

02/03/2005

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

RIGHT NUMBER: 22-4067

NAME AND ADDRESS: STANTON NICKELL
PO BOX 145
TETONIA ID 83452

ARLENE L NICKELL
PO BOX 145
TETONIA ID 83452

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 09/01/1930

POINT OF DIVERSION:

T05N R45E S14 SESENW Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
DOMESTIC	01/01 12/31	0.060 CFS
		15.70 AFY

PLACE OF USE: STOCKWATER Within TETON County

T05N R45E S14

DOMESTIC Within TETON County

T05N R45E S14 SENW

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

USE: 2 DOMESTIC HOMES.

02/03/2005

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 22-4067

STANTON NICKELL

PO BOX 145

TETONIA ID 83452

Telephone Number: (208) ~~354-2446~~ 456-2649

ARLENE L NICKELL

PO BOX 145

TETONIA ID 83452

Telephone Number: (208) ~~354-2446~~ 456-2649

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Stackwater agree, Domestic water agree
Disagree with irrigation 4/15 to 10/15 0.020 CFS Total Quantity
0.100 CFS. Priority date Sep 1, 1930, Groundwater

2. Describe the changes you wish to make in the proposed recommendation:

irrigation of 0.020 CFS has been deleted please include

3. Give a brief explanation as to why you disagree with these portions:

See civil case # 39576 attached

 I AGREE with this proposed recommendation: no changes need to be made.

DATE: 06-15-05 SIGNATURE: Arlene Nickell

Please print your name: ARLENE NICKELL

IDWR Regional Office,

7/15/03 Priority Evidence submitted makes no mention
of irrigation - No change to Recomm

RECEIVED
JUN 24 2005

Department of Water Resources
Eastern Region

SCANNED

JUL 19 2005

SCANNED

JUN 28 2005

PROFIT

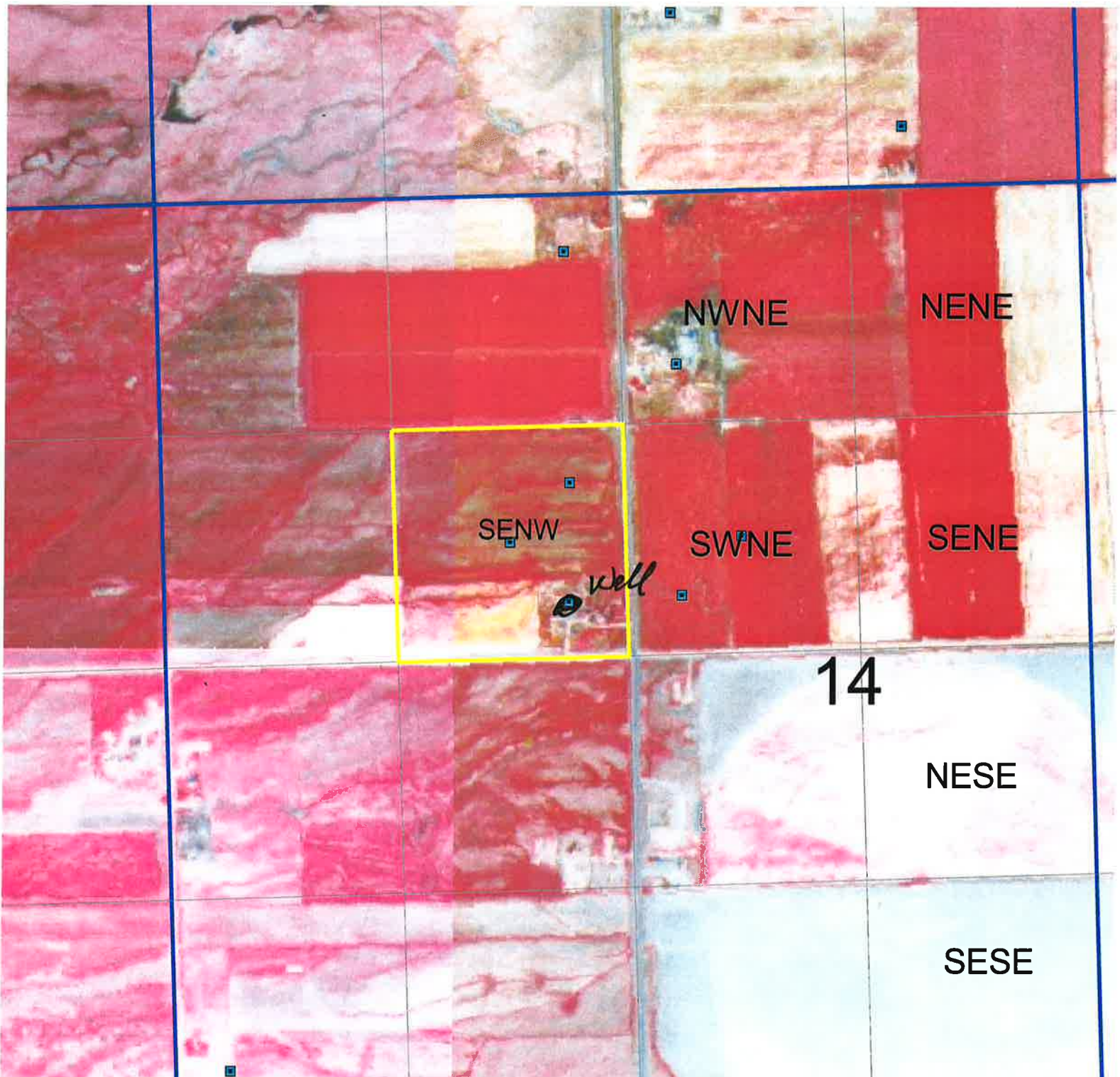
KMJ
6/27

22-4067

SCANNED
APR 07 2005

PROFILED

AR



PROFIT

SCANNED

APR 07 2005

Bel Air - EVIOLGUC Submission Does not support
Identification - Above 1/2 AC 18MS, known Domestic
USG,
Recommendation - Dom & STIC - N11, N13



RECEIVED

JUL 22 2004

Department of Water Resources
Eastern Region

July 14, 2004

Allen Ruberry
900 North Skyline, Suite A
Idaho Falls, ID 83401

Dear Mr. Ruberry:

RE: Evidence of water right claim 22-4067

I have been asked by Arlene Nickell to verify for your records the existence of a well and pump for 2 homes and use of water for stock at property owned by Mrs. Nickell at 256 North State Highway 33 near Driggs, Idaho. This property is located in Section 14, Township 5 North, Range 45 EBM.

This well has been in existence since I was a young child and I affirm it has been in existence since September 1, 1930 and has been used for home use, as well as, for watering stock since that time.

Sincerely,

Jacqueline Baler. 7-20-04

No Mention of irrigation.

*ABR
2/3/05*

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SCANNED

JUL 27 2004

June 8, 2004

Mrs. Arlene Nickell
PO Box 145
Tetonia, ID 83452

RECEIVED

JUN 09 2004

Department of Water Resources
Eastern Region

Allen Ruberry
900 North Skyline, Suite A
Idaho Falls, ID 83401

Dear Mr. Ruberry:

RE: EVIDENCE OF WATER RIGHT CLAIM 22-4067

Enclosed please find the adjudication from March 3, 1999 which clarifies the priority dated of September 1, 1930 which is in agreement with Idaho Department of Water Resources documentation.

Sincerely,

Arlene Nickell by Patricia Korplov

Arlene Nickell

This does not constitute proof.

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: A22-04067

Date Received: 3/ 3/1999

Receipt No: E024807

Received By: SBR

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STANTON NICKELL
Address: PO BOX 145
TETONIA ID 83452 208-354-2446
AND/OR
Name: ARLENE NICKELL
Address: PO BOX 145
TETONIA ID 83452 208-354-2446
2. Date of Priority: SEP 1, 1930
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:
Township Range Section 1/4 of 1/4 of 1/4 Lot County
05N 45E 14 SE SE NW TETON
5. Description of diverting works:
WELL AND PUMP TO 2 HOMES AND STOCKWATER TANKS
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.060		
STOCKWATER	01/01	12/31	0.020		
IRRIGATION	04/15	10/15	0.020		
7. Total Quantity Appropriated is:
0.100 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:

May 28, 2004

**STANTON OR ARLENE NICKELL
PO BOX 145
TETONIA ID 83452**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-4067

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 22, the Teton River drainage. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. As the claimant, you are responsible for submitting the necessary proof to support the priority date.

Your claim, as referenced above, claims a Priority Date of SEP 1 1930, from GROUNDWATER.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence which are acceptable and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**". **PLEASE READ THE ENCLOSED PAMPHLET.**

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

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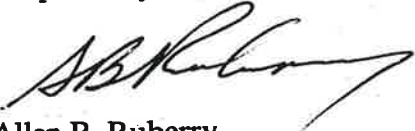
APR 07 2005

PROVIDED

The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.

Please submit documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,



Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"

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APR 07 2005

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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: **A22-04067**
Date Received: 3/ 3/1999
Receipt No: E024807
Received By: SPR

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

1. Name: STANTON NICKELL 208-354-2446
Address: PO BOX 145
TETONIA ID 83452

AND/OR

Name: ARLENE NICKELL 208-354-2446
Address: PO BOX 145
TETONIA ID 83452

2. Date of Priority: SEP 1, 1930

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	45E	14	SE	SE	NW		TETON

5. Description of diverting works:

WELL AND PUMP TO 2 HOMES AND STOCKWATER TANKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.060		
STOCKWATER	01/01	12/31	0.020		
IRRIGATION	04/15	10/15	0.020		

7. Total Quantity Appropriated is:

0.100 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

A2204067



PROFILE

SCANNED

APR 07 2005

A22-04067

Page

1

Date: 03/03/99

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	45E	14				STOCK	
			SE	NW		DOMEST	
			SE	NW		IRR	1.0
						Section Acres	1.0
						Total Acres	1.0

11. Place of use in counties: TETON

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

13. Other Water Rights Used:

22-11446

14. Remarks:

22-11446 IS FROM THE SAME WELL FOR A DIFFERENT HOUSE.
STOCKWATER; 10 CATTLE, 40 SHEEP, 1 HORSE.

15. Basis of Claim: BENEFICIAL USE

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:

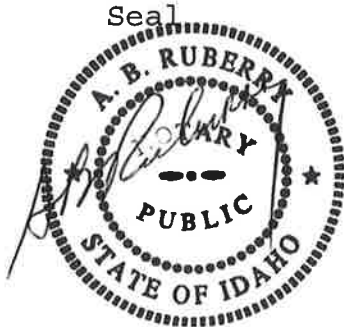
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Stanley Nickell Date: 3/3/99
Arline Nickell Date: 3/3/99

State of Idaho)
County of BONNEVILLE) SS.

Subscribed and sworn (or affirmed) before me this 3rd day
of MARCH 19 99

A. B. RUBERPA
Notary Public



Residing at ADAMTOWN ID
My Commission Expires 09/23/03

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APR 07 2005

