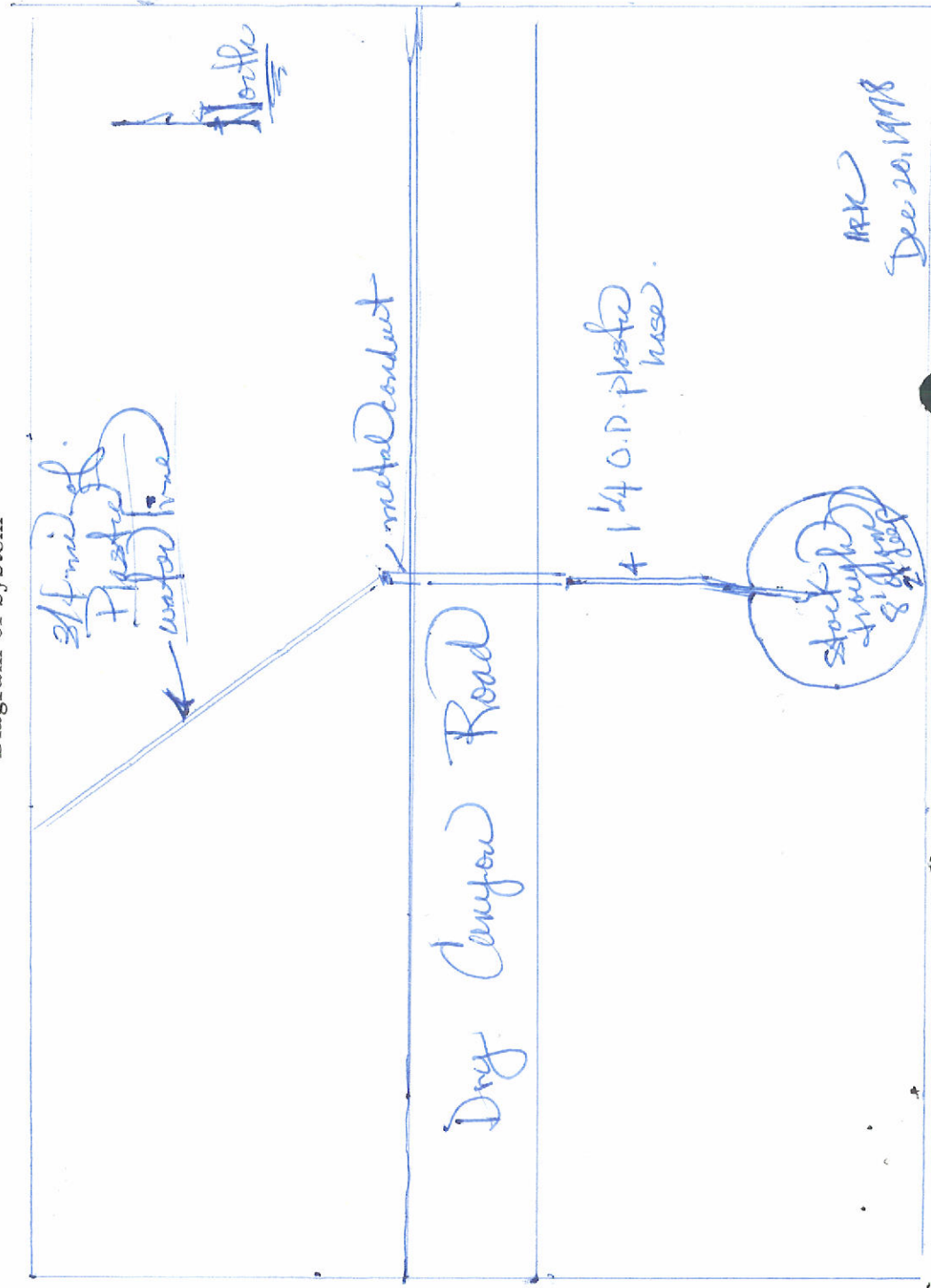


Diagram of System



MRK
Dec 20, 1978

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 13-2152 Priority March 21, 1968 Amount 0.02 cfs
(late proof)

THIS IS TO CERTIFY, that DEWEY H. NIELSEN
of Hyrum, Utah, has complied with the terms and conditions of Permit
No. 13-2152 issued pursuant to Application for Permit dated April 23, 1945,
and has submitted proof to the Department of Water Resources on June 6, 1974,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.02 cfs of water from an unnamed spring,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Stockwater	from <u>January 1</u> to <u>December 31</u>	at <u>0.02</u> cfs and <u>0.7</u> acre feet	
	from _____ to _____	at _____ cfs and _____	
	from _____ to _____	at _____ cfs and _____	

(both dates inclusive)

Subject, however, to the condition that no more than 0.02 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
0.7 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 2, Twp. 16S,
Rge. 37E, B.M. in the County of Franklin

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
16S	37E	2	X												

Total number of acres irrigated _____

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 31 day of
March, 19 80.

Director

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 19793/13-2152)
IN THE NAME OF DEWEY H. NIELSEN & VERA JENSEN)
_____)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

WHEREAS, the 39th Idaho Legislature made certain amendments to the Idaho Water Law; and,

WHEREAS, these changes raised questions as to the procedures to be followed by holders of permits issued prior to the effective date of the amendments, May 31, 1967; and,

WHEREAS, on August 1, 1968, the Department of Water Administration (formerly the Department of Reclamation) adopted Rules of Practice and Procedure for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. 19793/13-2152 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above numbered permit are hereby modified to conform to the adopted Rules of Practice and Procedure as follows:

1. The above numbered permit will be completed under the terms of Title 42, Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above numbered permit are modified as follows:
 - a. Notice of the issuance of the permit will be published at the permit holders expense for two weekly issues in a newspaper of general circulation in the county in which the point of diversion lies.

Dated this 14 day of June, 1974.


R. KEITH HIGGINSON
Director

JG

13-2152

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 19793/13-2152)
IN THE NAME OF DEWEY H. NIELSEN & VERE JENSEN)

ORDER

WHEREAS, on April 23, 1945, Dewey H. Nielson and Vere Jensen applied to the Department of Water Administration (formerly the Department of Reclamation) for a permit to appropriate 0.5 cubic feet per second of water from an unnamed spring within the NW¹/₄ NW¹/₄, Sec. 2, Twp. 16S, Rge. 37E, B.M., Franklin County, to be used for stock-watering purposes; and,

WHEREAS, on April 9, 1946, the Department approved said application and issued Permit No. 19793/13-2152 with the condition that one-fifth (1/5) of the work be completed on or before October 9, 1947, that the whole of said work be completed on or before April 9, 1949, and that proof of beneficial use be made on or before July 9, 1951; and,

WHEREAS, on March 12, 1951, the Department received the proof of completion of works; and,

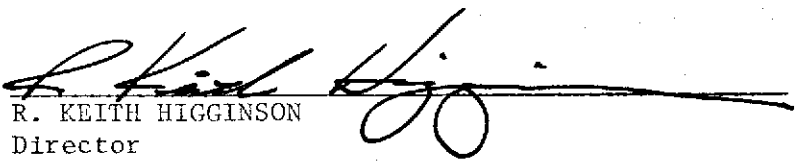
WHEREAS, on May 15, 1974, the Department notified the permit holders that Permit No. 19793/13-2152 was subject to cancellation for failure to submit proof of beneficial use of water on or before July 9, 1951; and,

WHEREAS, on June 6, 1974, the Department received the required proof of beneficial use of water; and,

WHEREAS, Section 42-218a of the Idaho Code provides that in the event that proof of beneficial use is submitted after the deadline set forth in the conditions of approval, the priority date of such permit shall be advanced the same number of days that said proof is late;

IT IS, THEREFORE, HEREBY ORDERED that the priority under Permit No. 19793/13-2152 be advanced to March 21, 1968.

Dated this 14 day of June, 1974.


R. KEITH HIGGINSON
Director

JG

13-2152

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

Application No. 27149
Permit No. 19793
District No.

Geo. E. Burgi
147 N. 1st West
Preston, Idaho

1. Name of Applicant: DEWEY H. NIELSON and VERE JENSEN

Postoffice address: Hyrum & Weston County: Cache & Franklin State: Utah & Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand:
- (b) Treasury stock:
- (c) Bonds to be issued:
- (d) Other resources:

2. Quantity of water claimed: One-half (0.5) cubic feet per second.

3. Source of water supply: An unnamed spring which is a tributary of --
Dries up after it flows about 100 feet

4. Location of point of diversion: 40 rods South feet distant from the Northwest
corner of Section 2, T. 16 S., R. 37 E., B. M., and is in the NW $\frac{1}{4}$ NW $\frac{1}{4}$
of Section 2, T. 16 S., R. 37 E., B. M., County of Franklin

5. Water is to be used for Watering stock

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section

T. , R. , B. M., in the of Section , T. , R. , B. M.

(b) Amount of power generated: H. P., under feet head.

(c) Water is to be returned to at a point feet

distant from the corner of Section , T. , R. , B. M., in the
of Section , T. , R. , B. M.

7. Estimated cost of works: \$1,000.00

8. Kind of works: Galvanized pipe line from a cement box 3 ft. by 3 ft, 2 $\frac{1}{2}$ ft. deep

9. Height of dam feet; length of dam at top feet; length of dam at bottom
feet; material used in dam: Cement box 3 ft. by 3 ft. by 2 $\frac{1}{2}$ ft.

10. Size of headgate: Width feet; height feet;

11. Ditch: Width at bottom feet; width at water line feet; depth of water feet;

dimensions of flume:

Diameter of pipe inches; length of conduit Approximately 1 mile miles.

Average grade per mile Quite steep- 100 feet.

12. The time required for the completion of such work is Three (3) years.

13. The time required for the complete application of the water to the proposed use is Three (3) months additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. (a) Is reservoir to be used? Only cement box to/ If so, fill in (b) and (c) below.
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

DEWEY H. NIELSON - VERE JENSEN *Applicant.*

By Geo. E. Burgi Agent.

Returned to applicant for correction: April 23, 1945

Corrected application received: April 8, 1946

The number of this permit is 19793

Recorded in Book 71 Page 19793 Approved April 9, 1946

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before June 9, 1946 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before October 9, 1947

The whole of said work to be completed on or before April 9, 1949

Beneficial use of water appropriated in accordance herewith, to be made on or before July 9, 1949.

Witness my hand this 9th day of April, 1946

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ARNOLD WILLIAMS, Governor of the State of Idaho,

and IRA H. MASTERS, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 9th

day of April 19 46

STATE OF IDAHO

Countersigned:

(SEAL)

By IRA H. MASTERS

By ARNOLD WILLIAMS

Governor

Secretary of State.

Remarks: This is a spring that does not flow more than about 100 feet from its source. It is a seepage, and it is planned to drain to a cement box 3 X 3 X 2 $\frac{1}{2}$ feet deep into a 2 inch pipe, then reduced into a $\frac{1}{4}$ inch pipe down to a cement trough one mile distant, the pipe line running East where it is planned to use the water for watering stock, and will be in the NE $\frac{1}{4}$ Section 2, Twp. 16 S., Range 37 East, Boise Meridian.

Twp.	Range	Sec.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Totals
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
			None irrigated- not sufficient water for that purpose- But used to water stock																
APPROVAL OF STATE RECLAMATION ENGINEER																			
I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby extend the time for the completion of construction work under Permit to Appropriate the Public Waters of the State of Idaho, No. 19793 to April 9, 1951.																			
Witness my hand this 4th day of February, 1949.																			
MARK R. KULP State Reclamation Engineer																			
Permit No. 19793																			
CERTIFICATE OF COMPLETION OF WORKS																			
TO ALL WHOM IT MAY CONCERN:																			
This is to certify that DEWEY H. NIELSEN and VERE JENSEN of Hyrum, Utah, and Weston, Idaho, the holders of Permit No. 19793, issued upon Application No. 27149 bearing date of priority of April 23, 1945, authorizing the diversion of 0.5 second foot of the waters of an unnamed spring, County of Franklin, State of Idaho, for stock watering purposes, have fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 0.02 second foot of the waters of said spring, that the point of diversion of said waters is 40 rods South from the Northwest corner of Section 2, Township 16 South, Range 37 East, B.M., and in the NW ¹ / ₄ NW ¹ / ₄ of said Section 2, Township 16 South, Range 37 East, B.M. and that the place of use of said water is in the NE ¹ / ₄ Section 2, Township 16 South, Range 37 East, B.M.																			
Witness my hand this 15th day of May, A. D. 1951.																			
MARK R. KULP State Reclamation Engineer																			
Proof of Completion of Works made March 12, 1951.																			
Certificate of Completion of Works issued May 15, 1951.																			



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

March 31, 1980

Dewey H. Nielson
12 N. Center St.
Hiram, Utah 84319

Dear Mr. Nielson,

RE: License No. 13-2152

Enclosed is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

Jan Grover
JAN GROVER
Water Rights Supervisor

JG:lr

Enclosure

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

John V. Evans
Governor

C. Stephen Allred
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

March 7, 1980

Dewey H. Nielson
12 N. Center St.
Hiram, Utah 84319

Dear Mr. Nielson,

A representative of this Department made an examination of the works covered by your Permit No. 13-2152 on May 12, 1978, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 0.02 cfs Source: an unnamed spring

The maximum quantity diverted shall not exceed 0.7 acre feet per
year.

Point of diversion: NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 2, Twp. 16S, Rge. 37E, B.M.

Beneficial use: Stockwater use within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 2, Twp. 16S, Rge. 37E.

Priority date established: March 21, 1968.

If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw

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RECEIVED

JAN 23 1977

Hyrum, Utah
Jan. 20, 1978

Department of Water Resources
Eastern District Office

Mr. Anthony R. Kozlowski
Water Resource Agent
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Mr. Kozlowski:

In reference to your letter of Jan. 16, 1978 regarding my water right permit # 13-2152. I have watered stock in the past and would still like the use of the water.

It will be some time before we are able to examine the spring due to the snow. I will contact you when the weather permits us getting to the

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source of the water.

If there is more information you need, please let me know. Thank you.

Yours truly,

Dewey W. Nielsen
12 North Center
Hyrum, Utah 84319

Spencer Utah
July 29, 1975

Department of Land Resources

D. Maxine Reich
Water Rights Supervisor
Re Permit No. 14793/13-2152

Dear Mr Reich:

Enclosed is Duplicate
of Legal No. 2825 Affidavit of
Publication March 1975.

In one of your letters you
made mention inspecting
said water. I have up there
and looked things over and
find that the water has
dried up, so I see no need
of you making an inspection
trip of said water.

Latter on I would like to
see if said water could again
be developed with you.

permission. At the present
time there is no water
available. Would like
your advise on the matter.

Sincerely,

Lewy N. Felsen
12 N Center St.
Hyrum Utah.

Thanks.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

January 16, 1978

RE: Permit No. 13-2152

Mr. Dewey H. Nielson
12 North Center Street
Hyrum, Utah 84319

Dear Mr. Nielson:

Our files reveal that your water right permit No. 13-2152 is still pending examination before a license can be issued. As this permit is comparatively old to others we have in our file, it is extremely important for us to complete this exam as soon as possible.

I have reviewed the correspondence between you and Darlene Reich (ex-Water Rights Supervisor) and am aware that this spring flows intermittently. We are hoping that the spring is flowing this year. However, if it is not flowing we may issue a license that would cover the right in the years that water is available if you have used the water for stock in the past.

I would be very grateful if you could contact me so that we can discuss the matter and also schedule an appointment to examine the system.

Very truly yours,

ANTHONY R. KOZLOWSKI
Water Resource Agent

ARK:cw

FROM

Darlene

DATE 8/1/75

TO

Bill Rhodes

SUBJECT

Permit 13-2152 - Dewey H. Nielson

Could I again impose upon you to answer to Mr. Nielson's letter of July 29th? I really don't know what to tell him without physically examining the situation.

I would guess that if he has used the water for stock in the past, we could issue a license that would cover the right in the years that water is ~~not~~ available.

Proof was made in June, 1974, the advertising is complete, and this is ~~now~~ ready for examination and licensing.

If there is anything I can do on this end, please advise.

Thanks for your interest and help.

MICROFILMED

August 1, 1975

Re: Permit No. 19793/13-2152

Mr. Dewey H. Nielson
12 N. Center Street
Hiram, Utah 84319

Dear Mr. Nielson:

We acknowledge receipt of the affidavit of publication submitted in connection with the above referenced permit.

We are on this date forwarding your letter of July 29th to our district office in Hatch Falls, Hatch, and requesting that a representative from that office contact you regarding your water right.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

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W. J. [unclear]
July 29, 1975

Department of Water Resources

O. Maxine Reich
Water Rights Supervisor
Re: Permit No. 19793/13-2152

Dear Ms. Reich:

Enclosed is duplicate
of Legal No. 2825 Affidavit of
Publication March 1975.

In one of your letters you
made mention inspecting
said water. I have up there
and looked things over and
find that the water has
dried up, so I see no need
of you making an inspection
trip of said water.

Letter on I would like to
see if said water could again
be developed with your

permission. At the present
time there is no water
available. Would like
your advise on the matter.

Sincerely,

Larry N Spelman
12 W Center St.
Hyrum Utah.

Thanks.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Franklin

SS.

J. Walter Ross

being duly sworn,

deposes and says:

That he is the Co. publisher of THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for two consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

March 6, 19 75, and ending

with the issue of March 13, 19 75

Fees, \$ 15.71

Subscribed and sworn to before me this 25 day

of July, 19 75.

Robert D. Liddes

Notary Public, Residing at Preston, Idaho

My Commission Expires March, 19 78.

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Dewey H. Nielsen, 12 N. Center St., Hyrum, Utah 84319 has received an approved Permit No. 19793/13-2152 issued by the Idaho Department of Water Administration authorizing the diversion of 0.5 cubic feet per second of water from an unnamed spring. The priority to be established under this permit is March 21, 1968 and the permit was approved April 9, 1946.

Water is to be diverted by pipeline from a point within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 2, Twp. 16S, Rge. 37E, B.M., Franklin County, to be used for stockwatering purposes in the NE $\frac{1}{4}$, Sec. 2, Twp. 16S, Rge. 37E, B.M.

Proof of the application of the water to beneficial use was submitted to the Department on June 6, 1974. Any protest against the issuance of the license for the above referenced permit should be filed with the Idaho Dept. of Water Administration, Statehouse, Boise, Idaho, 83707, within ten (10) days of the last date of publication of this notice.

R. KEITH HIGGINSON
Director

Published in the Preston Citizen, Preston, Idaho on March 6 and March 13, 1975.
Legal No. 2825 - Pub.
March 6, 13, 1975.

July 16, 1975

Re: Permit No. 19793/13-2152

**Mr. Dewey H. Nielsen
12 N. Center Street
Hiram, Utah 84319**

Dear Mr. Nielsen:

The Preston Citizen has advised that the affidavit of publication was given to you at the time you paid the publication cost in connection with the above referenced permit.

Please submit the affidavit to this office by return mail in order that we may schedule a field examination which must be conducted before issuance of a water right license.

In the event you have lost or misplaced the affidavit, the newspaper also advised they would supply a copy.

Sincerely,

**D. Darlene Reich
Water Rights Supervisor**

ddr

RECEIVED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

STATE HOUSE BOISE, IDAHO 83720

July 2, 1975

Re: Permit No. 19793/13-2152
Dewey H. Nielsen

RECEIVED

275

Water Resources

Preston Citizen
Box 472
Preston, Idaho 83263

Gentlemen:

Would you please forward an affidavit of publication to this office in connection with the above referenced permit. The legal notice was to be published in your paper on March 6 and 13, 1975. Enclosed is a copy of Mr. Nielsen's paid receipt.

We would appreciate receiving the affidavit at your earliest convenience. Thank you for your cooperation in this matter.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

ddr
Enc: Copy of receipt

cc: Mr. Dewey H. Nielsen
Enc: Original receipt

This individual was given the original affidavit at the time that this was paid.

If he does not have it and you need a copy, please let us know and we will send you a duplicate copy.

Thank You,

Preston Citizen

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July 2, 1975

Re: Permit No. 19793/13-2152
Dewey H. Nielsen

Preston Citizen
Box 472
Preston, Idaho 83263

Gentlemen:

Would you please forward an affidavit of publication to this office in connection with the above referenced permit. The legal notice was to be published in your paper on March 6 and 13, 1975. Enclosed is a copy of Mr. Nielsen's paid receipt.

We would appreciate receiving the affidavit at your earliest convenience. Thank you for your cooperation in this matter.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

ddr

Enc: Copy of receipt

cc: Mr. Dewey H. Nielsen
Enc: Original receipt

MICROFILMED

Published Every Thursday

Balance

Balance Forwarded _____
on _____

Last Amount
In This Column
Is What You Owe

1. Under the terms of our regular accounts, the entire amount of the account is due on or before the 25th day of the month following the date of purchase.
2. A FINANCE CHARGE will be assessed when accounts are not paid when due.
3. The FINANCE CHARGE is computed by a "Periodic Rate" of 1% per month (or a minimum charge of 50 cents for balances under \$50.00) which is an ANNUAL PER CENT RATE OF 12% applied to the previous balance in account on the billing date.

FROM Darlene

TO Bill Rhodes

SUBJECT Permit 13-2152 - Dewey H. Nielson

DATE 8/1/75

RECEIVED

AUG 4 1975

Department of Water Resources
Eastern District Office

Could I again impose upon you to answer to Mr. Nielson's letter of July 29th? I really don't know what to tell him without physically examining the situation.

I would guess that if he has used the water for stock in the past, we could issue a license that would cover the right in the years that water is ~~not~~ available.

Proof was made in June, 1974, the advertising is complete, and this is ~~ready~~ ready for examination and licensing.

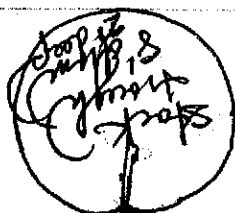
If there is anything I can do on this end, please advise.

Thanks for your interest and help.

Darlene

MICROFILMED
SIGNATURE

RRK
Dec 20, 1978



+ 1 1/4 O.D. plastic
used

Dry Canyon Road

metal conduit

North
↓

3 1/2 mi. S.E.
Plastic
water line

Diagram of System

Top 105

Location of
Plastic used
stock trough

Dry Canyon Creek
Dry Canyon Road

Point of diversion
into
water line

Water
Canyon Road

DATE OF EXAM 5/12/78

ACREAGE
Found n/a
Recommended n/a

Irrigation Requirement n/a Ac Ft/Ac

USE
Irrigation Q = c.f.s. V = AF/Ann. from to
Domestic Q = c.f.s. V = AF/Ann. from to
Livestock Q = .02 c.f.s. V = .70 AF/Ann. from Jan 1 to Dec 31

Is water co-mingled? yes no X

Name source: n/a
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Exchange? yes no X

Name source exchanged with: n/a
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Point of injection: n/a
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Point of exchange: n/a
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 1/4 County

Total Q measured n/a Method of measurement n/a

Total Q recommended .02 cfs Meter No. Type n/a Condition n/a

Total V recommended .70 AF/Ann.

Recommended Amendments:

P.D.
Place of Use
Other
None

MEASUREMENT CALCULATION:
(By assignment - Permit holder) should be entitled to stockwater from this source when it is available.
max hd of Rge cattle = 30 Recommend .02 cfs
V = .7 AF/Ann (Administrative memo)

SYSTEM DESCRIPTION:
Surface water from an unnamed spring is captured in a 3' sq concrete box and directed into a line of 2" - 1" - 3/4" water line and is conveyed downhill via the force of gravity. The water line passes beneath Dry Canyon road thru a 2" diam metal conduit and is discharged into a single stockwater trough 2' deep & 8' in diam.

REMARKS:
The spring in question periodically dries up and is not a very dependable. Indeed the spring had ceased to flow prior to my examination & no measurement was obtained.

Examiner's Signature Anthony B Kozlowski Date Dec 20, 1978
Checked by Rodney A Parker Date 1/9/79
Approved by Date

A max of 30 hd of Rge cattle are watered.
No Conflicting rights



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

STATE HOUSE BOISE, IDAHO 83720

June 24, 1975

Re: Permit No. 13-2152

Dewey H. Nielsen
12 N. Center St.
Hiram, Utah 84319

Dear Mr. Nielsen:

As of this date, we have not yet received the affidavit of publication to be submitted in connection with the above referenced permit.

We cannot schedule a field examination, or issue a license until this affidavit of publication is received.

Please submit the affidavit within 10 days in order that this permit remain in good standing with our office.

Sincerely,

D. DARLENE REICH
Water Rights Supervisor

DDR:JFR

MICROFILMED

May 8, 1975

Re: Permit No. 13-2152

Dewey H. Nielsen
12 N. Center St.
Hiram, Utah 84319

Dear Mr. Nielsen:

As of this date we have not yet received the affidavit of publication to be submitted in connection with the above referenced permit.

Please submit this affidavit at your earliest possible convenience so that a field examination may be scheduled and this permit remain in good standing with our office.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

UNRECORDED

February 27, 1975

Re: Permit No. 19793/13-2152

Preston Citizen
Box 472
Preston, ID 83263

Gentlemen:

Enclosed is a legal notice which we wish to have published for two consecutive weekly issues of your newspaper. We have inserted the publication dates, allowing time for you to submit to us a galley proof for our review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates, please contact this office immediately.

The expense of the publication is to be paid by:

Dewey H. Nielsen
12 N. Center St.
Hiram, Utah 84319

to whom you should furnish an affidavit of publication.

Very truly yours,

D. Darlene Reich
Water Rights Supervisor

DDR:JG
Enclosure

MICROFILMED

February 27, 1975

C
Re: Permit No. 19793/13-2152

O
Dewey H. Nielsen
12 N. Center St.
Hiram, Utah 84319

Dear Mr. Nielsen:

P
We have caused the legal notice for the above referenced permit to be published in the Preston Citizen on March 6, and March 13, 1975.

Y
You will be required to submit an affidavit of publication to this office. The affidavit may be obtained from the above mentioned newspaper upon payment of the publication fee. We have asked the newspaper to bill you direct. Upon receipt of the affidavit of publication we will then schedule a field examination.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

NOTICE OF EXISTING WATER PERMIT

RECEIVED
MAY 21 1975
Department of Water Resources

Notice is hereby given that Dewey H. Nielsen, 12 N. Center St.,
Utah 84319 has received an approved Permit No.
19793/13-2152 issued by the Idaho Department of Water Administration auth-
orizing the diversion ~~storage~~ of 0.5 cubic feet per second ~~acre-foot~~
~~maximum~~ of water from an unnamed spring.
The priority to be established under this permit is March 21, 1968
and the permit was approved April 9, 1946.

Water is to be diverted by pipeline
from a point within the NW 1/4, Sec. 2, Twp. 16S, Rge. 37E, B.M., Franklin
County,
to be used for stockwatering purposes
in the NE 1/4, Sec. 2, Twp. 16S, Rge. 37E, B.M.

Proof of the application of the water to beneficial use was ~~is to be~~
submitted to the Department on ~~or before~~ June 6, 1974. Any protest
against the issuance of the license for the above referenced permit should
be filed with the Idaho Dept. of Water Administration, Statehouse, Boise,
Idaho, 83707, within ten (10) days of the last date of publication of this
notice ~~or prior to the licensing of the permit. Licensing may commence prior~~
~~to the date of beneficial use proof is due without further notice.~~

R. KEITH HIGGINSON

Director

Published in the Preston Citizen, Preston, Idaho
on Mar. 6 and Mar. 13.

Permit No. 19793/13-2152

Director:

You are hereby authorized to have the above notice published at my expense
in the Preston Citizen of Preston, Idaho;
published in the county in which the works are situated.

Dewey H. Nielsen
(Signature)

12 N Center
(Address)

MICROFILMED

2-19-75
(Date)

Nye Utah
84319

Hyrum Utah

Feb-19-1975

Re: Permit No 19793/13-2152

D. Darlene Reich
Water Rights Supervisor

Dear Mr. Reich:

Thanks for notifying me about
my water filings, am enclosing water
permit. Thanks again for your services

Dewey H. Gulair
12 N Center St
Hyrum Utah
84319

RECEIVED

FEB 21 1975

Department of Water Resources

February 14, 1975

Re: Permit No. 19893/13-2152

Dewey H. Nielsen
12 N. Center St.
Hiram, Utah 84319

Dear Mr. Nielsen:

On June 17, 1974, we forwarded an advertising authorization to you for your signature in connection with the above referenced permit.

As of this date we have not received this authorization. Please be advised that a field examination cannot be scheduled and a water license issued until the permit is advertised.

Please return the signed authorization form within 10 days so that this permit may remain in good standing.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

MICROFILMED

June 17, 1974

Re: Permit No. 19793/13-2152 - Dewey H. Nielsen & Vere Jensen

Dewey H. Nielsen
12 N. Center St.
Hiram, Utah 84319

Dear Mr. Nielsen:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit. Enclosed is an Order which advances the priority under this permit to March 21, 1968.

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a permit holder to make proof of beneficial use of water. The enclosed Order modifies your permit to comply with these rules and regulations.

Before a field examination can be scheduled and a water license issued, it will be required that notice of the permit be published for two consecutive weeks, at your expense, in a newspaper as prescribed by the Department. If you will complete and return the enclosed advertising authorization, we will cause the notice to be published.

If you have any questions concerning this matter, please contact us.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG
Enc: Order advancing priority
Modification Order
Advertising authorization

13-2152

13-2152

Identification No. 27149

Permit No. 19793

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

RECEIVED

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Water Administration

1. a) Name of Permit Holder James W. Nielsen
b) Post Office Address 12 W. Center St. Hyrum UT 84319
2. Permit Number 19793
3. Date of Priority that you are prepared to establish _____
4. a) Source from which water was appropriated _____
b) Location of the point of diversion: _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section 2
Township 76 S., Range 37 E Boise Meridian, Other points of diversion: _____
40 R. S. NW cor. Sec. 2 T16 S. R. 37 E
B. M. NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 2 T. 16 S. R. 37 E B.M.
NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 2
5. a) The amount of water and use to which the water has been applied:
amount 34" pipe for WATERING CATTLE purposes from MAY to Oct incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated _____ cfs and/or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: _____
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: NONE
b) Describe the agreement or understanding by which you take water from the works: 36 inch Pipe
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) NONE
b) Describe the type and size of measuring device which you have installed at your point of diversion: Small 1 Box
c) Give well drillers name and address and date the well was completed NONE

Hand typed
8-1-75

13-2152

[illegible]

State of Utah)
County of Choke) ss.

ACBT 71-9

(Signature)

10. Remarks:

[illegible]

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivi-

13-2/52

May 22, 1974

Re: Permit No. 18793/13-2152

Mr. Dewey H. Nielsen
Hyrum,
Utah 84319

Dear Mr. Nielsen:

Pursuant to your letter of May 20th, we are enclosing the Department's proof of application of water to beneficial use form for your use in submitting the required proof under the above referenced permit.

We have also enclosed a copy of the permit for your reference. Please return the proof affidavit to this office on or before the date set forth in the pre-cancellation notice, June 24, 1974.

If you should have any questions regarding the completion of the proof affidavit, please do not hesitate to contact us.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

ddr
Enc: Proof affidavit
Copy of permit

13-2152

RECEIVED

Hyrum, Utah
May 23, 1974

EX-100

Department of Water Administration

Hyrum, Utah
May 23, 1974

STATE OF IDAHO
DEPT. OF WATER ADMINISTRATION
STATE HOUSE ADMINISTRATION

STATE OF IDAHO
DEPT OF WATER ADMINISTRATION
STATE HOUSE ANNEX 2
BOISE, IDAHO 83707

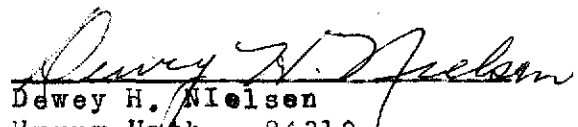
R KEITH HIGGINSON
DIRECTOR

Re Permit 19793 (New NØ 13 2152)

DEWEY H. NIELSEN
HYRUM, UTAH 84319
May 23, 1974

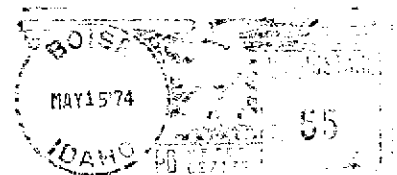
IN YOUR LETTER OF MAY 15, 1974 you state that I have failed to comply and submit proof of beneficial use of water. Said water is used for watering of cattle one third of a mile from the head of the water source. The water what there is there at times will hardly get to its destination. What water is there is very important to me for watering of my cattle as no other water is available. Every season repairs have to be made on the water line and at the source of the water. I trust you will see the importance the water is to me and I would like to be able to use what water there is available.

Thanks for your notifying me on this matter and I would like to hear from you as to what I must do in order to keep my filing in force. Mr. Vere Jensen has passed away and never did do any thing on filing are do any work on the project nor pay on the filings. Thanks.


Dewey H. Nielsen
Hyrum, Utah. 84319

13-2153

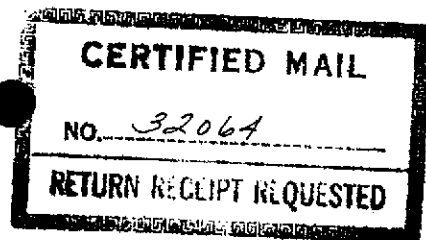
STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
Statehouse - Annex 2
Boise, Idaho 83707



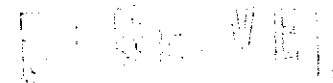
Decades

He is Dead & Gone Forever

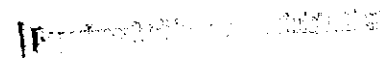
13-2552



Vere Jensen
Weston,
Idaho 83286



RECEIVED



SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)
(Additional charges required for these services)

☐ Show address
☐ where delivered

☐ Deliver ONLY
☐ to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.	CERTIFIED NO.	INSURED NO.	DATE DELIVERED
SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)	32064		
SIGNATURE OF ADDRESSEE'S AGENT, IF ANY			
SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)			

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
STATE OFFICE



Cecil D. Andrus
Governor

R. Keith Higginson
Director

614 State Street
Statehouse - Annex 2
Boise, Idaho 83720
(208) 384-2215

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

May 15, 1974 CERTIFIED MAIL

Re: Permit No. 19793 (New No. 13-2152)

Dewey H. Nielson
Hyrum,
Utah 84319

-and-

Vere Jensen
Weston,
Idaho 83286

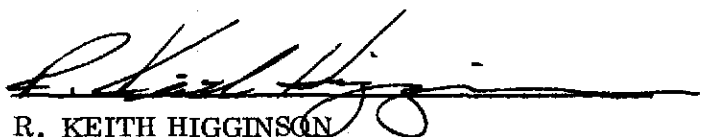
Gentlemen:

It appearing to the Department of Water Administration that the terms and conditions of Permit 19793/13-2152 to appropriate the public waters of the State of Idaho have not been complied with as to failure to submit proof of beneficial use of water due on July 9, 1951, you are hereby notified that under the provisions of Section 42-311, Idaho Code, as amended, said permit is hereby held for cancellation, and you are required to show cause before the Director of the Department of Water Administration on or before June 24, 1974, why said permit should not be cancelled.

Permit 19793/13-2152 claims the use of 0.5 cubic feet per second of water from an unnamed spring,

the point of diversion was to be located within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 2,

Twp. 16 S. Rge. 37 E. B. M. and the permit was approved April 9, 1946.


R. KEITH HIGGINSON
Director

cc: Geo. E. Burgl
147 N. 1st W.
Preston, Idaho

13-2152

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
Statehouse - Annex 2
Boise, Idaho 83707



REASON CHECKED
☒ **Returned to Writer**
 Addressee unknown..... Refused.....
 Insufficient Address.....
 No such street..... number.....
 No such office in state.....
 Do not re-mail in this envelope.....

*Just
expired*

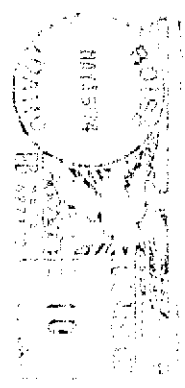
~~Geo. F. Burel
147 N. 1st W.
Preston, Idaho~~

83263

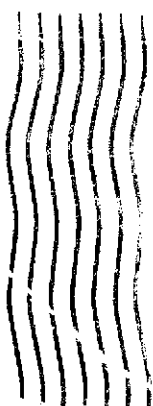


Department of Water Administration
MAY 22 1974

RECEIVED



13-252



STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
STATE OFFICE



Cecil D. Andrus
Governor

R. Keith Higginson
Director

614 State Street
Statehouse - Annex 2
Boise, Idaho 83720
(208) 384-2215

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

May 15, 1974 CERTIFIED MAIL

Re: Permit No. 19793 (New No. 13-2152)

Dewey H. Nielson
Hyrum,
Utah 84319

-and-

Vere Jensen
Weston,
Idaho 83286

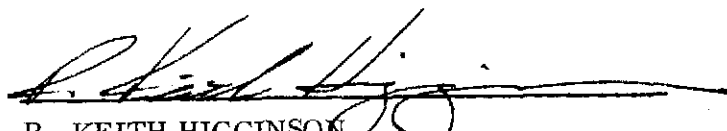
Gentlemen:

It appearing to the Department of Water Administration that the terms and conditions of Permit 19793/13-2152 to appropriate the public waters of the State of Idaho have not been complied with as to failure to submit proof of beneficial use of water due on July 9, 1951, you are hereby notified that under the provisions of Section 42-311, Idaho Code, as amended, said permit is hereby held for cancellation, and you are required to show cause before the Director of the Department of Water Administration on or before June 24, 1974, why said permit should not be cancelled.

Permit 19793/13-2152 claims the use of 0.5 cubic feet per second of water from an unnamed spring,

the point of diversion was to be located within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 2,

Twp. 16 S, Rge. 37 E, B. M. and the permit was approved April 9, 1946.


R. KEITH HIGGINSON
Director

cc: Geo. E. Burgi ✓
147 N. 1st W.
Preston, Idaho

13-2152

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)

(Additional charges required for these services)

☐ Show address
where delivered

☐ Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

CERTIFIED NO.

32063

1 Jennie B. Nielsen
2 SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

DATE DELIVERED

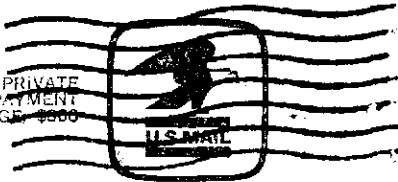
MAY 17 1974

SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)

3

13-2152

U.S. POSTAL SERVICE
OFFICIAL BUSINESS



Postmark of Delivering Office

SENDER INSTRUCTIONS

Print in the space below your name, address, including ZIP Code.

- If special services are desired, check block(s) on other side.
- Moisten gummed ends and attach to back of article.

**RETURN
TO**

**DEPARTMENT OF WATER ADMINISTRATION
STATEHOUSE - ANNEX #2
BOISE, IDAHO 83707**

PS Form 3811
June 1973

13-2152

May 15, 1974 CERTIFIED MAIL

Re: Permit No. 19793 (New No. 13-2152)

Dewey H. Nielson ^{#32063}
Hyrum,
Utah 84319

-and-

Vere Jensen ^{#32064}
Weston,
Idaho 83286

Gentlemen:

It appearing to the Department of Water Administration that the terms and conditions of Permit 19793/13-2152 to appropriate the public waters of the State of Idaho have not been complied with as to failure to submit proof of beneficial use of water due on July 9, 1951, you are hereby notified that under the provisions of Section 42-311, Idaho Code, as amended, said permit is hereby held for cancellation, and you are required to show cause before the Director of the Department of Water Administration on or before June 24, 1974, why said permit should not be cancelled.

Permit 19793/13-2152 claims the use of 0.5 cubic feet per second of water from an unnamed spring,

the point of diversion was to be located within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 2,
Twp. 16 S, Rge. 37 E, B. M. and the permit was approved April 9, 1946.

/s/ R. Keith Higginson

R. KEITH HIGGINSON
Director

cc: Geo. E. Burgl
147 N. 1st W.
Preston, Idaho

13-2152

May 16, 1951

Re: Permit No. 19793

Mr. Dewey H. Nielsen
Hyrum, Utah

Dear Mr. Nielsen:

We enclose Certificate of Completion of Works issued under Permit No. 19793 in the name of yourself and Vera Jensen, for the diversion of 0.02 second foot (or 1 inch) of water from an unnamed spring in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 2, Township 16 South, Range 37 East, B.M., for stock watering purposes in the NE $\frac{1}{4}$ of said Section.

We also enclose Departmental Receipt No. 23370 for the \$5.00 fee paid in connection with this proof.

In writing you on May 7, we overlooked the fact that you had already sent a check in payment of this fee, so we return your original check herewith.

Very Truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

19793

Hyrum, Utah

May 12, 1951

Department Of Reclamation
State House
Bosie, Idaho

RECEIVED
MAY 15 1951

Department of Reclamation

Re: Permit No. 19793

Gentlemen:

In answer to your letter of May 7, 1951 I am enclosing check in the amount of five dollars(\$5.00)fee for Certificate of Completion of Works. At the time I made proof filling with Mr. George E Gurgi I gave him a check in the amount of five dollars , made payable to Department of Reclamation. This check must have been misplaced . It has never been returned. Sorry this happened.

Very truly yours,

Dewey H. Nielsen

Hyrum, Utah

19793

May 7, 1951

Re: Permit No. 19793

Mr. Dewey H. Nielsen
Hyrum, Utah

Mr. Vere Jensen
Neston, Idaho

Gentlemen:

We have proof of completion of works under Permit No. 19793, signed by Dewey H. Nielsen. The proof is satisfactory in that it conforms to the permit itself and on payment of the \$5.00 fee, a Certificate of Completion of Works can be issued. The certificate of completion will necessarily have to be made in the name of both parties who are the record holders of the permit.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

MRK:bh

CC: Mr. George E. Burgi

19793

RECEIVED
APR 19 1951

Department of Reclamation

Hyrum Utah

Dept of Reclamation April 18 1951
Borke Idaho

Dear Sir -

Permit # 14793

The reason for the 2000 ft
additional pipe is that
Mr. Jensen never did comply
with his part of the
program. He was to do
one half of the project and
the water was to be piped
to our summer home

When he did it come
in there was no need
for me to pipe the
water to that point.

I had a very difficult
time getting what you
19793

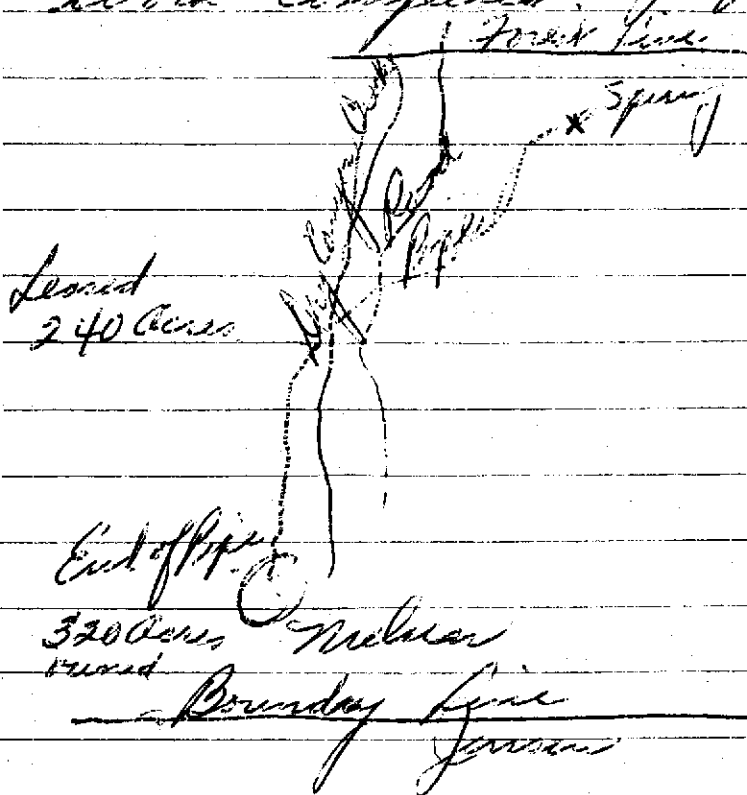
was 'need to complete it
where it was ~~marked~~ ^{marked} ~~marked~~
for me.

Mr. Jensen sent me
a letter stating he did
not care to do anything
with his part of the
project as he did not
figure it would be worth
it to him.

This letter was sent
to Mr. Leroy E. Burge and
he in turn was to have
sent it to your office.
I have done all the work
on said project as stated
in my filing for proof.
and that is the reason
the additional pipe was

19793

not put in
I don't feel that Mr
Jensen is entitled to
one half the water
under these conditions
Here is the lay of the
work completed.



19793

If this is not clear
to you please let me
know and I will try
to explain it further.

Do you have any record
of Mr. Jensen's letter
sent to me with reference
to his intention towards
development of said permit
19793?

Very Truly yours
Henry W. Nelson
H. Nelson
Utah

19793

AFFIDAVIT OF HOLDER

22.

County of _____

First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. 19793, and that his postoffice address is Hyrum, Utah.

State of.....

Second: That the name of the stream which said water is to be directed is Unnamed

Third: That the point of diversion of said water is 40 Rds South from the Northwest corner of Sect 2, T. 34. N. R. 37 E. 2m. 2 in. in the NW 1/4 NW 1/4 of Sect 2 T. 34 N. R. 37 E. 2m.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by April 9th, 1951.

Fifth: That the use for which said water is intended is Watering Stock.

Sixth: That on the date above mentioned, the works constructed under said permit were (or were not) fully completed and consisted of the following:

I. Kind of works *Bot. at Head of Spring, Pipe line 3/4 of mile of pipe*
have 100 gal trough and 500 gal (Reservoir, dam, ditch, flume, pipe or otherwise)
 II. Digging *reservoir*

II. Dimensions of work:

(a) Height of dam 3' x 3' x 2 1/2' deep feet, length of dam at top 3 feet, length of dam at bottom 3 feet. Material used in construction Cement and

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir... 125 gal ... acre feet.

(c) Size of headgate: Width 2 1/2 feet, height 1 feet.

(d) Conduit 2 in width at bottom _____ feet, width at water line to place of disposal
 (State whether ditch, flume or pipe) ditch

feet, depth of water.....feet; diameter of pipe.....inches, average grade
per mile is.....feet. Length of conduit is.....miles.

Seventh: That said works are capable of conducting to the place of intended use.....
will fill 100 gal barrel in one hour.
second feet of water.

Eighth: That water appropriated under said permit is available for.....
acres of land described as follows: Filling 100 gal tank sufficient for

the watering of my stock 20 to 30 head. I use this for cullinary purposes while farming.
I have 500 gal galvanzed tank at the end of pipe ready to turn water in as soon as freezing weather is over.

Ninth: Remarks: That same 3' x 3' x 2 1/2 ft Reservoir and

pump gathering water into Reservoir. Then 2" pipe from Reservoir, then 1 inch pipe then reduced to $\frac{3}{4}$ in pipe

To place of delivery. About $\frac{3}{4}$ of mile in length. Have
oil and salvanized tank ready to fill. This pipe is in

Sketch from 1 ft. to 3 ft. deep. Newey & Nelson
estimate the cost of above improvement (Sign Here)
to be \$1,000.00 13 \$51

Subscribed and sworn to before me this 12 day of March, 1951

My commission expires _____

~~Notary Public~~

U. S. Commissioner

19793

Meridian Ida. April 16th 1951

State of Idaho

Dept. of Reclamation Boise Ida.

Dear Sir:

I f I understood the application correctly when Mr. Dewey H. Nelson and myself filed the on the spring in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 2 we were to pipe it thru his place and build a cement trough between us so that his stock could get water in his place and mine stock could get water in mine. The spring is perched the water piped in to a catch basin this is built out of cement and the pipe is laid in to his property so that his stock can get water. It is 2,000 ft. from there across his property to mine if I could have gotten the pipe it would have been finished. There must be a mistake in the application as my property is all in section 1.

Yours truly Bert Jensen
19793

RECEIVED
APR 17 1951
Department of Reclamation



LEN JORDAN
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

April 12, 1951

Re: Permit No. 19793

RECEIVED
APR 17 1951
Department of Reclamation

Mr. Dewey H. Nielsen
Hyrum, Utah

Mr. Vero Jensen
Weston, Idaho

Gentlemen:

Permit No. 19793, according to our records, shows the point of diversion (spring) in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 2, with the place of use in the NE $\frac{1}{4}$ of Section 2.

The permit was issued to Nielsen and Jensen jointly and no mention was made of a place of use that would require an additional 2,000 feet of pipe.

Apparently the work has been completed to the original place of use specified in the permit and we would like to have a statement with sketch to make it clear to us just where the pipe lines start and end and where the water is to be used.

Very truly yours,

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

MRK:hh

CC: Mr. George E. Burgi.

This spring is west of Mr Nielsen's place about 2000 ft and Mr. Nielsen joins me on the west so that I need the 2000 feet of pipe to get the water to my place.
Vero Jensen 19793

✓
April 12, 1931

Re: Permit No. 19793

Mr. Dewey H. Nielsen
Hyrum, Utah

Mr. Vere Jensen
Weston, Idaho

Gentlemen:

Permit No. 19793, according to our records, shows the point of diversion (spring) in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 2, with the place of use in the NE $\frac{1}{4}$ of Section 2.

The permit was issued to Nielsen and Jensen jointly and no mention was made of a place of use that would require an additional 2,000 feet of pipe.

Apparently the work has been completed to the original place of use specified in the permit and we would like to have a statement with sketch to make it clear to us just where the pipe lines start and end and where the water is to be used.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

MRK:bh

CC: Mr. George E. Burgi.

19793

Preston Idaho

Mar. 12 1951

State of Idaho
Department of Reclamation
Boise, Idaho
Mr. Mark R. Kulp.

RECEIVED
APR 5 1951
Department of Reclamation

With reference to completion of filing #19793 for water in Dry Canyon Weston Idaho, under the names of Sweeney & Nelson & Vere Jensen. I made contact with Mr. Jensen and was never able to get him to do anything towards completing the filling.

At one time I wrote him asking just how he felt about it and what he wanted to do. He replied that he was not interested because he figured it would not do him that much good. The letter was sent to your office as I recall.

I would ask that the filling be changed to Sweeney & Nelson only. I am solely dependent on this water for my cattle and else I cannot make use of the grazing land.

Very truly yours

Sweeney & Nelson

Pyramid, Utah. 19793

April 4, 1951

Re: Permit No. 19793

Mr. Vere Jensen
Weston, Idaho

Dear Mr. Jensen:

There are no present provisions in the Statutes under which a further extension of time on Permit No. 19793 can be allowed.

The permit procedure is designed to give the applicant the advantage of a priority of the date of application for permit, provided he completes the work within the time stated in the permit. If the work is not completed within the stated time, this advantage is lost.

You may make application for a new permit either jointly or separately, but under the present Permit No. 19793, Proof of Completion may be made by the 9th of April, 1951, for such work as has already been finished.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

MRK:bh

CC: Mr. George E. Burgi

19793

Preston, Idaho.
April 3rd, 1951

Department of Reclamation,
Boise, Idaho.

Dear Sirs;

Re. Permit #19793
Dewey H. Nielson
Vere Jensen

I have been unable to complete my part of the pipeline and would appreciate receiving an extension of time for about six months or to October 9th, 1951.

The spring is fenced and the water is piped into a catch basin and from there Mr. Dewey Nielson has dug the trench and laid his share of the pipe line as his share of the project.

I have approximately 2000 feet of trench to dig and lay the pipe as my share of the project and a cement trough to install as my part of the project. But I could not get the pipe and would therefore like an extension until October of 1951.

Would you please advise.

Yours very truly,

Vere Jensen
Vere Jensen
Weston, Idaho.

11-2-116
611-11-2-51
RECEIVED
APR 4 1951

Department of Reclamation

19793

March 14, 1951

Re: Permit No. 19793

Mr. George E. Burgi
147 North First West Street
Preston, Idaho

Dear Mr. Burgi:

In reply to your letter of March 12, 1951, we enclose an additional Form 6 to be used in making Proof of Completion of Works under Permit No. 19793.

It will not be necessary for Mr. Nielsen and Mr. Jensen to file separate proofs, but they may both sign the one form, have it executed before a Notary Public and return it with the statutory fee of \$5.00.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

19793



UNITED PACIFIC
Insurance Company,

HOME OFFICE - TACOMA

SPOKANE OFFICE
617 PAULSEN BUILDING

GEORGE E. BURGI

147 NORTH 1st WEST STREET

PRESTON, IDAHO

Telephone - 344

RECEIVED
MAR 14 1951

Department of Reclamation

3-1251

Department of Reclamation
State House
Boise, Idaho

Dear Sirs
Re Permit
#19793
Dewey H. Nelson of
Vere Jensen.

Would you please forward
one more form 6 Proof of
completion of Works. Affidavit
of Holder.

Please advise if this proof
can be made on one blank
or if it should be on one
blank each for each Person
Mr. Nelson & Mr. Jensen.

Yours truly
George E. Burgi
Butt
Preston
Idaho

Form 6

19793

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Dewey H. Nielson, and
Vers Jensen
C/l George I. Burgi
147 N. 1st West, Preston, Idaho
Dear Sir:-

Boise, Idaho

February 1, 1951

Under the terms of your permit No.-----you are required to complete your diversion works on or before-----¹⁹⁷⁹³ I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before ^{April 9, 1951} the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Yours truly,

MARK R. KULP
State Reclamation Engineer

19793

✓
August 17, 1950

Re: Permit No. 19733

Mr. George E. Burgi
P. O. Box 1
Preston, Idaho

Dear Mr. Burgi:

We are in receipt of your letter of August 15, in which you state that Mr. Vere Jensen would like a years extension of time for completion of works under Permit No. 19733.

The statutory limit of five years will expire April 9, 1951, and no extension can be granted beyond that date.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

19793

INLAND EMPIRE



GEORGE E. BURGI
P. O. Box 1—Phone 344
147 North First West
Preston, Idaho

Preston Ida
8-15-50

State of Idaho
Dept of Reclamation
Bosae Ida
Dear Sirs

Re # 27149
Dewey H. Nelson
Vere Jensen

RECEIVED
AUG 17 1950
Department of Reclamation

19733

Mr Jensen called today and asked permission for an extension of time for 1 yr to complete the last 2000 feet of pipe & trenching to bring the water 2000 feet to his pasture.

Mr Jensen states due to financial reasons he is unable to complete this last 2000 feet.

Would you please advise.

Respect

Geo E Burgi

a/p. 4-9-46

c/w 4-9-49

Ex. 4-9-51

19793

February 9, 1949

Re: Permit No 19793

Mr. Dewey H. Nielsen
Hyrum, Utah

Dear Mr. Nielsen:

We enclose herewith the approval of the State Reclamation Engineer of your application for extension of time for completion of works under permit number 19793 to April 9, 1951. This is the longest extension that can be allowed, being five years from the date of the approval of your permit.

This should be attached to your original permit, of which it now forms a part.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/bh
Enc.

19793

STATE RECLAMATION ENGINEER

State Reclamation Engineer

APPROVAL OF ~~COMMISSIONER OF RECLAMATION~~ ✓

I, ~~Commissioner of Reclamation~~, the State of Idaho, hereby extend the time for the completion of construction work under Permit to Appropriate the Public Waters of the State of Idaho, No. 19793, to April 9, 1951, 19

Witness my hand this 4th day of February, 19 49

Mark R. Kuep
~~Commissioner of Reclamation~~
State Reclamation Engineer

By *OK*

Permit No. 19793

Application for Extension of Time

FOR COMPLETION OF WORKS

DEWEY H. NIELSEN (HYRUM, UTAH) of WESTON, IDAHO

State of IDAHO, being first duly sworn, upon his oath deposes and says:

He is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 19793

Under the terms and conditions of said permit, construction work thereunder was required to be completed by April 9, 1949, ~~1951~~

That he has heretofore performed the following work described under said permit:

Put in cement reservoir at the head of the spring in connection with one thousand feet of galvanized pipe installed.

costing \$ 700.00

THAT he is unable to complete the remainder of the work within the required time, for the following reasons, to-wit:

Unable to obtain pipe sufficient to complete the project.

WHEREFORE, He asks that the Commissioner of Reclamation extend the time for the completion of construction work under said permit, to ~~June 30, April 9, 1951~~, ~~1951~~ or until such time that pipe may be obtained

Subscribed and sworn to before me this 31 day of January, 1949

My commission expires Sept. 27, 1952

Notary Public.

Date of receipt at Department of Reclamation. Feb. 3, 1949

STATE RECLAMATION ENGINEER

APPROVAL OF ~~COMMISSIONER OF RECLAMATION~~
State Reclamation Engineer

I, Mark R. Kulp, Commissioner of Reclamation of the State of Idaho, hereby extend the time for the completion of construction work under Permit to Appropriate the Public Waters of the State of Idaho, No. 19793 to April 9, 1951

Witness my hand this 4th day of February, 1949

Mark R. Kulp
State Reclamation Engineer

By

1949

19793

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Dewey H. Nielson & Vere Jensen
C/o Dewey H. Nielson
Hyrum, Utah

Boise, Idaho February 1, 1949

Dear Sir:-

Under the terms of your permit No. 19793-----you are required to complete your diversion works on or before April 9, 1949----- I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Yours truly,

MARK R. KEMP

State Reclamation Engineer

19793

✓
January 14, 1949

Re: Permit No. 19793

Mr. Dewey H. Nielsen
Hyrum, Utah

Dear Mr. Nielsen:

Reference is made to your letter of January 22
in regard to Permit No. 19793 in the name of yourself
and Vere Jensen.

This permit is dated April 9, 1946, and under
the statutes you could be allowed a maximum of five years
within which to make proof of completion of works.

We enclose a form of application for extension
which you may execute and return to this Department for
approval.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

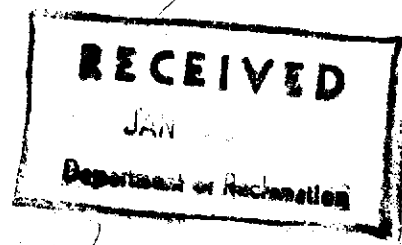
A/gt
Enc.

19793

19793

State Reclamation Engineer Hyrum Utah
State Reclamation Bureau
Boise, Idaho.

1-22-49



Dear Sir:

Some two years ago I made
filing on a spring in connection with
the owner of Weston Idaho, Mr George E. Burgi
of Preston Idaho handled the application.
I have contacted Mr Burgi several times and
ask for an extension of time in which
to prove up on said filing, to date I have
heard nothing.

It has been impossible to obtain pipe
in which to complete this filing,
I would like an extension until I can
obtain pipe enough to complete this.

I cannot give you the number of the filing
as I have never seen it.

The spring is located in Dry Canyon west
of Weston Idaho.

Any information you can give me will be
appreciated. Thanks

Very truly yours

Dwight H. Nelson
Hyrum Utah.

4-9-46 -

4-9-49

19793

✓
July 24, 1947

Re: Permit No. 19793

Mr. Geo. E. Burgi
No. 147 N. First West
Preston, Idaho

Dear Mr. Burgi:

We have your letter of July 12th, and are indeed sorry to learn that Mr. Jensen and Mr. Nielsen are not cooperating in developing the water filed on.

The terms and specifications in the Permit as they were submitted to this office over the signature of the two men concerned were accepted as being satisfactory to both. We assumed that each man would have the access to the water that he desired when the water was piped to the place designated.

Now if the terms of the Permit have not been complied with certainly there exists lawful means for forcing compliance or having the permit cancelled.

Mr. Jensen can get an exact analysis of his case by consulting a lawyer.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

A:FS

19793

GEORGE E. BURGI, Agent

PRESTON, IDAHO

Phone 344

7-12-47

Dept of Reclamation,
Bureau of Reclamation



Dear Sirs:

Re Permit # 19793
Dewey H. Nelson & Vera Jensen

Enclosed your letter of June 24
Mr Vera Jensen states that it
appears to him that because
Mr Nelson had forced on the spring
unbeknowns to Mr Jensen and
put in a cement trough that
he desired all the water.

Mr Jensen would be willing
to allow Mr Nelson 1/2 the water but
is not willing that Mr Nelson should
take all the water.

Mr Vera Jensen has a 10 year
lease on the land upon which
the spring rises.

Would you advise.

Very truly

Ed E Burgi

Representing

UTAH HOME FIRE INSURANCE COMPANY

19793

June 24, 1947

Re: Permit No. 19793

Mr. George . . Burgi
U. S. Commissioner
No. 147 N. 1st West
Preston, Idaho

Dear Mr. Burgi:

In reply to your letter of June 12th, in regard to Permit No. 19793, issued jointly to Dewey H. Nielsen and Vere Jensen on April 10, 1946.

This permit will remain valid and in force so long as the conditions of the permit are fulfilled.

Very truly yours,

MARK H. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:A

19793



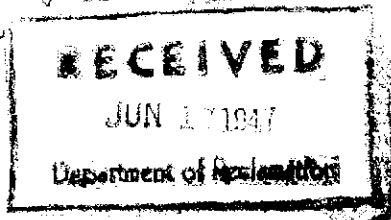
GEORGE E. BURGI, Resident Agent

Telephone 344 • Box 1

147 NORTH FIRST WEST ST. • PRESTON, IDAHO

6-12-45

Department of Reclamation
Boise, Idaho



Dear Sirs -

Re off. # 29149
Dewey Nulson and
Vere Jensen.

Mr Jensen called and stated
that mr work had been done
on this permit and he felt now
that he did not desire to go
on with the workings. However
he states that Mr Nulson has
fenced the spring in and placed
a cement trough in the spring
against his, Mr Jensen's wishes
(this is a joint permit).

Mr Jensen now desires
to know if Mr Nulson can
go on with the work if Mr
Jensen desires not to go on to
completing the work.

Would you please advise
me by return
mail
G. E. Burgi



19793

✓
December 16, 1946

Re: Permit No. 19793

Mr. Dewey H. Nielsen
Hyrum, Utah

Dear Mr. Nielsen:

Reference is made to your letter of December 13th, in which you inquire as to what disposition has been made of your Application No. 27149 for permit to appropriate water from a spring in Franklin County.

The record of this application is as follows:

Approval of this application was with-held pending permission from the U. S. Grazing Service, as the land on which the spring is located belonged to the United States, for use of the Grazing Division.

Correspondence between this Department and Mr. George L. Burgi, U. S. Commissioner, of Preston, who was handling your application, showed that this land was included in grazing lease allotted to Mr. Vere Jensen- and Mr. Burgi recommended that the water permit be issued jointly to yourself and Mr. Jensen.

This was done, and Permit No. 19793 in the name of yourself and Vere Jensen was issued and sent to Mr. Burgi on April 10, 1946.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A
CC to Geo. L. Burgi

19793

Mark R. Kulp
State Reclamation Engineer

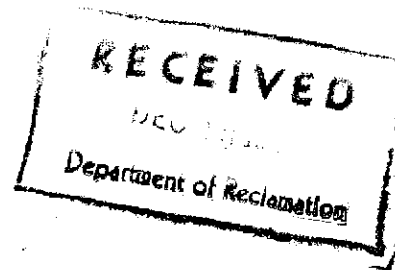
Hyrum Utah
December 13; 1946

Dear Mr. Kulp:
Re: Application No, 27149

Sometime ago I filed on a certain spring located West of Weston, Idaho in Franklin County. To date everything I know of has been complied with and as yet I have received no word as to the disposal of said application. Kindly let me know what has happened. Thanks

Very truly yours,


Dewey H. Nielsen, Hyrum, Utah



19793

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 19793

Date April 10, 1946

Dear Sir:

We enclose herewith the above numbered permit. BE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of the
State Reclamation Engineer, on the fourth page.

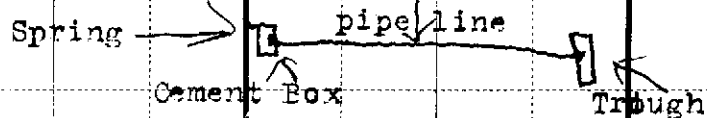
Dewey H. Nielson & Vere Jensen
c/o Geo. E. Burgi
Preston, Idaho

MARK R. KULP
State Reclamation Engineer

19793

NAME OF APPLICANT Dewey H. Olsen Tp. 16 So. Range 3 E.B.M.

FORM No. 0



Admission Map No. 49793

APR 29 1948
MARK R. KILL
COMMUNITY RELATIONS

SCALE: 2 INCHES EQUALS 1 MILE. DRAW PLAN IN INK.

19793

GEORGE E. BURGI

147 NORTH 1st WEST STREET

PRESTON, IDAHO

Telephone - 344



UNITED PACIFIC
Insurance Company

HOME OFFICE - TACOMA

SPOKANE OFFICE
617 PAULSEN BUILDING

4-4-46.

Mark R. Kulp,
State Reclamation Engineer,
Boise, Idaho.

Dear Sirs;

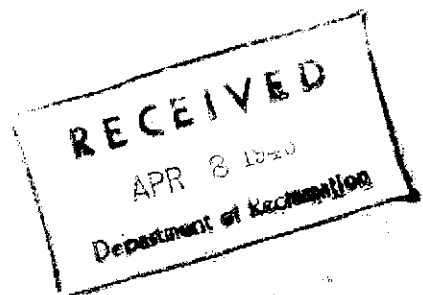
Re. Application #27149 Dewey H. Nielsen
and Vere Jensen.

Answering your letters of March 1st and 6th re above application
I have included the name of Mr. Vere Jensen and he has signed
at the third page of the application.

Trusting the application will now be acceptable.
However if there is any additional information that you desire
please advise and we will do our best to secure it for you.

Yours very truly,

Geo. E. Burgi.



19793

March 6, 1946

Re: Application No. 27149

Mr. George E. Burgi
U. S. Commissioner
No. 147 No. 1st West
Preston, Idaho

Dear Mr. Burgi:

We are in receipt of your letter of March 4th, in reference to Application No. 27149 filed by Dewey H. Nielson, and note that it is the desire to have Mr. Vere Jensen join with Mr. Dewey in this application.

You have the original application, which was returned to you on April 23, 1945, and if you will have it amended to include both names, and also have Mr. Jensen sign on the third page, with Mr. Nielson, that same application will be acceptable.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By
Chief Clerk

19793

GEORGE E. BURGI

147 NORTH 1ST WEST STREET
PRESTON, IDAHO

3-4-46 .

Department of Reclamation,
Boise, Idaho.

Re; Application #27149 Dewey H. Nielson

Dear Sirs;

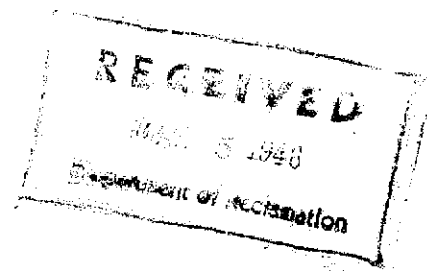
Answering your letter dated 3-1-46. It is desired that Mr. Nielson and Mr. Vere Jensen file an application together or Jointly as they will use the water together and at the same place.

Would you please advise if the above application may be amended to include Mr. Vere Jensen or would you suggest that a new application be submitted. If so would you please forward another blank.

Yours very truly,



Geo. E. Burgi,



19793

✓
March 1, 1946

Re: Application No. 27149

Mr. George E. Burgi
U. S. Commissioner
No. 147 N. 1st West
Preston, Idaho

Dear Mr. Burgi:

Reference is made to the application filed by you for Dewey H. Nielson, for permit to appropriate water from a spring located on the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 2, Township 16 South, Range 37 East, B.M., for stock watering purposes:

This Department is in receipt of a letter from Mr. N. F. Waddell, Regional Field Examiner for the General Land Office, advising that Mr. Vere Jensen has a preference right to a grazing lease on the entire NW $\frac{1}{4}$ of this section, under the Taylor Grazing Act, and for that reason they recommend that Mr. Nielson's application for permit be denied.

However, before final action is taken in the matter, a thorough investigation will be made by this Department.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

K:A
CC to N. F. Waddell

19793

UNITED STATES
DEPARTMENT OF THE INTERIOR

GENERAL LAND OFFICE
BRANCH OF FIELD EXAMINATION

Water Application 27149
SL 19065

355 Post Office Building
Salt Lake City 10, Utah
February 27, 1946

Mr. Mark R. Culp,
State Reclamation Engineer,
State of Idaho,
Boise, Idaho.

My dear Mr. Culp:

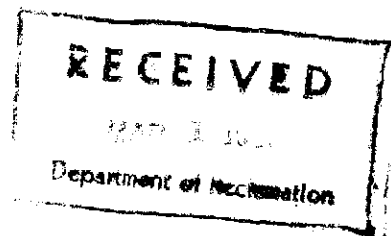
Reference is had to our correspondence during August, 1945, relative to water right application No. 27149 filed by Dewey H. Nielson to appropriate water from a spring situated on the NW¹/₄ Sec. 2, T. 16 S., R. 37 E., B.M. At the time of our correspondence a grazing lease application under Section 15 of the Taylor Grazing Act, Blackfoot 054843, had been filed by Vere Jensen covering this land, and in view of this you suspended action on the water right application until such time as the right of Mr. Jensen to a grazing lease had been investigated.

This is to advise you that such investigation has been made, and it is found that Mr. Vere Jensen of Weston, Idaho, is the owner of adjoining land and has a preference right to lease the entire NW¹/₄ of Sec. 2, T. 16 S., R. 37 E. Accordingly, it is being recommended to our Washington office that such lease be issued. It apparently would therefore be in the aid of proper land utilization if the water application of Nielson were to be denied by your office.

Very truly yours,

N. F. Waddell
N. F. Waddell
Regional Field Examiner

NFW:DB

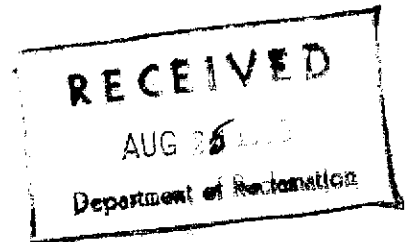


19793

UNITED STATES
DEPARTMENT OF THE INTERIOR

Water Application 27149
SL 19065

GENERAL LAND OFFICE
BRANCH OF FIELD EXAMINATION
355 Post Office Building
Salt Lake City 10, Utah
August 24, 1945



Mr. Mark R. Kulp,
State Reclamation Engineer,
State of Idaho,
Boise, Idaho.

My dear Mr. Kulp:

I have received a copy of your letter of August 22, 1945, addressed to Mr. George E. Burgi, United States Commissioner at Preston, Idaho, relative to water right application No. 27149 filed by Dewey H. Nielsen to appropriate water from a spring situated on the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 2, T. 16 S., R. 37 E., Boise Meridian, as to which subdivision a grazing lease application under Section 15 of the Taylor Grazing Act, Blackfoot 054843, has been filed by Vere Jensen.

The case involving the application for lease of Mr. Jensen is now in the hands of Field Examiner Charles T. Hohenthal who is at present working in the Preston vicinity. It is expected that he will reach this case, and that a report can be submitted within the next thirty days.

Very truly yours,

A handwritten signature in dark ink, appearing to read "N. F. Waddell".

N. F. Waddell
Regional Field Examiner

NFW:DB

cc: Mr. Burgi



19793

✓
August 22, 1945

Re: Application No. 27149

Mr. George E. Burgi
U. S. Commissioner
No. 147 N. 1st West
Preston, Idaho

Dear Mr. Burgi:

We are again writing you in regard to the application of Dewey H. Nielsen for permit to appropriate water from a spring located on the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 2, Township 16 South, Range 39 East, B.M.

This office has on file copy of a letter addressed you under date of July 14th by N. F. Waddell, Regional Field Examiner for the General Land Office, which is the last information we have in regard to this matter,

Please advise if the examination referred to in that letter has been made, and if so whether or not the applicant Vere Jensen has been given a lease on this 40-acre subdivision, thus precluding permission for Mr. Nielsen's filing.

This application has been pending, as you know, since April 23rd, and it is important that final action be taken as promptly as possible, one way or another- either by issuance of a permit, or withdrawal of the application.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

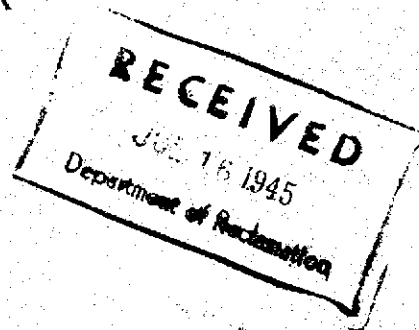
Chief Clerk

A
CC to N.F.Waddell

19793

Blackfoot 054045
Vere Jansen

UNITED STATES
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
~~DIRECTOR GENERAL LAND OFFICE~~
BRANCH OF FIELD EXAMINATION
385 Post Office Building
Salt Lake City 10, Utah
July 14, 1945



Mr. George E. Burgi,
U. S. Commissioner,
Preston, Idaho.

My dear Mr. Burgi:

The United States District Land Office at Blackfoot, Idaho, has referred to this office your letter of May 15, 1945, with which you transmitted an application for water permit No. 87149 of Dewey H. Nielsen of Hyrum, Utah, to appropriate the water of an unnamed spring in the NW 1/4 Sec. 8, T. 16 S., R. 37 E., S.M.

It appears from your letter that the application had been forwarded to the Department of Reclamation, State of Idaho, and that it had been returned to you requesting that an affidavit of permission be secured from the General Land Office inasmuch as the lands described are public lands of the United States. The State of Idaho has, of course, exclusive jurisdiction as to the water, and their action in returning the application to you is based merely on the attitude of the State toward cooperation, which is appreciated.

The lands described, to wit the NW 1/4 Sec. 8, T. 16 S., R. 37 E., are embraced in an application for grazing lease Blackfoot 054045 of Vere Jansen of Weston, Idaho, filed under the provisions of Section 16 of the Taylor Grazing Act, who alleges a preference right under the provisions of the Act by reason of the ownership of adjoining land. In his application he states that there is a spring on the land but does not claim to control this spring by any water right. The application for lease is pending field examination, which will be made during this month or during August. In the course of the field investigation, the preference rights of all owners of adjoining lands are ascertained.

If Mr. Jansen is entitled under the law to a grazing lease on the land, it is probable that the Department of Reclamation of the State of Idaho would not desire that the water of the spring be controlled by some other person.

This office will be pleased to advise the Department of Reclamation, State of Idaho, whether, as a result of the field investigation, a lease is awarded to Mr. Jansen by the Commissioner of the General Land Office. The application for permit, No. 87149 of Nielsen, which was transmitted to the United States District Land Office, is returned herewith.

Very truly yours,

(SIGNED) N. F. WADDELL

NFW:DB
Encl.

N. F. Waddell
Regional Field Examiner

cc: Commissioner
U. S. District Land Office
Dept. of Recl., State of Idaho

19793

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June 27, 1945

Re: Application No. 27149

Mr. George E. Burgi
U. S. Commissioner
No. 147 N. 1st West
Preston, Idaho

Dear Mr. Burgi:

We acknowledge receipt of your letter of June 22nd in reference to the application of Dewey H. Nielsen for permit to appropriate water from a spring for stock watering purposes.

We note the circumstances which have delayed your efforts to obtain the affidavit of permission to file on the spring, and will hold the matter open for awhile longer.

We trust that you will do all that you can to expedite the matter and complete this filing at an early date.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

19793

U. S. COMMISSIONER
GEORGE E. BURGI

147 North 1st West St.
PRESTON, IDAHO

6-22-45.

State of Idaho,
Department of Reclamation,
Sate House,
Boise, Idaho.

Dear Sirs;

Re. Application # 27149
Dewey H. Nielson,

Answering your letter dated June 4th, 1945 desire to state that when I received the application from your office for securing permission from the land owner by affidavitt that I forwarded the application to the U.S. Land Office at Blackfoot, Idaho for further action as this spring id upon U.S Government Land but Vere Jensen of Weston, Idaho made application for Grazing Lease which was not yet allowed or approved, and the Land Office at Blackfoot forwarded this application #27149 to The Field Division at Salt Lake City, Utah for further action and we have been waiting for the return of the Application but to date have not yet received the application.

Could you grant Mr. Nielsen an extention of say 30 days pending field examination by the Salt Lake Office of the lands upon which this spring id located .?

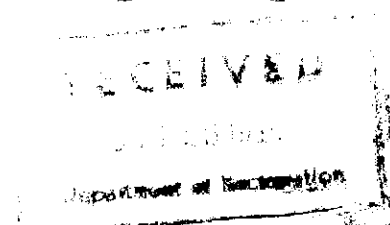
This seems to be a case over which Mr. Nielson or my self do not have much jurrisdiction, as Mr. Jensen the applicant for the application for the Grazing Lease would not have any right to give permission and is also waiting for final approval of the Field Division for his grazing lease.

Would you please advise,

Yours very truly,

George E. Burgi

George E. Burgi.



19793

June 4, 1945

Re: Application No. 27149

Mr. George E. Burgi
U. S. Commissioner
No. 147 N. 1st West
Preston, Idaho

Dear Mr. Burgi:

Under date of April 23rd, this office returned the above numbered application, in the name of Dewey H. Nielson, of Hyrum, Utah, in order to have the owner of the land on which the spring was located execute the Affidavit of Permission on the third page.

Section 41-204, Idaho Code Annotated, provides that "corrected applications shall be returned to the department of reclamation within a period of sixty days from the date endorsed thereon by the department. Provided that if it be returned after such period of sixty days, such corrected application shall be treated in all respects as an original application."

The filing date is April 23rd- and therefore the application must be returned prior to June 22nd, in order to come within this requirement. Otherwise, the filing fee will be forfeited, and the original priority will be lost.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

CC to Dewey H. Nielson

Chief Clerk

19793

Charles C. Gosssett

✓
April 27, 1945

Re: Application No. 27149

Mr. Geo. E. Burgi
U. S. Commissioner
No. 147 North 1st West
Preston, Idaho

Dear Mr. Burgi:

Reference is made to your letter of April 25th, in regard to ownership of the spring covered by the application of Dewey H. Nielson.

Since this is government land, and under the Taylor Grazing Service, we think it would be proper to have the affidavit of permission to file on the spring executed by the Grazing Service.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

19793

U. S. COMMISSIONER
GEORGE E. BURGI

147 North 1st West St.
PRESTON, IDAHO

4-25-45.

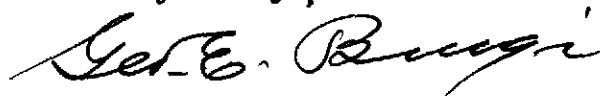
Mark R. Kulp,
State Reclamation Engineer,
State House,
Boise, Idaho.

Dear Mr. Kulp;

Answering your letter dated
4-23-45 Re. Application for permit Dewey H. Nielsen advising
that we must secure permission from the owner of the land
upon which the spring is located.

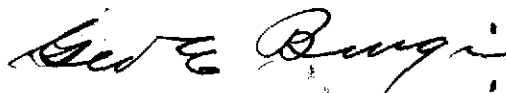
The Land is owned by the U.S.A. and is
subject to lease under the Taylor Grazing Act. Would you
please advise if we should send the application for the
permit for the spring to the U.S. Land Office at Blackfoot,
for their permission to file on the spring?

Yours very truly,



Geo. E. Burgi.

P.S. We note that the land is leased by a Mr. Vere Jensen
of Weston, Idaho Shall we secure his permission or that
of the U.S. Land Office.



Geo. E. Burgi.

RECEIVED

APR 27 1945

Department of Reclamation

19793

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Charles C. Gossett

app. 27149

April 23, 1945

Mr. Geo. E. Burgi
U. S. Commissioner
No. 147 N. 1st West
Freston, Idaho

Dear Mr. Burgi:

We acknowledge receipt of your letter of April 19th, enclosing the application of Dewey H. Nielsen, of Hyrum, Utah, for permit to appropriate water from a spring for stock watering purposes; and also your check for the \$5.00 filing fee.

We are returning the application, for the reason that it does not state the ownership of the land on which the spring is located.

If it is on land owned by the applicant himself, he should so state under "Remarks". If the land is owned by some one else, the affidavit of permission on the third page should be executed by the owner of the land.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A
Encl. App.
Receipt # 18847

19793

U. S. COMMISSIONER
GEORGE E. BURGI

147 North 1st West St.
PRESTON, IDAHO

4-13-45.

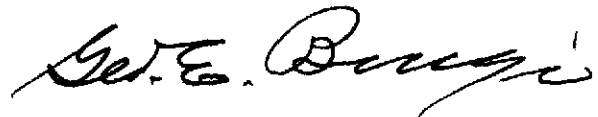
Dep. Of Reclamation,
State House,
Boise, Idaho.

Dear Sirs;

Enclosed application for permit for use of
water for stock watering purposes of Dewey H. Nielsen of
Hyrum, Utah. Enclosed also \$5.00 check for the filing fee.

There are undoubtedly some errors or
omissions in the application will you please check and advise
so we may correct.

Yours very truly,



Geo. E. Burgi.



19793

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Dewey H. Nielsen, 12 N. Center St., Hyrum, Utah 84319 has received an approved Permit No. 19793/13-2152 issued by the Idaho Department of Water Administration authorizing the diversion of 0.5 cubic feet per second of water from an unnamed spring. The priority to be established under this permit is March 21, 1968 and the permit was approved April 9, 1946.

Water is to be diverted by pipeline from a point within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 2, Twp. 16S, Rge. 37E, B.M., Franklin County, to be used for stockwatering purposes in the NE $\frac{1}{4}$, Sec. 2, Twp. 16S, Rge. 37E, B.M.

Proof of the application of the water to beneficial use was submitted to the Department on June 6, 1974. Any protest against the issuance of the license for the above referenced permit should be filed with the Idaho Dept. of Water Administration, Statehouse, Boise, Idaho, 83707, within ten (10) days of the last date of publication of this notice.

R. KEITH HIGGINSON
Director

Published in the Preston Citizen, Preston, Idaho on March 6 and March 13, 1975.

Legal No. 2825 — Pub.
March 6, 13, 1975.