

02/18/2002

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

VERIFIED BY *RBrown*

RIGHT NUMBER: 35-13277
NAME AND ADDRESS: KENNETH G NICKELL
KAYE NICKELL
658 N 150 W
BLACKFOOT ID 83221

SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 0.39 CFS
88.0 AFY

USE OF THIS RIGHT WITH RIGHTS NO. 35-2222 AND 35-7861C IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.68 CFS.

PRIORITY DATE: 04/01/1987

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY
DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS
ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN
WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426,
IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.

POINT OF DIVERSION:

T01S R35E S33 NESESE Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	0.390 CFS 88.00 AFY

PLACE OF USE: IRRIGATION Within BINGHAM County

T01S R35E S33	NESE	40.0	T01S R35E S33	NWSE	36.0
T01S R35E S33	SWSE	30.0	T01S R35E S33	SESE	36.0
T01S R35E S34	NESW	34.0	T01S R35E S34	NWSW	32.0
T01S R35E S34	SWSW	36.0	T01S R35E S34	SESW	19.0

263 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHTS NO. 35-2222 AND 35-7861C IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 263 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.
THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHTS NO. 35-2222
AND 35-7861C PURSUANT TO SECTION 42-1426, IDAHO CODE.

EXPLANATORY MATERIAL: Beneficial Use

THIS RIGHT IS FOR AN ENLARGEMENT OF 22 ACRES WITHIN THE PLACE OF
USE DESCRIBED FOR THIS RIGHT.

R Brown 2/18/02

		<u>1958</u>	<u>9-11-1985</u>	<u>NOW</u>
1535E533	NESE	35	+5	40 (L)
	NWSE	35	+1	36 (L)
	SWSE	30		30 (L)
	SESE	30	+2	36
334	NESW		+26	34
	NWSW	30	+2	32 (L)
	SWSW	30		36
	SESW		+15	19
		<u>190</u>	<u>51</u>	<u>263</u>

241

22

between
1985 + 1987

7861C

1.11 cfs

.54 (B)

.57 cfs

0.011 cfs/acre

202

151

51 acres

2227

3.66 cfs on 190 acres

0.019 cfs/acre

Measured capacity of this well
at license exam for 35-7861 (1985)
was 3.68 cfs.

Limit total Q to 3.68 cfs



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

SEP 10 1999

Department of Water Resources
Eastern Region

DATE OF CLOSING: 8-31-99

LEGAL DESCRIPTION OF PROPERTY: Township 1 S Range 35 EBM
Section 33, 5E 1/4 of 1/4 of 1/4 Govt. Lot , BM.

Lot , Block , Subdivision/Townsite .

If you have additional legal descriptions, please attach separate sheet.

+ Section 34, SW 1/4

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
Assigned by IDWR: 35-07861C, 35-02222, 35-13277

☐ Name and Address of Former Owner/Claimant(s)(Seller): Roland Winberg

647 N. 350W.

Blackfoot, ID 83221

☐ New Owner/Claimant (Purchaser): Kenneth G. Nickell

☐ New Mailing Address: Kaye Nickell

658 N. 150W.

Blackfoot, ID 83221

☐ New Telephone Number: 208) 785-5729

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached: Warranty Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s): Kenneth G. Nickell Date 8-31-99

Kaye Nickell

Date 8-31-99

☐ Signature of Former Owner/Claimant(s): Roland Winberg Date 8-31-99

Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

100

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

RECEIVED

SEP 09 1999

Department of Water Resources
Eastern Region

Ident. Number: A35-13277

Date Received: 4/30/1999

Receipt No: C046418

Received By: [Signature] 8/31/99

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

1. Name: ROLAND WINBERG 208-785-1459
Address: 647 N 350 W
BLACKFOOT ID 83221

2. Date of Priority: APR 1, 1987

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01S	35E	33	SE	SE	SE		BINGHAM

5. Description of diverting works:
WELL, PUMP AND MAINLINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.930		

7. Total Quantity Appropriated is:
0.930 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01S	35E	33	NE	SE		IRR	40.0
			NW	SE		IRR	36.0
			SW	SE		IRR	33.0
			SE	SE		IRR	36.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	145.0
		34	NE	SW	IRR	38.0
			NW	SW	IRR	31.0
			SW	SW	IRR	40.0
			SE	SW	IRR	40.0
					Section Acres	149.0
					Total Acres	294.0

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:
35-07861C, 35-02222

14. Remarks:

USE OF THIS RIGHT WITH RIGHT NO. 35-02222 AND 35-07861C IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.23 CFS.

RIGHT NOS. 35-02222 AND 35-07861C ARE ALSO DIVERTED THROUGH
THE POINT OF DIVERSION DESCRIBED ABOVE.

15. Basis of Claim: BENEFICIAL USE

Water Right Number: 22730

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): Roland Winberg Date: 4-30-99
_____ Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 30 day
of April 19 99. Ernest Carlson
Notary Public



Residing at Adho Fall
My Commission Expires 6-14-2000

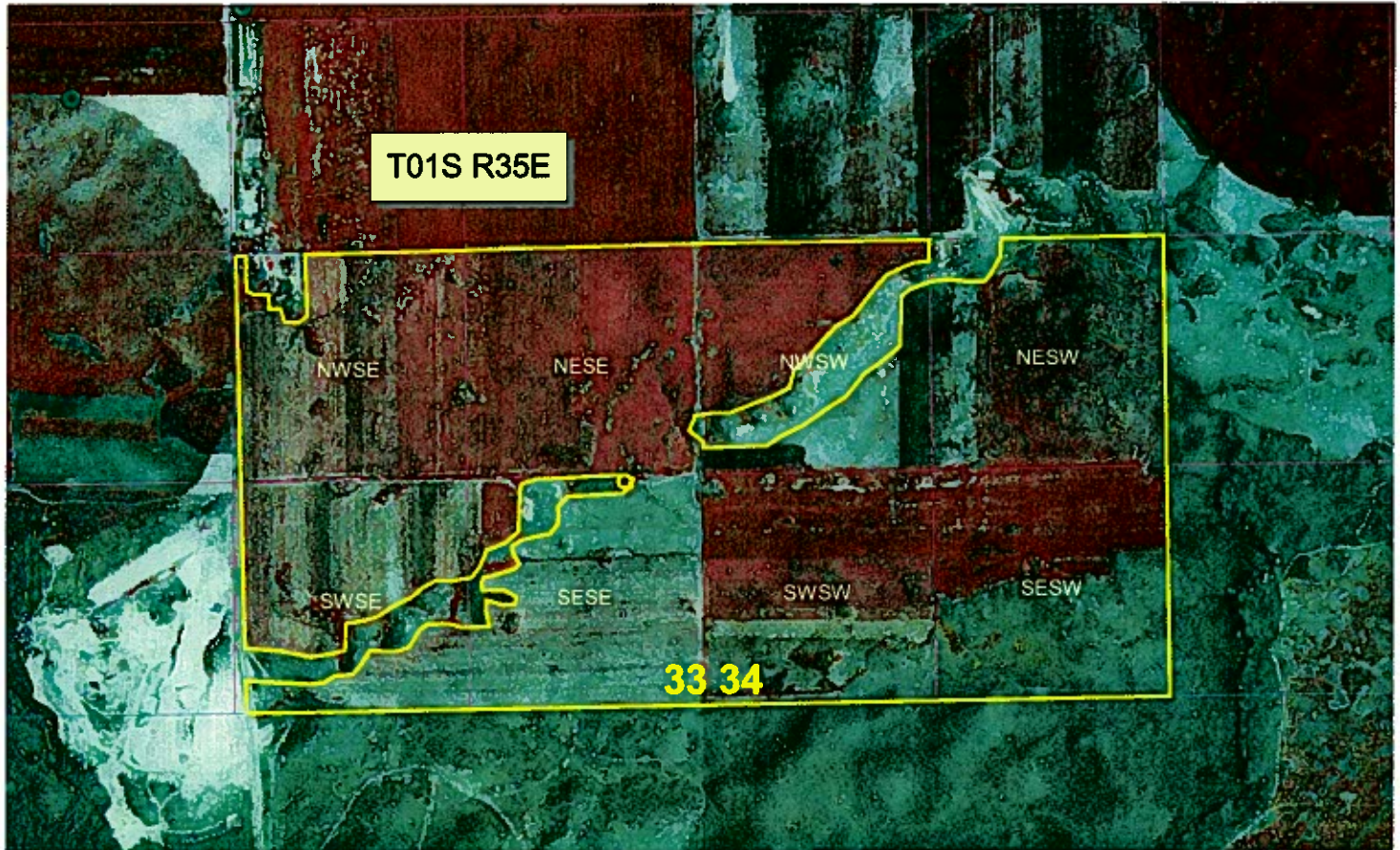


STATE OF IDAHO

Department of Water Resources

Eastern Region

Water Right(s): 35-02222, 35-07861C
and 35-13277



0 660 1320 1980 2640 3300 Feet

LEGEND



Point of Diversion



Place of Use



Section Line



Quarter-section line

Acres Irrigated = 294



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: E. Carlsen
Date: April 1999



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

January 4, 2000

KENNETH & KAYE NICKELL
658 N 150 W
BLACKFOOT ID 83221

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE OF CLAIM TO A WATER RIGHT A35-02222, A35-
07861C, A35-13277

Dear Mr. & Mrs. Nickell:

The request for Change of Water Right Ownership concerning the above-referenced Notice of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Please keep this report for your records.

Respectfully yours,

Jennifer Crabtree
Technical Records Specialist

Enclosure

1999 AUG 27 PM 1:05

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

Case No. 39576

Subcase No. 35-13277

**ORDER GRANTING MOTION
TO FILE LATE NOTICE OF CLAIM**

On May 17, 1999, a Motion to File Late Notice of Claim was filed by
Roland Weinberg. All procedural requirements under *Administrative
Order 1* were complied with in filing this *Late Notice of Claim*. No valid objections were made
to this *Late Notice of Claim*. The Motion is GRANTED.

IT IS SO ORDERED.

DATED August 27, 1999

B Wood

BARRY WOOD
Administrative District Judge
Interim Presiding Judge
Snake River Basin Adjudication





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

August 31, 1999

KARL J. DREHER
DIRECTOR

ROLAND WINBERG
647 N 350 W
BLACKFOOT ID 83221

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim #A35-13277, A35-02222 & A35-07861C

Dear Claimant:

Your Notices of Claim to a Water Right for your property in Bingham County were received from the SRBA Court recently. I have enclosed your receipt #C046418 for the fees paid for your records.

Your Notices of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/327-7932 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Donald V. Shaff', written over a horizontal line.

Donald V. Shaff
Manager, Adjudication Section

DVS:ss:region

Enclosures:

Receipt #C046418

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO

RECEIVED

AUG 30 1999

Department of Water Resources



(208) 736-3011
FAX (208) 736-2121

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

August 27, 1999

Dave Tuthill
Idaho Department of Water Resources
P O Box 83720
Boise, ID 83720-0098

RE: *Motion to File Late Notice of Claim*
Subcase Nos. 35-13277, 35-02222 and 35-07861C
Roland Winberg

Dear Dave:

Enclosed, please find the *Order Granting Motion to File Late Notice of Claim* and the attached Notice of Claim for each of the above subcases. A check in the amount of \$594.00 for the filing fees associated with all three subcases is also accompanying.

If you have questions about these or other matters, please contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ami Alberdi".

Ami Alberdi
Deputy Clerk of the Court
Snake River Basin Adjudication

Enclosures

RECEIVED

MAY 19 1999

Department of Water Resources

RECEIVED

JUN 01 1999

Department of Water Resources
Eastern Region

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

)

Subcase 35-13277

)

(Insert water right number)

)

Case 39576

)

STANDARD FORM 4

)

)

MOTION TO FILE:

)

☒ LATE NOTICE OF CLAIM

)

☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a separate form for each late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 594⁰⁰.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on August 17, 1999 at 1:30.
(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

VERIFICATION (Must be completed)

State of Idaho

County of Bonneville

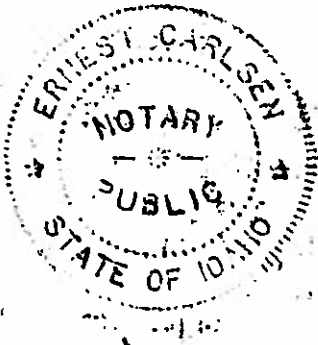
Roland Winberg, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Roland Winberg
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on April 30, 1999
(Insert Date)



Ernest Carlson
Notary Public for MR
Residing at: Blake Falls
My Commission expires: 6-14-2000

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. FAX filings will not be accepted by the SRBA Clerk of the Court. You must also send a copy to all the parties listed below in the Certificate of Mailing.