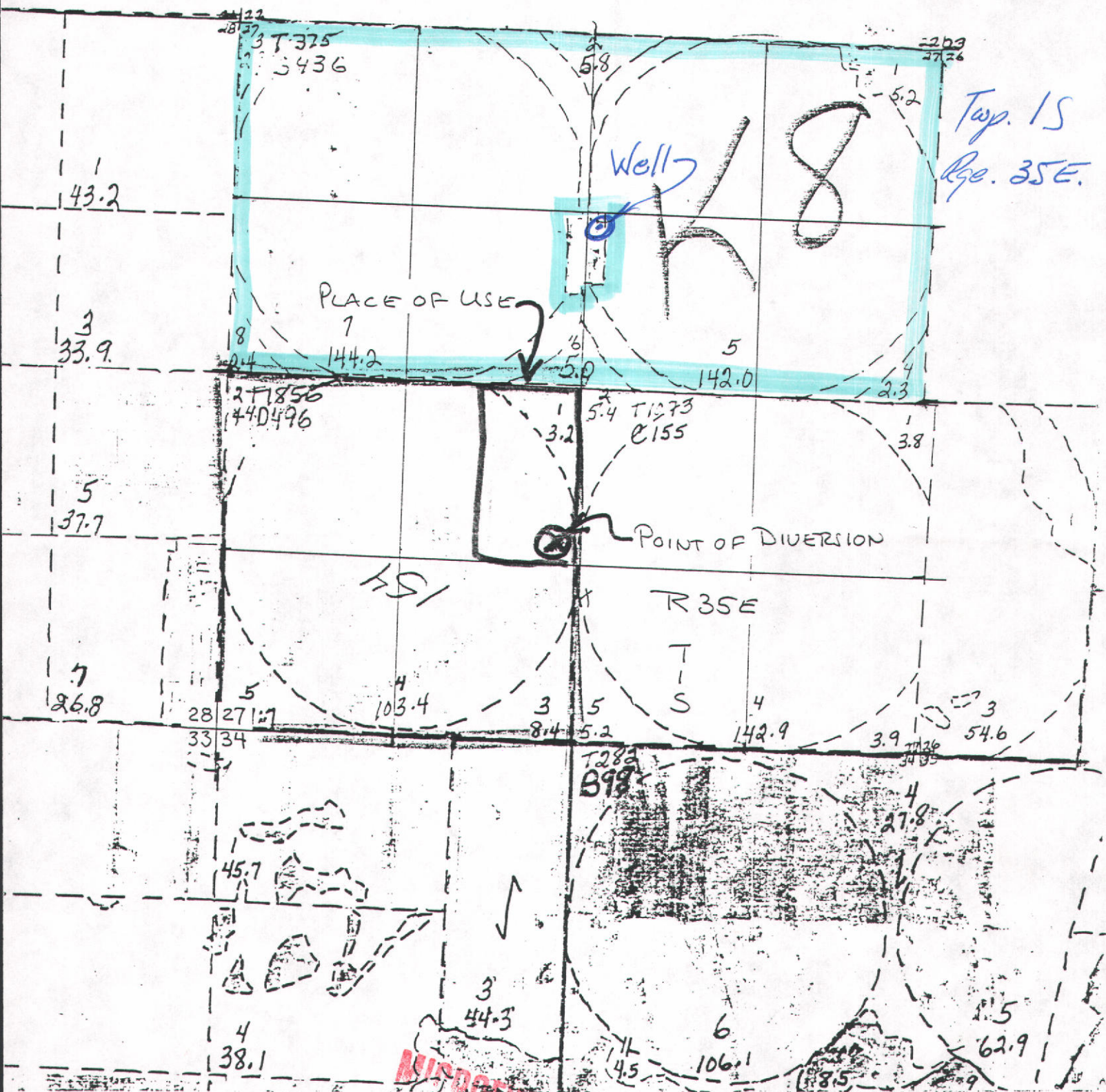
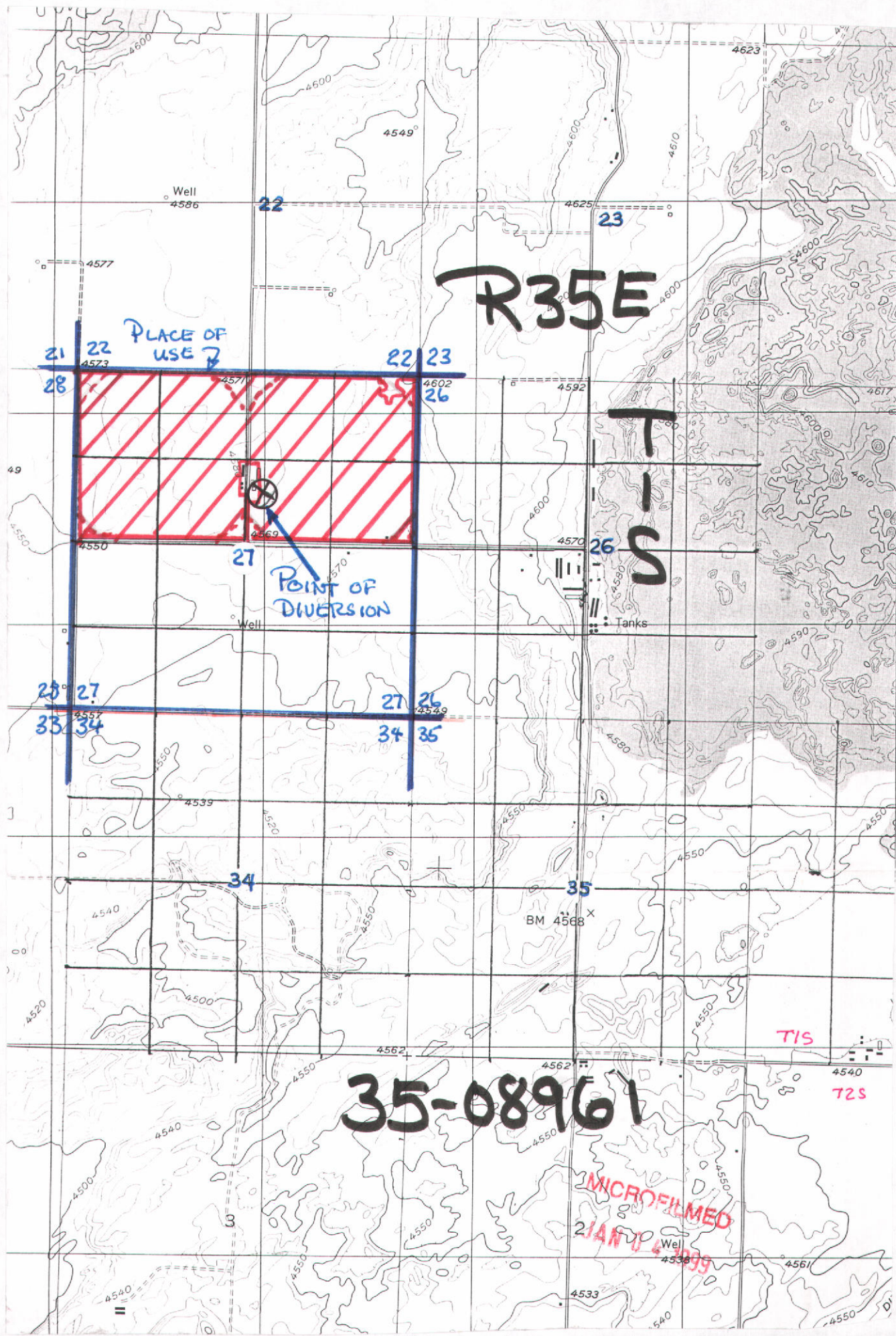




MICROFILMED
FEB 07 1992

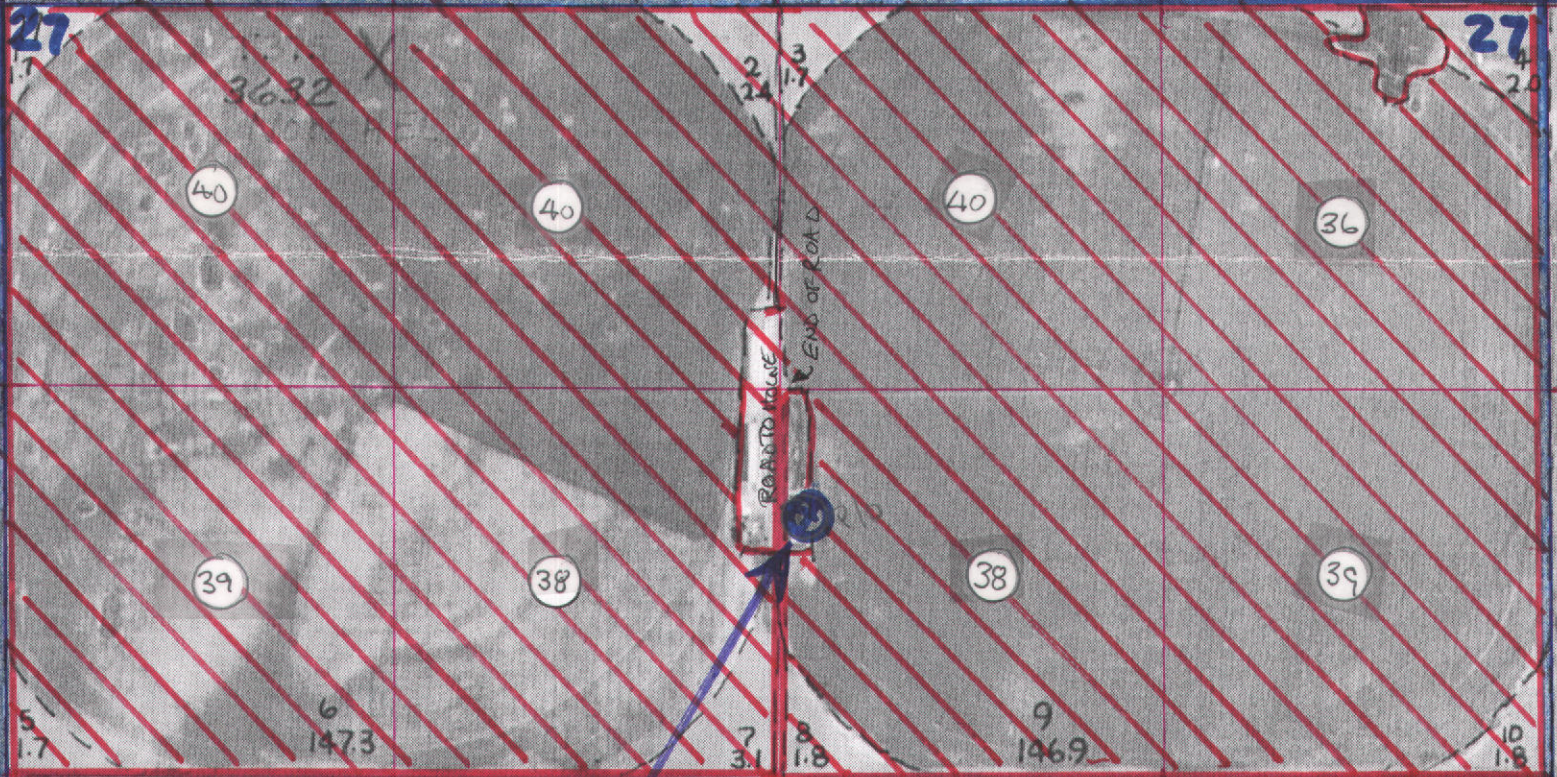
A35-02158A



22
27

22
27

PLACE OF USE



POINT OF DIVERSION

McDonaldville Rd. 750 N.

T R3SE
1
S

MICROFILMED
JAN 04 1999

35-08961

27
34

27
34



WELL

VIEW NORTH

MAINLINE TO
CORNER



35-08961

MICROFILMED

JAN 04 1999

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 35-08961

Priority: July 15, 1993

Maximum Diversion Rate:

1.00 CFS

This is to certify, that KENNETH G NICKELL
KAYE C NICKELL

658 N 150 W

BLACKFOOT ID 83221

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 24, 1991; and has submitted Proof of Beneficial Use on July 15, 1993. An examination indicates that the works have a diversion capacity of 6.030 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
-----------------------	----------------------	--------------------------	----------------------

IRRIGATION	04/01 to 10/31	1.00 CFS	
------------	----------------	----------	--

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 27, Township 01S, Range 35E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01S	35E	27	NENE 36	NWNE 40	SWNE 38	
			SENE 39	NENW 40	NWNW 40	
			SWNW 39	SENE 38		310

Total number of acres irrigated: 310

CONDITIONS OF APPROVAL AND REMARKS

1. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
2. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. Rights 35-02158B and 35-08961 when combined shall not exceed a total annual maximum diversion volume of 1240.0 af at the field headgate and the irrigation of 310 acres.
5. Right 35-02158B is also diverted through the point of diversion described above.

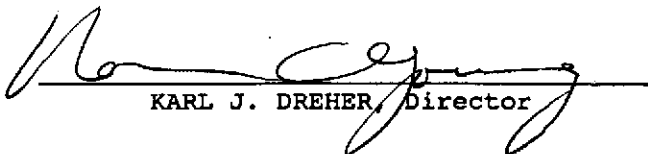
MICROFILMED

JAN 8 4 1993

State of Idaho
Department of Water Resources**Water Right License**

WATER RIGHT NO. 35-08961

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license 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. Signed and sealed this 23rd day of DECEMBER, 1976.


KARL J. DREHER, Director



MICROFILMED

JAN 14 1999

RECEIVED

AUG 30 1993

Department of Water Resources

OFFICE USE ONLY

Amt. of Fee \$ 100.00

Date 7-15-93

Receipt No. 6018870

Receipt by AWT

RECEIVED
JUL 15 1993
Department of Water Resources
Eastern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 22 1993

Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 35-08961 Telephone No. 208-785-5729

2. Name(s) of Permit Holder(s): Kenneth G. and Kaye C. Nickell

3. Mailing Address: 658 N. 150 W. Blackfoot, Id. 83221

4. Source of Water: groundwater source

If GROUNDWATER, Well Driller's Name: ? Date Drilled: 1950's

OPTIONAL:

Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation 310 (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted 1.0 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? _____ Yes ✓ No _____ Installed? _____ Yes _____ No _____

OR

Flow Measurement Port: Required? _____ Yes _____ No _____ Installed? _____ Yes _____ No _____

please
note?

8. Fee Enclosed: \$ 100.00 (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name Kenneth G. Nickell Telephone No. 680-5729, 785, 5729

Address 658 N 150 W, Blackfoot, Id. 83221

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

OCT 19 1993

7-6-93
Date

Kenneth G. Nickell Nickell Farms owner
Signature (and title, if on behalf of a company or organization)

IN THE MATTER OF PERMIT NO. 35-08961)
)
IN THE NAME OF KENNETH AND KAYE NICKELL) ORDER OF
) REINSTATEMENT

FINDINGS OF FACT

- REFILED**

OCT 19 1993

CONCLUSIONS OF LAW

1. The permit holder has submitted proof of beneficial use along with supporting evidence which establishes that water was in fact beneficially used as identified on the permit.

2. The permit holder has shown sufficient cause why the proof of beneficial use was not submitted in a timely manner.

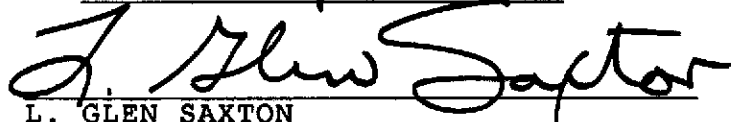
3. The permit can be reinstated with the date of priority advanced to the date proof of beneficial use was received by the Department.

ORDER

IT IS HEREBY ORDERED that Permit No. 35-08961 is REINSTATED.

IT IS FURTHER ORDERED that the date of priority of this permit is advanced to July 15, 1993.

Dated this 31st day of August, 1993.


L. GLEN SAXTON
Chief, Water Allocation Bureau

RECEIVED
OCT 19 1993

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 35-08961

Proposed Priority: October 24, 1991 Maximum Diversion Rate: 1.00 CFS

This is to certify, that **KENNETH G NICKELL**
KAYE C NICKELL
775 N 250 W
BLACKFOOT ID 83221

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 11/01	1.00 CFS

LOCATION OF POINT(S) OF DIVERSION: NWSWE , Sec. 27, Township 01S, Range 35E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01S	35E	27	NENE 36	NWNE 40	SWNE 38	
			SENE 39	NENW 40	NWNW 40	
			SWNW 39	SENW 38		310

Total number of acres irrigated: 310

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **February 1, 1993**.
2. Subject to all prior water rights.
3. A flow measurement port or other device as specified by the Department shall be installed by the right holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
4. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
5. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. The Director retains jurisdiction of the right and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

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FEB 07 1992

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 35-08961

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

27th day of January, 1992

R. Keith Higginson
for R. Keith Higginson, Director

RECORDED
JAN 27 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant KENNETH G OR KAME C NICKELL Phone 785-5729
Post office address 775 N 250 W BLACKFOOT ID 83221
2. Source of water supply GROUNDWATER which is a tributary of _____
3. Location of point of diversion is NW ¼ of SW ¼ of NE ¼, Govt. Lot _____
Sec. 27 Township 01S Range 35E B.M. BINGHAM County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 1.00 for IRRIGATION purposes from April 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 1.00 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. WELL, PUMP, PIPELINE AND
SPRINKLER SYSTEM.
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - c. ~~Proposed~~ ^{Existing} well diameter is 16 inches; ~~proposed~~ ^{EXISTING} depth of well is 110 feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? NO
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
1 years (minimum 1 year).

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FEB 07 1992

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. _____

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
01S	35E	27	36	40	38	39	40	40	39	38									310

Total number of acres to be irrigated 310

10. Describe any other water rights used for the same purposes as described above. 35-02158

11. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant.
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: Application is filed to appropriate water being diverted that is in excess of licensed amount.

REC

07 1992

A grid of 10 columns and 20 rows of squares, with a 'MICROFILMED' stamp in the bottom right corner. The stamp is tilted and contains the text 'MICROFILMED' in a bold, sans-serif font. Below the main text, there is a smaller line of text that is partially obscured but appears to read 'SERIALS SECTION'. The grid is composed of thin black lines on a white background.

Microfilm
FEB 07 1992

X Kaye C. McCall
(Applicant)

Received by 210 Date 10-24-91 Time 11:50 A.M. Preliminary check by James Davis
 Fee \$ 45.00 Received by HUT # E01645 Date 10-24-91
 Publication prepared by JB Date 11-21-91 Published in Morning News
 Publication approved JB Date 12-5-91

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____
 1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19____.

- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other: _____

RECEIVED
FEB 07 1992

RECEIVED

DEC - 4 1991

Department of Water Resources
Eastern District Office

AFFIDAVIT of PUBLICATION

County of Bingham

State of Idaho

I, Jacqueline Graham
solemnly

swear that I am the Legal Coordinator
The Morning News which is a daily newspaper of
general circulation published each day except Sunday
at Blackfoot, Bingham County, Idaho, said newspaper
having been so published at Blackfoot, aforesaid for
more than one year past; that said newspaper
heretofore complied with all the provisions of Chapter
154 of the Session Laws of Idaho of 1913, approved
March 11, 1913, and duly designated, pursuant to law,
a particular day of the week as the day on which legal
notices required by law or by the order of any Court of
competent jurisdiction within the State of
Idaho shall be published to-wit: of each week; that the
notice attached hereto and which is a part of this af-
fidavit and part of the proof of publication was
published in said issue or said

newspaper 2 consecutive Weeks

the first publication having been made on the
21st day of November, 1991;

and the last publication having been made on the
23rd day of November, 1991;
that said notice was published in the regular and entire
issue of every number of the paper as aforesaid during
the period and time of publication, and that notice was
published in the newspaper and not in a supplement.

On this 2nd day of December, in
the year 1991, before me a Notary Public of said State,
personally appeared

Jacqueline Graham
Known or identified to me to be the person whose
name is subscribed to the within instrument, and being
by me first duly sworn, declared that the statements
therein are true, and acknowledged to me that he ex-
ecuted the same.

Kay R. Austin
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
November 10, 1994

Affidavit Processing Fee..... \$5.00

DEPARTMENT OF
WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been
filed to appropriate the public waters of
the State of Idaho:

35-08961

NICKELL, Kenneth G.

NICKELL, Kaye C.

775 N. 250 W.

Blackfoot, Idaho 83221

Source: GROUNDWATER

Diversion Pt: NWSWNE, Sec. 27, T.

01S, R. 35E, in Bingham County.
Use: IRRIGATION (1,000 CFS).
Total Diversion: (1,000 CFS).
Date Filed: 10/24/1991.
In: BINGHAM County - T01S, R35E,
S27, NENE, NWNE, SWNE, SENE,
NENW, NWNW, SWNW, SENW.
310 ACRES TOTAL.

The permit(s) will be subject to all prior
water rights. Protests must be filed with
the Director, Dept. of Water Resources,
Eastern Region, 150 Shoup Avenue,
Suite 15, Idaho Falls, Idaho, 83402, on or
before DECEMBER 9, 1991.

R. KEITH HIGGINSON
Director

(1326)
Pub.: 11/21, 28

FEB 07 1992



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

December 28, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

KENNETH G NICKELL
KAYE C NICKELL
658 N 150 W
BLACKFOOT ID 83221

RE: WATER RIGHT NO. 35-08961

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license 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 unless a party petitions for reconsideration or files an exception and/or brief 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. 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 twenty-one (21) 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. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

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JAN 04 1999

ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department 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 Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department 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 issuance 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 87-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

If you have any questions, please call me at 208-327-7946.

Sincerely,



Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

JAN 27 1993

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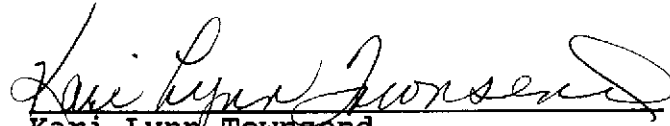
JAN 04 1993

CERTIFICATE OF MAILING

I hereby certify that on the 28th day of December, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 35-08961

KENNETH G NICKELL
KAYE C NICKELL
658 N 150 W
BLACKFOOT ID 83221


Kari Lynn Townsend
Secretary

MICROFILMED

JAN 04 1999

MEMORANDUM

TO: File 35-08961

FROM: Sharla

DATE: December 17, 1998

RE: Conversation with Scott King

I spoke with Scott King on this date concerning Keith Wilson's comments in the narrative portion of the field report in regards to the corner catchers. Scott told me that the TimeFlyte polysonic meters such as the one used for measurement on this right were sent back to the manufacturer. They didn't perform as well as the department expected. But he went on to say that in this case he didn't feel any inaccuracy of the meter would have an affect on the rate to be licensed. He further stated that he didn't have any concern related to Keith's statements in regards to the corner catchers.

MICROFILMED

JAN 04 1999

MEMORANDUM

TO: File 35-08961

FROM: Sharla

DATE: December 11, 1998

RE: Licensing Recommendation Adjustments

The adjustments to licensing recommendations for Permit No. 35-08961 are as follows:

H. RECOMMENDATIONS

Irrigation	4/1 - 11/15	1.00 cfs	423.7 afa
------------	-------------	----------	-----------

Volume is limited by the rate of flow calculated as $1.00 \times 214 \times 1.98 = 423.7$ af.

Objection raised on SRBA claim 35-02158B does not have an impact on this right and the license issuance can proceed per conversation between Carter & Melley 12/18/98.

Exam Date: July 29, 1998

Examiner: Keith Wilson

MICROFILMED

JAN 04 1999

LICENSE REVIEW CHECKLIST

PERMIT NO. 35-08961 DATE 12/8/98 REVIEWER: SHARLA

NAME Change/OK
 Address OK
 SOURCE OK Does change clarify orig. intended source? If no, Void permit
 POINT OF DIV OK ☐ Change (P39 /P47) ☐ Add (P45/P42) Feds - P40

W32 (multiple in 1/4)
 W36 (overlap)
 W59 (subd. desc)

Overlaps: Right(s): 35-02158 6.0 cfs 310 ac
 File reviewed ☐ Profile reports printed ☐

PLACE OF USE OK ☐ Change (P41/P47) ☐ Add (P41/P42) Feds - P43

W60 (subd. desc)
 W27 (ppu acre limit)

Overlaps: Right(s): ☐
 File reviewed ☐ Profile reports printed ☐

PD & PU amend (P37) Feds - P48

RATE OF DIV

Permitted Rate 1.00 cfs
 Fee limit 1.00 cfs \$100.00
 Measured 6.03 cfs
 Theoretical 3.29 cfs @ 100' lift and 50 psi
 Recommended Total Div Rate 1.00 cfs

WATER USES	<u>OK</u>	Change (P46)	
<u>Irr.</u>	<u>1.00</u> cfs	<u>310 x 4 =</u> af	Irrig - overlap (R58-R61, R62-R65, R66-R69)
			supp. gw (WB7/065/079)
			overlap spec. combined rts (W35)
			<1 acre (W31)
			Domestic (W01/WB5/070/071/075)
			Power (W42 or W43/025/027/R22 or R23)
			Fish (042) Fire (077) Wtr Quality (081/R07)
TOTALS	<u>1.00</u> cfs	<u>1240.0</u> af	

Flow rate 1.00 cfs X 214 days X 1.98 = 423.7 af

REMARKS _____

ADD'L CONDITIONS ☐ Watermaster Control WD# _____
☐ GW Measurement/Measuring Device
☐ Others Trust (052/R55 - remove 051) Non-trust (048/049)

Advance Priority ☐ yes ☒ no SRBA Claim ☒ Adjust Memo Volume
 Amend letters _____

4/1-10/31 season

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

NOV - 9 1998

Department of Water Resources

A. GENERAL INFORMATION

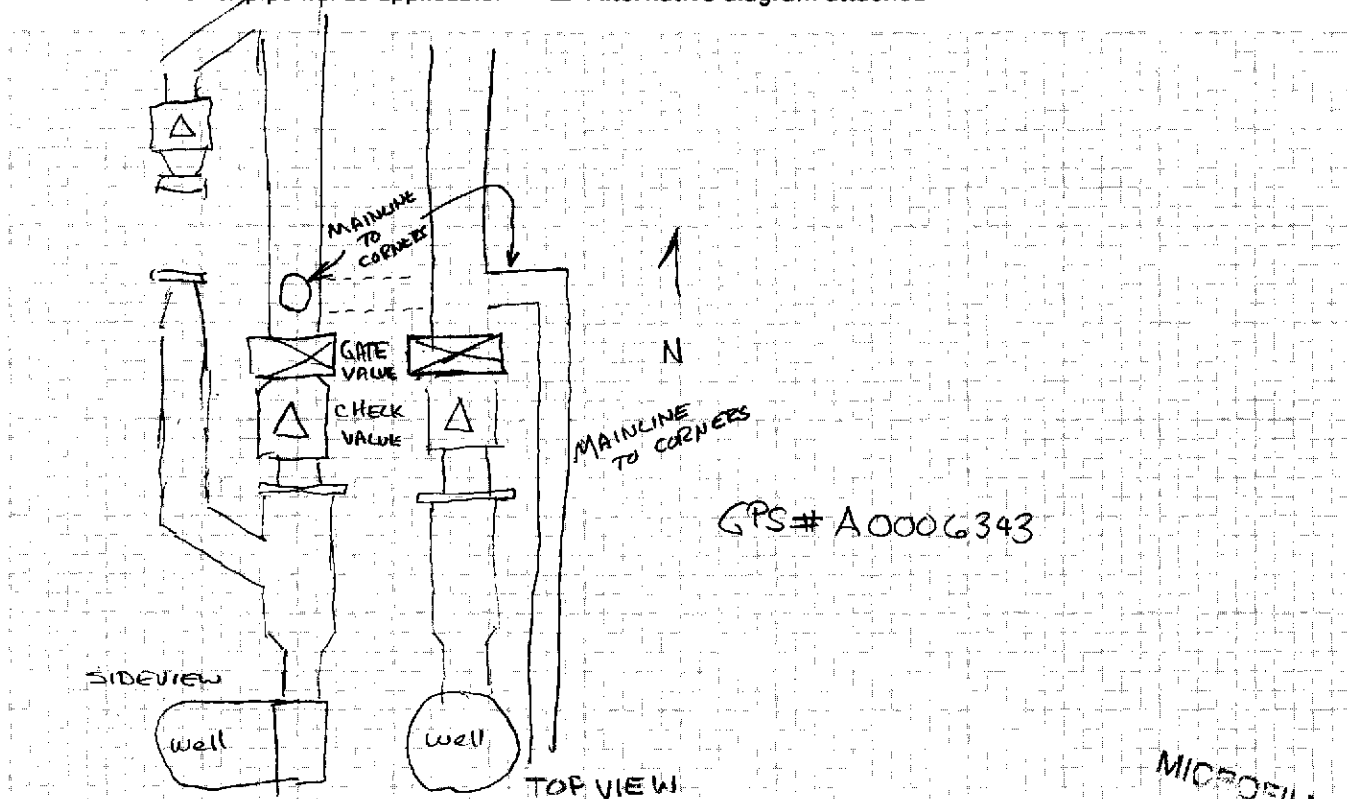
Permit No. 35-08961
Phone No. 785-5729
680-5729
1. Owner: Kenneth G or Kaye C. Nickell
Current Address: 658 N 1st w Blackfoot Id 83221
2. Accompanied by: — EXAM. DATE: 7-29-98
Address: — Phone No. —
Relationship to Permit Holder: —
3. Source: GROUNDWATER tributary to —

B. OVERLAP REVIEW

1. Other water rights with same place of use: 35-02158
— ☐ Copies Attached
2. Other water rights with same point of diversion: 35-2158
— ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = —

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required). ☒ Aerial Photo Attached
(required for irrigation of 10 acres or more).
☐ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

MICROFILMED
JAN 04 1999

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)
 Well pump mainline to two center pivot w/corner catclaw & endgates, and laterals w/sprinkler
 Corner CATTERS Turned off during the measurement, therefore, system was fluctuating. The signal strength was 100% but with fluctuation the margin was below 100%. When system settled down corner catclaw were off and total flow was 1770 gpm (3.94 cfs)
 * Hp was stamped into Name plate, Examiner assumed hp to be greater than 115hp

☐ See Remarks on page 4 for continuation

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Nothing here	115**	Not Readable	Peerless	85 398

*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	NW 1/4	SW 1/4	NE 1/4	27	1S	35E	Grundy	On Site / TSA Aerial	

6. Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4	NW 1/4	SE 1/4	NE 1/4	NW 1/4	SE 1/4	NE 1/4	NW 1/4	SE 1/4	NE 1/4	NW 1/4	SE 1/4	Totals
1S	35E	27	36	40	38	39	40	39	38						310

MICROFILMED
 JAN 10 1988

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
	Type-Flt	Polysoares	DCT	32736		

2. Measurements:

SYSTEM PSI (2) Pump 50 psi

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method: $Q = 6.03$

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 310 \text{ ac} \times 4 \text{ af} = 1240 \text{ af}$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 1.0 \times 214 \times 1.9835 = 424.5 \text{ af}$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 424.5 \text{ af}$

2. Volume Calculations for Other Use:

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Q LIMITED BY ROAST

CORNER CHARTERS STARTED TAPPING OFF TUIT AS EXAMINERS HOOKED UP METERS FOR MEASUREMENT. THEREFORE, EXAMINER USED FIRST PRINTED READING, $Q = 6.03$ dls BECAUSE HP WAS STAMPED ON MOBE NAMEPLATE (LISHP) EXAMINER BELIEVES HP TO ACTUALLY BE GREATER THAN LISHP.

1. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use

IRRICATON

From

Period of Use
To

Rate of Diversion

(S) 0

Annual Volume (a)

424.5

2. Recommended Amendments

☐ Change P.D. as reflected above☐ Add P.D. as reflected above☒ None☐ Add P.U. as reflected above ☐ Other☐ Change P.U. as reflected above

J. AUTHENTICATION

Field Examiner's Name

Signature

Certification Date

Field Report Preparation Date

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

CONSULTANT SEAL

35-8961

Pipe
Material = CARBON
OD = 11.990 inches
WT = 0.113 inches
ID = 11.764 inches
Sound Vel. = 10597 FPS
Roughness = 0 Ft
Liner
Material = NONE
Thickness = 0.000 inches
Sound Vel. = 0 FPS
Roughness = 0 Ft
Fluid
Type = WATER
Sound Vel. = 4863 FPS
Viscosity = 1.13
Transducer
Type = S
Mounting = U
Flow
Scale Fact = 0.9700
Offset = 0.00 GPM
Damping = 30 secs
Max Range = 10941.03 GPM
Min Range = -10841.03 GP
Cutoff
Low Flow = 0.00
Low Signal = 0.00 %

$Q = 6.03 \text{ cfs}$

Flow= 2705.60 GPM
Neg = 0 x1Gal
SigStr = 100.0%
Margin = 87%
Flow= 2280.26 GPM
Neg = 0 x1Gal
SigStr = 100.0%
Margin = 90%
Flow= 1615.22 GPM
Neg = 0 x1Gal
Flow= 1620.49 GPM
Vel = 4.78 FPS
Net = 11935 x1Gal
Pos = 11909 x1Gal
Neg = 0 x1Gal
SigStr = 100.0%
Cutoff = 0.0%
Reynolds = 362791
Factor = 0.945765
SigStr = 100.0%
Margin = 90%
Delta = 372.16 ns
SSpeed = 4677.38 FPS
4-20mA = 20.00 mA

CORNER CAPTAINERS STARTED
TURNING OFF

Flow= 1770.19 GPM
Neg = 0 x1Gal

System Settled
down with
CORNER CAPTAINERS
OFF

MICROFILMED

JAN 04 1999

35-08961

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
900 N. Skyline Dr.
Idaho Falls, ID 83402-1718

35-08961
FLOW MEASUREMENT
TAPE

35-08961
FLOW MEASUREMENT
TAPE

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

Form 9/96

POINT OF DIVERSION OVERLAP REVIEW

35-08961

Permit Number

1. Analysis of Entire System, Current Application Rate per Acre (Qc):

Limit to 0.02 cfs/ac, Permitted Amount, or System Capacity, WHICHEVER IS LESS.

A. Total Number of Acres irrigated = 310 acres

B. Total Diversion Rate = 6.03 cfs

Qc = Total Diversion rate [1.B]/Total irrigated acres [1.A] = Current Diversion Rate

$$Qc = \frac{6.03 \text{ cfs}}{310 \text{ acres}} = Qc = 0.01945 \text{ cfs/ac}$$

2. Old Application Rate per Acre = (Qo) from Licensed Flow Rates:

License # 35-02158 @ 5.0 cfs / 340 ac

License # _____ @ _____ cfs / _____ ac

License # _____ @ _____ cfs / _____ ac

$$Qo = \text{Total Lic. Rate} = \frac{5.0 \text{ cfs}}{340 \text{ ac}} = Qo = 0.0147 \text{ cfs/ac}$$

[Old Diversion Rate(Qo) = Licensed Flow Rate/# acres]

3. Comparison of Diversion Rates. IF:

A. $Qo > Qc$: $Qo(\#2) = \text{_____ cfs/ac} > Qc(\#1) = \text{_____ cfs/ac}$
[Old Diversion Rate(Qo) > New Diversion Rate(Qc)]

EXCLUDE LICENSED LANDS . . . GO TO ITEM #4A

B. $Qc > Qo$: $Qc(\#1) = 0.01945 \text{ cfs/ac} > Qo(\#2) = 0.0147 \text{ cfs/ac}$
[New Diversion Rate(Qc) > Old Diversion Rate(Qo)]

INCLUDE LICENSED LANDS . . . CONTINUE TO ITEM #3.B.1 & 2

1. Additional Flow Rate for Licensed Lands. $Qa = (Qc - Qo) \times (\# \text{ Lic. Ac})$

$$Qa = \left[\left(\frac{0.01945}{\text{cfs/ac}} \right) - \left(\frac{0.0147}{\text{cfs/ac}} \right) \right] \times \left(\frac{310}{\text{acres}} \right) = Qa = 1.47 \text{ cfs}$$

2. Flow Rate New Acreage. Total Ac. (#1.A) - Lic. Ac. (#2) = New Acres

$$Qn = (Qc) \times (\# \text{ New Ac.}) = \left(\frac{310}{\text{ac}} \right) - \left(\frac{310}{\text{ac}} \right) = 0 \text{ Ac}$$

$$Qn = (0.01945 \text{ cfs/ac}) \times (0 \text{ ac}) = Qn = 0 \text{ cfs}$$

GO TO ITEM #4B.

4. Calculate Total Flow Rate to be Licensed:

A. Rate **EXCLUDING** Licensed land. Total Ac. (#1.A) - Lic. Ac. (#2) = New Ac.

$$\left(\text{_____} \right) - \left(\text{_____} \right) = \text{_____ ac}$$

$$Qt = Qc(\#1) \times (\# \text{ New Acres}) = \text{_____ cfs/ac} \times \text{_____ ac} = \text{_____ cfs}$$

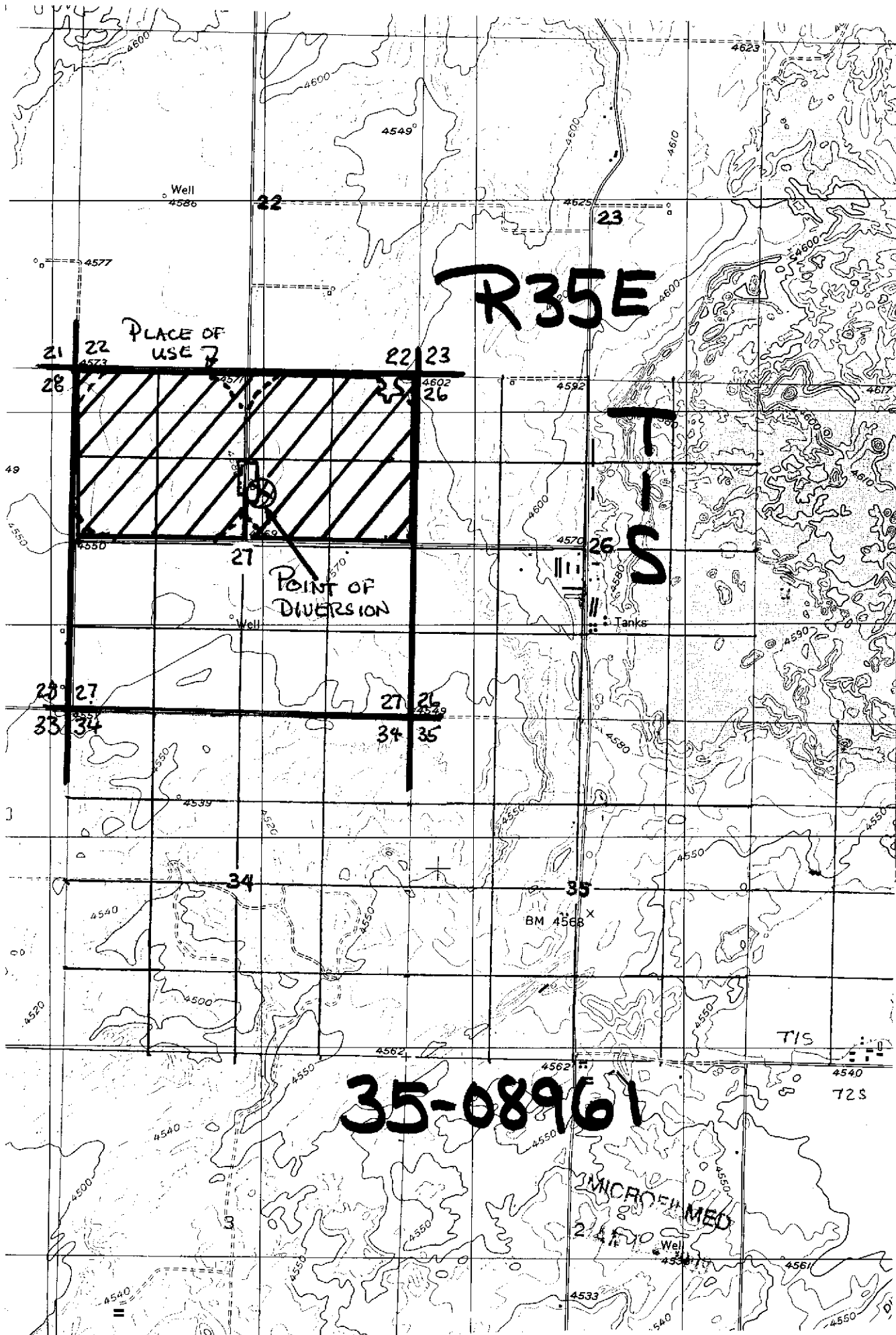
CONDITIONS/REMARKS: _____

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B. Flow Rate **INCLUDING** Licensed land.

$$Qt = Qa(\#3.B.1) + Qn(\#3.B.2) = 1.47 \text{ cfs} + 0 \text{ cfs} = 1.47^* \text{ cfs}$$

CONDITIONS/REMARKS: * Q LIMITED By Permit to 1.00 cfs



PLACE OF USE

40

40

40

36

39

38

38

39

T R 35
4214
POINT OF DUNSON

McDonaldville

T R 35
1
S

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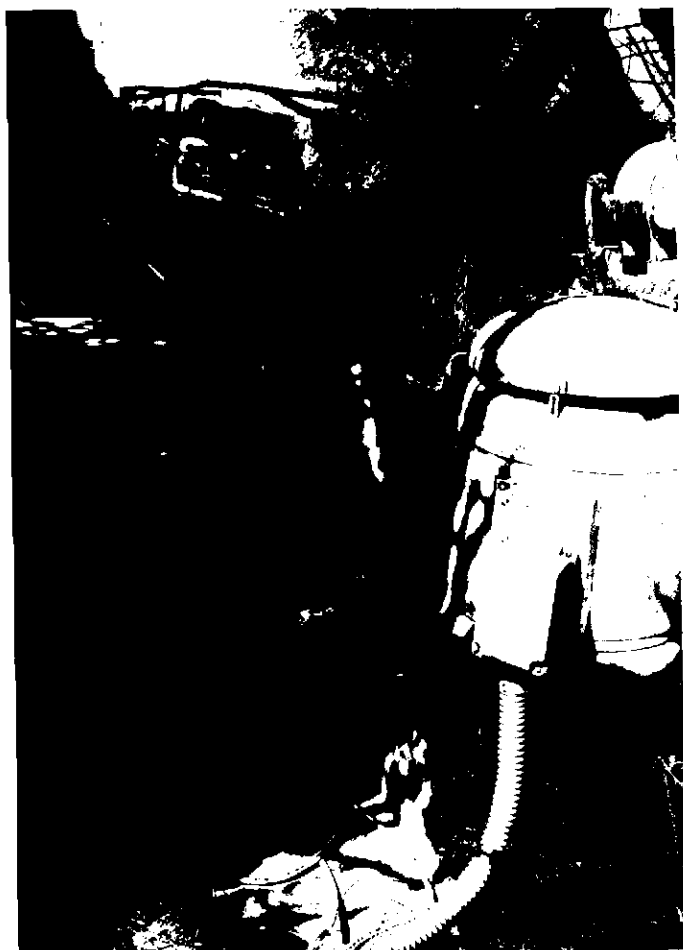
JAN 04 1999

35-08961

4
1486

3K

2



WELL

VIEW NORTH

MAINLINE TO
CORNER



35-08961

MICROFILMED

JAN 04 1999

September 3, 1993

KENNETH G NICKELL
KAYE C NICKELL
658 N 150 W
BLACKFOOT ID 83221

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 35-08961

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order advancing the priority of the permit since the proof was received after the proof due date. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

Enclosure

RECEIVED
OCT 19 1993

RECEIVED
AUG 30 1993
Department of Water Resources

August 27, 1993

Karen L. Gustafson
Dept. of Water Resources
1301 N. Orchard Street,
Boise, Idaho 83720-9000

Re: Permit No. 35-08961

Dear Ms Gustafson:

Thank you for the information sent to us to clarify the priority dates on the permit in question. I am returning the signed proof of beneficial use application and the following explanation for the delay in filing:

Not having had much experience with water rights, we believed we had fulfilled the requirements to complete the process of updating the permits and adjudication claim. The letter requesting the second part of the process, the proof of beneficial use form, was delivered when we were in the process of moving our office, and was evidently misfiled. We were not aware that there was a problem with the permit until the registered letter arrived in July informing us of a potential unclaimed water right. Upon receipt of the registered letter, we were able to locate the missing documents and corresponded with you directly regarding this difficulty.

I sincerely hope that you are able to administer the claim with some allowance for our confusion with this process. Your courteous response to our inquiries has been greatly appreciated.

Sincerely,

Kaye C Nickell
Kaye Nickell

RECEIVED
OCT 19 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 2, 1993

Kenneth G and Kaye C Nickell
658 N 150 W
Blackfoot, ID 83221

Re: Permit No. 35-08961

Dear Ms Nickell:

The Department is in receipt of the proof of beneficial use and additional information sent in connection with the above referenced permit. However, I am returning the proof of beneficial use because you failed to sign the document. You have fulfilled part of the reinstatement process by supplying the Department with information proving that the well has been in use during the construction period allowed. However, the Department still needs an explanation, in writing, as to why the proof of beneficial use was not timely filed. Once the Department has received your explanation, and it is satisfactory; and the signed original proof of beneficial use, the Department will proceed with the reinstatement process.

In your correspondence, you question the priority date of this permit. Department records indicate that you filed adjudication claim no. A35-02158B for this same well and property. This adjudication claim shows a priority date of November 30, 1949. This information corresponds with the information you supplied concerning an old water right no. 21300. However the old water right allowed diversion of 4.56 cfs. Therefore, your adjudication claim was properly filed for the same amount (4.56 cfs). However, further information suggests that you divert more than this amount of water from the well. Therefore, the Department advised that you file for a water right permit (not an adjudication claim) for the additional water. The permit we are currently working to reinstate, 35-08961, was issued only to increase the diversion rate of your old water right and adjudication claim. Therefore, this permit must bear the priority date of the date it was filed, or October 24, 1991. In actuality, this particular well possesses two priority dates. One date of November 30, 1949 for 4.56 cfs, and another date of October 24, 1991 for 1.00 cfs.

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OCT 19 1993

I hope I have been able to clear up any confusion there may have been in regards to both this water right and your adjudication claim. I will hold this file for an additional 30 days to allow you time to submit the necessary information. In the mean time, if you have any questions, or if I can be of any further assistance, please feel free to contact me.

Sincerely,



Karen L. Gustafson
Secretary/Records Manager

Enclosure


OCT 18 1993

Karen Gustaveson
Dept. of Water Resources
1301 N. Orchard St.
Statehouse Mail,
Boise, Idaho 83720-9000

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JUL 10 1993

Department of Water Resources
Eastern District Office

July 8, 1993

Ms. Gustaveson,

Enclosed please find the necessary information to prove beneficial use for permit number 35-08961. The FmHA mortgage on this property refers to water right number 21300, dated November 30, 1949.

As per our telephone conversation of July 6, 1993, I understand that by furnishing evidence of the original water right date, this date may still be used on the current right.

We would appreciate written notice of your determination on this matter.

Sincerely,

Kenneth G. Nickell

Kaye Nickell

Kenneth G. and Kaye Nickell

RECEIVED

OCT 19 1993

PLEASE BRING ENTIRE BILL WHEN PAYING IN PERSON
 PLEASE BRING ENTIRE BILL WHEN PAYING IN PERSON

FOR ACCOUNT INQUIRIES CALL OR CONTACT YOUR LOCAL OFFICE AT
785-3600 420 W BRIDGE, BLACKFOOT

CUSTOMER IDENTIFICATION									
CUSTOMER NAME KENNETH G NICKELL					SERVICE LOCATION B 27 25 #1				
CUSTOMER NUMBER 0372-007608-4					TYPE OF SERVICE IRRIGATION				
ACCOUNT INFORMATION AS OF JULY 01, 1992									
BALANCE FORWARD ▶									
METER NUMBER OR NUMBER OF LAMPS	R A T E	SERVICE FROM TO		D A Y S	METER READING PREVIOUS PRESENT		METER CONSTANT	BILLING DEMAND	BILLING ENERGY KILOWATT HOURS
33030021524	529	629			026662	28078	40	112	56640
**** ACCOUNT ACTIVITY SINCE LAST BILLING **** 1994.80CR TOTAL PAYMENTS THANK-YOU									
ACCOUNT BALANCE									190579

RECEIVED
OCT 19 1993

COMPARE YOUR AVERAGE DAILY USE WITH LAST YEAR			
DAYS	BILLING PERIOD	KWH USED	KWH PER DAY
	THIS MONTH THIS YEAR		
	THIS MONTH LAST YEAR		

LEVEL PAY AMOUNT

PLEASE PAY THIS AMOUNT
1905.79

PLEASE ADD \$1, \$5 OR \$10 TO AID PROJECT SHARE'S ASSISTANCE PLAN



RECYCLABLE

C- REGULAR READING
 CR- CREDIT

1- CUSTOMER READING
 AV- AVERAGE

2 OR 3- ESTIMATED READING
 MN- MINIMUM

SEE REVERSE SIDE FOR ADDITIONAL INFORMATION

8.46
"SATISFIED"

99402

REAL ESTATE MORTGAGE FOR IDAHO
(INSURED INDIVIDUAL EO, LH OR SW LOAN) (FARM OWNERSHIP)

KNOW ALL MEN BY THESE PRESENTS, Dated June 19, 1963

WHEREAS, the undersigned **GENE O. NICKELL**

LOIS NICKELL

and _____, his wife,

residing in **Bingham** County, State of Idaho, whose post office

address is **Route #1, Blackfoot**, Idaho,
herein called "Borrower," are (is) justly indebted to the United States of America, acting through the Farmers
Home Administration, United States Department of Agriculture, herein called the "Government," as evidenced by a

certain promissory note, herein called "the note," dated June 19, 1963, for the principal sum of
FIFTY THOUSAND AND NO/100 Dollars (\$**50,000.00**), with interest at

the rate of **Five** percent (**5** %) per annum, executed by Borrower and payable to the order

of the Government in installments as specified therein, the final installment being due on June 19, 2003
which note authorizes acceleration of the entire indebtedness at the option of the Government upon any default by
Borrower; and

WHEREAS, the note evidences a loan to Borrower in the principal amount specified therein, made with the
purpose and intention that the Government, at any time, may assign the note and insure the payment thereof pur-
suant to the Consolidated Farmers Home Administration Act of 1961, or Title V of the Housing Act of 1949; and

WHEREAS, when payment of the note is insured by the Government, it may be assigned from time to time and
each holder of the insured note, in turn, will be the insured lender; and

WHEREAS, when payment of the note is insured by the Government, the Government will execute and deliver to
the insured lender along with the note an insurance endorsement insuring the payment of the note fully as to prin-
cipal and interest; and

WHEREAS, at all times when payment of the note is insured by the Government, the Government by agree-
ment with the insured lender set forth in the insurance endorsement will be entitled to a specified portion of the in-
terest payments on the note, to be designated the "annual charge"; and

WHEREAS, a condition of the insurance of payment of the note will be that the holder will forego his rights and
remedies against Borrower and any others in connection with said loan, as well as any benefit of this instrument, and
will accept the benefits of such insurance in lieu thereof, and upon the Government's request will assign the note to
the Government; and

WHEREAS, it is the purpose and intent of this instrument that, among other things, at all times when the note
is held by the Government, or in the event the Government should assign this instrument without insurance of the
note, this instrument shall secure payment of the note; but when the note is held by an insured lender, this instrument
shall not secure payment of the note or attach to the debt evidenced thereby, but as to the note and such debt shall
constitute an indemnity mortgage to secure the Government against loss under its insurance endorsement by reason
of any default by Borrower;

NOW, THEREFORE, in consideration of said loan and (a) at all times when the note is held by the Govern-
ment, or in the event the Government should assign this instrument without insurance of the payment of the note,
to secure prompt payment of the note and any renewals and extensions thereof and any agreements contained therein,
(b) at all times when the note is held by an insured lender, to secure performance of Borrower's agreement herein
to indemnify and save harmless the Government against loss under its insurance endorsement by reason of any default
by Borrower, and (c) in any event and at all times to secure the prompt payment of all advances and expenditures
made by the Government, with interest, as hereinafter described, and the performance of every covenant and agree-
ment of Borrower contained herein or in any supplementary agreement, Borrower does hereby grant, bargain, sell,
convey, mortgage, and assign unto the Government the following property situated in the State of Idaho, County (ies)

BINGHAM

Form FHA 427-1 Idaho (Rev. 4-16-62)

FILED
OCT 19 1993

Township 1 South, Range 35 E.B.M. Section 27: ~~N₂, EXCEPT Beginning at the E₂ corner of said Section 27, thence N. 150 feet, thence W. 900 feet, thence S. 150 feet, thence E. 900 feet to the place of beginning.~~ *this is now with the original tract*

Together with all water and water rights, ditches and ditch rights, used thereon or appurtenant thereto, including, but not limited to rights to ground waters produced from a well or wells located and to be located on the mortgaged premises.

State of Idaho License and Certificate of water right No. 21300, approved by the Idaho State Reclamation Engineer on Nov. 30, 1949

Together with all irrigation equipment of every kind and character, and replacements thereof and additions thereto, now owned and hereafter acquired by the borrower and used in the irrigation of the foregoing land, especially, but not limited to pumps, pipe, casing, motors, sprinkler systems and accessories to each.

Subject to exceptions and reservations contained in patents from the United States.

Subject to existing easements for roads, highways, ditches, canals, laterals and power and transmission lines.

Subject to the easements in favor of the Idaho Power Company recorded in Book Q of Miscellaneous Record at Page 225 and in Book S of Miscellaneous Record at Page 189, records of Bingham County, Idaho.

(1) To pay promptly when due any indebtedness to the Government hereby secured and to indemnify and save harmless the Government against any loss under its insurance of payment of the note by reason of any default by Borrower. At all times when the note is held by an insured lender, Borrower shall continue to make payments on the note to the Government, as collection agent for the holder.

(2) To pay to the Government any initial fees for inspection and appraisal, and any delinquency charges, now or hereafter required by regulations of the Farmers Home Administration. 20,000.00

(3) At all times when the note is held by an insured lender, any amount due and unpaid under the terms of the note, less the amount of the annual charge, may be paid by the Government to the holder of the note as provided in the note and insurance endorsement for the account of Borrower. Any amount due and unpaid under the terms of the note, whether it is held by the Government or by an insured lender, may be credited by the Government on the note and thereupon shall constitute an advance by the Government for the account of Borrower. Any advance by the Government as described in this paragraph shall bear interest at the note rate from the date on which the amount of the advance was due to the date of payment to the Government.

(4) Whether or not the note is insured by the Government, the Government may at any time pay any other amounts required herein to be paid by Borrower and not paid by him when due, as well as any costs and expenses for the preservation, protection, or enforcement of this lien, as advances for the account of Borrower. All such advances shall bear interest at the note rate until paid to the Government.

(5) All advances by the Government as described in this instrument, with interest, shall be immediately due and payable by Borrower to the Government without demand at the place designated in the note and shall be secured hereby. No such advance by the Government shall relieve Borrower from breach of his covenant to pay. Such advances, with interest, shall be repaid from the first available collections received from Borrower. Otherwise, any payment made by Borrower may be applied on the note or any indebtedness to the Government secured hereby, in any order the Government determines.

(6) To use the loan evidenced by the note solely for purposes authorized by the Government.

(7) To pay when due all taxes, liens, judgments, encumbrances, and assessments lawfully attaching to or assessed against the property, including all charges and assessments in connection with water, water rights, and water stock pertaining to or reasonably necessary to the use of the real property described above, and promptly deliver to the Government without demand receipts evidencing such payments.

(8) To keep the property insured as required by and under insurance policies approved by, delivered to, and retained by the Government.

OCT 19 1993

against the
pertaining to or
Government without dem-
(8) To keep the property insu-
(9) by the Government.

erty in a good and husbandlike manner; comply with such farm conservation practices and farm and home man-
agement plans as the Government from time to time may prescribe; and not to abandon the property, or cause or
permit waste, lessening or impairment of the security covered hereby, or, without the written consent of the Govern-
ment, cut, remove, or lease any timber, gravel, oil, gas, coal, or other minerals except as may be necessary for ordinary
domestic purposes.

(10) If this instrument is given for a "Farm Ownership" loan as identified in Farmers Home Administration
regulations, personally to operate the property with his own and his family labor as a farm and for no other pur-
pose, and not to lease the property or any part of it, unless the Government consents in writing to some other
method of operation or to a lease.

(11) To comply with all laws, ordinances, and regulations affecting the property.

(12) To pay or reimburse the Government for expenses reasonably necessary or incidental to the protection of
the lien and priority hereof and to the enforcement of or the compliance with the provisions hereof and of the note
or any supplementary agreement (whether before or after default), including but not limited to costs of evidence of
title to and survey of the property, costs of recording this and other instruments, attorneys' fees, trustees' fees, court
costs, and expenses of advertising, selling, and conveying the property.

(13) Neither the property nor any portion thereof or interest therein shall be assigned, sold, transferred, or
encumbered, voluntarily or otherwise, without the written consent of the Government. The Government shall have
the sole and exclusive rights as mortgagee hereunder, including but not limited to the power to grant consents, partial
releases, subordinations, and satisfaction, and no insured lender shall have any right, title or interest in or to the lien
or any benefits hereof.

(14) At all reasonable times the Government and its agents may inspect the property to ascertain whether the
covenants and agreements contained herein or in any supplementary agreement are being performed.

(15) The Government may extend and defer the maturity of and renew and reamortize the debt evidenced by
the note (with the consent of the holder of the note when it is held by an insured lender) or any indebtedness to
the Government secured hereby, release from liability to the Government any party so liable thereon, release portions
of the property from and subordinate the lien hereof, and waive any other rights hereunder, without affecting the lien
or priority hereof or the liability to the Government of Borrower or any other party for payment of the note or
indebtedness secured hereby.

(16) If at any time it shall appear to the Government that Borrower may be able to obtain a loan from a
production credit association, a Federal land bank, or other responsible cooperative or private credit source, at
reasonable rates and terms for loans for similar purposes and periods of time, Borrower will, upon the Govern-
ment's request, apply for and accept such loan in sufficient amount to pay the note and any indebtedness
secured hereby and to pay for any stock necessary to be purchased in a cooperative lending agency in connection
with such loan.

(17) Default hereunder shall constitute default under any other real estate or crop or chattel security instru-
ment held or insured by the Government and executed or assumed by Borrower, and default under any such other
security instrument shall constitute default hereunder.

(18) SHOULD DEFAULT occur in the performance or discharge of any obligation secured by this instrument, or
should any one of the parties named as Borrower die or be declared an incompetent, a bankrupt, or an insolvent, or
make an assignment for the benefit of creditors, the Government, at its option, may: (a) declare the entire amount
unpaid under the note and any indebtedness to the Government hereby secured immediately due and payable, (b)
for the account of Borrower incur and pay reasonable expenses for repair or maintenance of and take possession of,
operate or rent the property, (c) upon application by it and production of this mortgage, without other evidence
and without notice of hearing of said application, have a receiver appointed for the property, with the usual powers of
receivers in like cases, (d) foreclose this instrument as provided herein or by law, (e) require Borrower to surrender to
the Government any and all abstracts of title then owned by Borrower covering all or any part of the property, and
(f) enforce any and all other rights and remedies provided herein or by present or future law.

(19) The proceeds of foreclosure sale shall be applied in the following order to the payment of: (a) costs and
expenses incident to enforcing or complying with the provisions hereof, (b) any prior liens required by law or a compe-
tent court to be so paid, (c) the debt evidenced by the note and all indebtedness to the Government secured hereby,
(d) inferior liens of record required by law or a competent court to be so paid, (e) at the Government's option, any
other indebtedness of Borrower owing to or insured by the Government, and (f) any balance to Borrower. At fore-
closure or other sale of all or any part of the property, the Government and its agents may bid and purchase as a
stranger and may pay the Government's share of the purchase price by crediting such amount on any debts of Bor-
rower owing to or insured by the Government, in the order prescribed above.

(20) As against the debt evidenced by the note and any indebtedness to the Government hereby secured, with
respect to the property, and to the extent permitted by law, Borrower hereby relinquishes, waives, and conveys all
rights, inchoate or consummate, of descent, dower, curtesy, homestead, valuation, appraisal, redemption, and exemp-
tion to which Borrower is or becomes entitled under the laws and constitution of the jurisdiction where the property
lies.

(21) This instrument shall be subject to the present regulations of the Farmers Home Administration, and to its
future regulations not inconsistent with the express provisions hereof.

(22) Notices given hereunder shall be sent by certified mail, unless otherwise required by law, addressed, unless
and until some other address is designated in a notice so given, in the case of the Government to Farmers Home
Administration, United States Department of Agriculture, at Boise, Idaho, and in the case of Borrower to him at his post
office address stated above.

(23) At the option of the Government this mortgage may be foreclosed by action or advertisement as provided
by statute, and Borrower hereby irrevocably vests in the Government the statutory power of sale and constitutes and
appoints the Government his agent and attorney in fact to sell the property, after due notice, at public auction to the
highest bidder, for cash or secured credit at the option of the Government, and to give the purchaser a warranty deed
binding upon Borrower and all claiming under him.

OCT 1

(24) Borrower has assigned or ~~will~~ or will immediately, on request of the Government, assign or waive in favor of the Government all grazing ~~rights~~ ^{rights, permits, licenses, or leases appurtenant to or used in connection with} and agrees to produce renewals thereof prior to their expiration and to pay said land, and Borrower further covers ~~and~~ and do all things necessary to keep and preserve all said grazing rights all fees and charges and to perform ~~at~~ ⁱⁿ failure of Borrower to do any of these things the Government may do and renewals thereof, and in the event ~~of~~ ^{such} sums as may be necessary for this purpose, and such funds advanced shall be secured by this instrument.

IN WITNESS WHEREOF, Borrower has hereunto set Borrower's hand(s) and seal(s) the day and year first above written.

GENE O. NICKELL (husband)

LOIS NICKELL (wife)

ACKNOWLEDGMENT

STATE OF IDAHO

COUNTY OF Bingham

On this 19th day of June, in the year of 1963, before me, the undersigned, a Notary Public in and for said State, personally appeared GENE O. NICKELL and

LOIS NICKELL, his wife,

known to me to be the person(s) ~~whose name(s)~~ are subscribed to the within instrument, and acknowledged to me that they executed the same as their free act and deed for the uses, purposes and consideration therein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the said date.

Notary Public, residing at Blackfoot, Idaho

My commission expires: 1-6-1966

[NOTARIAL SEAL]

STATE OF IDAHO }
County of Bingham, } ss
I hereby certify that the within
instrument was filed for record in
this office at the request of
The Bingham Title & Trust Co.
on the JUN 20 1963
at minutes past 9 o'clock
A.M. and was duly recorded in
Book 116 of Tract 1
Bingham County Records
GRACE WILLIAMS
County Recorder
Deputy Recorder

99402

OCT 19 1993

774A
Box 471

I certify that file No. 35-08961

has been reviewed and is ready to be

MICROFILMED and DESTROYED.

*The attached proof report is the water right as it appeared in the database
prior to final status entry and deletion from the database.*

CZ

Signature

6/93

Date

MICROFILMED

OCT 19 1993

Water Right Number - 35-08961

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - - + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
NICKELL

KENNETH G

1 - 775 N 250 W
2 -
3 -

State- ID Zip- 83221

City- BLACKFOOT
Phone - 208-785-5729

NICKELL

KAYE C

1 - 775 N 250 W
2 -
3 -

State- ID Zip- 83221

City- BLACKFOOT
Phone - 208-785-5729+ - - Priority Date - - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
10/24/1991 15 EASTERN P - PERMIT+ - - Source - - - - - + - - - Tributary - - - - - +
GROUNDWATER+ - - - - - - - - - - - Point of Diversion - - - - - Diversion Name - - - - - Diversion Rate - - - - - Diversion No. - - - - - +
Twn Rng Sec Tract Lot RFlg County

01S 35E 27 NW SW NE (11) BINGHAM

+ - - - - - - - - - - - Water Use - - - - - Diversion Rate - - - - - Diversion Volume - - - - - +
Code Description Period From Period To

01 - IRRIGATION

04/01 11/01 1.000

+ - - Total Div. Rate - - + + - Total Div. Volume - - + + - Total Div. Capacity - - +
1.000+ - - - - - - - - - - - Place of Use - - - - - Description - - - - - County - - - - - +
Twn Rng Sec Tract Lot Acres Code

| | | | | | | | | | |
|-----|-----|----|----|----|------|----|------------|------|---------|
| 01S | 35E | 27 | NE | NE | 36.0 | 01 | IRRIGATION | (11) | BINGHAM |
| 01S | 35E | 27 | NW | NE | 40.0 | 01 | IRRIGATION | (11) | BINGHAM |
| 01S | 35E | 27 | SW | NE | 38.0 | 01 | IRRIGATION | (11) | BINGHAM |
| 01S | 35E | 27 | SE | NE | 39.0 | 01 | IRRIGATION | (11) | BINGHAM |
| 01S | 35E | 27 | NE | NW | 40.0 | 01 | IRRIGATION | (11) | BINGHAM |
| 01S | 35E | 27 | NW | NW | 40.0 | 01 | IRRIGATION | (11) | BINGHAM |
| 01S | 35E | 27 | SW | NW | 39.0 | 01 | IRRIGATION | (11) | BINGHAM |
| 01S | 35E | 27 | SE | NW | 38.0 | 01 | IRRIGATION | (11) | BINGHAM |

Total Acres: 310.0

+ - - Diversion Means - WELL, PUMP, PIPELINE TO SPRINKLER SYSTEM

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 35-02158

OCT 19 1993

Water right number - 35-08961

Prefix Translation: WATER RIGHT

+ - - - - - Remarks - - - - - +
+ - - - - - No Remarks found. - - - - - +

+ - - - - - Old Water Right Numbers - - - - - +
+ - - - - - No Old Water Right Numbers found. - - - - - +

+ - - - - - Conditions of Approval - - - - - +

- 01C - A flow measurement port or other device as specified by the Department shall be installed by the right holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

- 046 - Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

- 048 - The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

- 049 - The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

- 03A - The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

+ - - - - - Decree Plaintiff - - - - - + - - - - - Decree Defendant - - - - - + - - - - - Decree Date - - - - - +
00/00/0000

+ - - - - - Date: 02/04/1993 User Id: VAULT Subject: Lapse Notice Sent
Lapse Notice Sent

+ - - - - - Audit Fields - 11/05/91 BODELL 11/15/91 SKAGGS 01/16/92 SKAGGS 01/23/92 SKAGGS 02/04/93 COMMENTS

+ - - - - - Water Rights Dates and Flags Area - - - - - +

| Proof Due Date | Field Exam Made | Field Exam Fee |
|--------------------------------|-----------------------------|---------------------|
| Approved/Denied - 02/01/1993 | Protested Date - 00/00/0000 | Swan Falls - 1 |
| Proof Made Date - 01/27/1992 | Hearing Date - 00/00/0000 | Temporary Right - P |
| Exam to S.O. Date - 00/00/0000 | Verified Date - 00/00/0000 | DLE/Carey Act - |
| Order Show Cause - 00/00/0000 | Receipt Number - E016665 | Water District - |
| Licensed Date - 00/00/0000 | Appl Received - 10/24/1991 | Transfer/Amended - |
| Decree Date - 00/00/0000 | Presumption Flag - | |

February 4, 1993

KENNETH G NICKELL
KAYE C NICKELL
775 N 250 W
BLACKFOOT ID 83221

LAPSE NOTICE

RE: PERMIT NO. 35-08961

Dear Permit Holder:

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in our proof due notice dated November 30, 1992. No further construction or additional development is authorized under this permit unless it is reinstated.

The permit can only be reinstated if you submit an acceptable proof of beneficial use or an acceptable request for extension of time to the department within sixty (60) days of the mailing of this lapse notice. An acceptable proof of beneficial use submittal must include the examination fee or a completed field examination report. A request for extension of time must be accompanied by a fifteen dollar (\$15) fee.

Enclosed again for your use are a proof of beneficial use form and a request for extension of time form. Please note that only one extension of time can be granted unless the project has not been completed because of lack of a necessary approval by a government agency or by litigation which may bring title to the water in question.

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

CERTIFICATION OF MAILING

I hereby certify that on 2/4/93
~~a copy~~ an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

Klg
RECEIVED

OCT 19 1993

November 30, 1992

KENNETH G NICKELL
KAYE C NICKELL
775 N 250 W
BLACKFOOT ID 83221

PROOF DUE NOTICE

RE: PERMIT NO. 35-08961

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before February 1, 1993. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

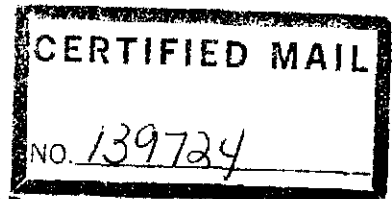
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures



RECEIVED

OCT 19 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 30, 1992

KENNETH G NICKELL
KAYE C NICKELL
775 N 250 W
BLACKFOOT ID 83221

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 35-08961

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

Be sure to note the special condition requiring you to install a measuring device. Enclosed, for your reference, is a list of measuring device options.

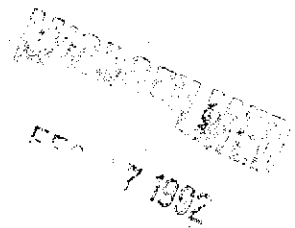
Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

Sincerely,

PAMELA SKAGGS
Technical Records Specialist

PS:blm

Enclosure



APPLICATION FOR PERMIT REVIEW

Application #: 35-8961
Date: 01-23-92

Reviewer: Pam Skaggs *CS*

Existing:

No - 26A-P17
Complete in 1 year - P16

/Yes

/Proof not submitted - P16
Proof submitted - N/A

/Groundwater:

/GT. 0.2 cfs - 01G-P03 01C-P03 (existing well)
LT. 0.2 cfs - N/A

/Drilling Permit:

/Approved w/permit - P99
/Not included - 046-P23 (All GW, even existing wells)

/Location:

/Water Districts - WD No. 01
Surface water - 005, 005-01H-P01 (LT.2 w/pump)
005-01J-P08 (GT.2)

/Groundwater *Existing* - P05

Irrigation Districts - 023

Canal Co. Areas - 023

Drainage Districts - 024

Boise Front (63) - 058 (Groundwater)

/Swan Falls Flag - 1 (1, Blank or Other)

Trust - 051-052-053-P74 (Consumptive Uses)

/Non Trust - 048-049

River Basins:

(Surface Water) Water District Control Condition &....
Boise (63) - 05A & 11E
Payette (65) - 047-P04, 059-P71
Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

Use:

Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One),
042(req.), 002-P06(MD), 07A(Spec.),
044(Policy 5G)

Power - Use Power Review

Mining - 06A, 010, or 09E-P10 & 054(req.)

Storage - 18A-for multiple measuring devices(In WD),
18B-P09(Size)

Rec/Wildlf/Aes - 027(Non-Consumptive)

Domestic - 021(restricted areas)

Ownership:

Non land owner - 004

Protested:

Agreement - 020

/Beneficial Use Due Date: - 02-01-1993
Other Conditions Recommended _____

RECEIVED
FEB 07 1992

Dist. for staffing: 25-Oct-91
Submitted for advertising: 11-1-91

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATIONS FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY Dennis Dunn **DATE** 12/1/91 **APPLICATION NO.** 35-8961
APPLICANT NAME: KENNETH G OR KAYE C NICKELL

REQUIRED INFORMATION

☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☐ Address
☐ Source (See USGS Quad for names of water sources)
☐ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
☐ County
☐ Quantity (flow and/or volume)
☐ Period of Use
☐ Nature of proposed use (Include description of use.)
☐ Description of diverting works
☐ Time required for beneficial use of water
☐ Place of use or acres irrigated
☐ Map
☐ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
☐ Fee
☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

☐ Overlapping place of use (Describe source & relationship to present application on the back.) A35-02158B
☐ Overlapping point of diversion
☐ Yes ☒ No Field check required
☐ Field check by _____
☐ Yes ☒ No Field report attached
☐ Yes ☒ No Critical groundwater area
☐ Yes ☒ No Groundwater management area
☐ Yes ☒ No Send dam safety information
☐ Yes ☒ No Send power requirement letter
☐ Yes ☒ No Send fish farm requirement letter
☐ Yes ☒ No Power residency affidavit
☐ Yes ☒ No Power efficiency form
☐ Yes ☒ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)

See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT _____

_____ Date Requested _____

RECEIVED
DEC 17 1991

Department of Water Resources

PROCESSING ☒ Yes ☐ No In form for advertising
☐ Yes ☒ No Statewide advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO ☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☐ Idaho Dept. of Fish & Game ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☐ Water District
☐ Adjudication Bureau Unit ☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received
☒ Yes ☐ No Application published correctly. If not, record action taken.

☒ Yes ☐ No Publication dates & paper, recorded on application
☐ Yes ☒ No Protests received
Final date for protest 12-9-91
☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☒ No Recommendations, attached
☐ Yes ☒ No Measuring device required
☒ Yes ☐ No Access port required
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what Dist. _____
☒ Yes ☐ No Special conditions of approval or cover letter below. _____

See below for additional information
Date of priority recommended 10-24-91
By HWT Date 12-10-91

STATE OFFICE REVIEW

See below for additional information
By _____ Date _____

ADDITIONAL INFORMATION

Condition; OIG

LOCAL PUBLIC INTEREST

Comments received from

| | | |
|--------------------|-------------------------------|---------------------------|
| _____ City | _____ Idaho Fish & Game | _____ Irrigation District |
| _____ County | _____ Idaho Health & Welfare | _____ Canal Company |
| _____ Reservations | _____ Division of Environment | _____ Other _____ |

Project impacts/implications report

COMMENTS



State of Idaho
DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

13-Nov-1991

KENNETH OR KAYE NICKELL
775 N 250 W
BLACKFOOT ID 83221

RE: Application No. 35-08961

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the MORNING NEWS on 11-21 & 28-91. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

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

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

RECEIVED

FEB 07 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

NOVEMBER 13, 1991

THE MORNING NEWS
P.O. BOX 70
BLACKFOOT, ID 83221

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before DECEMBER 9, 1991.

Yours truly,

Rita Bodell
Secretary

Encl.

RECEIVED
FEB 07 1992

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

RECEIVED

FEB 07 1982

35-08961

NICKELL, KENNETH G
NICKELL, KAYE C
775 N 250 W
BLACKFOOT, ID 83221

Source: GROUNDWATER

Diversion Pt: NWSWNE Sec 27 T 01S R 35E in BINGHAM County.

Use: IRRIGATION (1.000 CFS)
Total Diversion: (1.000 CFS)

Date Filed: 10/24/1991

In: BINGHAM County
T01S R35E S27

NENE
NENW

NWNE
NWNW

SWNE
SWNW

SENE
SENW

310.0 ACRES TOTAL

FEB 07 1992

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 150 Shoup Avenue, Suite 15, Idaho Falls, Idaho 83402 on or before DECEMBER 9, 1991.

R. KEITH HIGGINSON, Director

Published: 11/21/1991 & 11/28/1991

RECEIVED
FEB 07 1992

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resource

Receipt No: E016665

Date: 10/24/1991
Time: 14:03:24

Received

From:

NICKELL, KAYE

Type of Payment

Program A cct

Amount

APPLIC. FOR PERMIT

530199 1238 6390

45.00

Total

\$45.00

CHECK

8254

Region: EASTERN

Signature: _____

H. C. Jones

REPROFILMED
FEB 07 1992