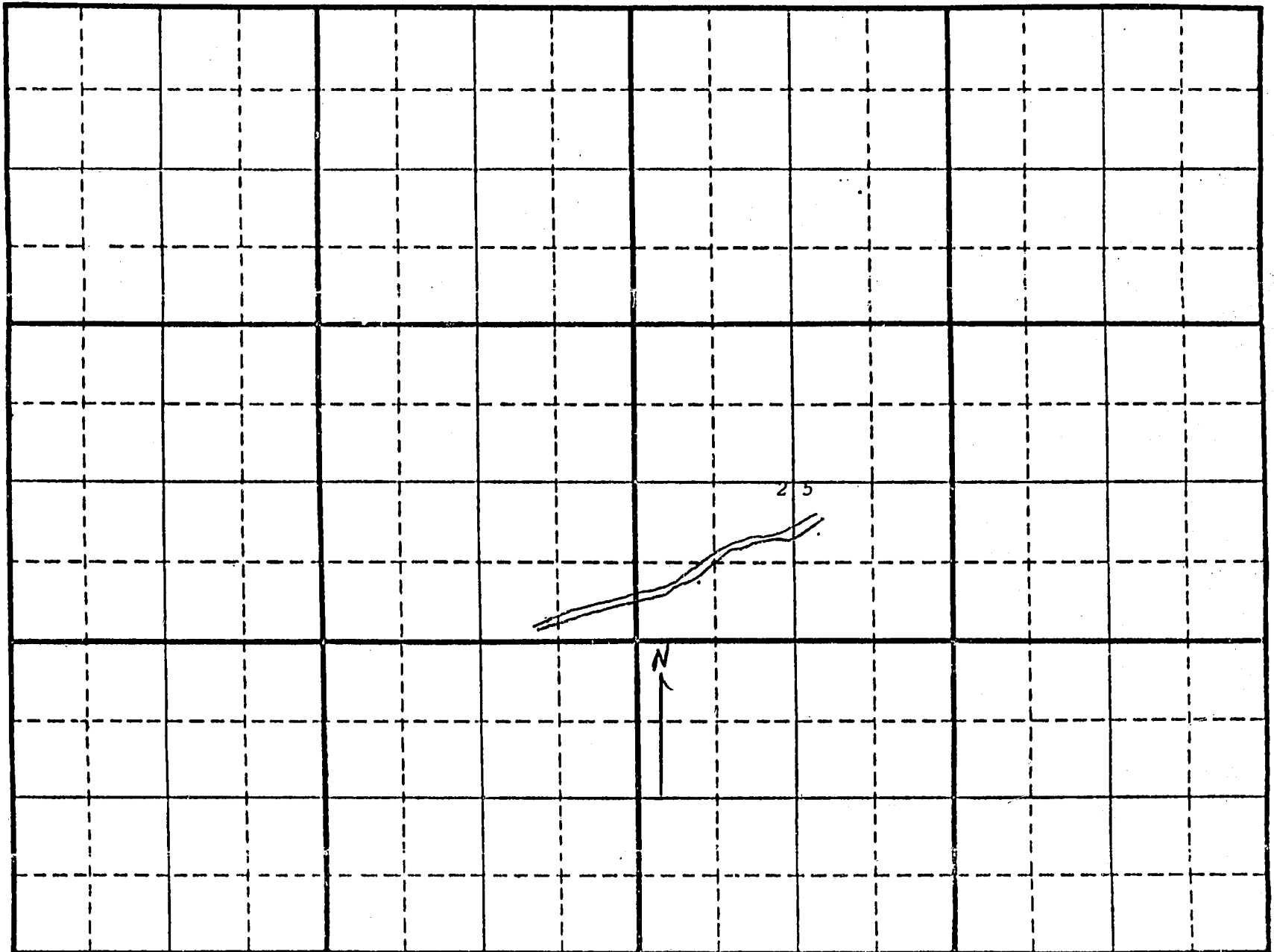


(8) Remarks See attached two affidavit's from previous owner and operator's



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~~ Utah)
County of Cache) 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 8 day of June, 19 88.

John P. Nelson
(Claimant)
Benjamin Preece
Notary Public
Residing at North Logan, Utah

My commission expires 7-8-90

FOR DEPARTMENT USE ONLY

Received by AW Date 6-27-88 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by EBV Date 7/11/88 returned w/ request claimant by: _____
\$30.00 fee received by AW Date 6-27-88 claim 7/12/88
Published in _____
Dates _____

No 3600 AUG 29 1988

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Bear Lake ss.

Therese Stamm
being duly sworn,

deposes and says:

I am the *Editor* of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for *2* 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 *August 18*, 19*88*, and ending with the issue of *August 25*, 19*88*.
Therese Stamm
Fees, *\$22.75*

Subscribed and sworn to before me this *26th* day of *Aug*, 19*88*.

Kevin J. Allen

Notary Public, Residing at *Montpelier*, Idaho

My Commission Expires *June 7*, 19*92*

RECEIVED

SEP 1 1988

Department of Water Resources
Eastern District Office

NOTICE OF CLAIMS
TO WATER RIGHT

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

11-04329

NELSON, JOHN P.

24 West 200 North

P.O. Box 84

Hyde Park, UT 84318

Source: COPENHAGEN CANYON

Tributary: SINKS

Diversion Pt: NESW Sec 25 T 12S R 42E NWSW Sec 25 T 12S R 42E SWSW Sec 25 T 12S R 42E

Use: STOCKWATER (.015 CFS)

Priority Date: 5/01/1952

In: T12S R42E S25 NESW NWSW SWSW

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

R. KEITH HIGGINSON, Director

Legal No. 3600 -26L- Publish Aug. 18, 25, 1988.

A F F I D A V I T

WHEREAS, I, C. Lee Nelson am a son of R K Nelson and I have assisted my father with his cattle operation, which operation is the breeding and raising of beef cattle in the Bear Lake Valley of Idaho; and

WHEREAS, I also have a beef cattle operation and for several years both my cattle and my fathers cattle have been intermixed and pastured together, and

WHEREAS, I have looked after said cattle including but not limited to transporting to and from pasture lands along with regular fencing and checking on said cattle.

NOW, THEREFORE, I the undersigned to hereby attest that approximately 55 head of cows plus their new born calves were pastured during the regular growing season on my father's property located in Sherron, Bear Lake County, Idaho. This property contains 120 acres and is situated in the mouth of Copenhagen Canyon. The water the cattle used was that of springs located on the property and from the stream commonly known as Copenhagen Creek which flows through the property. I further attest that this property was used for cattle pasturing each year for as long as I can remember and up through the summer of 1985.

IN WITNESS THEREOF, the party listed below has executed this affidavit on June 13, 1988

C. Lee Nelson

ACKNOWLEDGEMENT

C. Lee Nelson personally appeared before me and signed this instrument on the above listed date.

STATE OF Ida.

COUNTY OF Bear Lake

Stephen Portch
NOTARY PUBLIC

Residing at: monahie

Commission Expires: Oct. 3, 1993

DATE: 6-14-88

RECEIVED

JUN 27 1988

Department of Water Resources
Eastern District Office

A F F I D A V I T

WHEREAS, R K Nelson purchased the following described property in 1952

The South Half of the Southwest Quarter and the Northwest quarter of the Southwest Quarter of Section 25, Township 12 South, Range 42 East of the Boise Meridian, containing 120 acres, be there more or less Together with any and all water and water rights thereunto belonging or in anywise appertaining.

and said property is located in the area known as Sherron, Bear Lake County, Idaho; and

WHEREAS, the above described property is mountainous pasture type ground and R K Nelson was in the business of breeding and raising of beef cattle; and

WHEREAS, R K Nelson had children who assisted him in the beef cattle operation.

NOW, THEREFORE, I the undersigned do hereby attest that the above described property was used to pasture approximately 55 head of beef cows along with their new born calves. This use occurred each year consecutively from 1952 through 1985. I also attest that the source of drinking water for the cattle was from springs in the area and from the stream flowing through the property commonly known as Copenhagen Creek.

This property has since been sold with the majority of it being sold to my son John P Nelson.

IN WITNESS THEREOF, the party listed below has executed this affidavit on 1 June 1988.

R K Nelson

ACKNOWLEDGEMENT

On the above listed date, R K Nelson personally appeared before me and signed this instrument.

STATE OF Utah

COUNTY OF Cache

Reuthia Price
NOTARY PUBLIC

Residing at: North Logan

Commission Expires: 7-8-90

Date: 1 June 1988

RECEIVED

JUN 27 1988

Department of Water Resources
Eastern District Office

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 John P. Nelson (Name of Claimant) 801-752-8328(work)
24 West 200 North, PO Box 84, Hyde Park, Utah 84318 (Mailing Address) Telephone No. 801-563-5219(home)
(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 1, 1952
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)
Copenhagen Canyon tributary to sinks
- (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>0.015 cfs</u>	Use <u>stock</u>	Period of Use From <u>01/01</u>	To <u>12/31</u>
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
(4) <u>0.015 cfs</u>	TOTAL QUANTITY USED.		

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
NE 1/4 SW 1/4, Sec. 25 Twp. 12S Rge. 42E B.M., County of Bear Lake
Additional points of diversion: NW 1/4 SW 1/4, SW 1/4 SW 1/4 Sec. 25 T12S R42E, Bear Lake County

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. In-stream stock watering

- (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	
12S	42E	25									S	S	S						

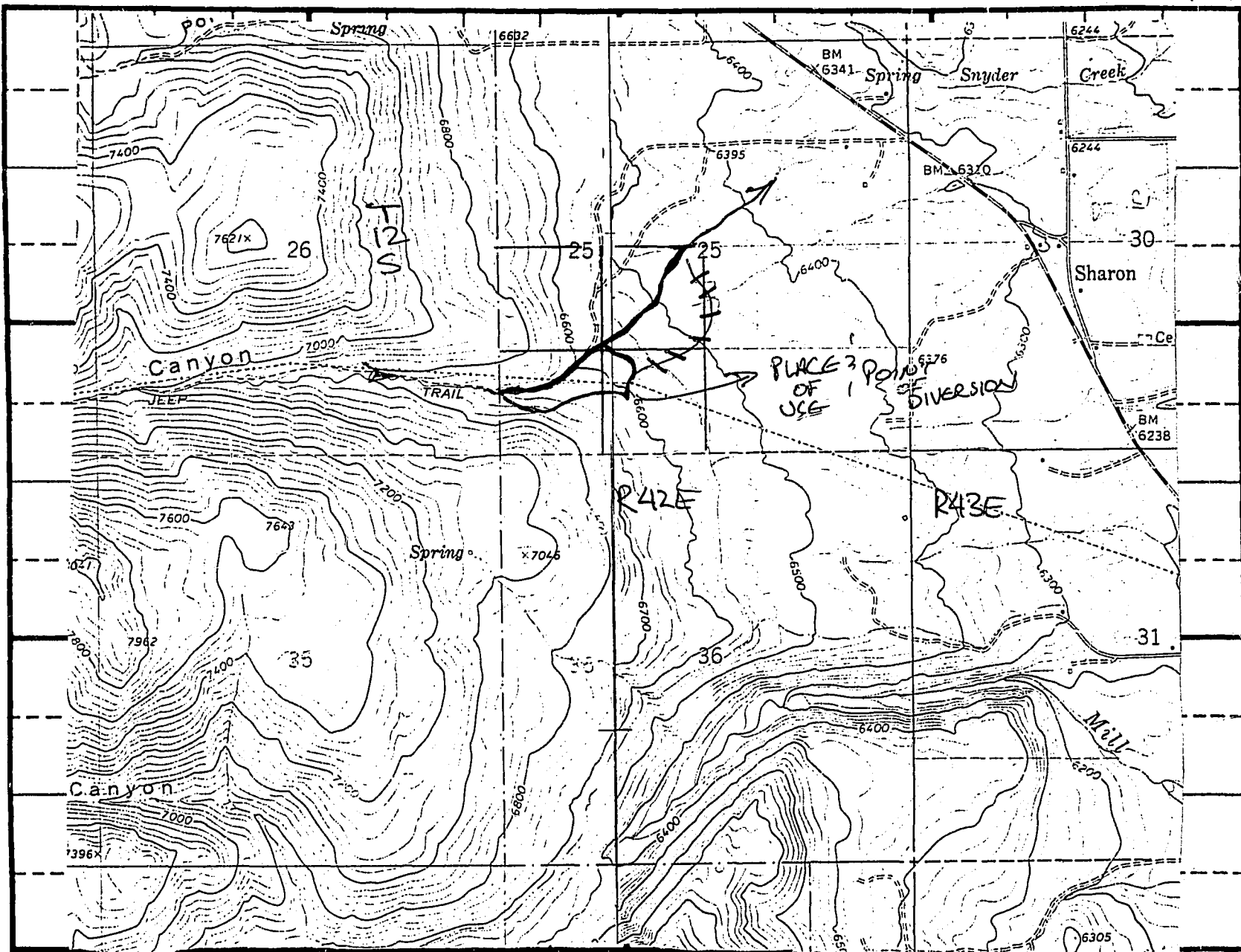
No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
In-stream stockwatering for 55 head of range cattle.

NOTE: Include here the type and number of stock watered: _____

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

(8) Remarks See attached, two affidavit's from previous owners and operators.



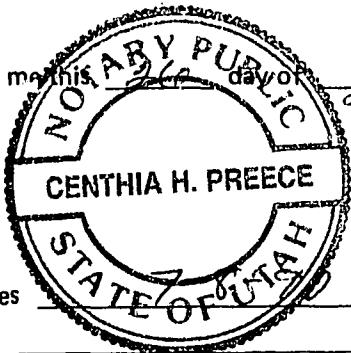
Scale: 2 inches equal 1 mile.

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 ~~XXXX~~ Utah)
County of Carcho) 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 26th day of July, 19 88.



John M. Meltzer
(Claimant)

Centhia H. Preece
Notary Public
Residing at North Logan UT.

My commission expires _____

Received by OW CW Date 6-27-88 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by ESV Date 7-11-88 revised claim filed 7-13-88 claimant by: _____
\$30.00 fee received by dg Date 7-13-88 # E000712
Published in Newspaper _____
Dates 8-18 + 8-25-88 dg _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

July 13, 1988

John P. Nelson
24 West 200 North
P.O. Box 84
Hyde Park, UT 84318

RECEIVED

AUG 5 1988

Department of Water Resources
Eastern District Office

RE: Claim to Water Right

Dear Mr. Nelson:

Our office has received and reviewed the claim to a stockwater water right you submitted in June. To clarify the legal description of the place-of-use, I have completed another form and attached a copy of the USGS map for the area you are claiming the water right. Please review this revised claim and if everything is in order, sign it in front of a Notary and return the claim to our office.

Our office will hold further processing of this claim for 30 days or until we receive the revised claim, so your prompt attention is appreciated.

If you have any questions, please feel free to contact our office.

Sincerely,

Eric S. Verner
Senior Resource Agent

ESV:jt

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 834
(208) 525-7161

AUGUST 9, 1988

THE NEWS-EXAMINER
P.O. BOX 278
MONTPELIER, ID 83254

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before SEPTEMBER 5, 1988.

Yours truly,

Deena Green
Secretary

Encl.

NOTICE OF CLAIMS TO WATER RIGHT

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

11-04329

NELSON, JOHN P.
24 WEST 200 NORTH
P.O. BOX 84
HYDE PARK, UT 84318

Source: COPENHAGEN CANYON

Tributary: SINKS

Diversion Pt:	NESW	Sec 25 T 12S R 42E
	NWSW	Sec 25 T 12S R 42E
	SWSW	Sec 25 T 12S R 42E

Use: STOCKWATER (.015 CFS)

Priority Date: 5/01/1952

In: T12S R42E S25 NESW NWSW SWSW

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

R. KEITH HIGGINSON, Director

Published 8/18/1988 & 8/25/1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Avenue, Suite 15

Idaho Falls, Idaho 8
(208) 525-7161

SEPTEMBER 7, 1988

JOHN P. NELSON
24 WEST 200 NORTH
P.O. BOX 84
HYDE PARK, UT 84318

Re: Claim No. 11-04329

Dear Claimants(s):

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 the information or evidence added at any time. Please refer to the claim identification number when corresponding with the 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.

Sincerely,

RONALD CARLSON
Manager, Eastern Regional Office

dg

Enclosure

February 17, 1989

Mr. Clyde G. Nelson
Attorney at Law
P.O. Box 797
Soda Springs, ID 83276

Dear Mr. Nelson:

Pursuant to Section 42-244, Idaho Code, a person may at any time submit to the Department of Water Resources an affidavit describing why a particular claim to a water right is not correct. This exception becomes part of the permanent claim file and is considered the same as other evidence in the file if the claimant pursues civil action to have the claim adjudicated by a court. Administrative action to substantiate the claim cannot be taken by this Department.

Your letter concerning claim to a water right No. 11-04329 in the name of John P. Nelson could not be processed as an exception because it was not notarized. To assist you in submitting an exception, we are returning your letter along with a blank affidavit form. Whether you rewrite your letter or complete the affidavit, make sure the document is notarized before sending it to the Department.

We have retained a copy of your exhibits and letter for file No. 11-7367.

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Avenue, Suite 15

Idaho Falls, Idaho 8
(208) 525-7161

SEPTEMBER 7, 1988

JOHN P. NELSON
24 WEST 200 NORTH
P.O. BOX 84
HYDE PARK, UT 84318

Re: Claim No. 11-04329

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RONALD CARLSON
Manager, Eastern Regional Office

dg

Enclosure