

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 27-7588
Date Received: 1/29/01
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

NYLE H BAILEY Phone: (208)785-1315

222 E 350 N
BLACKFOOT ID USA 83221

2. Date of Priority: 07/18/1957

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
02S	36E	16	SW NW	BINGHAM

5. Description of diverting works:

WELL AND PUMP TO SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.2	40

7. Total Quantity Appropriated is:
0.2 C.F.S. and/or 40 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
02S	36E	16	NW NW	IRRIGATION	2
			SW NW	IRRIGATION	8

Section Acres 10
Total Acres 10

11. Place of use in counties: BINGHAM

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

THIS WATER RIGHT ORIGINATED AS 35-02904B. TRANSFER #5777 CHANGED WATER RIGHT TO BASIN 27.

15. Basis of Claim: License

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date:

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____



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

TRANSFER APPLICATION STAGE

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

1.	35-02904B (NOD)	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

Ty RE NUMBER 35-02904B to 27-07588

Ty causes RA to cross transfer ———

*2) Any additional overlapping recommended rights

1.		4.
2.		5.
3.		6.

* To be completed by agent



35-02904B → DISCONTINUED

27-07588 will be added
to the existing 27-07588

NO Recommendation to cross transfer
from 35-02904B to 27-07588.

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.

JC
~~HALL~~

Is this TX one of those
that crosses the river so
the # changes?

{29-07588} 2S 368 $\Rightarrow$ B27

{35-029048} 2S 356 $\Rightarrow$ B35

Q's:

- (1) Recommended in B35, ^{DISALLOWED} TX moves to
B27 $\Rightarrow$ B35 RECOMM is INVALID now.
B27 needs new SRBA claim? $\checkmark$
- (2) With B27 claim - NO FURTHER
ACTION UNTIL B27 RESOLVED?

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

J. Glen Saylor
Chief, Water Allocation Bureau