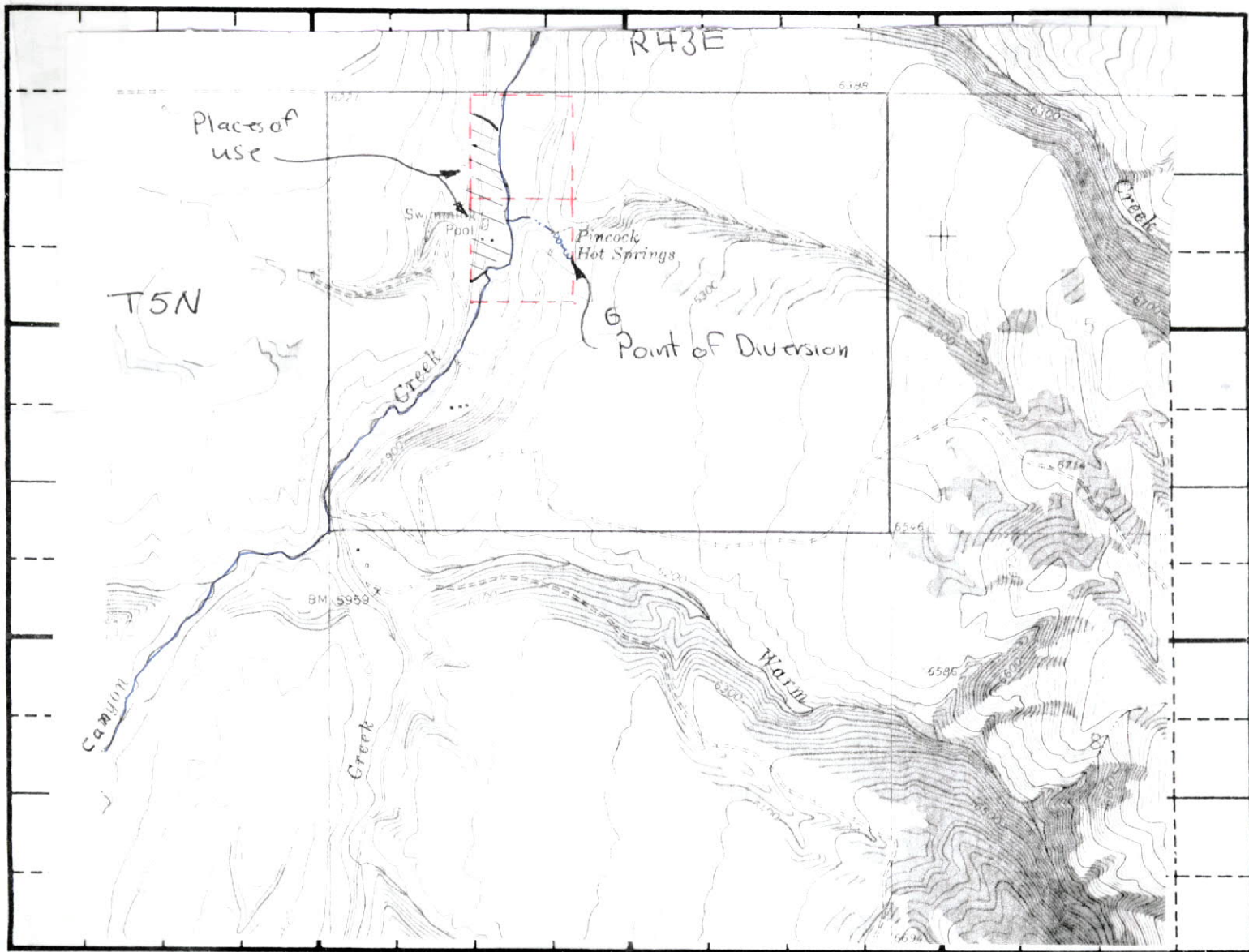


(8) Remarks _____



Scale: 2 inches equal 1 mile.

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.

State of Idaho)
) ss.
County of)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Phil Gene Nilsson
(Claimant)

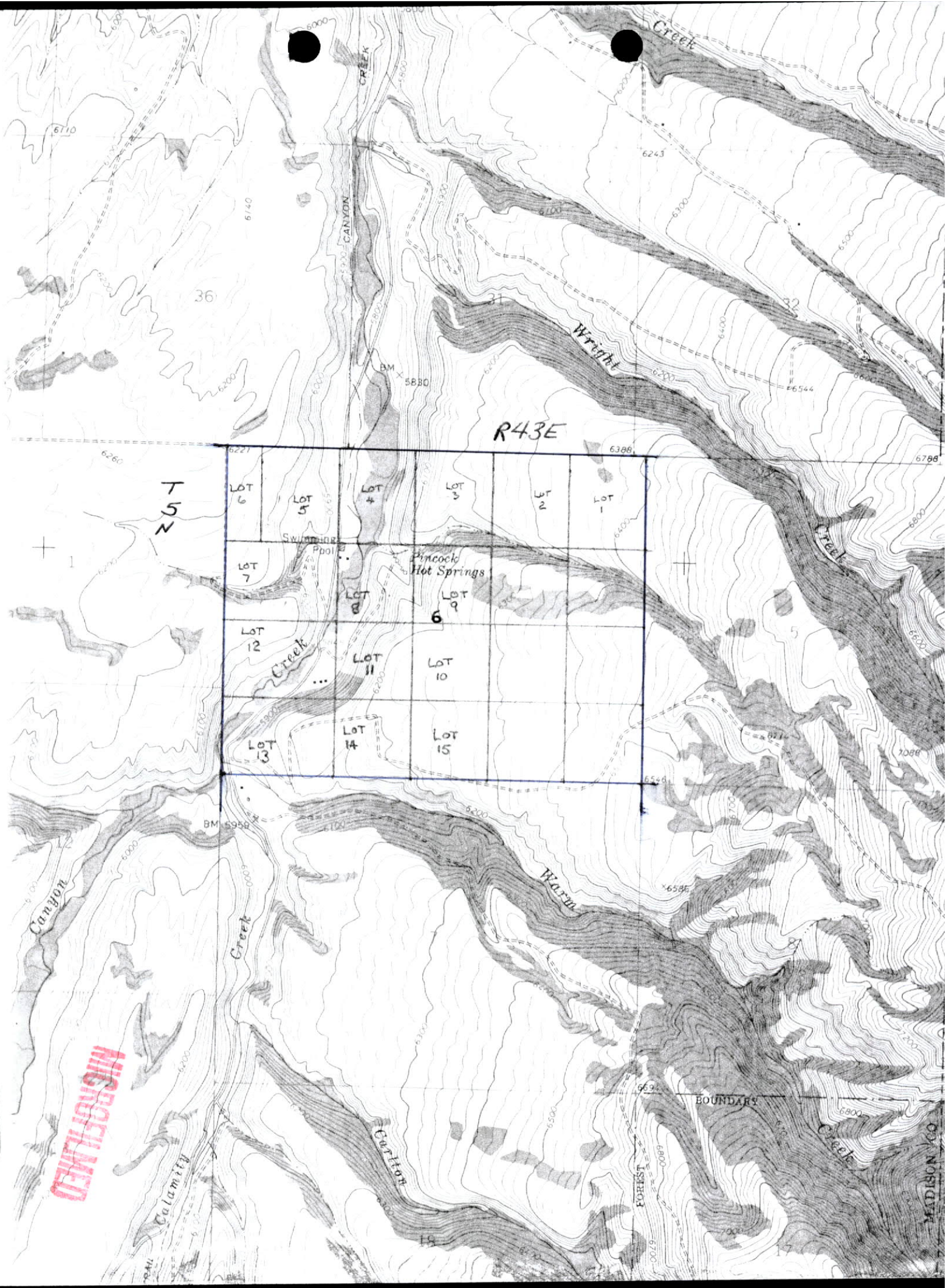
Sworn to before me this 14 day of December, 1982.

Notary Public
Residing at Sign City, Ill

My commission expires 9/86

FOR DEPARTMENT USE ONLY

Received by OW Date 1-6-83 Exception filed by: _____ Forwarded to: _____ Date: _____
 Prelim. check by Kaw Date 1-7-83 claimant by: _____
 \$30.00 fee received by OW Date 1-7-83 #23285
 Published in Standard Journal
 Dates 1/20 - 1/27/83



The REXBURG STANDARD and
The REXBURG JOURNAL
REXBURG, IDAHO

RECEIVED

FEB 10 1983

Department of Water Resources
Eastern District Office

Affidavit of Publication

STATE OF IDAHO }
County of Madison } ss.

I, Bruce Porter
being first duly sworn, depose and say,
that I am the printer of THE REXBURG

Journal, a newspaper printed and
published weekly at Rexburg, Madison
County, Idaho; and I do solemnly swear
that the

Notice of Claims to Water Rights

a copy of which notice appears attached
hereto, was published in the regular and
entire issue of said newspaper, and not in

any supplement issue thereof for two
consecutive issues, the first publication hav-

ing been made on January 20, 1983
and the last publication having been made

on January 27, 1983

Further, that said newspaper is one of
general circulation in said county; that it
is a legal newspaper, conforming to legal
specifications under the Idaho Statutes; that
it has at least two hundred bona fide sub-
scribers living within the county of publica-
tion; and that it has been continuously and
uninterruptedly published in said county dur-
a period of seventy-eight consecutive weeks
prior to the first publication of the said not-
ice.

[Signature]

Subscribed to and sworn to before me
this January 28, 1983

[Signature]
Notary Public.
(SEAL)

My commission expires life

NOTICE OF CLAIMS
TO WATER RIGHTS

The following claim(s) have been filed on
water right(s) created by diversion and
beneficial use:

22-4080
NEIBAUR, PHIL GENE
BOX 96, NEWDALE, ID 83436
Source: GROUNDWATER
Priority Date: 04/01/1953
Diversion Pt: LOT 08 Sec 06 T 05N R 43E
Use: COMMERCIAL (0.03 CFS),
DOMESTIC (0.03 CFS)
In: LOT 08 (SWNW) SEC 06 T 05N R 43E

22-4081
NEIBAUR, PHIL GENE
BOX 96, NEWDALE, ID 83436
Source: GROUNDWATER
Priority Date: 05/01/1961
Diversion Pt: LOT 08 Sec 06 T 05N R 43E
Use: COMMERCIAL (0.03 CFS),
DOMESTIC (0.03 CFS)
In: LOT 08 (SWNW) Sec 06 T 05N R 43E

22-4082
NEIBAUR, PHIL GENE
BOX 96, NEWDALE, ID 83436
Source: PINCOCK HOT SPRINGS trib. to
CANYON CREEK
Priority Date: 05/24/1898
Diversion Pt: LOT 08 Sec 06 T 05N R 43E
Use: IRRIGATION (0.46 CFS), COM-

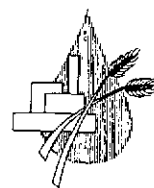
MERCIAL (0.46 CFS)
In: LOT 04 (NWNW) LOT 08 (SWNW) Sec
06 T 05N R 43E FOR 17 ACRES

Exceptions to a claim may be filed with the
Director, Dept. of Water Resources, 150
Shoup Ave., Suite 15, Idaho Falls, Idaho
83402.

KEN DUNN
Director

Publ. Jan. 20 and 27, 1983J.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Phil Gene Neibaur
(Name of Claimant)
Box 96, Newdale, Idaho 83436 Telephone No. 458-4454
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) May 24, 1898

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 is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Pincock Hot Springs tributary to Canyon Creek

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>0.46 cfs</u>	Use <u>Commercial</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity	<u>0.46 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>5-1</u>	To <u>10-31</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

(4) 0.46 cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
Lot 8 1/4 ---- 1/4, Sec. 6 Twp. 5N Rge. 43E B.M., County of Madison
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. Describe any changes in the system and give the date of the change. Diversion is by two gravity flow pipelines each 3" in diameter
One line is 1227 feet long and the other is 572 feet in length.

(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.

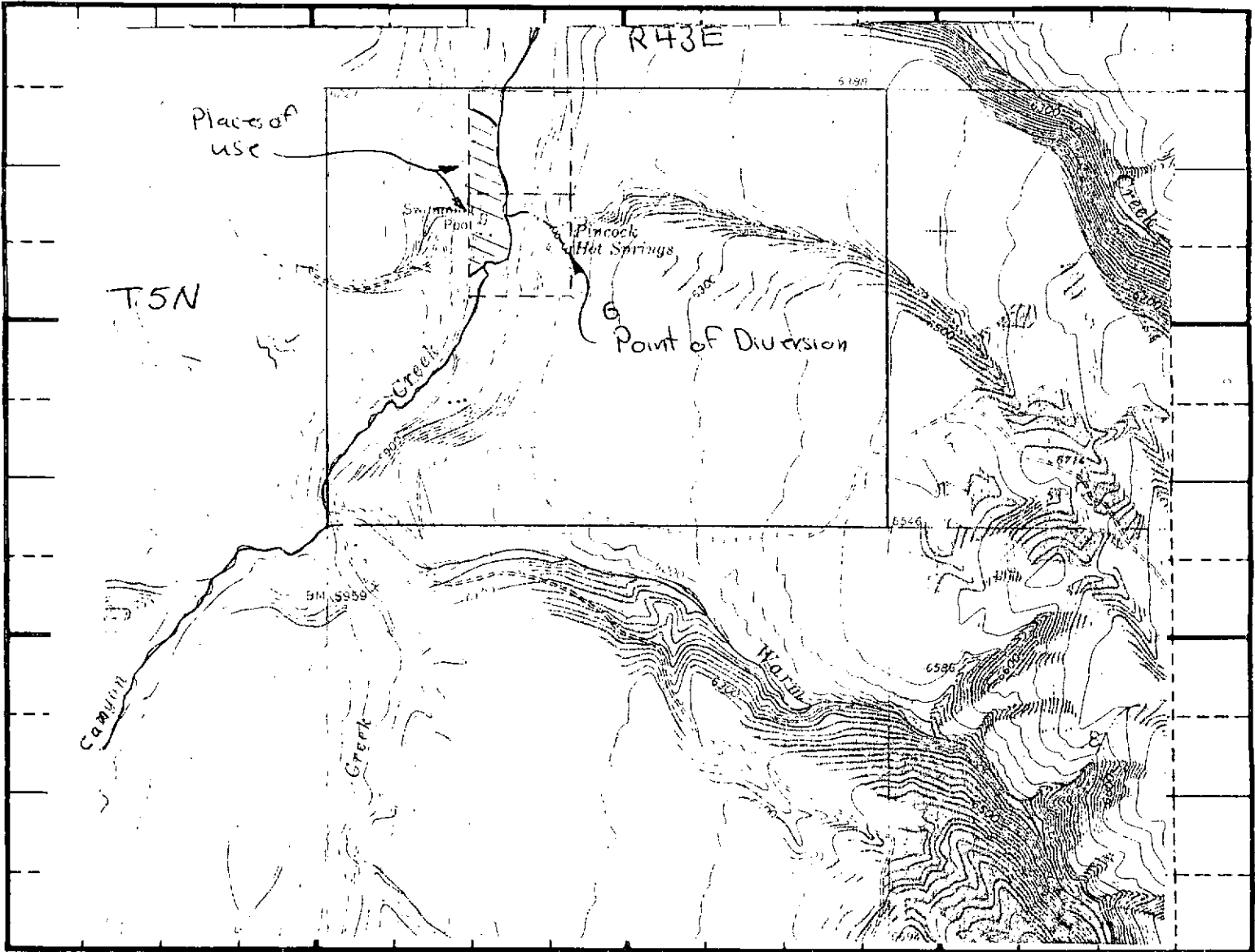
T	R	SEC.	NE%				NW%				SW%				SE%				TOTAL
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
5N	43E	6						8	8.5										16.5
								L4	L8										

No. of acres 16.5

If water is used for other than irrigation, fully describe that use, being as specific as possible:
Hot Springs bathing, heating and culinary purposes

NOTE: Include here the type and number of stock watered:
If you are claiming water as a member of an organization, list name of organization: Green Canyon Hot Springs Inc.

(8) Remarks _____



Scale: 2 inches equal 1 mile.

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.

State of Idaho)
County of _____) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

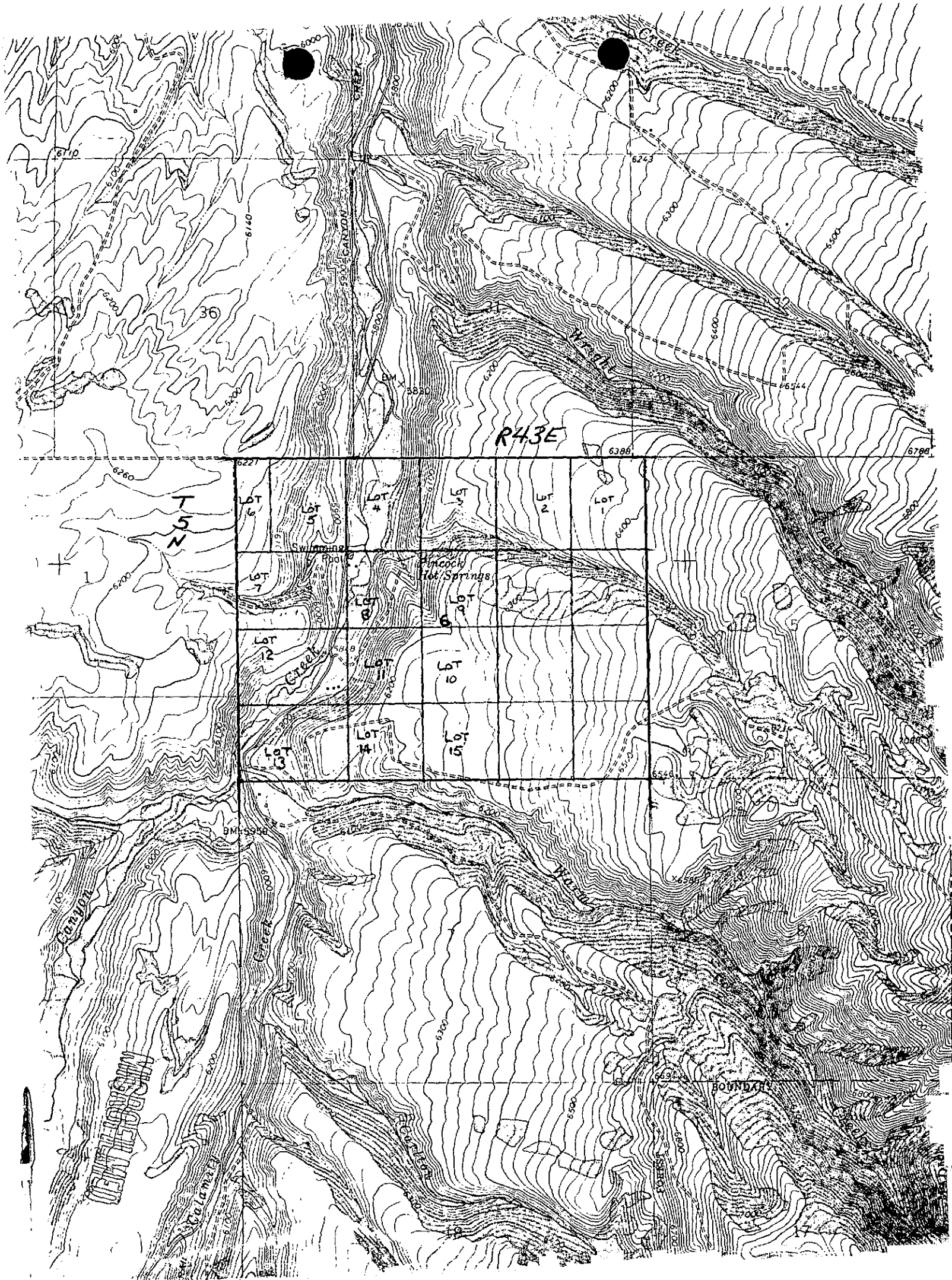
Sworn to before me this 14 day of December, 1982.
Phil Gene Nibaur (Claimant)

Donna Marshall
Notary Public
Residing at Logan City, Idaho

My commission expires 9/26

FOR DEPARTMENT USE ONLY

Received by CU Date 1-6-83 Exception filed by: _____ Date _____
Prelim. check by Kaw Date 1-7-83
\$30.00 fee received by CU Date 1-7-83 #23285
Published in Standard Journal
Dates 1/20 & 1/27/83



NOTICE OF WATER RIGHT RECEIVED

STATE OF IDAHO,

County of

Fremont

ss.

JAN 6 1983

NOV 24 1982

Department of Water Resources
Eastern District Office

Department of Water Resources
Eastern District Office

TO ALL CONCERNED, NOTICE IS HEREBY GIVEN:

1st. That we *John C. Prueck and James H. Prueck* of *Idaho* hereby claim ^{all} the use of the waters of a certain Spring known as *Warm Spring*, located near the NE corner of *Prueck & Company's* mining claim and being on the said claim which claim is in record in said County known as the *Warm Spring* Road to the extent of all its waters being about 5 cubic feet per second.

2d. It is intended to divert said water at or near the point where a copy of this notice is posted, and more definitely described as follows: *at the mouth of said Spring*

(In above description give legal subdivision of land or describe the place with reference to some prominent landmark.)

3d. The purpose for which said water is intended to be used is *agricultural, medicinal, bathing, power and milling, stock growing and domestic purposes*

The place of intended use is *a basin for plunge bathing about 80 to 100 feet Northwest of Spring and a bath house to be erected and intended to be at the Spring for bathing purposes. Also all stock yards and wells and all land hereafter described.*

4th. It is intended to divert said water by means of a ditch, pipe or main running from Spring to bath house, thence to said basin or plunge, thence to said land.

The general course of the proposed canal is *ditch, pipe or main is Northwest*

The length of the proposed canal is *ditch, pipe or main is 80 to 100 feet to basin and to land described* ^{also} *12230 feet.*

It is intended to use said water for irrigating the following described land: *a small valley or flat lying immediately North of the said Warm Spring Road, also lying immediately West of Canyon Creek and on opposite side from said Spring.*

Saw *Quercus laevis*
Apr 12, 1981

were and on opposite side from river spring.

Bth. It is intended to have the works for diversion and use of said water as aforesaid completed within five years. (This must in no case exceed five years.)

WITNESS our hand at St. Anthony, Idaho, this 10th day of May, 1898

John E. Crivner,
James H. Crivner, }
Claimants.

STATE OF IDAHO,
County of Fremont } ss.

John E. Crivner
being first duly sworn, depose and say that he is of lawful age and one of the claimant of the Water Right mentioned in the foregoing notice and whose name is subscribed thereto. That the statements in said notice are true, and that the original notice, of which the foregoing is a true copy, was posted in a conspicuous place at or near the place of intended diversion (as provided by law) on the 24th day of May, 1898, at 11 minutes past 4 o'clock P.M.

John E. Crivner

Subscribed and sworn to before me this 24th

NOTE.—The above Certificate may, where there are several claimants, be made and sworn to by one of them.

Notary Public
MICROFILMED
Check of the District Court

Filed for record this 24th day of May, 1898 at 5:40 o'clock P.M.
By [Signature] Deputy.
Recorder.

The REXBURG STANDARD and
The REXBURG JOURNAL
REXBURG, IDAHO

Affidavit of Publication

STATE OF IDAHO }
County of Madison } ss.

I, Bruce Porter

being first duly sworn, depose and say,
that I am the printer of THE REXBURG

Journal, a newspaper printed and
published weekly at Rexburg, Madison
County, Idaho; and I do solemnly swear
that the

Notice of Claims to Water Rights

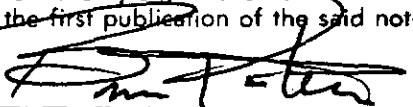
a copy of which notice appears attached
hereto, was published in the regular and
entire issue of said newspaper, and not in

any supplement issue thereof for two
consecutive issues, the first publication hav-

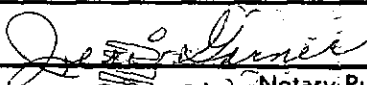
ing been made on January 20, 1983
and the last publication having been made

on January 27, 1983

Further, that said newspaper is one of
general circulation in said county; that it
is a legal newspaper, conforming to legal
specifications under the Idaho Statutes; that
it has at least two hundred bona fide sub-
scribers living within the county of publica-
tion; and that it has been continuously and
uninterruptedly published in said county dur-
a period of seventy-eight consecutive weeks
prior to the first publication of the said not-
ice.



Subscribed to and sworn to before me
this January 28, 1983


(SEAL) Notary Public.

My commission expires life

RECEIVED

FEB 10 1983

Department of Water Resources
Eastern District Office

**NOTICE OF CLAIMS
TO WATER RIGHTS**

The following claim(s) have been filed on
water right(s) created by diversion, and
beneficial use:

22-4080
NEIBAUR, PHIL GENE
BOX 96, NEWDALE, ID 83436
Source: GROUNDWATER
Priority Date: 04/01/1953
Diversion Pt: LOT 08 Sec 06 T 05N R 43E
Use: COMMERCIAL (0.03 CFS),
DOMESTIC (0.03 CFS)
In: LOT 08 (SWNW) SEC 06 T 05N R 43E

22-4081
NEIBAUR, PHIL GENE
BOX 96, NEWDALE, ID 83436
Source: GROUNDWATER
Priority Date: 05/01/1961
Diversion Pt: LOT 08 Sec 06 T 05N R 43E
Use: COMMERCIAL (0.03 CFS),
DOMESTIC (0.03 CFS)
In: LOT 08 (SWNW) SEC 06 T 05N R 43E

22-4082
NEIBAUR, PHIL GENE
BOX 96, NEWDALE, ID 83436
Source: PINCOCK HOT SPRINGS trib. to
CANYON CREEK
Priority Date: 05/24/1898
Diversion Pt: LOT 08 Sec 06 T 05N R 43E
Use: IRRIGATION (0.46 CFS), COM-

MERCIAL (0.46 CFS)
In: LOT 04 (NWNW) LOT 08 (SWNW) Sec
06 T 05N R 43E FOR 17 ACRES

Exceptions to a claim may be filed with the
Director, Dept. of Water Resources, 150
Shoup Ave., Suite 15, Idaho Falls, Idaho
83402.

KEN DUNN
Director

Publ. Jan. 20 and 27, 1983J.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

FEBRUARY 7, 1983

PHIL GENE NEIBAUR
BOX 96
NEWDALE

ID 83436

RE: Claim No. 22-4082

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve 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 with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

RECEIVED
MAR 08 1983

Department of Water Resources

February 8, 1983

RE: Claim to a Water Right No. 22-4080 NEIBAUR
22-4081 "
22-4082 "

Standard Journal
P.O. Box 10
Rexburg, ID 83440

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application(s). The legal notice was to have been published in your paper on January 20 and 27, 1983.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

MICROFILMED

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY:

KC Wilson

Green Canyon Hot Springs In

Right Number

22 4082

Applicant

Phil Gene Neibaur

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By Ernest Carlson

Date Feb 17, 1983

Feb 7, 1983

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By KW

Date 3/8/83

MICROFILMED

WATER RIGHT
DATA ENTRY LOG

[illegible]

22-4082-

NEIBAUER, PHIL GENE

BOX 96, NEWDALE, ID 83436

Source: PINCOCK HOT SPRINGS trib. to CANYON CREEK

Priority Date: 05/24/1898

Diversion Pt: LOT 08 Sec 06 T 05N R 43E

Use: IRRIGATION (0.46 CFS)
COMMERCIAL (0.46 CFS)

In: LOT 04 (NW1/4) LOT 08 (SW1/4) Sec 06 T 05N R 43E FOR 17 ACRES

MICROFILMED