

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**TRANSFER OF WATER RIGHT**  
**TRANSFER NO. 78142**

This is to certify that: DONALD E NICKELSON  
 1701 HWY A1A STE 218  
 VERO BEACH FL 32963  
 (561)234-7454

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

**Summary of Water Rights Before the Proposed Change**

| <u>Right</u> | <u>Origin/Basis</u> | <u>Priority</u> | <u>Rate</u> | <u>Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u>  |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|----------------|
| 37-20433     | WR/Decreed          | 05/04/1889      | 0.02 cfs    | N/A           |                   | 1.0                | BIG WOOD RIVER |
| 37-20435     | WR/Decreed          | 06/01/1886      | 0.02 cfs    | N/A           |                   | 1.0                | BIG WOOD RIVER |
| 37-20437     | WR/Decreed          | 05/21/1890      | 0.02 cfs    | N/A           |                   | 1.0                | BIG WOOD RIVER |

**Purpose of Transfer (Changes Proposed)**

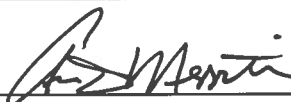
| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 37-20433              | NO           | YES        | NO         | NO             | NO                   | NO                   |
| 37-20435              | NO           | YES        | NO         | NO             | NO                   | NO                   |
| 37-20437              | NO           | YES        | NO         | NO             | NO                   | NO                   |

**Summary of Water Rights After the Approved Change**

| <u>Existing Right</u> | <u>New No. (changed portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|-----------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 37-20433              | <b>37-20433</b>                  | 0.02 cfs             | N/A                    | N/A               | 1.0                |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 37-20435              | <b>37-20435</b>                  | 0.02 cfs             | N/A                    | N/A               | 1.0                |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 37-20437              | <b>37-20437</b>                  | 0.02 cfs             | N/A                    | N/A               | 1.0                |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED</b>       |                                  |                      |                        |                   |                    |                                    |                       |                         |                             |                              |
| <b>TOTALS</b>         |                                  | <b>0.06 cfs</b>      | <b>N/A</b>             | <b>N/A</b>        | <b>1.0</b>         |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Detailed Water Right Description(s) attached

Dated this 6<sup>th</sup> day of December, 2012

  
 Southern Region Manager

SUPPORT DATA

IN FILE # 37-20433

**WATER RIGHT NO. 37-20433**  
**As Modified by Transfer No. 78142**

In accordance with the approval of Transfer No. 78142, Water Right No. 37-20433 is now described as follows.

**Right Holder:** DONALD E NICKELSON  
1701 HWY A1A STE 218  
VERO BEACH FL 32963

**Priority Date:** May 04, 1889

**Source:** GROUND WATER

**Tributary:** BIG WOOD RIVER

**BENEFICIAL USE**

IRRIGATION

**From**

04/15 to 10/31

**To**

**Diversion Rate**

0.02 CFS

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER                      SWNE                      Sec. 7   Twp 03N   Rge 18E   BLAINE County

**PLACE OF USE:**    IRRIGATION

| Twp | Rge | Sec | NE |    |     |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |        |
|-----|-----|-----|----|----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW  | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 03N | 18E | 7   |    |    | 1.0 |    |    |    |    |    |    |    |    |    |    |    |    |    | 1.0    |

Total Acres: 1

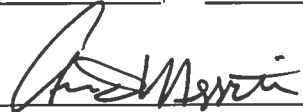
**WATER RIGHT NO. 37-20433**  
**As Modified by Transfer No. 78142**

**CONDITIONS OF APPROVAL**

1. Rights 37-20433, 37-20435, and 37-20437 when combined shall not exceed a total diversion rate of 0.06 cfs, and the irrigation of 1.0 acres.
2. Diversion of groundwater is limited to those times water is available for diversion under this right and priority from the Big Wood River.
3. Place of use is located within Lot 2, Gimlet West Subdivision.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
6. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
7. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6<sup>th</sup> day of December, 2012

  
\_\_\_\_\_  
Southern Region Manager

**WATER RIGHT NO. 37-20435**  
**As Modified by Transfer No. 78142**

In accordance with the approval of Transfer No. 78142, Water Right No. 37-20435 is now described as follows.

**Right Holder:** DONALD E NICKELSON  
1701 HWY A1A STE 218  
VERO BEACH FL 32963

**Priority Date:** June 01, 1886

**Source:** GROUND WATER

**Tributary:** BIG WOOD RIVER

**BENEFICIAL USE**

IRRIGATION

**From**

04/15 to 10/31

**To**

**Diversion Rate**

0.02 CFS

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER                      SWNE                      Sec. 7   Twp 03N   Rge 18E   BLAINE County

**PLACE OF USE:**    IRRIGATION

| Twp | Rge | Sec | NE |    |     |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |        |
|-----|-----|-----|----|----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW  | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 03N | 18E | 7   |    |    | 1.0 |    |    |    |    |    |    |    |    |    |    |    |    |    | 1.0    |

Total Acres: 1

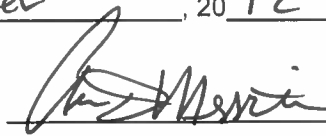
**WATER RIGHT NO. 37-20435**  
**As Modified by Transfer No. 78142**

**CONDITIONS OF APPROVAL**

1. Rights 37-20433, 37-20435, and 37-20437 when combined shall not exceed a total diversion rate of 0.06 cfs, and the irrigation of 1.0 acres.
2. Diversion of groundwater is limited to those times water is available for diversion under this right and priority from the Big Wood River.
3. Place of use is located within Lot 2, Gimlet West Subdivision.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
6. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
7. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6<sup>th</sup> day of December, 2012

  
Southern Region Manager

**WATER RIGHT NO. 37-20437**  
**As Modified by Transfer No. 78142**

In accordance with the approval of Transfer No. 78142, Water Right No. 37-20437 is now described as follows.

**Right Holder:** DONALD E NICKELSON  
1701 HWY A1A STE 218  
VERO BEACH FL 32963

**Priority Date:** May 21, 1890

**Source:** GROUND WATER

**Tributary:** BIG WOOD RIVER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> |
|-----------------------|-------------|-----------|-----------------------|
| IRRIGATION            | 04/15       | to 10/31  | 0.02 CFS              |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER                      SWNE                      Sec. 7   Twp 03N   Rge 18E   BLAINE County

**PLACE OF USE:**    IRRIGATION

| Twp | Rge | Sec | NE |    |     |    | NW |    |    |    | SW |    |    |    | SE |    |    |    |        |
|-----|-----|-----|----|----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW  | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 03N | 18E | 7   |    |    | 1.0 |    |    |    |    |    |    |    |    |    |    |    |    |    | 1.0    |

Total Acres: 1

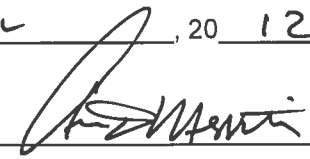
**WATER RIGHT NO. 37-20437**  
**As Modified by Transfer No. 78142**

**CONDITIONS OF APPROVAL**

1. Rights 37-20433, 37-20435, and 37-20437 when combined shall not exceed a total diversion rate of 0.06 cfs, and the irrigation of 1.0 acres.
2. Diversion of groundwater is limited to those times water is available for diversion under this right and priority from the Big Wood River.
3. Place of use is located within Lot 2, Gimlet West Subdivision.
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37.
6. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
7. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6<sup>th</sup> day of December, 2012

  
\_\_\_\_\_  
Southern Region Manager

State of Idaho  
Department of Water Resources

# Attachment To Transfer Of Water Right

Transfer No. 78142

Rights: 37-20433, 37-20435, 37-20437

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

R18E



0 0.0375 0.075 0.15 Miles

-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters





State of Idaho

## DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

December 7, 2012

KEVIN LAKEY WATERMASTER  
WATER DISTRICT # 37  
107 W 1<sup>ST</sup> ST  
SHOSHONE, ID 83352

Re: **APPROVED** Transfer No. 78142 (Donald E Nickelson)  
Re: **APPROVED** Transfer No. 78191 (Porter Family Living Trust)  
Re: **APPROVED** Transfer No. 78192 (Porter Family Living Trust)  
Re: **APPROVED** Transfer No. 78193 (Porter Family Living Trust)

Dear Mr. Lakey:

For your information and records, we have enclosed a copy of an APPROVED Application for Transfer within your District.

If you have any questions, please contact this office, or the applicant.

Sincerely,

A handwritten signature in black ink that reads "Denise Maline". The signature is written in a cursive, flowing style.

Denise Maline  
Administrative Assistant

Enclosure



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380  
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

December 6, 2012

DONALD E NICKELSON  
1701 HWY A1A STE 218  
VERO BEACH FL 32963

RE: Transfer No.: 78142  
Water Right No(s): 37-20433 37-20435 37-20437

**Transfer Approval Notice**

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's homepage on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen Merritt". The signature is stylized with a large, sweeping initial "A" and a distinct "M".

Allen Merritt  
Southern Region Manager

Enclosure(s)

cc: STEVE FISHER

## **CERTIFICATE OF SERVICE**

I hereby certify that on December 6, 2012 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**RE:   TRANSFER NO.   78142**  
**WATER RIGHTS NOS.   37-20433      37-20435      37-20437**

**DONALD E NICKELSON**  
**1701 HWY A1A STE 218**  
**VERO BEACH FL 32963**

**STEVE FISHER**  
**6640 MT HWY 200 E**  
**MISSOULA MT 59802**

A handwritten signature in cursive script that reads "Denise Maline". The signature is written in black ink and is positioned above a solid horizontal line.

**Denise Maline**  
**Administrative Assistant**

## **EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

### **PETITION FOR RECONSIDERATION**

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

### **EXCEPTIONS AND BRIEFS**

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

### **REQUEST FOR HEARING**

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

### **ORAL ARGUMENT**

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

## **CERTIFICATE OF SERVICE**

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

## **FINAL ORDER**

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

## **APPEAL OF FINAL ORDER TO DISTRICT COURT**

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

## MEMORANDUM

**Date:** December 6, 2012  
**To:** Transfer 78147 File  
**From:** Benny Walker  
**Re:** Evaluation of Sufficiency of Information Submitted

---

Application proposes changing the point of diversion to an existing well for 3 Big Wood River rights totaling 0.06 cfs used to irrigate 1.0 acre of land. The property is located within lot 2 Gimlet West Subdivision along the east side of Highway 75 adjacent to the Big Wood River approximately 3.7 miles due south from the center of Ketchum. The existing well is within approximately 150 feet of the Big Wood River. The application includes a hydrologic analysis provided by SPF Engineering that shows that pumping from the existing well will have at least a 50% reduction in the original source (Big Wood River) in a 24 hour period. This meets the requirements of our Transfer Processing Policies to change the source from surface water to ground water.

- **Authority to File:**  
Applicant is listed as current owner on IDWR records for rights involved with the transfer. The application also includes a copy of a warranty deed showing that the applicant owns the proposed place of use.
- **Water Right Validity:**  
Rights 37-20433, 37-20435, and 37-20437 have been decreed in 2010 and current aerial photography indicates water usage. Therefore forfeiture should not be an issue.
- **Injury to Other Water Rights:**  
None anticipated. Application includes an analysis showing that the Big Wood River and ground water have a direct and immediate hydraulic connection.
- **Enlargement of Use:**  
None anticipated.
- **Local Public Interest:**  
Application was subject to public notice and protest and no protest were received.
- **Beneficial Use/Conservation of Water Resources:**  
Proposed uses are recognized as beneficial uses of water.

**Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.**

RECEIVED

NOV 15 2012 2012 COPY OF NOTICE

# AFFIDAVIT of PUBLICATION

State of Idaho  
County of Blaine

DEPT. OF WATER RESOURCES  
SOUTHERN REGION

Pam Morris, being the first duly sworn, deposes and says that she is the printer (publisher) of the Idaho Mountain Express, a newspaper published every week in Ketchum, County of Blaine, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first

publication of said advertisement was on the 7 day of

Nov., 20 12, and the date of the last publication was

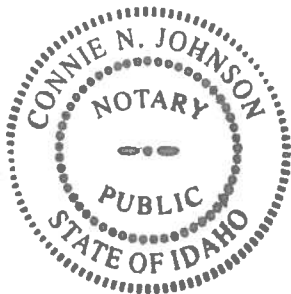
on the 14 day of Nov., 20 12

Subscribed and sworn to before me this 14 day of

Nov., 20 12.

Pam Morris

Connie N. Johnson  
NOTARY PUBLIC



RESIDING AT HAILEY, IDAHO  
MY COMMISSION EXPIRES ON 7/10/2018

IDAHO MOUNTAIN EXPRESS  
P.O. Box 1013  
Ketchum, Idaho 83340  
COST OF PUBLICATION

Number of Picas per Line 11.5

Number of Lines in Notice 50

Number of Insertions 2

Lines tabular at 9.0 cents/pica

50 Lines straight at 46.00 8.0 cents/pica

50 Subsequent lines at 40.25 7.0 cents/pica

TOTAL COST \$86.25

Legal Notice  
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR

BILL TO

## NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 78142

DONALD E NICKELSON, 1701 HWY A1A STE 218, VERO BEACH, FL 32963 has filed Application No. 78142 for changes to the following water rights within BLAINE County(s): Right No(s). 37-20433, 37-20435, 37-20437; to see a full description of these rights and the proposed transfer, please see [www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp](http://www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp). The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the point of diversion to an existing well for 3 Big Wood River rights totaling 0.06 cfs used to irrigate 1.0 acre of land. The property is located within lot 2 Gimlet West Subdivision along the east side of Highway 75 adjacent to the Big Wood River approximately 3.7 miles due south from the center of Ketchum. The existing well is within approximately 150 feet of the Big Wood River. An analysis was provided showing a hydraulic connection between the river and the well.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls ID 83301 together with a protest fee of \$25.00 for each application on or before November 26, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

PUBLISH:  
IDAHO MOUNTAIN EXPRESS  
Nov. 7 & 14, 2012

✓ OK  
DM  
11-20-2012