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Department of Water Resources

2002 MAY 28 AM 10: 50

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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: 35-2158B

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

☒ **Other: licensing of overlapping right is complete. 35-2158B should be recommended as attached.**

☐ Address change

☐ Substitution of Party

☐ I.C. § 42-222 transfer

- | | |
|---|--|
| ☐ point of diversion | ☐ place of use |
| ☐ period of use | ☐ nature of use |
| ☐ split of water right | ☐ change in ownership |

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: May 24, 2002

Ernest Carlson

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on May 24, 2002, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail 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:
KENNETH & KAYE NICKELL
650 N 150 W
BLACKFOOT ID 83221

3. One copy to:

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

4. One copy to:

Each party in the subcase, or attorney of record

JEFFREY FEREDAY
GIVENS PURSLEY LAW OFFICE
PO BOX 2720
BOISE ID 83701

KENT FOSTER
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

JERRY RIGBY
PO BOX 250
REXBURG ID 83440

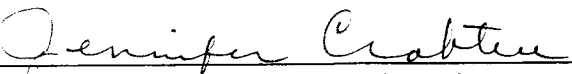
BLAIR GROVER
GROVER & ARCHIBALD
PO BOX 36
RIGBY ID 83442

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


Signature of person or attorney mailing the form

05/23/2002

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

2002 MAY 28 AM 10:50

RIGHT NUMBER: 35-2158B
NAME AND ADDRESS: KENNETH G NICKELL
650 N 150 W
BLACKFOOT ID 83221

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

KAYE C NICKELL
658 N 150 W
BLACKFOOT ID 83221

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 4.56 CFS
1,240.0 AFY

USE OF THIS RIGHT WITH RIGHT NO. 35-08961 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 5.56 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION
VOLUME OF 1240 AF.

PRIORITY DATE: 11/30/1949

POINT OF DIVERSION:

T01S R35E S27 NWSWNE Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 10/31	4.560 CFS 1,240.00 AFY

PLACE OF USE: IRRIGATION Within BINGHAM County

T01S R35E S27	NENE	36.0	T01S R35E S27	NWNE	40.0
T01S R35E S27	SWNE	38.0	T01S R35E S27	SENE	40.0
T01S R35E S27	NENW	39.0	T01S R35E S27	NWNW	40.0
T01S R35E S27	SWNW	39.0	T01S R35E S27	SENW	38.0

310 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 35-08961 IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 310 ACRES IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: License

RIGHT NO. 35-08961 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.