



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 13, 2001

NYLE H BAILEY
222 E 350 N
BLACKFOOT ID 83221

RE: Transfer #5777 for water right(s) 35-2904B (new number 27-7588) and Notice of Completed Administrative Proceeding (NCAP)

Dear Sir:

On August 29, 2000, the Idaho Department of Water Resources (IDWR) approved Transfer #5777, modifying the above referenced water right. Based on this transfer, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Cheri Vandermeulen
Records Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

)

Water Rights: 35-2904B

Case No. 39576

)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

☐ Address change

☐ Substitution of Party

☒ I.C. § 42-222 transfer 5777

☒ point of diversion ☒ place of use

☐ period of use ☐ nature of use

☐ split of water right ☐ change in ownership

☐ other

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: June 13, 2001

Ernest Carlson
Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on June 15, 2001, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
NYLE H BAILEY
222 E 350 N
BLACKFOOT ID 83221

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:

4. One copy to:

Each party in the subcase, or attorney of record

JEFFREY C FEREDAY

JERRY RIGBY

JOHN K SIMPSON

GIVENS PUSLEY LAW OFFICE

PO BOX 250

PO BOX 2139

PO BOX 2720

REXBURG ID 83440

BOISE ID 83701

BOISE ID 83701-2720

BLAIR GROVER

KENT W FOSTER

GROVER & ARCHIBALD LAW OFFICE

HOLDEN KIDWELL HAHN & CRAPO

PO BOX 36

PO BOX 50130

RIGBY ID 83442

IDAHO FALLS ID 83405

5. One copy each to:

Chief Natural Resources Division

Office of the Attorney General

PO Box 44449

Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice

Environment & Natural Resource Div

550 West Fort Street MSC 033

Boise ID 83724

Cheri Vandermeulen

Signature of person or attorney mailing the form

RECEIVED

copy

AUG 13 2001

Department of Water Resources

01/29/2001

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
35-2904B	NYLE H BAILEY 222 E 350 N BLACKFOOT, ID 83221	DISALLOWED	WATER RIGHT CHANGED BY TRANSFER 5777. SEE NO. 27-7588 IN BASIN 27 REPORT.

01/29/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 35-2904B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NYLE H BAILEY 222 E 350 N BLACKFOOT, ID 832215909 (208)237-1587
Original Owner	HOMER STEWART
Original Owner	LELA STEWART ORIGINAL CLAIMANT , ID
Original Owner	O ELWOOD MANWARING ORIGINAL PERMIT HOLDER BLACKFOOT, ID

Priority Date: 07/18/1957 SEE COMMENTS
Basis: License
Status: Disallowed

Source Tributary to
GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01	11/01	0.2 CFS	40 AFA	
Total Diversion			0.2 CFS	40 AFA	

Location of Point(s) of Diversion:

GROUND WATER SENENE Sec. 20 Township 02S Range 35E BINGHAM County

IRRIGATION Use:
Acre Limit: 10

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
02S	35E	20		NENE	10									

Total Acres: 10

Remarks:

1. General WATER RIGHT CHANGED BY TRANSFER #5777. SEE 27-07588 IN BASIN 27 REPORT.

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
ARuberry	1/29/01	TRANSFER #5777	TRANSFER CHANGES WATER RIGHT TO BASIN 27, (SEE 27-07588).

Dates:

Licensed Date: 08/07/1979
Claim Received Date: 12/10/1991
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date:
Date Filed with Court:
Objection Filed Date:
SFS Filed:
Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Review Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary	1/29/01 11:28:11 AM	ARuberry			In Process

Other Information:

Receipt Number(s): E006450
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
PresumptionFlag:
Notice of Error Flag:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

WR5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

06/27/00 14:49:24
Page 1

Water Right Number - 35-029048

Prefix Translation:

WATER RIGHT

Old (D) Number - 26999

*** C - CURRENT OWNER ***

NYLE H.

1 - RT. 6 BOX 703
2 -
3 -

City- POCAHELLO
Phone - 208-000-0000

State- ID Zip- 83202

*** O - ORIGINAL OWNER ***
MANWARING

O. ELWOOD

1 -
2 -
3 -
City- BLACKFOOT
Phone - 208-000-0000

State- ID Zip-

Priority Date - 07/18/1957

Region - 15 EASTERN

Stage - L - LICENSE

Status -

Source - GROUNDWATER

Twn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Diversion Name	Diversion Rate	Diversion No.
02S	35E	20	SE NE NE			(11) BINGHAM				

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	11/01		0.200	

Total Div. Rate - 0.200 Total Div. Volume - 0.200 Total Div. Capacity - 0.0 Total Consumptive Use - 0.0 KW Usage -

Twn	Rng	Sec	Tract	Lot	Acres	Code	Place of Use	Description	County
02S	35E	20	NE NE		10.0	01 IRRIGATION			(11) BINGHAM

Total Acres: 10.0

- - - Diversion Means -

- - - Non-Irrigation Use -

- - - Other Rights for Same Use -

- - - Remarks -

GEN TRANS. 3601, RT. HOLDER SHALL COMPLY WITH DRILLING REQUIREMENTS
OF SECTION 42-235, I.C.

Water right number - 35-029048

Prefix Translation: WATER RIGHT

+ - - - - - Old Water Right Numbers - - - - - +
+ - - - - - No Old Water Right Numbers found. - - - - - +

+ - - - - - Conditions of Approval - - - - - +
016 - See remarks for additional conditions of approval. - - - - - +

+ - - - - - Decree Plaintiff - - - + + - - - - - Decree Defendant - - - + +
00/00/0000

+ - - - - - -Comments- - - - - - +
No Comments Found

+ - - Audit Fields - 02/15/90 CURTIS

+ - - - - - Water Rights Dates and Flags Area - - - - - +
Proof Due Date - 00/00/0000 Field Exam Made - 00/00/0000 Field Exam Fee -
Approved/Denied - 00/00/0000 Protested Date - 00/00/0000 Swan Falls -
Proof Made Date - 00/00/0000 Hearing Date - 00/00/0000 Temporary Right - P
Exam to S.O. Date - 00/00/0000 Verified Date - 08/05/1985 DLE/Carey Act -
Order Show Cause - 00/00/0000 Receipt Number - Water District -
Licensed Date - 08/07/1979 Appl Received - 00/00/0000 Transfer/Amended - P
Presumption Flag - Name Connector - POU Ownership Flag -
SRBA Decreed Flag -

Eastern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5777
WATER RIGHT NO. ~~35-02904B~~
27-07588

RECEIVED

SEP 05 2000

Department of Water Resources
Eastern Region

This is to certify that: NYLE H BAILEY
222 E 350 NORTH
BLACKFOOT ID 832215909

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	0.20 CFS	40.0 AF

SOURCE

GROUNDWATER

Priority: 07/18/1957

LOCATION OF POINT(S) OF DIVERSION: SWNW , Sec. 16, Township 02S, Range 36E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02S	36E	16	NWNW 2	SWNW 8		10
Total number of acres irrigated:						10

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

TRANSFER NO. 5777
WATER RIGHT NO. 35-02904B

CONDITIONS OF APPROVAL AND REMARKS

4. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Dated this 29th day of August, 2000.



Chief, Water Allocation Bureau

TRANSFER APPLICATION STAGE

1) Recommended rights being transferred (from Part 2). Check IWTRS for partial decrees.

- | | | |
|----|------------------|----|
| 1. | 35-02904B (NOPE) | 4. |
| 2. | | 5. |
| 3. | | 6. |

*2) Overlapping recommended rights before and after proposed change. Check IWTRS for partial decrees.

- | | |
|----|----|
| 1. | 4. |
| 2. | 5. |
| 3. | 6. |

TRANSFER APPROVAL STAGE

NAP sent
7/14/00

*1) Pedigree for parents and splits (children) due to approved transfer

Tx RE NUMBER 35-02904B TO 27-07588

Tx CAUSUS RT TO CROSS TENDER

*2) Any additional overlapping recommended rights

- | | |
|----|----|
| 1. | 4. |
| 2. | 5. |
| 3. | 6. |

* To be completed by agent

35-02904B => DISALLOWED

27-07588 WILL BE AGAIN
REVIEWED DURING B27 REVIEW

NO RECOMMENDATION AT THIS TIME
OKRR