

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78142

RECEIVED

APR 30 2012

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Donald Nickelson Phone 772-234-7454 DEPT. OF WATER RESOURCE
SOUTHERN REGION

Mailing address 1701 Hwy A1A, Suite 218; Vero Beach, FL 32963 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☒ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Steve Fisher Phone 406-360-9893

Mailing address 6640 MT Hwy 200 East; Missoula, MT 59802 Email steve.fishguy@gmail.com

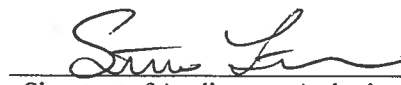
- ☒ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


Signature of Applicant or Authorized Representative

DONALD E. NICKELSON
Print Name and Title if applicable

4-3-12
Date


Signature of Applicant or Authorized Representative

STEVE FISHER
Print Name and Title if applicable

4-6-12
Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Convert Surface right to groundwater
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**. Three water rights 37-20433, 37-20435, and 37-20437 are allocated to irrigation on Nickelson's property.
We propose to convert them to groundwater withdrawals and apply them to the same POUs as presently
described (see attached Parts 2A).

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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

DEPT. OF WATER RESOURCES
SOUTHERN REGION

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part					
☒ ☐	37-20433	0.02 cfs	irrigation	4/15 to 10/31	Groundwater - Big Wood R.
☒ ☐	37-20435	0.02 cfs	irrigation	4/15 to 10/31	Groundwater - Big Wood R.
☒ ☐	37-20437	0.02 cfs	irrigation	4/15 to 10/31	Groundwater - Big Wood R.
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.06 cfs cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 0.06 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
			SW	NE	7	3N	18E	Blaine	Groundwater	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	18E	7			1.0														1.0

Total Acres (for irrigation use) 1.0

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: Nickelson's domestic well has sufficient capacity to supply the amount of water permitted. We will split the irrigation system so that these rights irrigate only one acre (see attached site map). At the request of the watermaster, we will attach a flow meter and a lockable shutoff valve to the "one acre zone" portion of the irrigation system.

b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: None

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
NA

e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
Domestic use comes for the same well. No other rights applied to the "one acre zone" location (see attached map).

f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe: _____

Transfer contains 8 pages and _____ attachments.

Received by _____ Date 4.30.2012 Prelim. Check by _____ Date _____

Fee Paid \$200- Date 5.2.2012 Received by BW Receipt # 5032531

Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 37-20433

Current Owner: DONALD E NICKELSON
Priority Date: 5/4/1889
Origin: Water Right
Status: Active
Basis: Decreed

Source

BIG WOOD RIVER

Tributary

MALAD RIVER

Beneficial Use

IRRIGATION

From To

04/15 to 10/31

Diversion Rate

0.02 CFS

Annual Volume

Total Diversion

0.02 CFS

Location of Point(s) of Diversion

BIG WOOD RIVER

SW1/4NE1/4

Sec. 7, Twp 03N, Rge 18E B.M.

BLAINE County

Place of Use

IRRIGATION Within BLAINE County

T03N R18E S7

SWNE

1.00

Total Acres: 1

Conditions of Approval:

1. E55 Right Nos. 37-20433, 37-20435, and 37-20437 are limited to the irrigation of a combined total of 1.0 acres in a single irrigation season.
2. X60 Place of use is located within Lot 2, Gimlet West Subdivision.
3. R02 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.
4. R59 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.
5. E51 Right Nos. 37-20433, 37-20435, and 37-20437 are limited to a total combined diversion rate of 0.06 cfs.
6. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. R05 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.
9. C18 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.

Decreed Date: 9/24/2010

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 37-20435

Current Owner: DONALD E NICKELSON
Priority Date: 6/1/1886
Origin: Water Right
Status: Active
Basis: Decreed

Source

BIG WOOD RIVER

Tributary

MALAD RIVER

Beneficial Use

IRRIGATION

From To

04/15 to 10/31

Diversion Rate

0.02 CFS

Annual Volume

Total Diversion

0.02 CFS

Location of Point(s) of Diversion

BIG WOOD RIVER

SW1/4NE1/4

Sec. 7, Twp 03N, Rge 18E B.M.

BLAINE County

Place of Use

IRRIGATION Within BLAINE County

T03N R18E S7

SWNE

1.00

Total Acres: 1

Conditions of Approval:

1. R59 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.
2. X60 Place of use is located within Lot 2, Gimlet West Subdivision.
3. E55 Right Nos. 37-20433, 37-20435, and 37-20437 are limited to the irrigation of a combined total of 1.0 acres in a single irrigation season.
4. R05 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.
5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. C18 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.
7. R02 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.
8. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. E51 Right Nos. 37-20433, 37-20435, and 37-20437 are limited to a total combined diversion rate of 0.06 cfs.

Decreed Date: 9/24/2010

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 37-20437

Current Owner: DONALD E NICKELSON
Priority Date: 5/21/1890
Origin: Water Right
Status: Active
Basis: Decreed

Source

BIG WOOD RIVER

Tributary

MALAD RIVER

Beneficial Use

IRRIGATION

From To

04/15 to 10/31

Diversion Rate

0.02 CFS

Annual Volume

Total Diversion

0.02 CFS

Location of Point(s) of Diversion

BIG WOOD RIVER

SW1/4NE1/4

Sec. 7, Twp 03N, Rge 18E B.M.

BLAINE County

Place of Use

IRRIGATION Within BLAINE County

T03N R18E S7

SWNE

1.00

Total Acres: 1

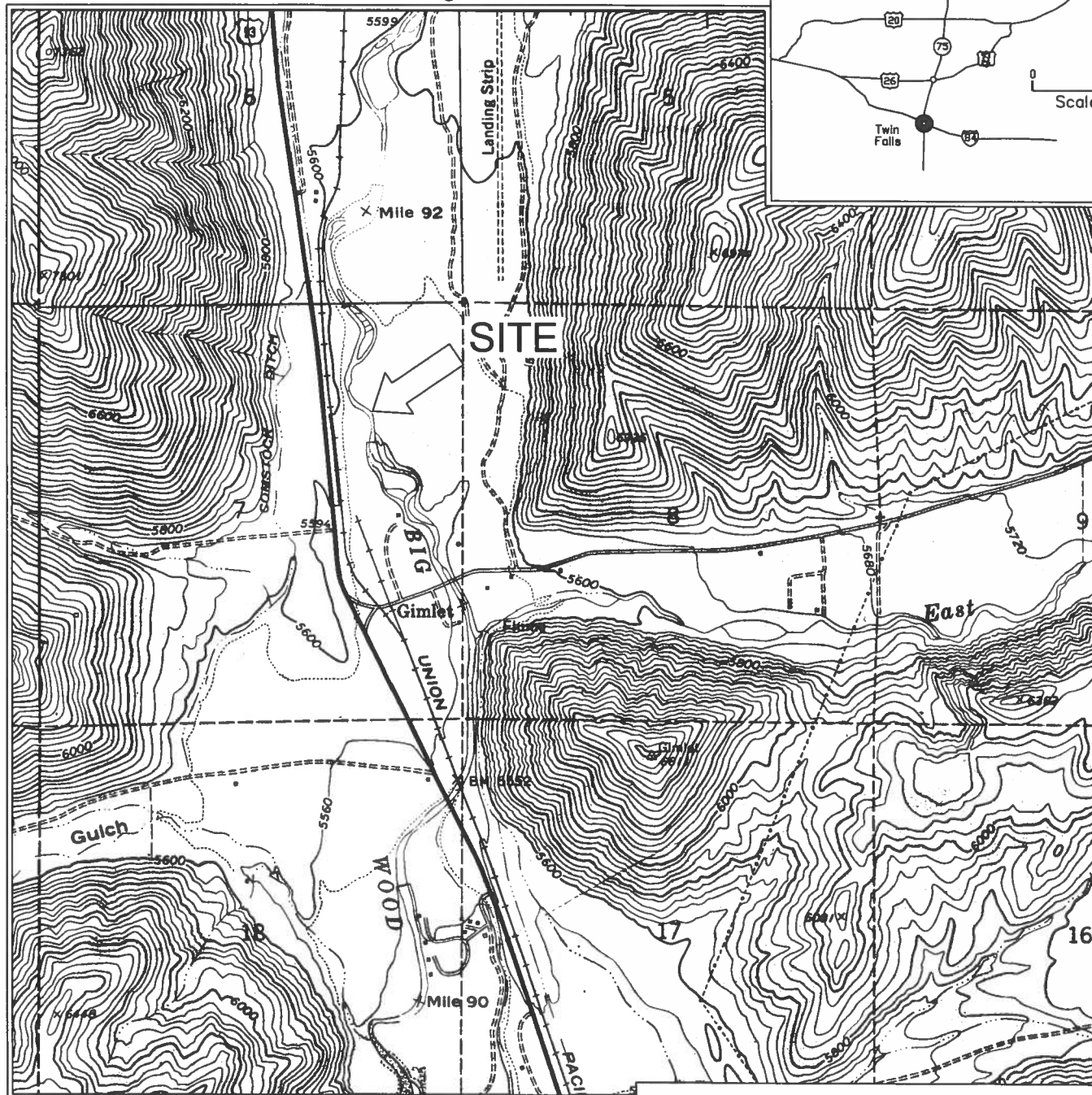
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3. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
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8. X60 Place of use is located within Lot 2, Gimlet West Subdivision.
9. E51 Right Nos. 37-20433, 37-20435, and 37-20437 are limited to a total combined diversion rate of 0.06 cfs.

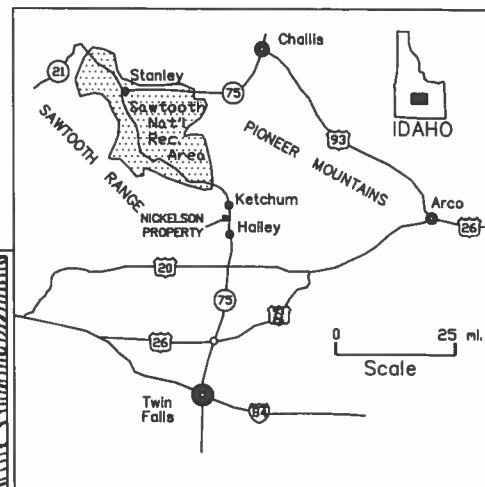
Decreed Date: 9/24/2010

Rng.18E

Twn.3N



Map from: USGS Quad - Hailey, Idaho 1967



Donald Nickelson Property

Vicinity Map

OWNER: DONALD E. NICKELSON

NEAR: KETCHUM, IDAHO, BLAINE COUNTY

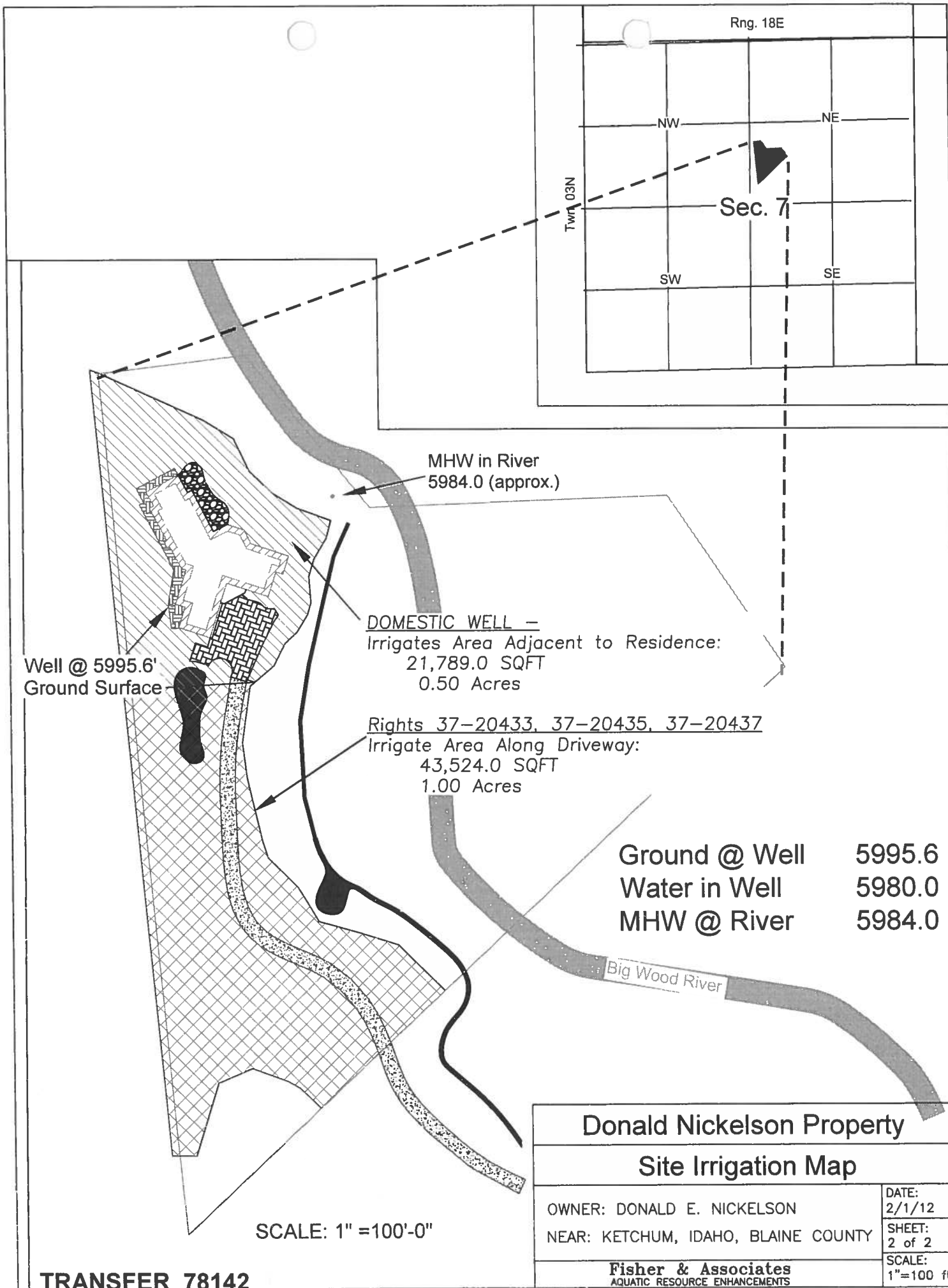
Fisher & Associates
AQUATIC RESOURCE ENHANCEMENTS

DATE:
2/1/12

SHEET:
1 of 2

SCALE:
1"=2000ft

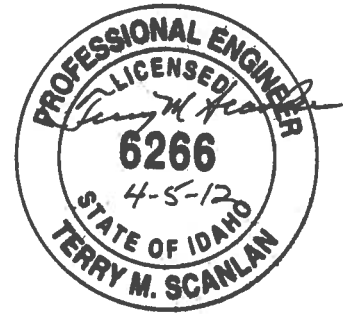
TRANSFER 78142





MEMORANDUM

DATE: April 5, 2012
TO: Steve Fisher – Fisher & Associates
FROM: Terry Scanlan, P.E., P.G., Marci Pape, P.E.
RE: Revised Nickelson Stream Depletion Investigation Review
Job No.: 962.0010



SPF has revised our previous streamflow depletion analysis (March 14, 2012) for the Donald Nickelson well. The revision is in response to comments from Idaho Department of Water Resources (Benny Walker letter to Steve Fisher dated 3/29/12). The revised analysis includes (1) utilization of an updated stream depletion spreadsheet tool provided by Mat Weaver on April 3, and (2) recalculation of depletion rate using lower values of hydraulic conductivity and transmissivity. This memo provides a summary of that analysis.

The purpose of the analysis is to determine the theoretical rate of stream depletion in the Big Wood River due to pumping of the Nickelson well. This process is necessary in order to meet IDWR requirements that, in the case of water right transfers from surface water to groundwater, at least 50 percent (by volume) of the water pumped from the well will be depleted from the river within one day.

The Nickelson well is located in Blaine County, in the SWNE of Section 7, T3N R18E, and is situated approximately 150 feet from the mean high water (MHW) mark in the Big Wood River. The well is 100 feet deep, with a recorded static water level of 15.6 feet at the time of drilling. The well bore penetrated alluvial sediments from near ground surface to a depth of 36 feet, and limestone from 36 feet to total depth. The well is completed with 8-inch casing to a depth of 46.5 feet, and open hole from 46.5 feet to total depth. The 8-inch casing is perforated from 30 to 42 feet.

The stream depletion analysis is based on a spreadsheet provided by IDWR (Mat Weaver, modified March 27, 2012), which uses the Glover and Balmer method to calculate stream depletion rates and volumes. Using the Glover and Balmer Method, stream depletion rate is dependent on the following factors: duration of pumping, transmissivity, specific yield, distance, and pumping rate. In this case, the distance is 150 feet, and the duration of pumping is one day (i.e., the critical time period for 50 percent depletion is 24 hours). There are three water rights proposed for transfer, each with a diversion rate of 0.02 cfs, for a total diversion rate of 0.06 cfs. Using either 0.02 cfs or 0.06 cfs produces the same results, so either value can be used. The values that require the most analysis are transmissivity and specific yield, so those are discussed further below.

Transmissivity

Our previous experience from test pumping of wells in the upper Big Wood River alluvial aquifer suggests that the alluvial aquifer along the river has a very high transmissivity. For example, test pumping of the snowmaking well near the base of the River Run chair lift in Ketchum showed a specific capacity of 270 gpm/ft at a pumping rate of 960 gpm (Scanlan, 1991). This well penetrated materials similar to the Nickelson Well, with limestone bedrock at 37.5 feet overlain by alluvial aquifer materials ranging from "clean gravel" to "clay and gravel". Another well near the Big Wood River in Ketchum, 48-foot deep Sun Valley Well No. 6, was tested with a specific capacity of 500 gpm/ft at a pumping rate of 990 gpm (Scanlan, 1988). These specific capacities suggest an aquifer transmissivity in the range of approximately 50,000 to 150,000 ft²/day.

Further south, in the vicinity of Bellevue, transmissivity of the water table aquifer is reported to range from 30,000 to 70,000 ft²/day (Brockway and Kahlown, 1994).

The alluvial aquifer thickness penetrated by the Nickelson well was calculated by examining the well log, and establishing the saturated zone of the well. The saturated zone extends from a depth of 15 feet, 7 inches (the static water level described in the well log), to 36 feet, at which point limestone was encountered. For the purposes of this analysis, we are assuming that the limestone is either (1) not a significant water producing zone for the well or (2) that the limestone section of the borehole can be excluded from the well by backfilling if necessary.

For each saturated layer, we assigned a hydraulic conductivity (ft/day) based on the well log description of the material in that layer and the estimated values for similar materials (roughly corresponding to Tables 2 and 3 of the stream depletion spreadsheet), then multiplied that value by the thickness of the layer to calculate the transmissivity of that layer. The transmissivities of the individual layers were then added up, resulting in a total transmissivity for the saturated alluvium portion of the well, in ft²/day. These transmissivities were then compared with Upper Big Wood River published and test pumping transmissivities described earlier for purposes of general agreement. We found that using a hydraulic conductivity of 3,000 ft/day for the saturated layers consisting of gravel materials results in a transmissivity of approximately 40,000 ft²/day for the alluvial aquifer tapped by the Nickelson Well. This transmissivity is lower than the values calculated from upstream pumping tests (Scanlan, 1988 and 1991) and within the range published for the downstream area (Brockway and Kahlown, 1994). Lower transmissivity values result in less rapid stream depletion, and are therefore conservative.

Specific Yield

Specific yield was determined in much the same way as transmissivity. Each layer within the saturated zone was assigned a specific yield, based on the material description and Table 1 in the updated stream depletion spreadsheet. The specific yield for the entire soil profile was then calculated by taking a weighted average, based on the thickness of each . The resulting specific yield was 0.16.

Specific yield and hydraulic conductivity estimates that were utilized for estimating transmissivity are provided in the following table.

Nickelson Well (Static WL=15'7")					
Depth		Material	Hydraulic Conductivity	Transmissivity	Specific Yield
From	To		(ft/day)	(ft ² /day)	
1	13	Boulders, gravel	0	0	
15.6	21.8	Gravel	3000	18,600	0.20
21.8	28	Clay	0.1	0.6	0.08
28	35	Gravel	3000	21,000	0.20
35	36	Clay	0.1	0.1	0.08
Total:				39,600	0.16

Note: 13' to 28' layer is "gravel & clay" - assumed half the saturated layer was gravel & half was clay (assumed stratified, rather than mixed)

Stream Depletion Results

Using a transmissivity of 40,000 ft²/day, aquifer thickness of 20 feet, and a specific yield of 0.16, the theoretical stream depletion volume for the Nickelson well after 1 day of pumping was calculated to be 70 percent. This volume exceeds the minimum 50 percent depletion volume required by IDWR for water right transfers from surface water to ground water sources.

The complete results are shown in the following stream depletion analysis table. Note that an average hydraulic conductivity of 2,000 ft/day over a 20-foot aquifer thickness was used in the depletion analysis, rather than the 3,000 ft/day for the gravel layers discussed above. The value of 2,000 ft/day, if used over the entire saturated depth of the aquifer, results in the same transmissivity that was calculated through analysis of individual saturated layers (i.e., 40,000 ft²/day).

A sensitivity analysis shows the following.

1. Raising the specific yield value to 0.28 (the maximum potential value) reduces the stream depletion volume to 60 percent.
2. Reducing the aquifer thickness to 13 feet and raising the specific yield to 0.20 (thickness and specific yield of the gravel portions of the aquifer only) reduces the stream depletion volume to 67 percent.
3. Reducing the aquifer transmissivity to 20,000 ft²/day reduces the stream depletion volume to 58 percent. Raising the aquifer transmissivity to 80,000 ft²/day increases the stream depletion volume to 77 percent.

The sensitivity analysis demonstrates that the 24-hour depletion volume is above 50 percent for a reasonable range of transmissivity, specific yield, and aquifer thickness values.

Stream Depletion Analysis Tool		
Project Title		
Donald Nickleson Transfers		
Calculation of Stream Depletion Rate & Volume		
User Defined Input Variables		
t =	1	duration of pumping (days)
K =	2,000.00	hydraulic conductivity (ft/day)
b =	20.00	saturated thickness (ft)
Sy =	0.16	specific yield in decimals (unitless)
a =	150.00	distance (ft)
Q =	0.06	pumping rate (ft ³ /s)
Calculated Input Variables		
T =	40,000	transmissivity (ft ² /day)
Sy/T =	0.00000400	component of sdf (unitless) for observation only
Q =	5184	pumping rate (ft ³ /day)
Qt =	5184	pumped volume (ft ³)
	0.12	pumped vol (ac-ft)
Table Values		
sdf =	0.0900	stream depletion factor (units of time)
t/sdf =	11.11	(unitless)
q/Q =	0.828	(unitless)
v/Qt =	0.699	(unitless)
Stream Depletion Rate		
q =	0.050	stream depletion rate (ft ³ /s)
% Total =	82.8	contribution of total flow rate from stream (%)
Stream Depletion Volume		
v =	3,622	vol. strm depletion (ft ³)
	0.0832	vol. strm depletion (ac-ft)
% Total =	69.9	contribution of total volume from stream (%)

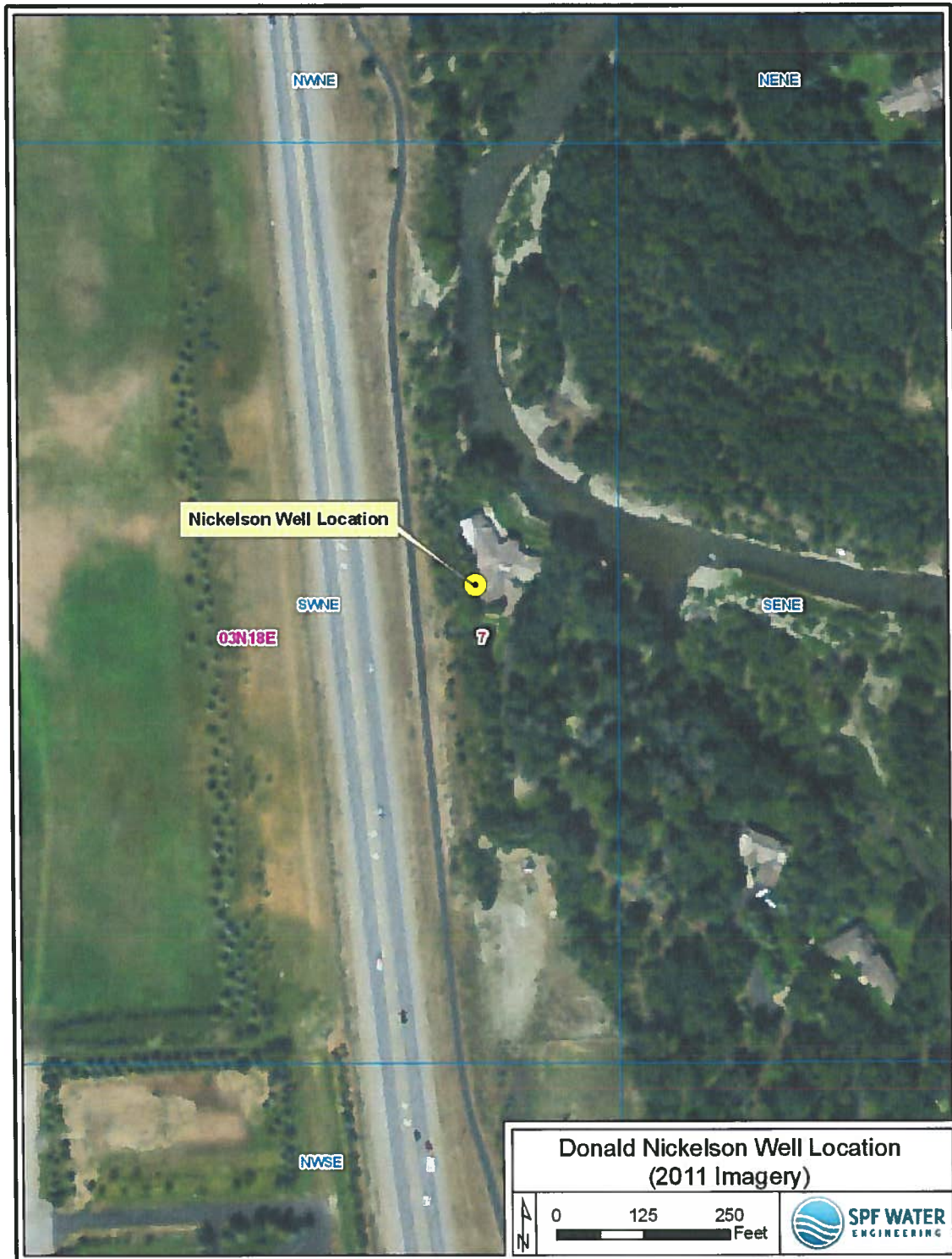
Effects of Partial Penetration

As noted in IDWR's March 29, 2012 letter under item 3, the well is perforated through only 6 feet of the 20-foot saturated alluvial aquifer thickness. Assuming that the 20-foot thick alluvial aquifer functions as a single aquifer (with sufficient vertical hydraulic conductivity to provide hydraulic connection between the top and bottom), the partial penetration of the aquifer by the Nickelson Well should not significantly impact the rate of stream depletion. This is because the rate of stream depletion from a homogenous aquifer is based on aquifer characteristics (transmissivity and specific yield), and is largely independent of well characteristics. For purposes of this analysis we have assumed that intervals described as "clay" or "clayey" are lenses rather than laterally extensive layers so that the alluvial aquifer has sufficient vertical hydraulic conductivity to be considered a single aquifer.

Similarly, as noted under item 2 of the March 29, 2012 letter, the Glover and Balmer analysis assumes that the river completely penetrates the aquifer. In reality, the Big Wood River does not fully penetrate the aquifer. However, assuming sufficient vertical hydraulic conductivity within the 20-foot aquifer thickness, partial penetration of the aquifer by the river should not have a significant effect. Furthermore, as pointed out under item 2 of the March 29 letter, partial penetration by the river may be a moot point if the river is a gaining reach. Evidence that the river is a gaining reach is provided in Frenzel (1989, Table 3) and Bartolino (2009, Table 6).

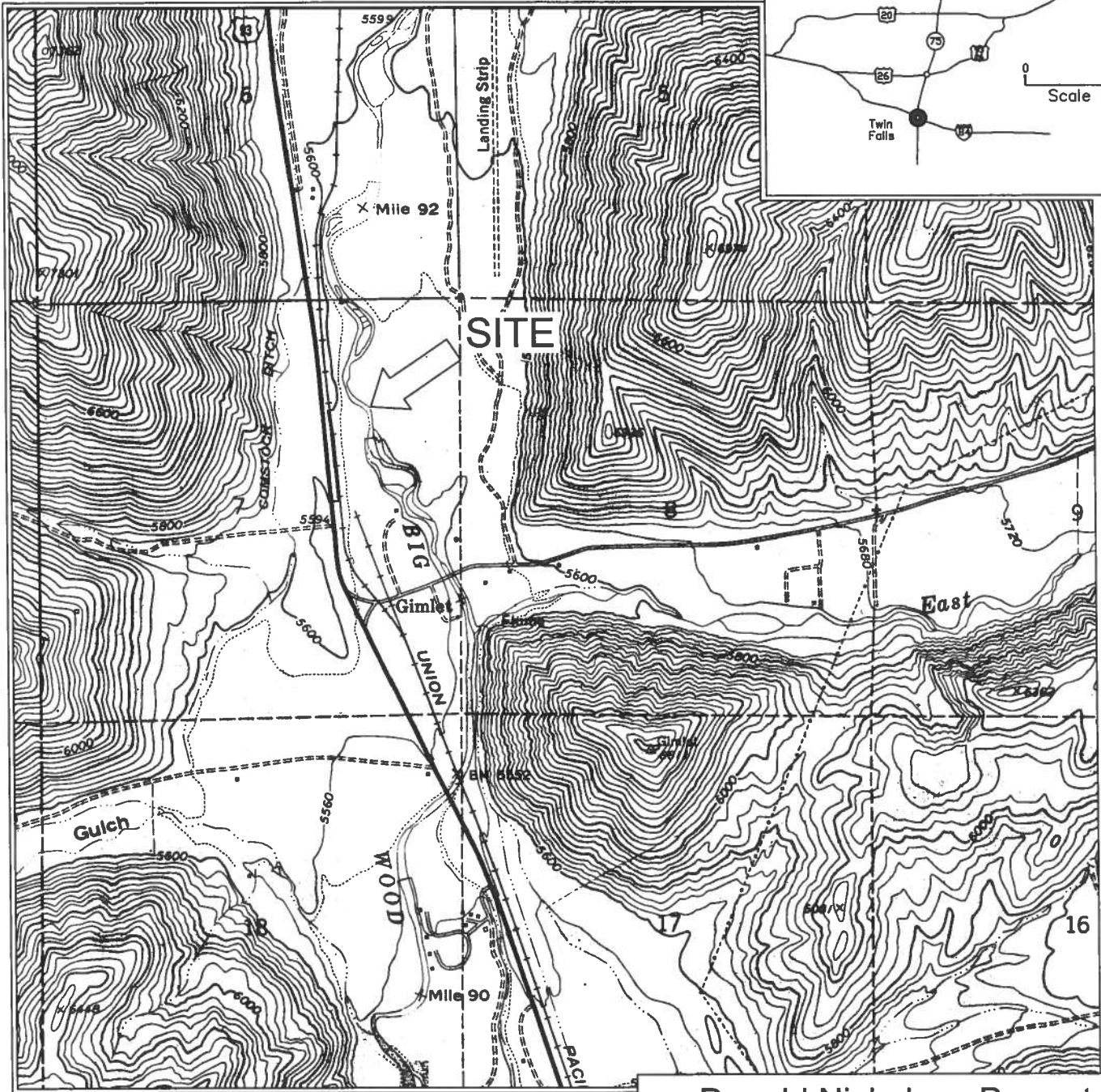
References

- Bartolino, J.R., 2009, Ground-water budgets for the Wood River Valley aquifer system, south-central Idaho, 1995-2004, U.S. Geological Survey Scientific Investigations Report 2009-5016, 36 p.
- Brockway, C.E., and Kahlown, M.A., 1994, Hydrologic evaluation of the Big Wood River and Silver Creek watersheds Phase I: Kimberly, University of Idaho Water Resources Research Institute, Kimberly Research Center, 53 p. plus 5 appendixes.
- Frenzel, S.A., 1989, Water resources of the upper Big Wood River basin, Idaho: U.S. Geological Survey Water-Resources Investigation Report 89-4018, 47 p.
- Scanlan, T.M., 1988, letter report to Sun Valley Company regarding "Pump Test of Sun Valley Well No. 6", 8 p. (copy available on request)
- Scanlan, T.M., 1991, letter report to Sun Valley Company regarding "River Run Well Test", 8 p. (copy available on request)

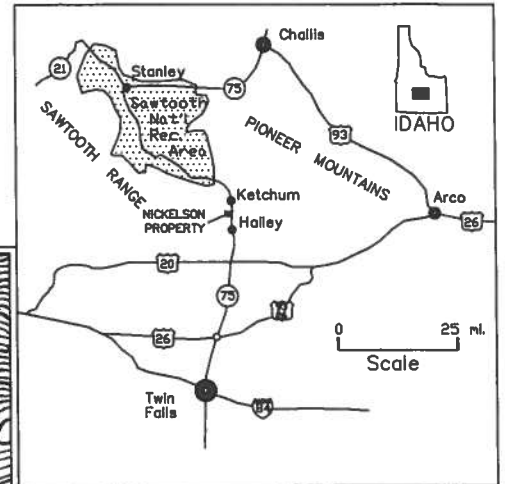


Rng.18E

Twn.3N



Map from: USGS Quad - Hailey, Idaho 1967



Donald Nickelson Property

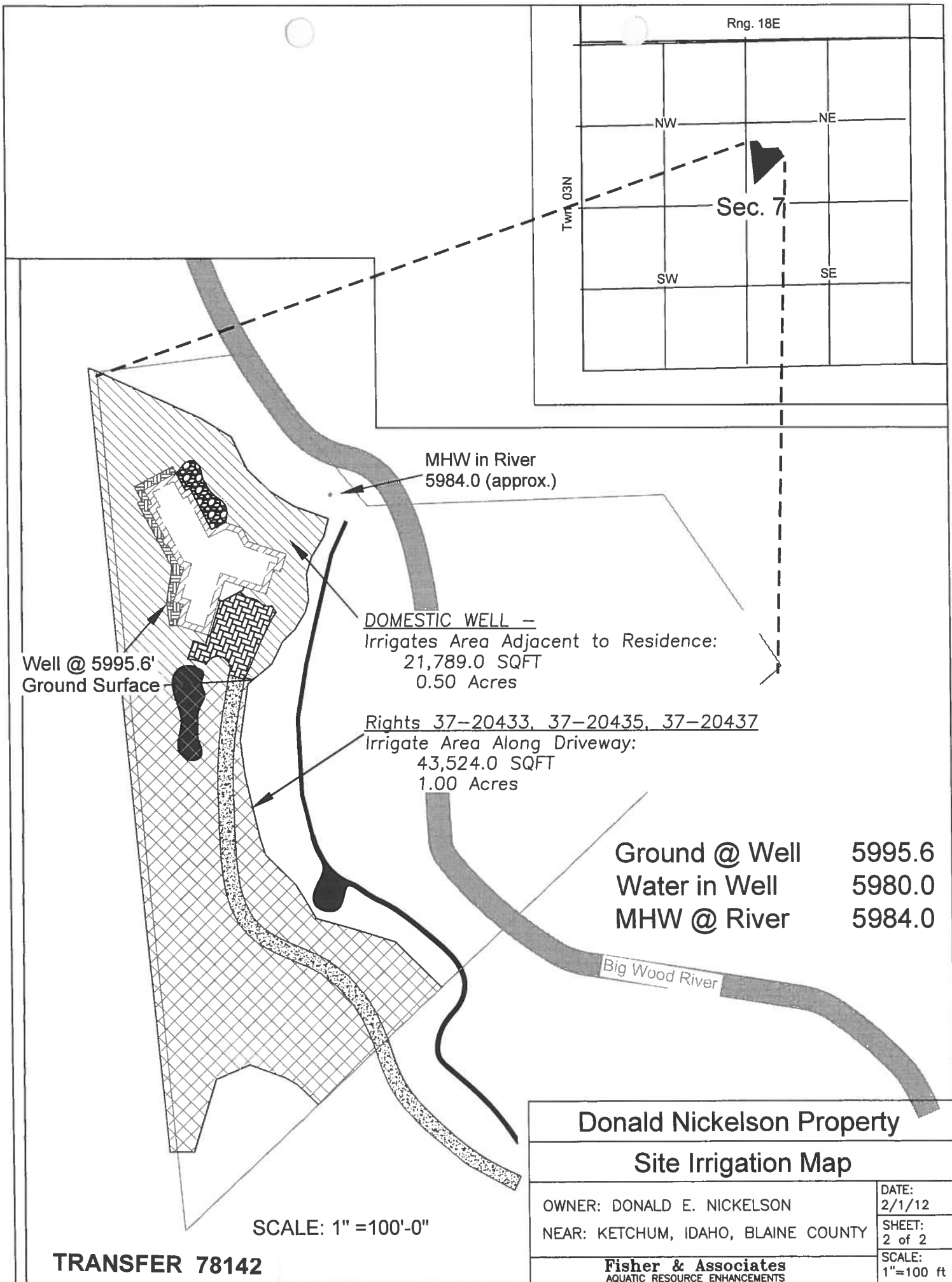
Vicinity Map

OWNER: DONALD E. NICKELSON
NEAR: KETCHUM, IDAHO, BLAINE COUNTY

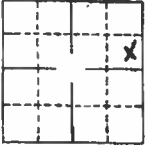
Fisher & Associates
AQUATIC RESOURCE ENHANCEMENTS

DATE:
2/1/12
SHEET:
1 of 2
SCALE:
1"=2000ft

TRANSFER 78142



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORTUSE TYPEWRITER OR
BALLPOINT PENState law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

1. WELL OWNER Name <u>Rinker Development Company</u> <u>P. O. Box 7250</u> Address <u>Newport Beach, CA 92658-7250</u> Owner's Permit No. <u>37-89-S-081-000</u>		7. WATER LEVEL Static water level <u>15'7"</u> feet below land surface. Flowing? ☐ Yes ☒ No G.P.M. flow _____ Artesian closed-in pressure _____ p.s.i. Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature <u>46</u> °F. Quality _____																																																																									
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe method of abandoning) _____		8. WELL TEST DATA ☐ Pump ☐ Bailer ☒ Air ☐ Other _____ Discharge G.P.M. <u>± 100</u> Pumping Level _____ Hours Pumped _____																																																																									
3. PROPOSED USE ☒ Domestic ☐ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection ☐ Other _____ (specify type) _____		9. LITHOLOGIC LOG <table border="1"><thead><tr><th rowspan="2">Hole Diam.</th><th colspan="2">Depth</th><th rowspan="2">Material</th><th rowspan="2">Water Yes No</th></tr><tr><th>From</th><th>To</th></tr></thead><tbody><tr><td>8</td><td>0</td><td>1</td><td>Surface</td><td></td></tr><tr><td></td><td>1</td><td>13</td><td>Boulders & gravel</td><td></td></tr><tr><td></td><td>13</td><td>28</td><td>Gravel & clay</td><td>T</td></tr><tr><td></td><td>28</td><td>35</td><td>Gravel</td><td>X</td></tr><tr><td></td><td>35</td><td>36</td><td>Clay</td><td></td></tr><tr><td></td><td>36</td><td>46½</td><td>Big broken limestone boulders</td><td></td></tr><tr><td></td><td>46½</td><td>55</td><td>Brown/gray limestone</td><td></td></tr><tr><td></td><td>55</td><td>60</td><td>Soft brown limestone</td><td>X</td></tr><tr><td></td><td>60</td><td>63</td><td>Hard black/dark grey lime- stone</td><td></td></tr><tr><td></td><td>63</td><td>68</td><td>Hard brown/grey limestone</td><td></td></tr><tr><td></td><td>68</td><td>75</td><td>Softer brown limestone, caving some at 73-75</td><td>X</td></tr><tr><td></td><td>75</td><td>96</td><td>Very hard brown limestone</td><td></td></tr><tr><td></td><td>96</td><td>100</td><td>Brown limestone</td><td>X</td></tr></tbody></table>		Hole Diam.	Depth		Material	Water Yes No	From	To	8	0	1	Surface			1	13	Boulders & gravel			13	28	Gravel & clay	T		28	35	Gravel	X		35	36	Clay			36	46½	Big broken limestone boulders			46½	55	Brown/gray limestone			55	60	Soft brown limestone	X		60	63	Hard black/dark grey lime- stone			63	68	Hard brown/grey limestone			68	75	Softer brown limestone, caving some at 73-75	X		75	96	Very hard brown limestone			96	100	Brown limestone	X
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4. METHOD DRILLED ☒ Rotary ☒ Air ☐ Hydraulic ☐ Reverse rotary ☐ Cable ☐ Dug ☐ Other _____																																																																											
5. WELL CONSTRUCTION Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____ <table border="1"><thead><tr><th>Thickness</th><th>Diameter</th><th>From</th><th>To</th></tr></thead><tbody><tr><td><u>.250</u> inches</td><td><u>8 5/8</u> inches</td><td><u>1½</u> feet</td><td><u>46½</u> feet</td></tr><tr><td>_____ inches</td><td>_____ inches</td><td>_____ feet</td><td>_____ feet</td></tr><tr><td>_____ inches</td><td>_____ inches</td><td>_____ feet</td><td>_____ feet</td></tr><tr><td>_____ inches</td><td>_____ inches</td><td>_____ feet</td><td>_____ feet</td></tr></tbody></table> Was casing drive shoe used? ☒ Yes ☐ No Was a packer or seal used? ☐ Yes ☒ No Perforated? ☒ Yes ☐ No How perforated? ☐ Factory ☒ Knife ☐ Torch Size of perforation <u>1/8</u> inches by <u>1½</u> inches Number _____ From _____ To _____ <u>280</u> perforations <u>30</u> feet <u>42</u> feet _____ perforations _____ feet _____ feet _____ perforations _____ feet _____ feet Well screen installed? ☐ Yes ☒ No Manufacturer's name _____ Type _____ Model No. _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth <u>19</u> Material used in seal: ☐ Cement grout ☒ Bentonite ☐ Puddling clay ☐ Well cuttings Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☒ Overbore to seal depth Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld _____ ☐ Cemented between strata Describe access port <u>well cap</u>		Thickness	Diameter	From	To	<u>.250</u> inches	<u>8 5/8</u> inches	<u>1½</u> feet	<u>46½</u> feet	_____ inches	_____ inches	_____ feet	_____ feet	_____ inches	_____ inches	_____ feet	_____ feet	_____ inches	_____ inches	_____ feet	_____ feet																																																						
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6. LOCATION OF WELL Sketch map location must agree with written location  Subdivision Name <u>Gimlet West</u> Lot No. <u>2</u> Block No. _____ County <u>Blaine</u> SE ¼ NE ¼ Sec. <u>7</u> , T. <u>3</u> N. 18 E. 18		10. Work started <u>9/22/89</u> finished <u>9/25/89</u>																																																																									
11. DRILLERS CERTIFICATION I/We certify that all minimum well construction standards were complied with at the time the rig was removed. Walker Water Systems, Inc. Firm Name <u>624 Pierce Street</u> Firm No. <u>15</u> <u>Twin Falls, Idaho 83301</u> Address _____ Date <u>9/28/89</u> Signed by (Firm Official) <u>Paul Walk</u> and (Operator) <u>Paul Walk</u>																																																																											

USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT

TRANSFER 78142

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
120 Second Ave. North/P O Box 7999
Ketchum, ID 83340

Instrument # 579793

BLAINE, IDAHO
06-16-2010 11:07:00 AM No. of Pages: 2
Recorded for: FIRST AMERICAN TITLE COMPANY KETCHUM
JOLYNN DRAGE Fee: \$13.00
Ex-Officio Recorder Deputy: JB
Electronically Recorded by Simplifile

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **344011K (sn)**

Date: **August 02, 2010**

For Value Received, **Judith M. Nickelson, a married woman as her sole and separate property**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Donald E. Nickelson, a married man as his sole and separate property**, hereinafter called the Grantee, whose current address is **1701 Highway A-1-A, Ste 218, Vero Beach, FL 32963**, the following described premises, situated in **Blaine County, Idaho**, to-wit:

Lot 2 of GIMLET WEST SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 301511, records of Blaine County, Idaho.

AND an Easement for ingress, egress and utilities described as follows:

TOWNSHIP 3 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 7: An easement more particularly described as follows:

COMMENCING at a brass cap marking the East quarter corner of said Section 7; thence S. 86° 43' 35" W., 1031.15 feet along the North boundary of the NE¼ SE¼ of Section 7, to the REAL POINT OF BEGINNING, said point lies N. 86° 43' 35" E., 285.21 feet from a brass cap marking the Northwest corner of the NE¼ SE¼ of said Section 7; thence S. 06° 46' 49" E., 430.71 feet to a point on the East boundary of Lot 4, Little Makawao Subdivision as platted, records of Blaine County, Idaho; thence S. 23° 15' 56" E., 130.23 feet along said boundary to the Southeast corner of Lot 4; thence N. 66° 35' 32" E., 40.00 feet along the North boundary of Lot 3, Little Makawao Subdivision as platted, records of Blaine County, Idaho; thence N. 23° 15' 56" W., 124.33 feet; thence N. 06° 46' 49" W., 422.47 feet to a point on the North boundary of the NE¼ SE¼ said Section 7; thence S. 86° 43' 35" W., 40.08 feet along said boundary to the REAL POINT OF BEGINNING.

AND an Easement for ingress, egress and utilities described as follows:

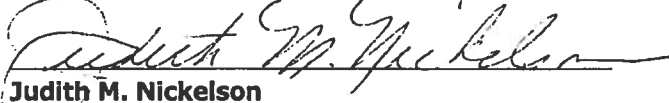
TOWNSHIP 3 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO.

SECTION 7: A parcel of land lying within said Section 7, more particularly described and depicted on the official plat of the Little Makawao Subdivision, recorded March 26, 1979, as Instrument No. 192198, records of Blaine County, Idaho, as all of Aloha Lane and the 30 foot Easement, Ingress and Egress for adjacent property, the center line of which is the boundary line of Lots 3 & 4 of Little Makawao Subdivision, Blaine County, Idaho.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

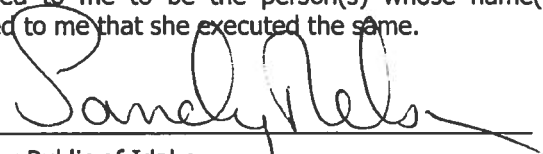
TRANSFER 78142

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

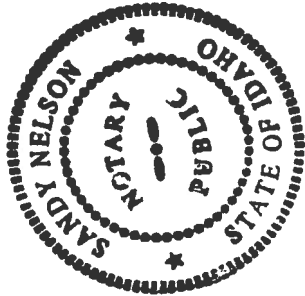

Judith M. Nickelson

STATE OF Idaho)
SS.
COUNTY OF Blaine)

On this 13th day of August, 2010, before me, a Notary Public in and for said State, personally appeared **Judith M. Nickelson**, known or identified to me to be the person(s) whose name(s) is subscribed to the within instrument, and acknowledged to me that she executed the same.



Notary Public of Idaho
Residing at: Bellevue, ID
Commission Expires: 4-12-11





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

November 2, 2012

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

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

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **IDAHO MOUNTAIN EXPRESS** on **11/7/2012 and 11/14/2012**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**November 26, 2012**).

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline
Administrative Assistant

cc:

STEVE FISHER
6640 MT HWY 200 E
MISSOULA, MT 59802

Maline, Denise

From: Maline, Denise
Sent: Friday, November 02, 2012 8:32 AM
To: Idaho Mountain Express
Subject: LEGAL NOTICE
Attachments: Idaho Mountain Express Cover Letter.docx; Idaho Mountain Express Ad.docx

Attached please find (1) legal notice being submitted for publication on November 7th & 14th, 2012. Please contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline
Administrative Assistant
Idaho Dept of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov

November 2, 2012

LEGAL NOTICE DEPARTMENT
IDAHO MOUNTAIN EXPRESS
PO BOX 1013
KETCHUM, ID 83340

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

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before November 26, 2012. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**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. 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
Published on November 7th & 14th, 2012

Maline, Denise

From: Maline, Denise
Sent: Friday, November 02, 2012 9:26 AM
To: 'Kevin Lakey'
Subject: Comment Letter for Transfer app. 78142
Attachments: Comment Letter WM37.pdf; Transfer App 78142.pdf

Attached please find a cover letter, recommendation form, and copy of an Application for Transfer currently being processed by the department. Please review and submit any comments you may have, within 21 days.

If you have any questions regarding the attached information, please feel free to contact our office.

Thank you in advance,

Denise Maline
Administrative Assistant
Idaho Dept of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov



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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 2, 2012

KEVIN LAKEY
WATER DISTRICT #37
107 W 1ST
SHOSHONE, ID 83352

Via E-mail

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

Dear Mr. Lakey:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

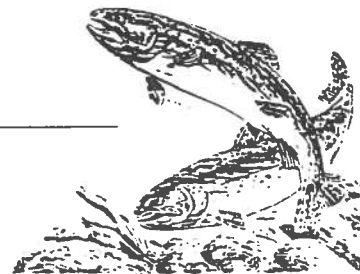
Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

Fisher & Associates

Aquatic Resource Management & Enhancement
6640 MT Highway 200 East • Missoula, MT 59802
(406) 258-6800 • Fax (406) 258-6814



RECEIVED
APR 30 2012
DEPT. OF WATER RESOURCES
SOUTHERN REGION

April 24, 2012

Mr. Benny Walker
Idaho Department of Water Resources
Southern Region
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3308

Dear Mr. Walker:

Please find enclosed a revised Application for Transfer of Water Right for Mr. Donald Nickelson. It also contains a revised Stream Depletion Report developed by SPF Water Engineering.

We have, hopefully, incorporated all of your suggestions and answered all the questions raised in your letter of March 29, 2012, to me.

Please review these documents and contact me with any questions you may have.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Fisher". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Steve Fisher
Fisher & Associates



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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

Steve Fisher
Fisher & Associates
6640 MT Hwy 200 East
Missoula, MT 59802

March 29, 2012

Mr. Fisher:

The Idaho Department of Water Resource has recently reviewed an application for transfer of water right – point(s) of diversion you submitted on behalf of Mr. Donald Nickelson. We are returning the application along with the filing fee of \$200.00 (check #4521 Fisher & Associates). As currently submitted this application proposes to change the source of three Big Wood River water rights to Ground water rights. An application to change a point of diversion from a surface water source to a ground water source is considered a change in the elements of a water right and therefore requires the submission of the standard transfer application, rather than the form you submitted.

In addition the Site Irrigation Map of Mr. Nickelson's property submitted with the application appears to enlarge the place of use authorized by the water rights. The water rights involved with the transfer submitted are limited to the irrigation of a combined total of 1.0 acres in a single irrigation season. The map submitted shows a total irrigated area of 1.5 acres which would be considered an enlargement of the water rights. The map needs to show the 1.0 acres irrigated by these water rights.

The Stream Depletion Investigation analysis conducted by SPF was forwarded to our state office in Boise for review. Matt Weaver, Department Engineer reviewed the analysis and conducted an evaluation and an analysis of the proposed change in source with the following comments:

Here are a few of his comments specific to SPF's analysis and report:

- 1) There is an error in their use of the spreadsheet. Specific yield should be input as a decimal value (0.16) and not as a whole percentage value (16) as SPF has done. The change is dramatic and in favor of the applicant. However, the corrected values makes a lot more sense in light of the proximity of the well to the stream and the large magnitude of T. Hopefully my revised spreadsheet tool will decrease this type of error in the future.*
- 2) Do they conform with assumption #4 (i.e. stream completely penetrates the aquifer)? I think we can assume yes if the stream is a gaining reach at the location in question. It may or may not be worth a comment to them asking for a little discussion on this point. Maybe if we are comfortable that the stream is gaining it's a moot point.*

March 29, 2010

- 3) Do they conform with assumption #6 (i.e. the well is open to the full saturated thickness of the aquifer)? The answer to this appears to be no since the water bearing zone is identified as starting at 15.6 feet and ending at 36 feet, whereas the well is perforated from 30-42 feet. That is an overlap of only 6 feet. I have several thoughts on this issue. First, we could ask SPF to discuss why it is appropriate for b to be greater than 6 feet in a revised report and we could evaluate their argument and revised calculations when resubmitted. Or, another option would be to include a condition on the transfer that requires the well be perforated over the entire water bearing zone described in the report (i.e. from 15.6 feet to 36 feet).
- 4) The question regarding hydraulic conductivity. Let me respond with an evaluation of transmissivity. SPF has proposed a weighted T of 969,408 ft^2/day . However, this assumes the well is fully open to the saturated thickness of the aquifer under consideration. If we reduce the saturated thickness down to 6 feet, then T becomes closer to 73,447 ft^2/day (average of clean gravel and coarse gravel). This value seems quite high compared to values I have used in the past. There are several standard methods for estimating T from specific capacity that allow us an alternate means of evaluating the proposed T . It should be noted there are drawbacks to both of these methods. Nevertheless they are still useful for comparison analysis. After reviewing well log records for the SE quarter of the NE quarter of Section 7 of T3N, R18E, I found eight well logs reporting well test pumping data of sufficient completeness to estimate specific capacity. Using the specific capacities derived from these well logs I estimated an average T of 4,383 ft^2/day for all 8 wells using the Theis method and an average T of 2,379 ft^2/day for all wells completed in alluvial material using the Razack method. Both of these methods give average T values that corresponds with the range of T 's (or K 's) describing "course gravel". This evaluation suggests that the T value proposed by SPF is quite high and likely it is not appropriate to include T (or K) values representative of "clean gravel" as SPF has proposed.

Recently Matt Weaver has prepared an updated version of the Stream Depletion Analysis Spreadsheet. This updated spreadsheet is available upon request.

The application is being returned so that these items can be addressed to allow for the processing of the application.

Please feel free to contact this office if you have any questions.

Sincerely,



Benny Walker
Water Resource Agent
Enclosure

Cc: Donald Nickelson
without Enclosures