

ABSTRACT OF TITLE

To the Following Described Real Estate, Situated in Minidoka County, Idaho, to-wit:

The Lot Six (6), of Section Nineteen (19), in Township

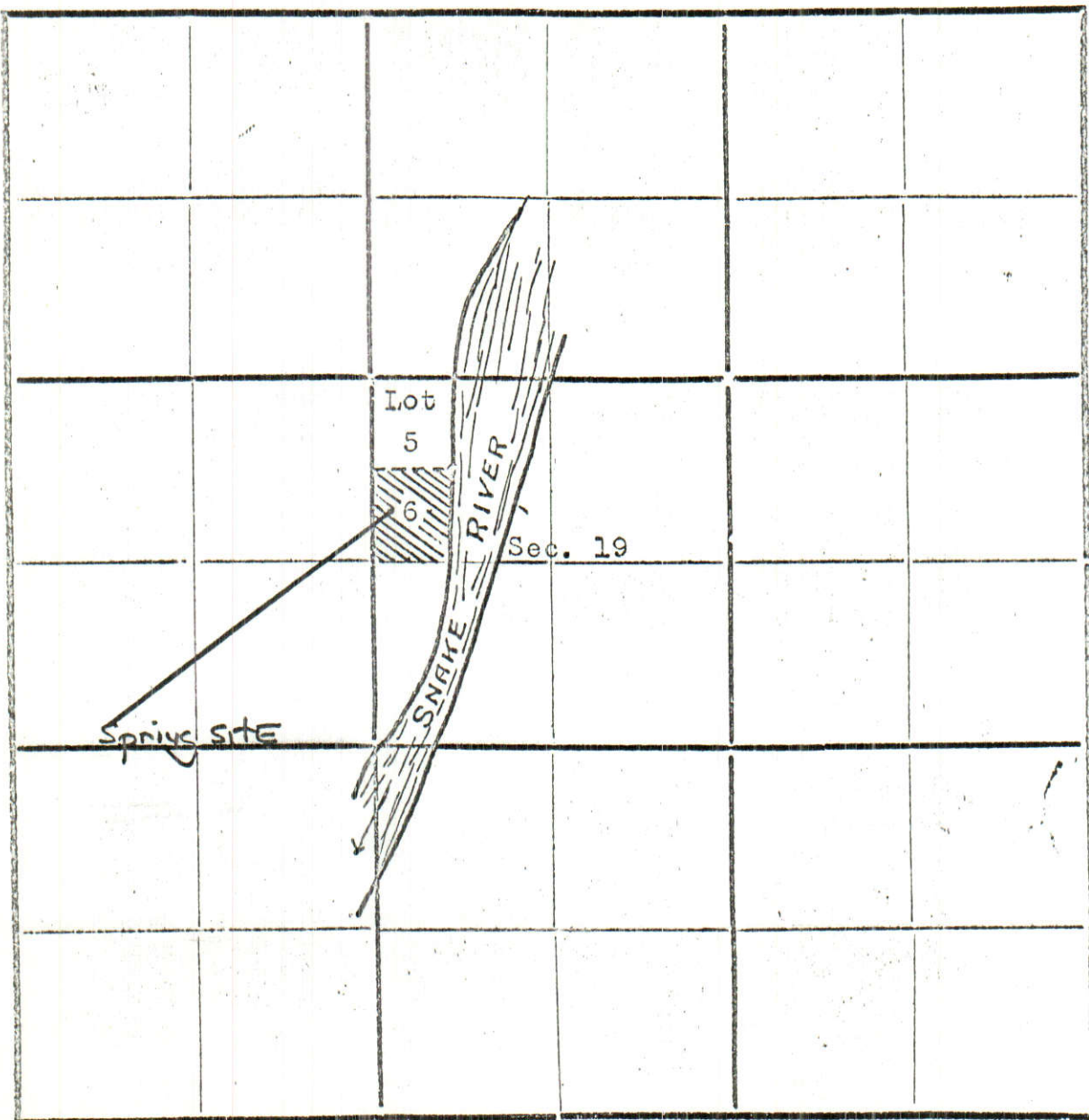
Nine (9) South, Range Twenty-five (25) East

of the Boise Meridian

-- 0 --

Township 9 South Range 25 East

NORTH



SOUTH

RUPERT ABSTRACT COMPANY
RUPERT, IDAHO

36 40 0

124/84

Exhibit A DIVERSION SITE

13 18
24 19
V

B 45
E172
(808)
A 14
C 2.2
D 4.1
E 53

F 6.0
G 6.7
H 5.2

A 8.0
B179
B (788) 6.0
C 11.3

E 17.3
V
950'

B180
(848)
A
25.5

B 28.0
A B437
(858)
15.0
C 12.4

Spring site

B436
(710)

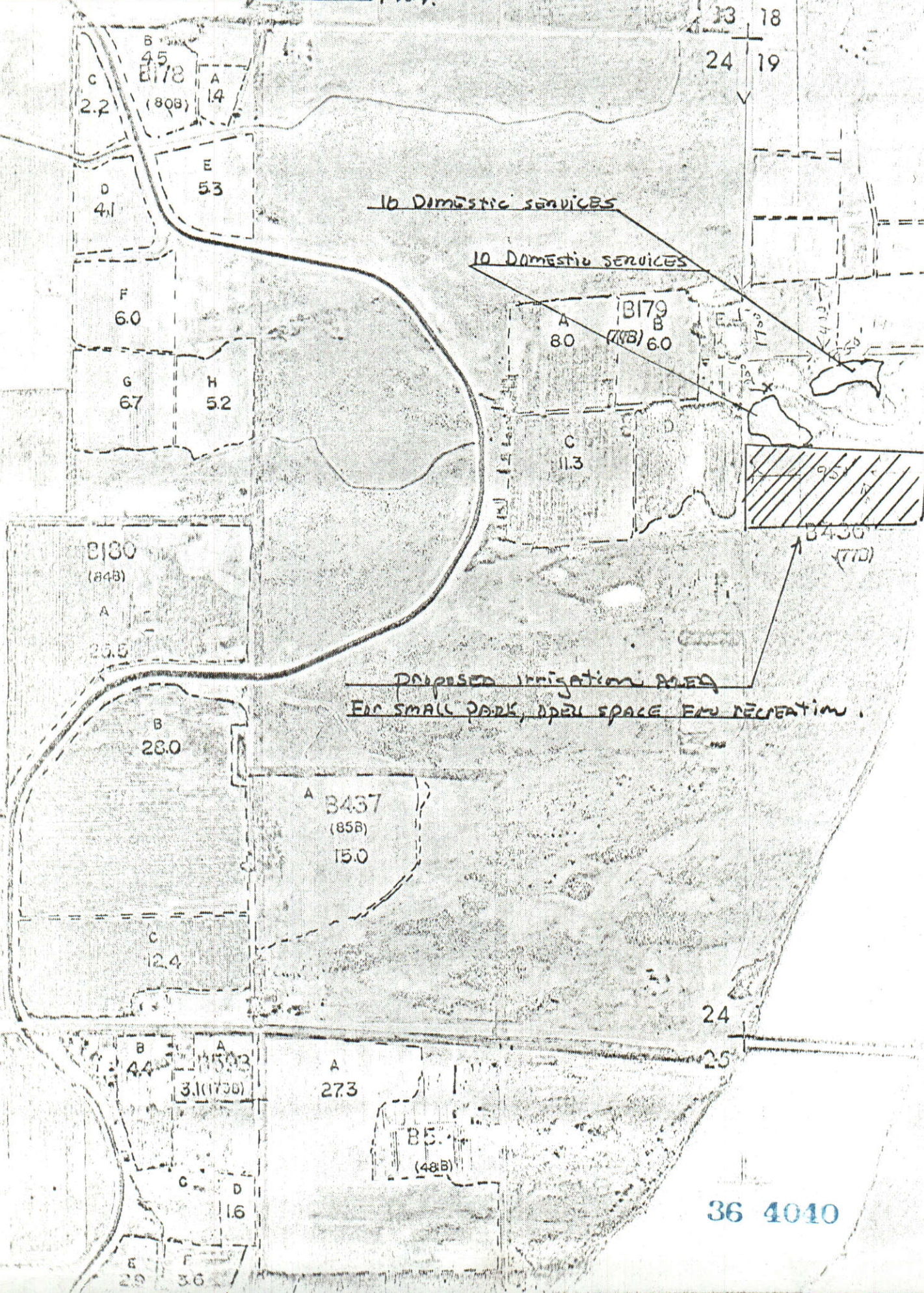
B 4.4
A 3.1
(1750)
C
D 1.6

A 27.3

B5.4
(488)

24
25

EXHIBIT B USES DESCRIPTION-LOCATION.



RECEIVED

MAR 26 1974

Department of Water Administration
Southern District Office

The Minidoka County News

RUPERT, IDAHO

AFFIDAVIT OF PUBLICATION

County of Minidoka,)
) ss.
STATE OF IDAHO,)

Ruth DeThomas, being first
duly sworn, deposes and says that she is the

Editor of The Minidoka County
News, a weekly newspaper published at Rupert,
Idaho, in the county aforesaid, and that the paper
is of general circulation therein. Deponent further
states that the printed notice attached hereto was
duly published according to law in the regular
weekly editions of The Minidoka County News for

two consecutive weeks, commencing
with the issue dated March 5, 1974, and
ending with the issue dated March 12, 1974.

Ruth DeThomas
Subscribed and sworn to before me this

25th day of March, 1974.

John Hunter Notary Public

Cost of Publication _____

Notary Fee _____

Total Cost _____

NOTICE OF CLAIM TO A WATER RIGHT

No. 36-4040

Notice is hereby given that
Glenn Neilson, Rupert, Idaho,
has filed a claim to a water
right established by diversion
and application to beneficial
use of .23 cubic feet per
second of water from springs
with point of diversion in the
SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 19, T 9S, R
25E, B.M., Minidoka County.

The water is claimed to be
used from Jan. 1 to Dec. 31,
with a priority of 1968 the
place of use is within the
SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 19, T 9S, R
25E, B.M.

Any exception to this claim
of water right may be filed
with the Idaho Department of
Water Administration, 1041
Blue Lakes Boulevard North,
Twin Falls, Idaho 83301.

R. KEITH HIGGINSON
Director

Published in the Minidoka
County News on March 5 and
March 12, 1974.

No. 24-March 5, 12, 1974

36 4040

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Glenn Neilson
(name of claimant)
of Rupert, Idaho, claims a right to the diversion and beneficial use of
(mailing address)
ground water or surface water tributary to none.

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) spring
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | | | | | | |
|--------|----------------------|-----|-------------------------------|---------------------|-------------------|----|------------------------|
| Amount | <u>.23 cfs</u> | Use | <u>stockwater</u> | Period of Use: From | <u>Jan. 1</u> | To | <u>Dec. 31</u> |
| Amount | <u> </u> | Use | <u> </u> | Period of Use: From | <u> </u> | To | <u> </u> |
| Amount | <u> </u> | Use | <u> </u> | Period of Use: From | <u> </u> | To | <u> </u> |
| | (cfs, gpm
or a/f) | | (dom., irri.,
stock, etc.) | | | | (both dates inclusive) |
- (3) Total quantity of water claimed: .23 cfs cubic feet per second, or 14.0 acre feet per annum, and/or gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) 1968

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
SW ¼ NW ¼, Sec. 19 Twp. 9S Rge. 25E B. M. County of Minidoka
 Additional points of diversion:

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. free flowing spring
flowrate approximately 120 miner inches

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

Total No. of acres none

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: stockwater

- (7) If you are claiming water as a member of an organization, list name of organization: _____

[illegible]

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

County of Cassia SS.

Sworn to before me this 25th day of

Glenn Nelson
(Claimant)

Notary Public Betty Shalos
Residing at Burley, Idaho

My commission expires 2-26-75

Received by mls Date 2-26-74 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by mls Date 2-26-74 claimant by: _____
\$10.00 fee received by mls Date 2-26-74 (13823)
Approved for publication by mls
Published in Minidoka Co. News
Dates 3-5 & 3-12-74

EXHIBIT C

NO. 3210

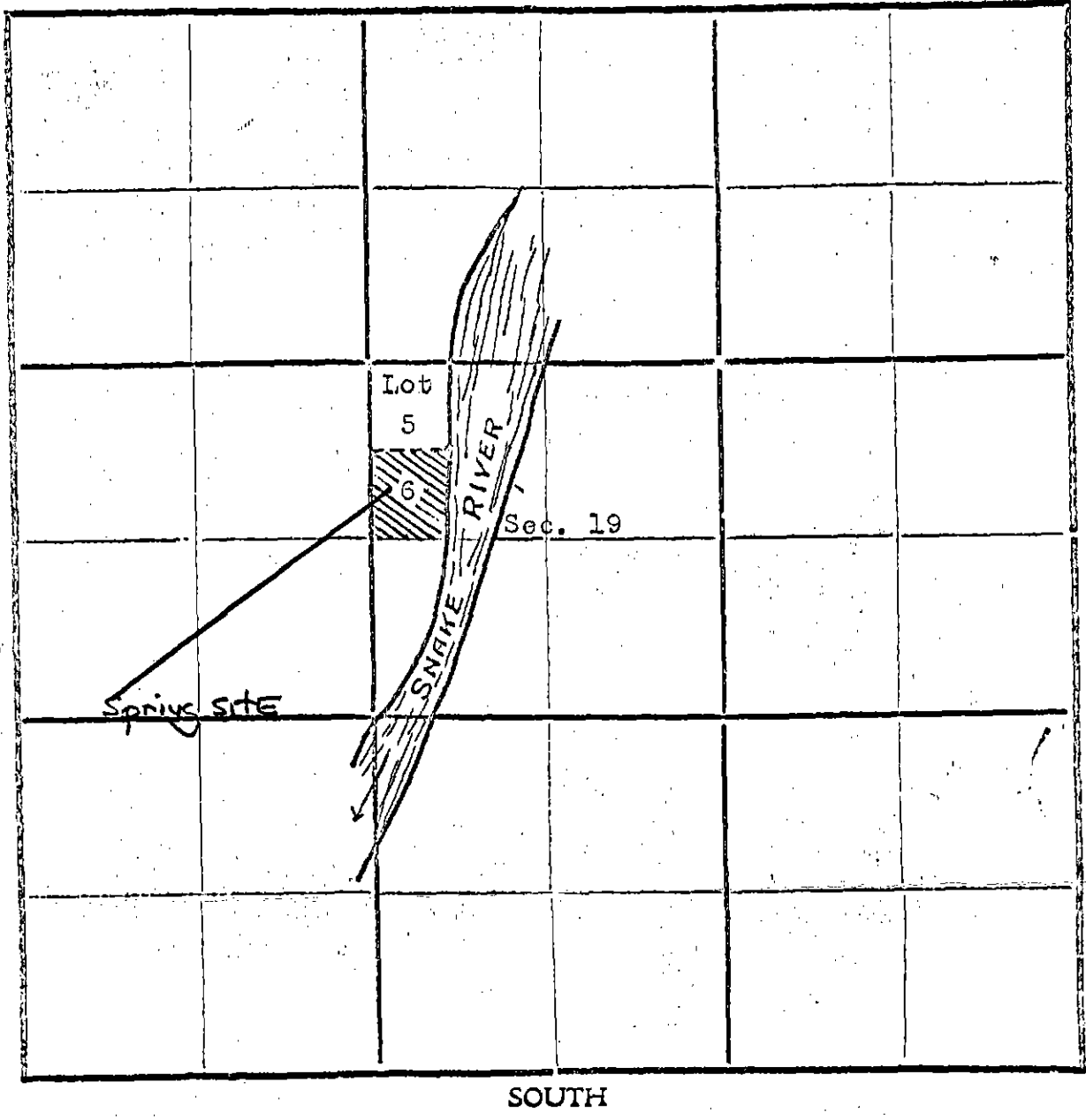
ABSTRACT OF TITLE

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Nine (9) South, Range Twenty-five (25) East
of the Boise Meridian

-- 0 --

Township 9 South Range 25 East
NORTH



RUPERT ABSTRACT COMPANY 36 4000
RUPERT, IDAHO

EXHIBIT H DIVERSION SITE

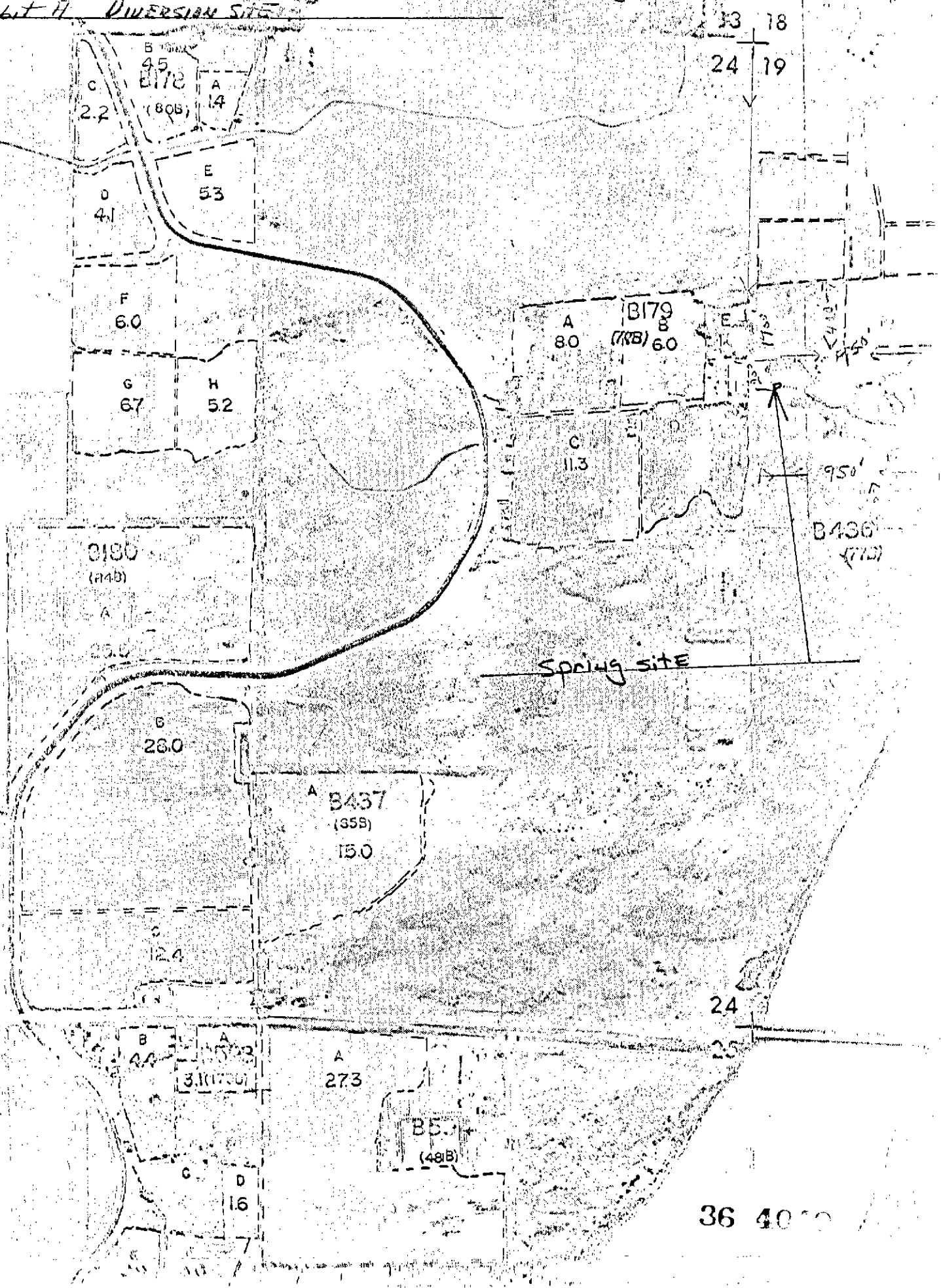
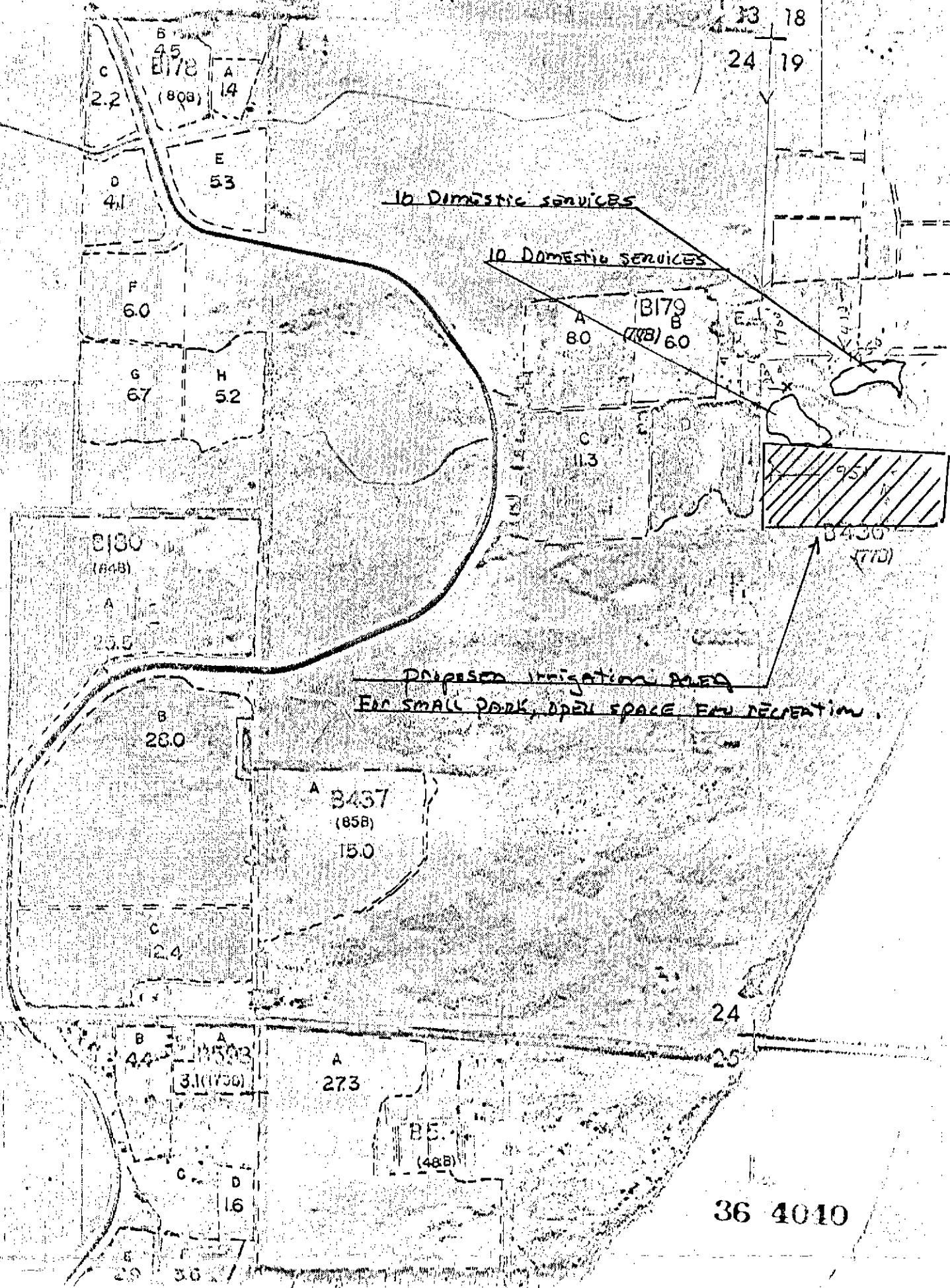


EXHIBIT B USES DESCRIPTION-LOCATION



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Department of Water Administration
Southern District Office

The Minidoka County News

RUPERT, IDAHO

AFFIDAVIT OF PUBLICATION

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Jerry Hunter Notary Public

Cost of Publication _____

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25E, B.M.

Any exception to this claim
of water right may be filed
with the Idaho Department of
Water Administration, 1041
Blue Lakes Boulevard North,
Twin Falls, Idaho 83301.

R. KEITH HIGGINSON

Director

Published in the Minidoka
County News on March 5 and
March 12, 1974.

No. 24-March 5, 12, 1974

36 4040

March 26, 1974

RE: Claim to a Water Right No. 36-4040

Mr. Glenn Neilson
Rupert, Idaho 83323

Dear Mr. Neilson:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Sections 2-225a and 42-225b of the Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when co-responding with this office.

We are enclosing a copy of the claim for your records. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

Bob Haynes
Southern District Engineer

BH:lt

enc.

36 4040

36 4040

March 22, 1974

RE: Application No. 36-4040 - Glenn Neilson

Minidoka County News
625 Fremont Avenue
Rupert, Idaho 83350

Gentlemen:

Would you please submit an affidavit of publication in connection with the above referenced item. The legal notice was to have been published in your paper on March 5 and March 12, 1974.

Your cooperation in this matter is greatly appreciated.

Sincerely,

Bob Haynes
Southern District Engineer

BH:lt

36 4040

February 27, 1974

RE: Application No. 36-4040 - Glenn Neilson

Minidoka County News
625 Fremont Avenue
Rupert, Idaho 83350

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for 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. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Bob Haynes
District Engineer
Southern District

36 4040

NOTICE OF CLAIM TO A WATER RIGHT

NO. 36-4040

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Rupert, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of .23 cubic feet per second ~~acre feet per annum~~
of water from springs

with point of diversion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 19, T 9S, R 25E, B.M., Minidoka
County

The water is claimed to be used from Jan. 1. to Dec. 31

with a priority of 1968;
the place of use is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 19, T 9S, R 25E, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Administration, 1041 Blue Lakes Boulevard North, Twin
Falls, Idaho, 83301.

R. KEITH HIGGINSON

Director

Published in the Minidoka County News

on March 5 and March 12, 1974

36 4040

Protest Up 3-22

February 27, 1974

RE: Application No. 36-4040

Mr. Glenn Neilson
Rupert, Idaho 83323

Dear Mr. Neilson:

Enclosed is your Receipt No. 13823 for Postal Money Order No. 15-20
in the amount of \$10.00 for the above referenced claim to a water right
which was received in this office February 26, 1974.

Very truly yours,

Lydia L. Tippet
Secretary

enc.

36 4040

36-7444

February 20, 1974

Mr. Glenn Neilson
Rupert, Idaho 83323

Dear Mr. Neilson:

I am returning your Claim to a Water Right and your postal money order in the amount of \$10.00 (15-20). There is an error in the point of diversion and I have taken the liberty of retyping a new claim. Please sign this form and have your signature notarized and send it and your check for \$10.00 to this office.

I have also corrected the legal description with reference to the point of diversion and place of use on the application for permit and will continue processing.

If we can be of any further assistance, please don't hesitate to contact us.

Very truly yours,

Mike Steele
Water Resource Technician II

MS:lt

enc.

36 4010

January 31, 1974

RE: Glenn Neilson Application

Mr. E. Lee Schlender
Schlender & Young
Attorneys at Law
P.O. Box 215
Ketchum, Idaho 83340

Dear Mr. Schlender:

Enclosed please find the corrected claim to a water right form, the form should be signed by the applicant and notarized.

I have enclosed the application for permit form you requested. The addition of appropriations should be submitted on this form.

I am returning the United States of America Postal Money Order No. 15-20 in the amount of \$10.00. A Water Users Handbook is also enclosed for further information.

Sincerely,

Mike Steele
Water Resource Technician II

MS:lt

enc.



SCHLENDER & YOUNG

ATTORNEYS AT LAW
613 NORTH MAIN, P. O. Box 215
KETCHUM, IDAHO 83340
(208) 726-5651

RECEIVED

JAN 31 1974

Department of Water Administration
Southern District Office

TO

Mr. Bob Haynes
Southern District Engineer
State of Idaho
Department of Water Administration
1041 Blue Lakes Boulevard North
Twin Falls, Idaho 83301

DATE January 25, 1974

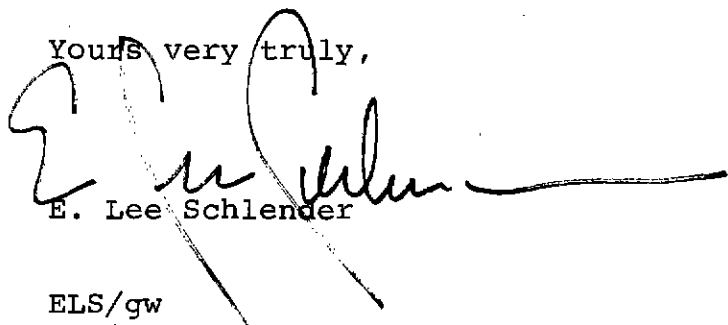
SUBJECT Glenn Neilson
Application

Dear Mr. Haynes:

Enclosed please find Application and Exhibits in regard to the request by Mr. Glenn Neilson for water right. Also please find his check enclosed for \$10.00.

If any further information is needed, please do not hesitate to call or write.

Yours very truly,


E. Lee Schlender

ELS/gw
encl.

January 24, 1974

Mr. E. Lee Schlender
Attorney at Law
P.O.Box 215
Ketchum, Idaho 83340

Dear Mr. Schlender:

Enclosed is a copy of claim to water right form which you requested. If Mr. Neilson desires to file a claim, please return it to our Twin Falls office at 1041 Blue Lakes Boulevard North.

If we can be of any assistance, please don't hesitate to contact us.

Very truly yours,

Bbb Haynes
Southern District Engineer

BH:lt

Enc.

RECEIVED

JAN 23 1974

Department of Water Administration
Southern District Office

SCHLENDER LAW OFFICES
COUNSELORS AT LAW

613 North Main P.O. Box 215
Ketchum, Idaho, 83340

(208) 726-5651

RECEIVED

B. DEE SCHLENDER
LAWRENCE J. YOUNG

Department of Water Administration

January 18, 1974

Mr. Donald W. McEldowney
State of Idaho Dept. of Water Administration
Statehouse, Annex 2
Boise, Idaho 83707

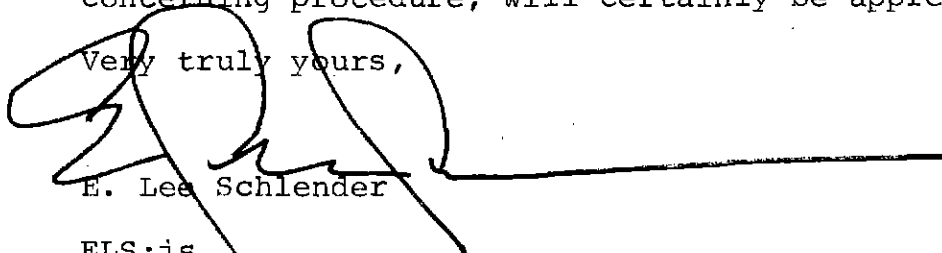
Re: Claim to Water Right -
Glenn Neilson, Rupert, Idaho

Dear Mr. McEldowney:

Mr. Glenn Neilson of Rupert has on property he purchased, a free-flowing spring which resulted from open pit digging for water more than five years ago. The spring has been cased with concrete. To our best knowledge, other than use for cattle and sheep watering, there has been no appropriation of the water in the sense of using it for irrigation.

The spring presently flows a measured flow of not less than 120 inches during the summer; and I have advised Mr. Neilson that he should take whatever steps are necessary to perfect whatever water right he may have. I do not presently have the proper forms for application in such a case. Any assistance you can give me in supplying applications or making recommendations concerning procedure, will certainly be appreciated.

Very truly yours,


E. Lee Schlender

ELS:js

cc: Mr. Glenn Neilson
Rupert
Idaho

36 4040