

Print Single Sided Only

FORM 202 Rev. 09/16

RECEIVED

DEC 18 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No. 11-9523

AMENDED

1. Name of applicant(s) Ralph B & Rhea Ann Nielson Phone 208-221-7859
Department of Water Resources Eastern Region Name connector (check one): ☒ and ☐ or ☐ and/or

Mailing address 510 Old Mill RD City OID
State ID ZIP 83254 Email rheanielson@yahoo.com

2. Name of representative, if any _____ Phone _____
Mailing address _____ City _____
State _____ ZIP _____ Email _____

- a. ☐ Send all correspondence for this application to the representative and not to the applicant OR
☐ Send original correspondence to the applicant and copies to the representative.
- b. ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.

3. Source of water supply Spring which is a tributary of Sinks

4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
12S	43E	31		SW	SE	NW	Bear Lake	Spring/Sinks	

5. Water will be used for the following purposes:

Amount .04 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)

6. Total quantity to be appropriated is (a) .04 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).

7. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source. Gravity fed pipe to home
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate [Application for Construction or Enlargement of a New or Existing Dam](#). Application required? ☐ Yes ☐ No
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No
- e. If well is already drilled, when? _____; drilling firm _____;
well was drilled for (well owner) _____; Drilling Permit No. _____.

For Department Use

Received by _____ Date _____ Time _____ Preliminary check by _____
Fee \$ _____ Received by _____ Receipt No. _____ Date _____

11-9532

8. Description of proposed uses (if irrigation only, go to item 9):
- Hydropower; show total feet of head and proposed capacity in kW. _____
 - Stockwatering; list number and kind of livestock. _____
 - Municipal; must complete and attach the [Municipal Water Right Application Checklist](#).
 - Domestic; show number of households 1 (this is for 1 home but there are 3 on spring.
 - Other; describe fully. _____

9. Description of place of use: See attach
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	48E	31								D									

Total number of acres to be irrigated: _____

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? Ditch shares will cover irrigation
11. a. Who owns the property at the point of diversion? Ralph P. & Rhea A. Nielson
b. Who owns the land to be irrigated or place of use? Ralph P. & Rhea Ann Nielson
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____
12. Describe your proposal in narrative form and provide additional explanation for any of the items above. Attach additional pages if necessary. See attach
13. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).
14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Ralph P. Nielson
Signature of Applicant
RALPH P. NIELSON
Print Name (and title, if applicable)

Rhea Ann Nielson
Signature of Applicant
Rhea Ann Nielson
Print Name (and title, if applicable)

RECEIVED

Print Single Sided Only

FORM 202 Rev 09/16 DEC 08 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Ident. No. _____

Department of Water Resources
Eastern Region

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

SUPERCEDED

1. Name of applicant(s) Ralph P & Rhea Ann Nickson Phone 208-221-7859
Name connector (check one): ☐ and ☐ or ☐ and/orMailing address 570 Old Mill Road City OVIDState ID ZIP 83254 Email rhcanickson@yahoo.com

2. Name of representative, if any _____ Phone _____

Mailing address _____ City _____

State _____ ZIP _____ Email _____

a. ☐ Send all correspondence for this application to the representative and not to the applicant OR☐ Send original correspondence to the applicant and copies to the representative.b. ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant OR☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.3. Source of water supply Spring which is a tributary of Underground

4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
12S	43E	31			SE	NW	Bear Lake	Spring Sinks	

5. Water will be used for the following purposes:

Amount .04 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)6. Total quantity to be appropriated is (a) .04 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).

7. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. gravity fed to pipe to homeb. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate [Application for Construction or Enlargement of a New or Existing Dam](#). Application required? ☐ Yes ☐ No

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No

e. If well is already drilled, when? _____; drilling firm _____; well was drilled for (well owner) _____; Drilling Permit No. _____

For Department Use

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee \$ 100.00 Received by CTH Receipt No. E049665 Date 12/8/23

SUPERCEDED

11-9532

In 1997 we obtained land from my father Richard T. Small and we built our home on this property; at this time we began using the spring for domestic use that is now located on our property. We are the second house to use this spring with Richard T. Small being the first. In 2017 Austin Nielson built a home where he put a tank in to catch the overflow of the spring. He filed with the state at the time he built his home. There are a total of three homes using the spring for domestic use only.

Ralph & Rhea Nielson Domestic Spring



Legend

- ☆ Application POD
- Application POU
- Township/Range
- Sections

11-9532

EASEMENT AGREEMENT

THIS AGREEMENT made and entered into this June 9, 2016, by and between RICHARD T. SMALL, as Grantor; and AUSTIN NIELSON and JANESEA NIELSON, husband and wife, as Grantee.

GRANT OF EASEMENT. Grantor, for and in consideration of the sum of TEN DOLLARS and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt and sufficiency whereof is hereby confessed and acknowledged, has granted bargained, sold, and conveyed, and by these presents does hereby grant, bargain, sell, convey and confirm to the Grantee, his heirs and assigns forever, an Easement described as follows, to-wit:

An Easement to use a spring and install and maintain a holding tank and install and maintain a pipeline from said spring to the property of the Grantee.

Easement is further described as follows: Part of the Northwest quarter of Section 31, Township 12 South, Range 43 East, Boise Meridian, Bear Lake County, Idaho, described as:

Beginning at the West quarter corner of said Section 31, from which the Southwest corner of Section 31 bears South 00° 18' 07" West 2646.12 feet; Thence South 89° 58' 35" East 2608.79 feet along the latitudinal centerline of said Section 31; Thence North 00° 01' 25" East 17.80 feet to a 5/8" rebar with cap labeled, "A.A. Hudson, PLS 13173" set on the northeasterly right of way line of Old Mill Road, thence North 01°03'34" West 170 feet to the Northwest corner of Instrument No. 207812, being the point of beginning of said easement and running thence North 01°03'34" West 40; thence East 192.2 feet; thence South 01°03'34" East 40 feet; thence West 192.2 feet to the Point of Beginning.

Grantees further understand that RALPH P. NIELSON and RHEA A. NIELSON, also use said spring.

TO HAVE AND TO HOLD the said Easement to the said Grantee, his heirs and assigns, to their use forever.

EASEMENT APPURTENANT. The Easement granted herein shall forever be an affirmative easement appurtenant to the Grantee's Property and any part thereof, described as:

A parcel of land located in the Northwest quarter of Section 31, Township 12 South, Range 43 East, Boise Meridian, Bear Lake County, Idaho and further described as follows:

Beginning at the West quarter corner of said Section 31, from which the Southwest corner of Section 31 bears South 00° 18' 07" West 2646.12 feet; Thence South 89° 58' 35" East 2608.79 feet along the latitudinal centerline of said Section 31; Thence North 00° 01' 25" East 17.80 feet to a 5/8" rebar with cap labeled, "A.A. Hudson, PLS 13173" set on the northeasterly right of way line of Old Mill Road, the True Point of Beginning, said point being on a 460.00 foot radius non-tangent curve concave to the northeast whose center bears North 06° 11' 21" East;

continued

11-7822

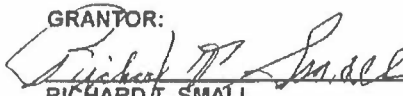
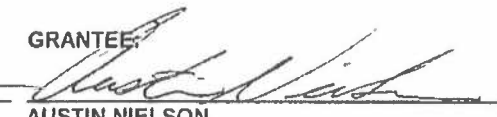
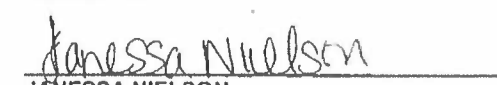
11-9532

Easement Agreement - continued

Thence northwesterly along said curve through a central angle of 13° 30' 45" a distance of 108.48 feet (chord = North 77° 03' 17" West 108.23 feet) along said northeasterly right of way line to a 5/8" rebar with cap set on the intersection of said northeasterly right of way line and a fence line;
Thence North 50° 43' 21" West 44.09 feet along said fence line to a 5/8" rebar with cap;
Thence North 45° 56' 07" West 409.14 feet along said fence line to a 5/8" rebar with cap;
Thence North 88° 56' 26" East 427.30 feet to a 5/8" rebar with cap set at a point at the extension of a fence line;
Thence South 01° 03' 34" East 344.66 feet along said extension to the True Point of Beginning.

BINDING EFFECT. All rights and obligations provided for herein shall inure to the benefit of and be binding upon the heirs, successors, grantees, and assigns of the Grantor and Grantee and all rights, covenants, and obligations shall be construed as covenants running with the land.

EXECUTION. The Parties to this agreement have executed this Easement Agreement the day and year first above written.

GRANTOR:  RICHARD T. SMALL	GRANTEE:  AUSTIN NIELSON  JANESSA NIELSON
--	---

STATE OF IDAHO, COUNTY OF BEAR LAKE

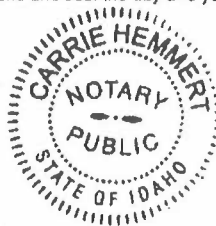
On this 9th day of June, 2016, before me a Notary Public in and for the State, personally appeared

RICHARD T. SMALL

known to me to be the person(s) whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I hereunto set my hand and seal the day and year in the certificate first above written.


Notary Public
Residing at: St. Charles, ID
My Commission Expires: 11.3.2018



STATE OF IDAHO, COUNTY OF BEAR LAKE

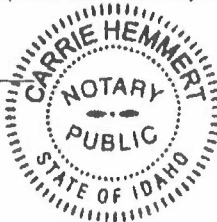
On this 9th day of June, 2016, before me a Notary Public in and for the State, personally appeared

AUSTIN NIELSON and JANESSA NIELSON

known to me to be the person(s) whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I hereunto set my hand and seal the day and year in the certificate first above written.


Notary Public
Residing at: St. Charles, ID
My Commission Expires: 11.3.2018



11-7822

11-9532



Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

December 27, 2023

RALPH P NIELSON
RHEA ANN NIELSON
510 OLD MILL RD
OVID, ID 83254-4944

RE: Application for Permit No. 11-9523

Dear Applicant:

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the THE NEWS EXAMINER on 1/3/2024 and 1/10/2024. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in blue ink, appearing to read "CH", is written over the signature line.

Christina Henman
Administrative Assistant

Henman, Christina

From: Henman, Christina
Sent: Wednesday, December 27, 2023 3:05 PM
To: ne_legals@news-examiner.net
Subject: Legal Notice for News Examiner
Attachments: 11-9523, 11-9532 News Examiner.docx

LEGAL NOTICE DEPARTMENT
THE NEWS EXAMINER
PO BOX 278
MONTPELIER, ID 83254-0278

RE: Application for Permit No. 11-9523, 11-9532

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). 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. Please send the affidavit and bill to this office before 1/22/2024. Your cooperation is appreciated.

Thank You,



Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
11-9523

RALPH P & RHEA ANN NIELSON, 510 OLD MILL RD, OVID, ID 83254-4944

Point of Diversion SWSNW S31 T12S R43E BEAR LAKE County

Source SPRING Tributary SINKS

Use: DOMESTIC

01/01 to 12/31

0.04 CFS

Total Diversion:

0.04 CFS

Date Filed: 12-08-2023

Place Of Use: DOMESTIC

T12S R43E S31

SENW

11-9532

RONALD H TEICHERT, PO BOX 147, COKEVILLE, WY 83114-0147

Point of Diversion SESESE S22 T16S R45E BEAR LAKE County

Source SPRING Tributary SINKS

Use: STOCKWATER

04/01 to 12/31

0.06 CFS

Total Diversion:

0.06 CFS

Date Filed: 12-11-2023

Place Of Use: STOCKWATER

T16S R45E S22

SESE

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Eastern office at (208)525-7161; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 1/22/2024. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published on 1/3/2024 and 1/10/2024

Stosich, Scott

From: Rhea Nielson <rheanielson@yahoo.com>
Sent: Sunday, December 17, 2023 7:33 PM
To: Stosich, Scott
Subject: Re: Permit Application

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Yes it looks good

On Thursday, December 14, 2023 at 11:37:19 AM MST, Stosich, Scott <scott.stosich@idwr.idaho.gov> wrote:

Great. I have attached another map that will be included with the application. Can you open this one?

-Scott

From: Rhea Nielson <rheanielson@yahoo.com>
Sent: Thursday, December 14, 2023 11:26 AM
To: Stosich, Scott <Scott.Stosich@idwr.idaho.gov>
Subject: Re: Permit Application

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Thank you.

Can't open the maps but application looks good

On Wednesday, December 13, 2023 at 03:58:20 PM MST, Stosich, Scott <scott.stosich@idwr.idaho.gov> wrote:

Hi Rhea,