

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 ADRAIN NIELSON
(Name of Claimant)
P.O. BOX 26 OVID ID. 83260
(Mailing Address) (Zip Code) Telephone No. 847-1497

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) 10 April 1890

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)
OVID CK tributary to BEAR RIVER

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

Quantity	(cfs, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>6.00 cfs</u>		Use <u>IRR</u>		Period of Use From <u>MAY 15</u>	To <u>OCT 15</u>
Quantity <u>1.02 cfs</u>		Use <u>Stock</u>		Period of Use From <u>Jan 1</u>	To <u>Dec 31</u>
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____

- (4) 6.00 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
NE 1/4 NW 1/4, Sec. 23 Twp. 13S Rge. 43E B.M., County of BEAR LAKE
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. BOARD DAM ON OVID CK Water then Floods over land To IRR. Place of use

- (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 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			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	
13S	43E	24							30										30

No. of acres 30

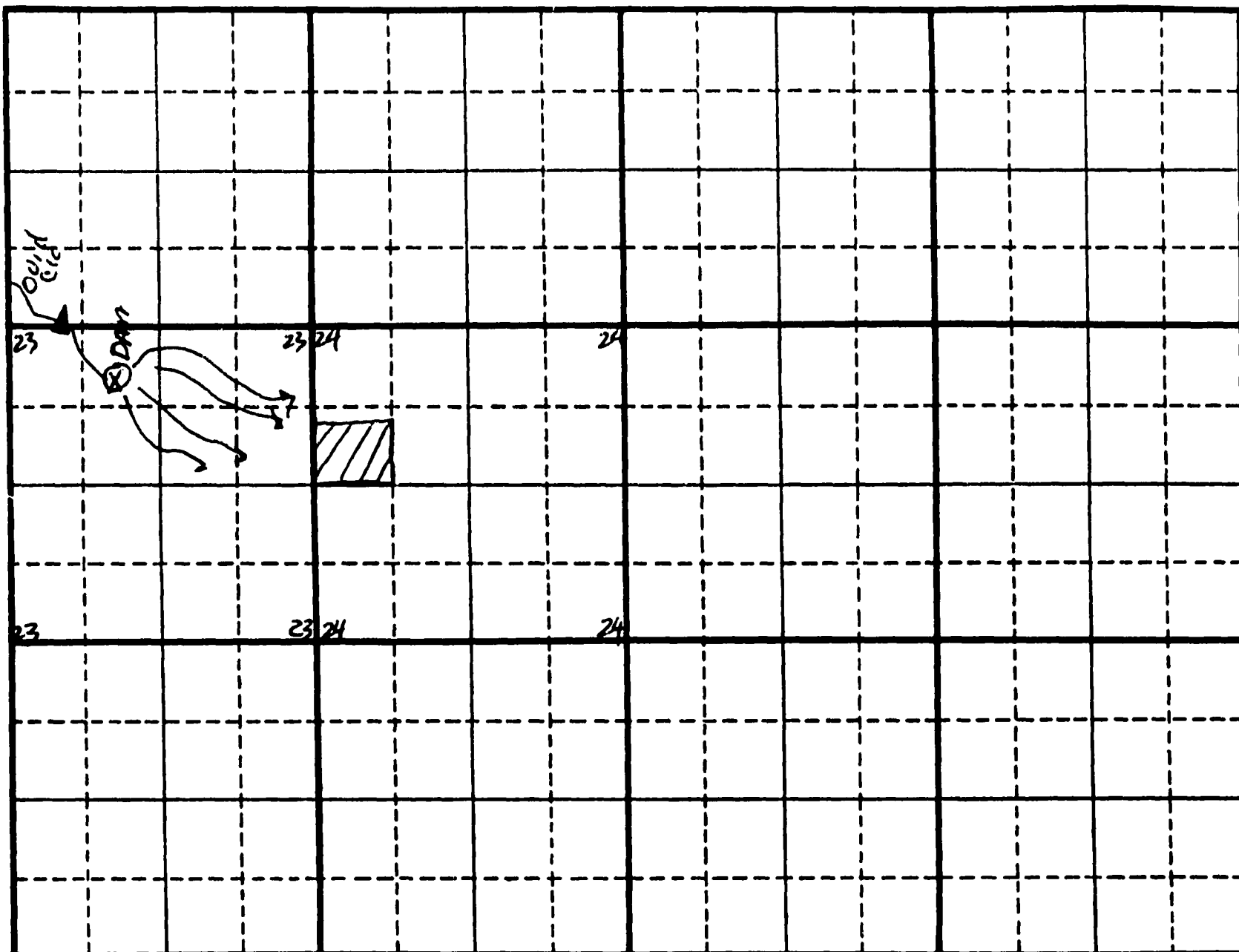
- B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

Stock use the meadow area and are watered by this irrigation source ?

NOTE: Include here the type and number of stock watered: 24 Head Cows

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

(8) Remarks OTHER LANDS ARE ALSO IRRIGATED BY THIS
SHIRTLIFF DAM AND SUBSEQUENT FLOODING.



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 BEAR LAKE) 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.

Adrian Nielson
(Claimant)

Sworn to before me this 13 day of MAY, 1981.

William Rhoads
Notary Public
Residing at Id. Falls

My commission expires MAY 4, 1984

FOR DEPARTMENT USE ONLY

Received by <u>BR</u>	Date <u>5-13-81</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>KCW</u>	Date <u>5-14-81</u>		claimant by:	
\$20.00 fee received by <u>CW</u>	Date <u>5-14-81</u>			
Published in: <u>Idaho Examiner #17647</u>				
Dates <u>5/28 & 6/4/81</u>				

FIDAVIT OF PUBLICATION

WHO,

Lake

ss.

being duly sworn,

says:

is the News-Examiner of
 VER, a weekly newspaper published at
 County of Bear Lake and State of Idaho;
 is been and is in general circulation in
 id, and in the vicinity of Montpelier; tha
 a copy of which is attached hereto, was
 newspaper once a week for
 s in the regular and entire issue of said p
 od and time of publication, and was publi
 per proper and not a supplement; that
 n established and regularly published for
 ight consecutive weeks prior to the da
 n of said advertisement.

was published in the issue beginning wi

....., 19....., and er
 of 19.....

and sworn to before me this 19.....

..... 19.....

Notary Public, Residing at Montpelier,

on Expires 19.....

Public Notices

Place of Use: SESE SWSE Sec 15 T
 13S R 43E NENE NENEW Sec 22 T 13S R
 43E FOR 92 ACRES
 Diversion Means: DITCH, PUMP &
 SPRINKLER.

11-4111
 HUNZEKER & SONS, FRED
 RURAL RT. 1, MONTPELIER, ID
 83254

Source: SPRING tributary to SHEEP
 CREEK

Priority Date: 05-01-1931

Amount: 0.02 CFS

Diversion Point: SWNE Sec 25 T 13S R
 45E, BEAR LAKE Co.

Use: STOCKWATER (0.02 CFS)
 from 05-01 to 12-15

Place of Use: SWNE Sec 25 T 13S R
 45E

Diversion Means: EXCAVATED
 SPRING AREA.

11-4112
 HUNZEKER & SONS, FRED
 RURAL RT. 1, MONTPELIER, ID
 83254

Source: SPRINGS tributary to SINKS

Priority Date: 05-15-1944

Amount: 0.02 CFS

Diversion Point: NWNE SWNE
 NENEW Sec 15 T 13S R 45E, BEAR LAKE
 Co.

Use: STOCKWATER (0.02 CFS)
 from 05-15 to 12-01

Place of Use: NWNE SWNE NENEW
 Sec 15 T 13S R 45E

Diversion Means: EXCAVATED

PONDS.

11-4113
 HUNZEKER & SONS, FRED
 RURAL RT. 1, MONTPELIER, ID
 83254

Source: SPRINGS tributary to SHE-
 EP CREEK, WEST FORK

Priority Date: 05-15-1932

Amount: 0.02 CFS

Diversion Point: SENW Sec 14 T 13S R
 45E SESE Sec 23 T 13S R 45E NWNW Sec
 24 T 13S R 45E NWSE Sec 25 T 13S R 45E
 SENE Sec 26 T 13S R 45E, BEAR LAKE
 Co.

Use: STOCKWATER (0.02 CFS)
 from 05-15 to 12-01

Place of Use: SENW Sec 14 T 13S R
 45E SESE Sec 23 T 13S R 45E NWNW Sec
 24 T 13S R 45E NWSE Sec 25 T 13S R 45E
 SENE Sec 26 T 13S R 45E

Diversion Means: EXCAVATED
 SPRING.

11-4114
 NIELSON, ADRAIN
 P.O. BOX 26, OVID, ID 83260
 Source: OVID CREEK tributary to
 BEAR RIVER

Priority Date: 04-10-1890

Amount: 6.00 CFS

Diversion Point: NENEW Sec 23 T 13S R
 13E, BEAR LAKE Co.

Use: IRRIGATION (6.00 CFS)

from 05-15 to 10-15

STOCKWATER (0.02 CFS)

from 01-01 to 12-31

Place of Use: SWNW Sec 24 T 13S R
 E FOR 30 ACRES

Diversion Means: BOARD DAM.

11-4115
 NIELSON, ADRAIN
 P.O. BOX 26, OVID, ID 83260
 Source: OVID CREEK tributary to
 BEAR RIVER

Priority Date: 03-21-1889

Amount: 52.00 CFS

Diversion Point: NENEW Sec 23 T 13S R
 43E SENW Sec 19 T 13S R 44E, BEAR
 LAKE Co.

Use: IRRIGATION (52.00 CFS)

from 05-15 to 10-15

Place of Use: NENE SENE Sec 23 T
 13S R 43E SWNE SENE NWNW SWNW
 SENW NESE SESE Sec 24 T 13S R 43E
 NENE Sec 25 T 13S R 43E NWSW SWSW
 Sec 19 T 13S R 44E FOR 263 ACRES

Diversion Means: HEADGATES.

Any exception to any claim of water
 right may be filed with the Director of
 the Idaho Department of Water Re-
 sources, 150 Shoup Ave., Idaho Falls,
 Idaho 83401.

A. KENNETH DUNN
 Director

Published 5-28 & 6-04-81.

6-4, 6-11
 201 LINES

to be advised that in the public
 the Bear River Mosquito Abatement
 will be spraying cythion - malathion
 - July and August, 1981. The cythion
 on chemical could possibly do
 to General Motors automobile paint.
 e listen to KVIS Radio Station,
 or, Idaho for the exact dates of

11-4114-

NIELSON, ADRAIN

P.O. BOX 26, OVID, ID 83260

Source: OVID CREEK tributary to BEAR RIVER

Priority Date: 04/10/1890

Amount: 6.00 CFS

Diversion Point: NENW Sec 23 T 13S R 43E, BEAR LAKE Co.

Use: IRRIGATION	(6.00 CFS)	from 05/15 to 10/15
STOCKWATER	(0.02 CFS)	from 01/01 to 12/31

Place of Use: SWNW Sec 24 T 13S R 43E FOR 30 ACRES

Diversion Means: BOARD DAM.

July 1, 1981

RE: Claim to a Water Right No. 11-4105, 11-4106, 11-4107, 11-4108,
11-4109, 11-4110, 11-4111, 11-4112,
11-4113, 11-4114, 11-4115,

Application for Permit No. 11-7255, 11-7258, 11-7259

News-Examiner
P.O. Box 278
Montpelier, Idaho 83254

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 May 28 and June 4,
1981.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

KAY WALKER
Secretary

CW:kw

<u>Water Right Number</u>	<u>Date Published</u>
11-4105	5/28 & 6/04/81
11-4106	5/28 & 6/04/81
11-4107	5/28 & 6/04/81
11-4108	5/28 & 6/04/81
11-4109	5/28 & 6/04/81
11-4110	5/28 & 6/04/81
11-4111	5/28 & 6/04/81
11-4112	5/28 & 6/04/81
11-4113	5/28 & 6/04/81
11-4114	5/28 & 6/04/81
11-4115	5/28 & 6/04/81
11-4116	6/04 & 6/11/81
11-4117	7/02 & 7/09/81
11-4118	7/02 & 7/09/81
11-4119	7/09 & 7/16/81
11-4120	7/09 & 7/16/81
11-4121	7/16 & 7/23/81
11-7194 Amendment	4/30 & 5/07/81
11-7222	3/26 & 4/02/81
11-7254	5/28 & 6/04/81
11-7255	5/28 & 6/04/81
11-7257	5/28 & 6/04/81
11-7258	5/28 & 6/04/81
11-7259	5/28 & 6/04/81
11-7260	6/04 & 6/11/81
11-7261	6/11 & 6/18/81
11-7262	6/18 & 6/25/81
11-7263	7/02 & 7/09/81
24-4041	7/02 & 7/09/81



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup
Idaho Falls, Idaho 83401
(208) 525-7161

August 4, 1981

RE: Attached Listing of Needed Affidavits of Publication

News-Examiner
P.O. Box 278
Montpelier, ID 83254

Gentlemen:

Attached is a listing of all of the publications of legal notices that we have not received as of this date. Would you please submit an affidavit of publication and certified bill in connection with these legals? Our office cannot proceed with the processing of these water right filings until we receive the above items. Your cooperation in this matter would be greatly appreciated.

Sincerely,

KAY WALKER
Secretary

KW:k
Attachment

WHD414
06/03/81

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NEW WATER RIGHT FILINGS

PAGE 3

* INDICATES TOTAL *

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE FROM TO	MAX AMOUNT	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
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11-4111

11-4112	HUBZACKSONS, FRED RURAL RT. 1 MONTPELIER	05-15-1944	STOCKWATER 05-15 12-01	.02 CFS	NAME S15 S&B S15 T13S R45E W&N S15 T13S R45E	NAME S&B S15 T13S R45E	STAIRY CLM
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SOURCE: SPRINGS OTHER USES: S/2500 SHEEP, 300 RANGERS.							
PRIORITY: STIRS							

11-4113	HUBZACKSONS, FRED RURAL RT. 1 MONTPELIER	05-15-1944	STOCKWATER 05-15 12-01	.02 CFS	NAME S14 S&B S14 T13S R45E W&N S14 T13S R45E	NAME S&B S14 T13S R45E	STAIRY CLM
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SOURCE: SPRINGS OTHER USES: S/2500 SHEEP, 300 RANGERS.							
PRIORITY: SHEEP CREEK, WEST FORK							

11-4114	OLESON, ADRALIN P.O. BOX 26 OVID	05-10-1990	IRRIGATION 05-15 10-15	6.00 CFS	NAME S23 S&B S23 T13S R43E W&N S24 T13S R43E	NAME S&B S23 T13S R43E	STAIRY CLM
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SUBJECT: OVID CREEK OTHER USES: S/24 RANGERS.							
PRIORITY: BEAR RIVER							

STOCKWATER 01-01 12-31							
.02 CFS							
SAME AS OTHER USE							

11-4115	OLESON, ADRALIN P.O. BOX 26 OVID	03-21-1990	IRRIGATION 05-15 10-15	52.00 CFS	NAME S23 S&B S23 T13S R43E W&N S24 T13S R43E	NAME S&B S23 T13S R43E	STAIRY CLM
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SUBJECT: OVID CREEK P/O: T13S R43E S24 R&B(13)							
PRIORITY: BEAR RIVER							
STOCKWATER 01-01 12-31							
.02 CFS							
SAME AS OTHER USE							

Department of Water Resources
Eastern District Office

JUN 26 1981

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Ave.
Idaho Falls, Idaho 83401
(208) 525-7161

JUNE 17, 1981

ADRAIN NIELSON
P.O. BOX 26
OVID

ID 83260

RE: Claim No. 11-4114

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

Form 243a
11/78

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Kaw

Right Number 11 4114 Applicant Nielson

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. 8-14-81
- ☒ Claim published correctly.
- ☒ Exceptions processed.

By Ernest Carlson Date 8-19-1981

6/15
RECEIVED
AUG 24 1981

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Jpm Date 8/24/81

Department of Water Resources

11-4095