M E M O

TO: Sharla Curtis
FROM: Shelley Keen
RE: Place of Use in License 36-07882B
DATE: March 10, 1992

License #36-07882B was issued on February 12, 1991, without listing any acres in the SWNW, SENW, or SWNE of S23, T06S, R21E as part of the place of use. The owner, Mark Neilson, claims this land on his SRBA claims, and he wonders why it was not included on license #36-07882B. Based upon the information described below, is it possible to amend license #36-07882B to cover acres in the tracts listed above?

In the license file, the tracts referenced above appear in the place of use on

1) Application for Permit #36-07882, and on
2) a partial assignment from Chris Newbold to Virgil Neilsen.

In addition, maps attached to the field exam report done by Gary Funderburg show acreage numbers in these tracts as follows:

SWNW	33 acres
SENW	21 acres
SWNE	6 acres
	60 acres

These tracts do not, however, appear on

1) the recommended place of use in the beneficial use field report, nor on
2) the license.

There is nothing in the file explaining the exclusion of these acres from Gary Funderburg's recommendation. On my request Mr. Funderburg reviewed the file and concluded that the ground in question was in a government set-aside program at the time of the exam. I confirmed this with the claimant and with the Lincoln County ASCS office. IDWR also has NAPP aerial photography dated 7-13-87 which shows that the ground in question had been worked at some time. This land is now in production according to the owner and the Lincoln County ASCS office.

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The tracts addressed here are partially covered by license #36-02368 (see attached POU Comparison), but the owner asserts that substantially more acres in these tracts had been put under production prior to the exam for #36-07882B. This seems to be supported by the maps Gary Funderburg attached to his exam.

The diversion rate on this license is 7.85 cfs for 579.5 acres, or 0.0135 cfs per acre. Including 60 more acres would result in a diversion rate of 0.0123 cfs per acre, which is above the 0.01 cfs per acre rate acceptable for sprinkler irrigation systems.

Finally, Permit Processing Memo No. 11 indicates that CRP (set-aside) land can be recommended by the field examiner if other sources, such as aerial photography, support the conclusion that the land has been irrigated. This memo was issued after Mr. Funderburg's exam, but prior to licensing. Based upon information on the maps in the field exam report, upon ASCS records, and upon the NAPP aerial photography, I conclude that the land in question was irrigated prior to the beneficial use field exam and that it was merely in government set-aside at the time of the exam. Furthermore, adding 60 acres would not bring the appropriation below 0.01 cfs per acre. Therefore, is it possible to amend license #36-07882B to include acreage in the SWNW, SENW, and SWNE of S23, T06S, R21E?

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State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

February 12, 1991

MARK L. NEILSON
2381 E. HWY. 24
PAUL, ID 833470000

RE: WATER RIGHT NO. 36-07882B

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

MICROFILMED
MAR 04 1991

September 27, 1990

MARK L. NEILSON
2381 E. HWY. 24
PAUL, ID 833470000

RE: PERMIT NO. 36-07882B

Dear Permit Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

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MAR 04 1991

BENEFICIAL USE FIELD REPORT REVIEW

TO: FILE 36-7882B

FROM: JOHN MCLEOD

RE: PRIORITY ADVANCE REVIEW

DATE: 6-MAR-1989

==========

This review memo is prepared to show the process for determining what elements were involved in advancement of the priority.

	DATE	JULIAN	
PERMIT			
Permit priority Date:	DECEMBER 07 1979	341	
EXAM FEE NOTICE			
Exam Fee Notice Date:	APRIL 17 1986	107	
Exam Fee/Info Sheet Received Date:	APRIL 27 1987	482	
Exam Fee or Info Due Date:	JUNE 16 1986	167	
Days Late:		315	DAY(S)
NEW PRIORITY DATE			
Total Days Late:		315	DAY(S)
New Priority Date:	**OCTOBER 18 1980**	**291**	

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Department of Water Resources

Form 219
6/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 36-7882 B

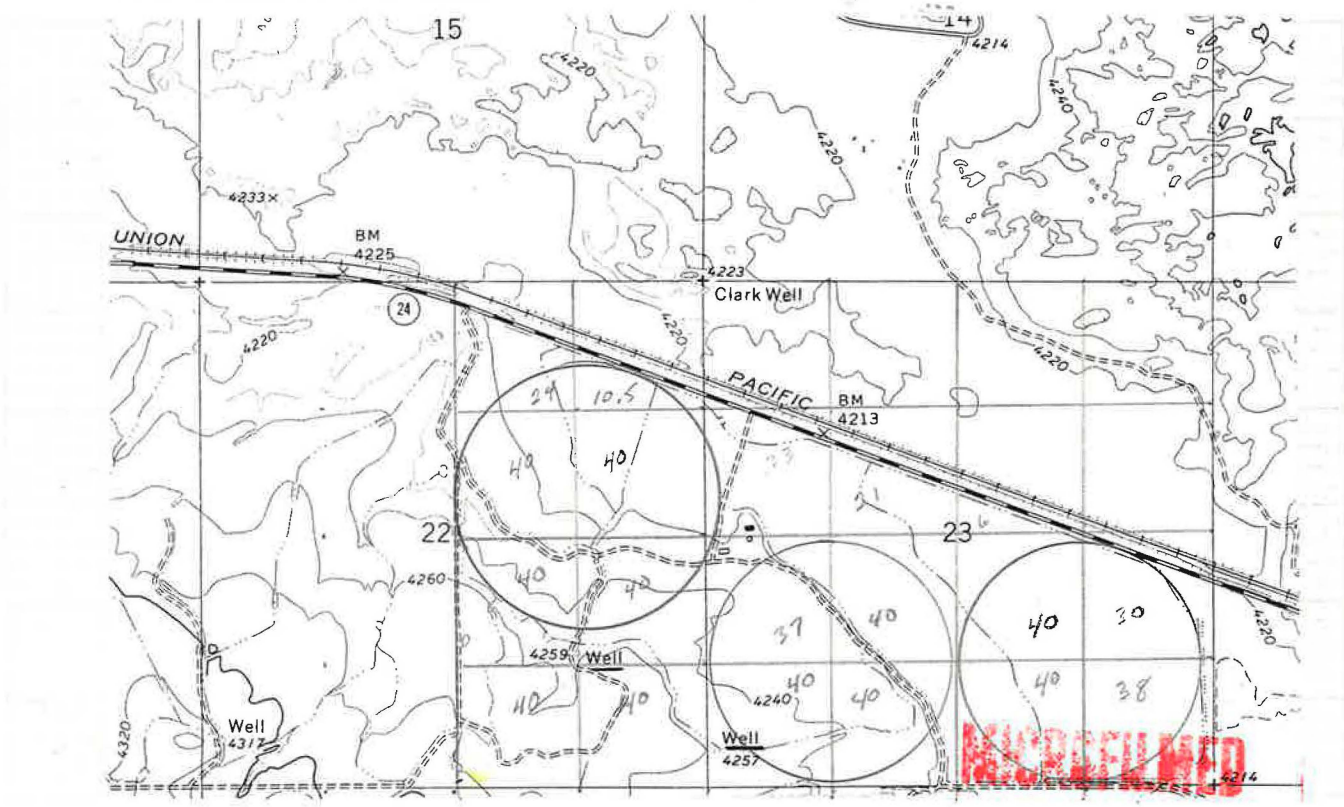
1. Owner: Mark L. Neilson Phone No. _____
   Current Address: 2381 E. Hwy 24, Paul, Ida
2. Accompanied by: Mark Neilson EXAM. DATE: 7-9-87
   Address: _____ Phone No. _____
   Relationship to Permit Holder: owner
3. Source: groundwater tributary to ✓

B. OVERLAP REVIEW

1. Other water rights with same place of use: NO
   _____ ☐ Copies Attached
2. Other water rights with same point of diversion: NO
   _____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____.

2. ☑ Copy of U.S.G.S. Quadrangle Attached
   Showing location(s) of point(s) of diversion and place(s) of use (required).
   ☑ Aerial Photo Attached
   (required for irrigation of 10 acres or more).
   ☐ Photo of Diversion and System Attached
   (required for all but single household domestic groundwater, and stockwater.

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System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Wells were measured individually - Wells are Sane line used Independently

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
#1	US Motor	150	1198315	Bryon Jackson	828910
Booster	Line Guard	75	1382621		
#2	US motor	200	1206343	Winthroat	9638
Booster	Marathon	100	92978		

**Code to correspond with No. on map and aerial photo*

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NW	SE	22	6S	22E	Lincoln	
			SW	SW	23	6S	22E	"	

6. **Place(s) of Use:** Indicate Method of Determination

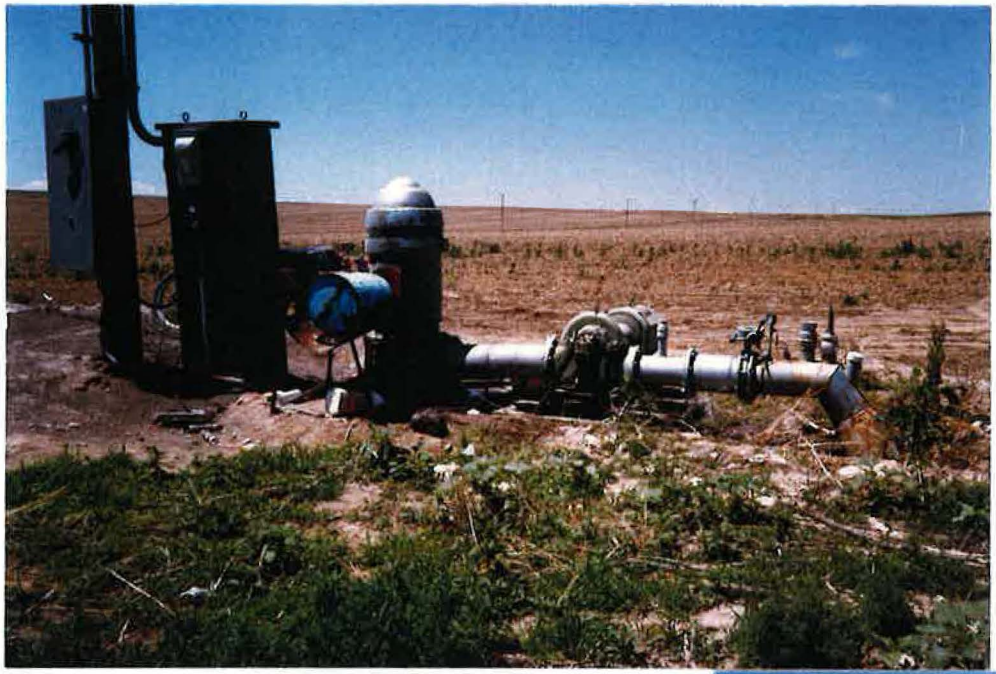
Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6S	22E	22	10.5	24	40	40									40	40	46	40	274.5
		23									40	37	40	40	30	40	40	38	305.0
																			579.5

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Do not use this space


15 14
22 23
106
120
R 22 E
A
B
C
D
240
105
40
40
33.0
56.4
48.0
48.0
40
40
40
40
40
37.3 Ac
1377.9'
Well
H120
90.6
1550
/550
Well
40
40
40
40
23
30
4x0
MAR 04 1991
P 16
T 20
161.6
K 11
151.7
151.3
61.3



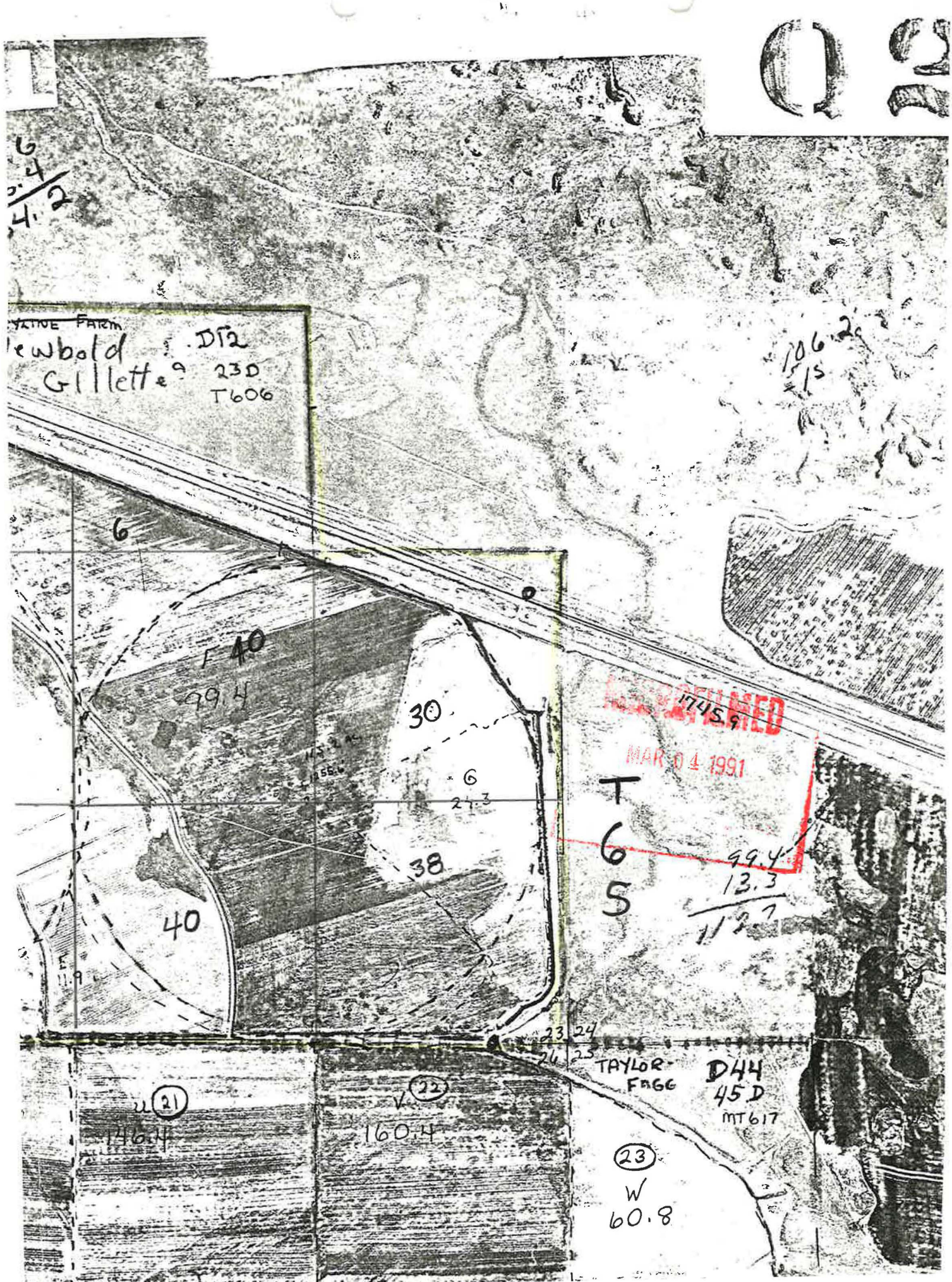
Pump # 2.

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Systems Comingled.



Pump #1


Gillett
23D
T606
D12
6
F 40
99.4
30
6
27.3
38
40
MAR 04 1991
T
6
5
99.4
13.3
TAYLOR-
FAGG
D44
45 D
MT617
21
146.4
22
160.4
23
W
60.8

Form 219-Supp.
7/87

State of Idaho

DEPARTMENT OF WATER RESOURCES

SUPPLEMENTAL FIELD REPORT FOR ANNUBAR MEASUREMENT

Measured by: Gary L. Funderburg Date 12-28-1987

Owner: MARK Neilsen Permit No. 36-78828

Description of well &/or measuring site
- Include any clarifications of the sketch
- Include legal description if more than one p.d. is described in the Field Report

well w/ Turbine pump w/Booster - 5
main lines -

MEASURED INSIDE PIPE DIAMETER IN INCHES (ID)

CIR = Pipe Circumference in Inches = _____

T = Pipe Thickness in Inches = 1/4"

ID = 2 [(0.1592 X CIR) - T] = _____

well #1

ANNUBAR DESCRIPTION & CONSTANT (C)

Size Used in Test 10"02

State ID No. 91420

Select C based on size from Table below.

Nominal Pipe Size	C
4"	4.23
6"	3.75
8"	3.87
10"	3.94
12"	3.99
14"- 16"	4.01
18"- 24"	4.02
30" or larger	4.03

C selected 3.94

DIFFERENTIAL PRESSURE READING IN INCHES OF H2O (H)

High Reading = _____

Low Reading = _____

High - Low = H = ... 24

CALCULATION OF DISCHARGE IN CFS (Q)

$$Q = \frac{(ID)^2 \cdot (\sqrt{H}) \cdot (C)}{448.8}$$

$$Q = \frac{(10")^2 \ (\sqrt{24}) \ (3.94)}{448.8} = 4.30 \text{ CFS}$$

SKETCH (If not shown on Field Report)

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2/

Form 219-Supp.
7/87

State of Idaho
DEPARTMENT OF WATER RESOURCES
SUPPLEMENTAL FIELD REPORT FOR ANNUBAR MEASUREMENT

Measured by: GARY L Funderburg Date 12-29-87

Owner: MARK Neilson Permit No. 36-7882 B

Description of well &/or measuring site
- Include any clarifications of the sketch
- Include legal description if more than one p.d. is described in the Field Report

Well, w/ Turbine Pump & Booster to ~~Wheel~~ Pivots & Handlines

MEASURED INSIDE PIPE DIAMETER IN INCHES (ID)

CIR = Pipe Circumference in Inches = _____

T = Pipe Thickness in Inches = _____

ID = 2 [(0.1592 X CIR) - T] = ... 10.0"

Well #2

ANNUBAR DESCRIPTION & CONSTANT (C)

Size Used in Test _____

State ID No. _____

Select C based on size from Table below.

Nominal Pipe Size	C
4"	4.23
6"	3.75
8"	3.87
10"	3.94
12"	3.99
14"- 16"	4.01
18"- 24"	4.02
30" or larger	4.03

C selected 3.94

DIFFERENTIAL PRESSURE READING IN INCHES OF H2O (H)

High Reading = _____

Low Reading = _____

High - Low = H = ... 30"

CALCULATION OF DISCHARGE IN CFS (Q)

$$Q = \frac{(ID)^2 \cdot (\sqrt{H}) \cdot (C)}{448.8}$$

$$Q = \frac{(10)^2 \ (\sqrt{30}) \ (3.94)}{448.8} = 4.81 \text{ CFS}$$

SKETCH (If not shown on Field Report)

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Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. **Measurements:**

See Supplemental Field Report

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Ampsx .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.}$ = (Acres Irrigated) x (Irrigation Requirement) = 579.5 x 4.0 = 2318

$V_{D.R.}$ = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = ~~430 x 243 x 1.98 = 2045.93~~ (7.85) x 243 x 1.98 = 3776.95

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ = ~~2045.93~~ 2318

2. Volume Calculations for Other Uses:

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H. REMARKS AND OVERLAP REVIEW ANALYSIS

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
Irrigation	3/15	11/15	4.3	~~2085.93~~
			4.81	~~3776.~~
				2318
			~~9.11~~	~~2085.93~~
		Totals:	7.85	2318

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

J. AUTHENTICATION

Field Examiner's Name: Gary Funderburg

Signature: Gary Funderburg.

Certification Date: 5/15/87

Field Report Preparation Date: 7/9/87

CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

DDM 3/6/89

FILMED
MAR 04

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS
Governor
R. KEITH HIGGINSON
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

October 14, 1987

RE: Permit No. 36-7882B

Mark L. Neilson
2381 E. Hwy. 24
Paul, ID 83347

Dear Permit Holders:

This office acknowledges receipt of the Assignment of the above referenced permit to you.

Enclosed for your records is a copy of the permit. Be sure to note the conditions of approval on the fourth page that identify requirements necessary for developing the permit into a licensed water right.

If you have any questions on this matter, please feel free to contact us.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc
Enclosure

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MAR 14 1988

4/86

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APR 29 1987
Department of Water Resources

For Office Use Only
Fee Received 275.00
Date 4/27/87
Receipt # 40754
Receipt by M. Baldwin
Sent to S.O. 4/27/87

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EXAMINATION FEE INFORMATION

1. Permit No. 36-7882 B

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE:

☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: Virgil A. Neilson

3. Post Office Address: Rte 1 Bx 219
Paul, Ida 83347 Telephone No. 532-4450

4. Source of Water:

5. Extent of Use:

Domestic _____(No. of households) Stockwater_____(No. and type of stock)

Irrigation 760 (acres) Other/Remark_____

6. Total rate &/or volume for which proof is submitted 2.85 cfs _____acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

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MAR 14 1988

8. Person to contact to accompany the department representative during the field examination:

MARK L. Neilson
(Name)

2381 E. Hyway 24 Paul Id 83347 532-4450
(Address) (Telephone Number)

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

April 27, 1987
Date

Mark Lee Neilson Son of permit holder
Signature of Permit Holder (and title, if appropriate)

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE. 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

36-7882P
NEILSON, VIRGIL A.
RT. 1 BOX 219
PAUL, ID 83347

April 17, 1987

Dear Permit Holder:

LAPSE NOTICE
License Examination Fee

You are hereby notified that under the provisions of Section 42-217 and 42-218a, Idaho Code, the above referenced permit will lapse and be on no further force nor effect on June 17, 1987, for failure of the permit holder to submit either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner.

Provisions of § 42-217, Idaho Code, and the Beneficial Use Examination Rules and Regulations provide that failure of the permit holder to submit either the fee or an acceptable field examination report within one (1) year and sixty (60) days after notification by the director that the submittal is due is cause for the director to reject the proof of beneficial use and lapse the permit. The Department notified you of the required submittal on April 17, 1986.

The lapsed permit can be reinstated upon a showing of reasonable cause for late submittal of proof of beneficial use, if you submit to the Department on or before August 17, 1987, either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner.

If you have questions, please contact any office of the Department.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON, Chief
Operations Bureau

jf

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MAR 14 1988

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720

36-7882B
NEILSON, VIRGIL A.
RT. 1 BOX 219
PAUL, ID 83347

138278

April 17, 1986

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

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MAR 14 1988

Certified water right examiners are licensed engineers, geologists, or land surveyors certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing

of certified water right examiners will be available from this department when examiners have been certified.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department offices.

Northern Region
Idaho Dept. of Water Resources
4055 Government Way
Coeur d'Alene, ID 83814
Phone: 765-4639

Eastern Region
Idaho Dept. of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, ID 83401
Phone: 525-7161

Southern Region
Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, ID 83301
Phone: 734-3578

Western Region
Idaho Dept. of Water Resources
450 W. State St., (Third Floor)
Boise, ID 83720
Phone: 334-2190

Sincerely,

L. Glen Saxton

L. GLEN SAXTON
Chief, Operations Bureau

Enclosures

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MAR 14 1988

CERTIFICATE OF MAILING

I David R. Tuthill, Jr., hereby certify that on June 30, 1982 I caused to be mailed to the water right permit holders annotated in the attached Exhibit A, a form letter such as the attached Exhibit B along with an appropriate number of Commencement to Works cards (Exhibit C), where the number of cards sent is shown directly beneath each address in Exhibit A.

David R. Tuthill Jr.

Subscribed and sworn to before me this 1st day of July, 1982.

Roberta M. Gassett
County of Ada

My Commission expires life

MICROFILMED

VIRGIL A.
NEILSON
RT. 1 BOX 219

PAUL 1 ID 83347

PATTERSON BROTHERS
RT.1 BOX 1186

PAUL 1 ID 83347

MAX
SERR
RT. 1 BOX 43C

PAUL 1 ID 83347

CHRIS
NEWBOLD
RT. 1 BOX 161

PAUL 1 ID 83347

VERNON C.
PHILLIPS
RT. 2 BOX 191 A

PAUL 2 ID 83347

CHARLES E.
TAYLOR
RT. 2 BOX 170A

PAUL 1 ID 83347

NICK M.
NEWBOLD
RT. 1 BOX 161

PAUL 1 ID 83347

LELAND M.
SABIN
RT. 1 BOX 123

PAUL 1 ID 83347

JAY R.
THACKER
RT. 2 BOX 153

PAUL 1 ID 83347

GAIL
VAN TASSELL
RT. 2 BOX 152

PAUL 1 ID 83347

PATRICIA G.
MILLINGTON
BOX 707

PICABO 1 ID 83348

WILLIAM P.
BADURINA
P.O. BOX 82

RUPERT 1 ID 83350

CITY OF RUPERT
BOX 426

RUPERT 1 ID 83350

RALPH E.
FRANKLIN
906 B STREET

RUPERT 1 ID 83350

RONALD
HRUZA
ROUTE 4

RUPERT 1 ID 83350

MORGAN-SHILLINGTON FARM COMPANY
BOX 535

RUPERT ID

LAUREL H.
WOODLAND
RT. 1 BOX 144

PAUL 1 ID 83347

LAWRENCE
CALKINS
RT.1

RICHFIELD 1 ID 83349

GEORGE A.
BAGNALL
RT 4

RUPERT 1 ID 83350

EARL H.
DE FILIPPIS
ROUTE 1

RUPERT 1 ID 83350

DOUGLAS E.
GREENE
223 SOUTH G STREET

RUPERT 1 ID 83350

DONALD L., JR.
KESTER
P.O. BOX 297

RUPERT 1 ID 83350

DAVID R.
NAYLOR
RT. 4

RUPERT ID

MICHAEL D.
WOODLAND
RT. 1 BOX 155A

PAUL 1 ID 83347

JOHN
DUPPER

RICHFIELD 1 ID 83349

RAMON
BERNAD
ROUTE #1

RUPERT 1 ID 83350

CALVIN C.
DREDGE
BOX 245

RUPERT 1 ID 83350

JOHN E.
HAYDEN
RT. 4

RUPERT, 1 ID 83350

TED
LENO
RT. 4,

RUPERT 1 ID 83350

HERBERT W.
POTEET
RT. 4 BOX 223

RUPERT ID

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Southern Region

1341 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301
(208) 736-3075

APRIL 8, 1985

VIRGIL A. NEILSON
RT. 1 BOX 1613
PAUL ID 83347

RE: Permit No. 36-72338

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this department.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 736-3075 or in person at our office at 1341 Blue Lakes Blvd. N. Twin Falls, Idaho.

Sincerely,
Gwen A. Newby
Secretary

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit 36-7882B.

Name(s) of Permit Holder: Virgil A. Neilson

Post Office Address: Rt #1 Box 1612

Paul, Idaho 83347 Tel. No. 438-8212

Source of Water: deep well

Extent of Use:
- ☐ Domestic _____ (number of households)
- ☐ Stockwater _____ (number and type of stock)
- ☒ Irrigation _____ (acres)
- ☐ Other _____

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Measuring Device: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

Access Port: Required? ☒ Yes ☐ No Installed? ☐ Yes ☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

Dec. 28, 1984
Date

Virgil A. Neilson
Signature of Permit Holder

Virgil Nelson
Rt #1 Box 16132
Paul, Idaho 83347



FALLS, ID 838
1PM
28 DEC
1984

DEPARTMENT OF WATER RESOURCES

RECEIVED
DEC 31 1984

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

MICROFILMED

Department of Water Resources

S T A T E O F I D A H O

DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

138378

NEILSON, VIRGIL A.
RT. 1 BOX 219
PAUL, ID 83347

PROOF DUE NOTICE

OCTOBER 31, 1984

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 36-78828 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE JANUARY 01, 1985. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU OR A PREVIOUS OWNER OF THIS PERMIT HAVE NOT RECEIVED A PRIOR EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME IF THE DELAY IS FOR REASONABLE CAUSE AS PROVIDED IN SECTION 42-204, IDAHO CODE. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES

MICROFILMED

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

September 2, 1981

Virgil A. Neilson
Rt 1 Box 219
Paul, ID 83347

RE: Permit No. 36-7882 B

Dear MR. Neilson,
This office acknowledges receipt of the Partial Assignment of the above referenced permit to you.

Enclosed for your records is a copy of the permit. Be sure to note the special conditions of approval on the fourth page that identify requirements necessary for developing the permit into a licensed water right.

If you have any questions on this matter, please feel free to contact us.

Sincerely,

Jim Johnson

JIM JOHNSON
Water Distribution Supervisor

JJ:mr

Enclosure

MICROFILMED

Northwest
FARM CREDIT SERVICES

State of Idaho)
) ss.
County of Cassia)

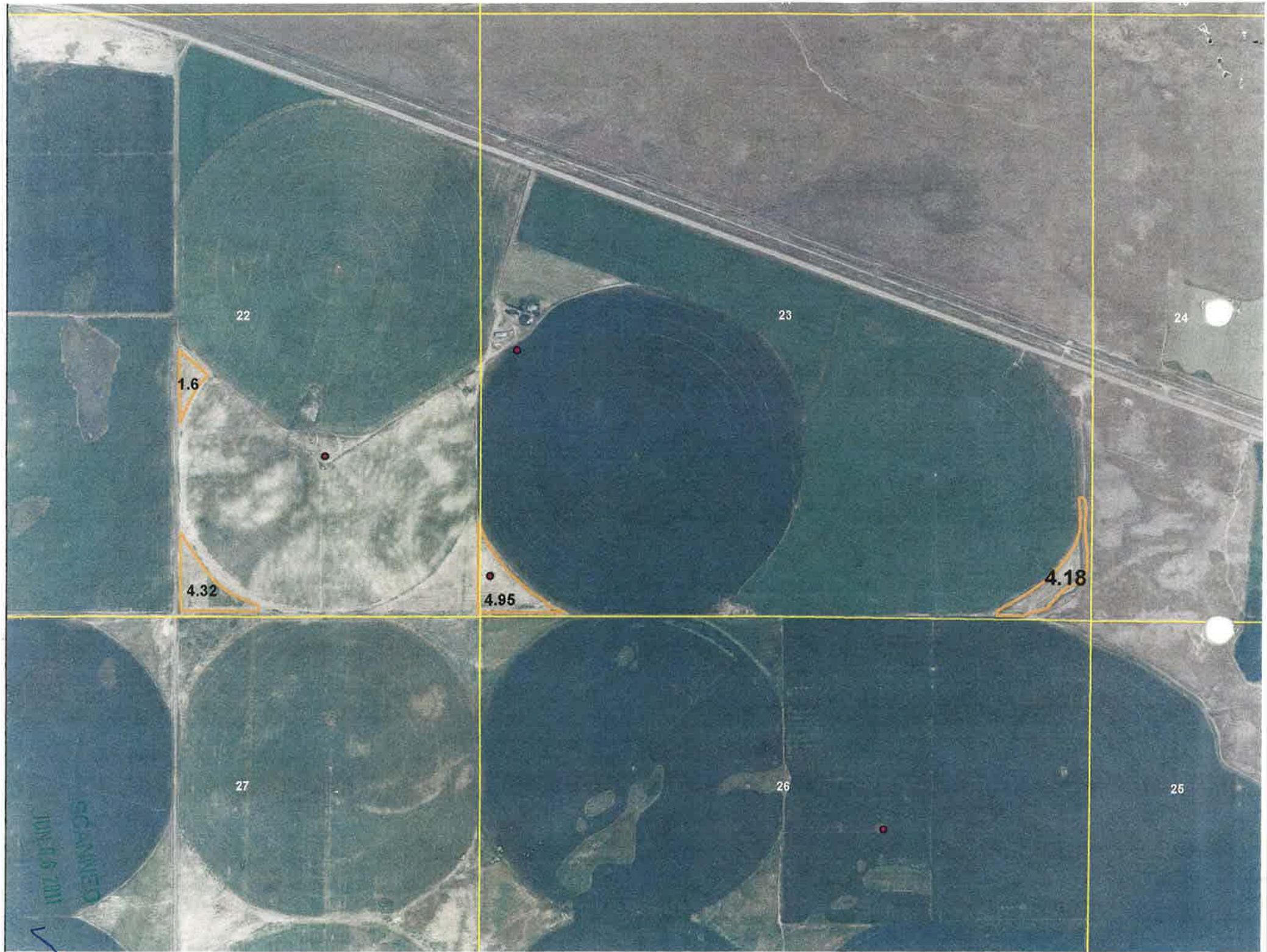
On October 7, 2009, before me personally appeared Robert E. Blakeslee , known to me to be an authorized agent of the corporation that executed the within instrument, and acknowledged to me that such corporation executed the same as its free act and deed; and on oath stated that he/she was authorized to execute said instrument.

STACEY L. KRIEGH
Notary Public
State of Idaho

Stacey L. Kriegh

Printed Name Stacey L. Kriegh .
Notary Public for the State of Idaho
Residing at Burley
My commission expires 06-06-2012

SCANNED
JUN 06 2011


22
23
24
1.6
4.32
4.95
4.18
27
26
25
SCANNED
JUN 15 2011

State of Idaho
Department of Water Resources

AMENDED AMENDED

WATER RIGHT LICENSE

WATER RIGHT NO. 36-07882B

Priority: December 7, 1979 Maximum Diversion Rate: 7.85 CFS
Maximum Diversion Volume: 2318.0 AF

This is to certify, that MARK L. NEILSON
2381 E. HWY. 24
PAUL ID 833470000 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 7, 1979; and has submitted Proof of Beneficial Use on December 31, 1984. An examination indicates that the works have a diversion capacity of 9.110 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	03/15 to 11/15	7.85 CFS	2318.0 AF

LOCATION OF POINT(S) OF DIVERSION: NWSE , Sec. 22, Township 06S, Range 21E
SWSW , Sec. 23, Township 06S, Range 21E
LINCOLN County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
06S	21E	22	NENE	10.5	NWNE	24	SWNE	40	
			SENE	40	NESE	40	NWSE	40	
			SWSE	40	SESE	40			274.5
		23	SWNE	6	SWNW	33	SENW	21	
			NESW	40	NWSW	37	SWSW	40	
			SESW	40	NESE	30	NWSE	40	
			SWSE	40	SESE	38			365

Total number of acres irrigated: 639.5

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

SCANNED JUL 07 2004
MICROFILMED APR 08 1992

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 36-07882B

CONDITIONS/REMARKS:

5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
6. The maximum combined rate of diversion under this right & Rights 36-2367 & 36-2368 shall not exceed 9.11 cfs.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 1ST day of APRIL, 1992.

Acting for R. Keith Higginson, Director

MICROFILMED
APR 08 1992

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 36-07882B

Priority: December 7, 1979

Maximum Diversion Rate: 7.85 CFS
Maximum Diversion Volume:[1] 2318.0 AF

This is to certify, that MARK L. NEILSON
2381 E. HWY. 24
PAUL, ID 833470000 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated December 7, 1979; and has submitted Proof of Beneficial Use on December 31, 1984. An examination indicates that the works have a diversion capacity of 9.110 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	03/15 to 11/15	7.85 CFS	2318.0 AF

LOCATION OF POINT(S) OF DIVERSION: NWSE , Sec. 22, Township 06S, Range 21E
SWSW , Sec. 23, Township 06S, Range 21E
LINCOLN County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
06S	21E	22	NENE	10.5	NWNE	24	SWNE	40	
			SENE	40	NESE	40	NWSE	40	
			SWSE	40	SESE	40			274.5
		23	NESW	40	NWSW	37	SWSW	40	
			SESW	40	NESE	30	NWSE	40	
			SWSE	40	SESE	38			305

Total number of acres irrigated: 579.5

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

MICROFILMED
MAR 04 1991

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 36-07882B

CONDITIONS/REMARKS:

5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
6. The maximum combined rate of diversion under this right & Rights 36-2367 & 36-2368 shall not exceed 9.11 cfs.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 12th day of FEBRUARY, 1991.

R. Keith Higginson, Director

MICROFILMED
MAR 04 1991

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 36-7882B IN THE NAME OF MARK L. NEILSON	ORDER OF REINSTATEMENT

This matter having come before the Department of Water Resources (Department) as a result of preparing Permit No. 36-7882 for issuance of a license, the Department finds, concludes and orders:

FINDINGS OF FACT

1. The Department approved Application for Permit No. 36-7882 to appropriate the public waters of the State of Idaho with a proposed priority of DECEMBER 07, 1979.

2. On APRIL 17, 1986 the Department advised the permit holder that a license examination fee was required before an examination could be conducted to confirm the extent of use developed under the permit. The examination fee was due on JUNE 16, 1986.

3. The license examination fee was not paid within one year of the date, and the permit lapsed for failure to pay the license examination fee.

MICROFILMED

MAR 04 1991

4. The license examination fee was received on APRIL 27, 1987, 315 day(s) late.

CONCLUSIONS OF LAW

1. The Director may advance the priority date of the permit one day for each day the license examination fee is late, pursuant to the provisions of Section 42-217, Idaho Code.

2. The date of priority of Permit No. 36-7882 should be advanced 315 day(s).

ORDER

IT IS HEREBY ORDERED that Permit to Appropriate Water No. 36-7882 is reinstated.

IT IS FURTHER ORDERED that the date of priority of Permit No. 36-7882 is advanced to OCTOBER 18, 1980.

Dated this 26th day of September, 1990.

L. Glen Saxton
Chief, Water Allocation Bureau

MICROFILMED
MAR 04 1991

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 36-7882B IN THE NAME OF MARK L. NEILSON	ORDER ADVANCING DATE OF PRIORITY

This matter having come before the Department of Water Resources (Department) as a result of preparing Permit No. 36-7882 for issuance of a license, the Department finds, concludes and orders:

FINDINGS OF FACT

1. The Department approved Application for Permit No. 36-7882 to appropriate the public waters of the State of Idaho with a proposed priority of DECEMBER 07, 1979.

2. On APRIL 17, 1986 the Department advised the permit holder that a license examination fee was required before an examination could be conducted to confirm the extent of use developed under the permit. The examination fee was due on JUNE 16, 1986.

3. The license examination fee was received on APRIL 27, 1987, 315 day(s) late.

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MAR 04 1991

CONCLUSIONS OF LAW

1. The Director may advance the priority date of the permit one day for each day the license examination fee is late, pursuant to the provisions of Section 42-217, Idaho Code.

2. The date of priority of Permit No. 36-7882 should be advanced 315 day(s).

ORDER

IT IS HEREBY ORDERED that the date of priority of Permit No. 36-7882 is advanced to OCTOBER 18, 1980.

Dated this 7th day of November, 1989.

L. Glen Saxton
Chief, Water Allocation Bureau

MICROFILMED
MAR 04 1991

RECEIVED

SEP 10 1987

Department of Water Resources
Eastern Region Office

State of Idaho
Department of Water Resources

ASSIGNMENT OF PERMIT

RECEIVED

SEP 14 1987

Department of Water Resources

I, Virgil A. Neilson, hereby assign to Mark L. Neilson

of 2381 E., Hwy. 24, Paul, ID 83347
Address

CHECK ONE

[XX] All my right, title, and interest in and to Permit No. 36-7882B to appropriate the public waters of the State of Idaho.

[ ] The following described portion of my right, title, and interest in and to Permit No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within each 40 acre subdivision, the point of diversion and the amount of water in cubic feet per second for direct diversion, or acre feet for storage)

_____

_____

_____

_____

Made this _____ day of _____, 19____.

Virgil A. Neilson
Permit Holder

_____
Spouse of Permit Holder

State of Idaho)
) ss.
County of Twin Falls)

On this 10th day of September, 19 87, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Mary G. Baldwin
Notary Public residing at
Gooding, ID 83330

seal

My commission expires:
10/16/1992

MICROFILMED

MAR 14 1988

WATER RIGHT SPLIT

SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT C.F.S.
~~Original Permit~~	~~36-7882~~	~~Chris Newbold~~	~~9.91 cfs~~
Partial Assignment	~~36-7882 A~~	~~Chris Newbold~~	~~2.06 cfs~~
	~~36-7882 B~~	~~Virgil A. Neilson~~	~~7.85 cfs~~
Full Assignment of Partial ---	36-7882 A	Jack Taylor	2.06 cfs
Full Assignment of Partial	36-7882B	Neilson, Mark L.	7.85

MICROFILMED

MAR 14 1988