

↑ OL
(204)
2010

MICROFILMED
1991 10 2002

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Permit	35 7829	KAYE NICKELL, KENNETH G NICKELL,	GROUND WATER	01S35E35					26				40	40	40						106
Right	35 7829	KENNETH GREG NICKELL, KAYE NICKELL,	GROUND WATER	01S35E35									5	40	40						85
Permit	35 7060	KAYE NICKELL, KENNETH G NICKELL,	GROUND WATER	01S35E35											40	40					80
Rec	35 2791	GREG NICKELL, KAYE C NICKELL,	GROUND WATER	01S35E35					29	40	30	28									127
Rec	35 7479A	GARY R FIELDING,	GROUND WATER	01S35E35	17	8	25	40									35	32	24	38	219
Right	35 2791	JOHN B HAWKES,	GROUND WATER	01S35E35					14	28	36	23									101
Right	35 7060	KENNETH GREG NICKELL, KAYE NICKELL,	GROUND WATER	01S35E35											35	20					55
Right	35 7479	GARY R FIELDING,	GROUND WATER	01S35E35	24	19	40	37									30	38	12	38	238

↑
OL 35-2nd
w/ 35-2nd

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10 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

680-5729
RECEIVED
APR 25 2002
Department of Water Resources

A. GENERAL INFORMATION

1. Owner: Greg Nickell Permit No. 35 7829
Current Address: 725 N 250W Phone No. 785-5729
2. Accompanied by: Greg Nickell BLACKFOOT ID 8324
Address: same EXAM. DATE: 07/16/91
Relationship to Permit Holder: holder Phone No. same
3. Source: groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: 35-7060
_____ ☐ Copies Attached
2. Other water rights with same point of diversion: 35-7060
_____ ☐ 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



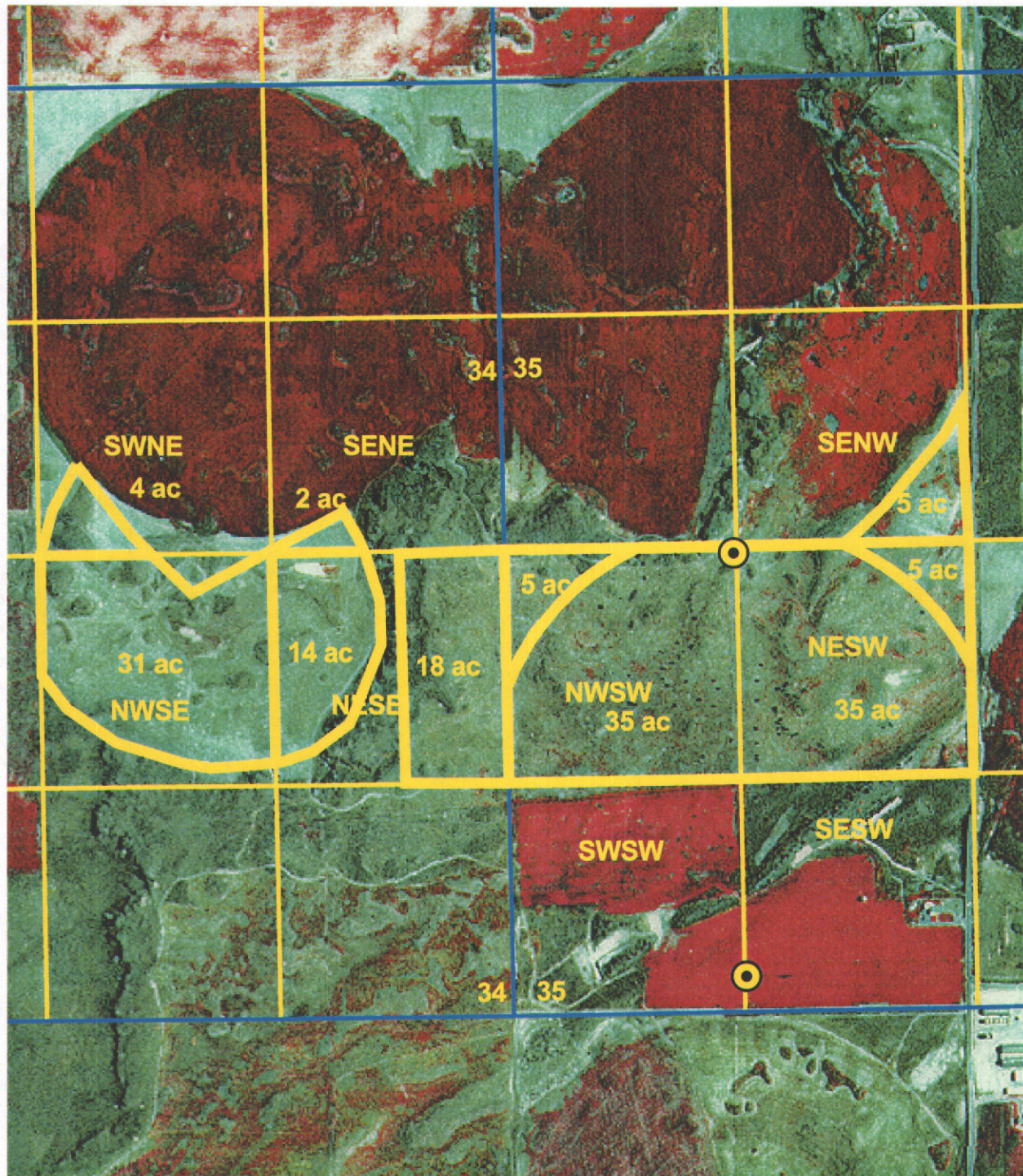
Scale: 1" = _____

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).

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JUL 10 2002

35-07829

T1S, R35E sec 34, 35



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JUL 10 2002



well #5

MICROFILMED

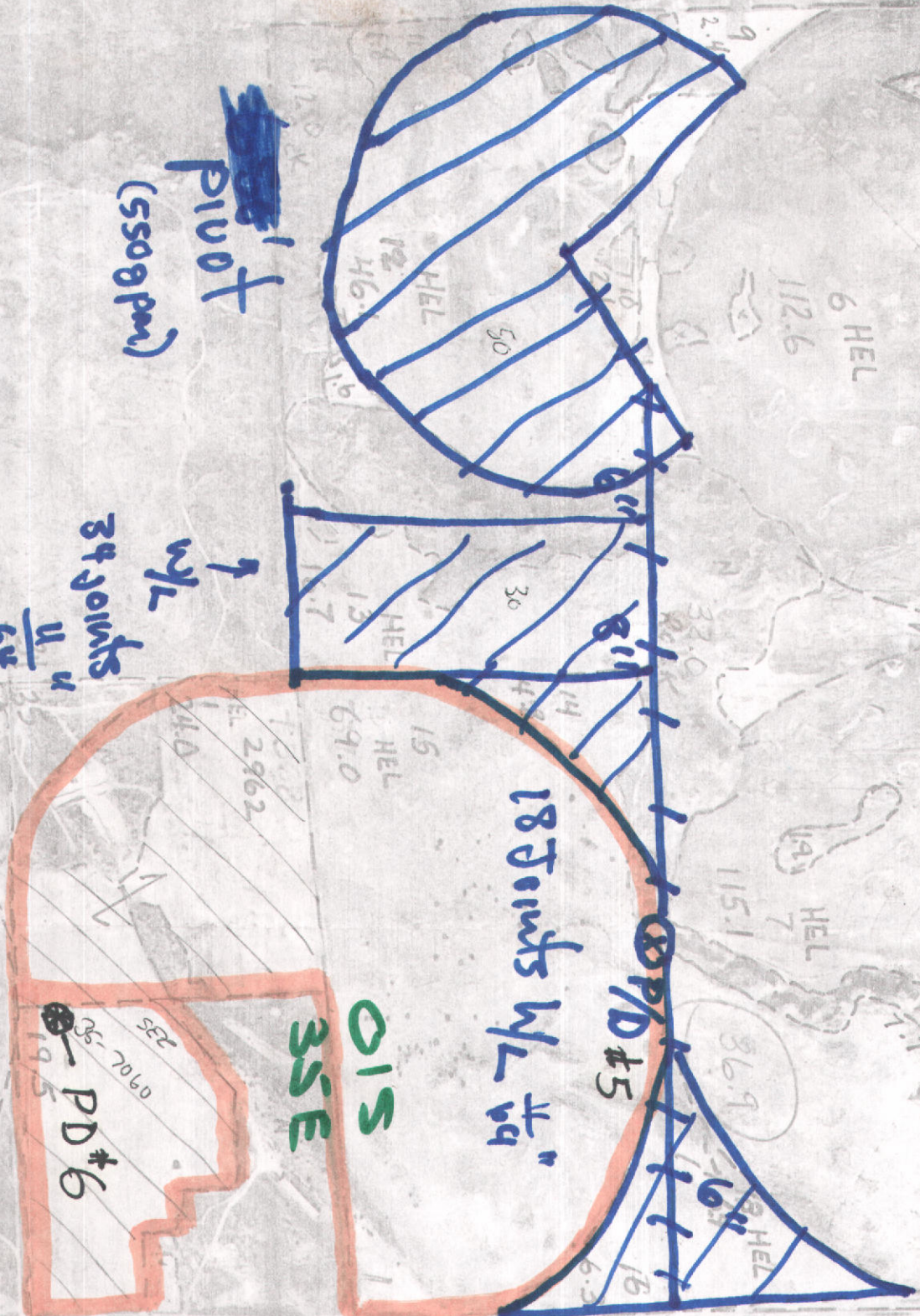
III 10 2002

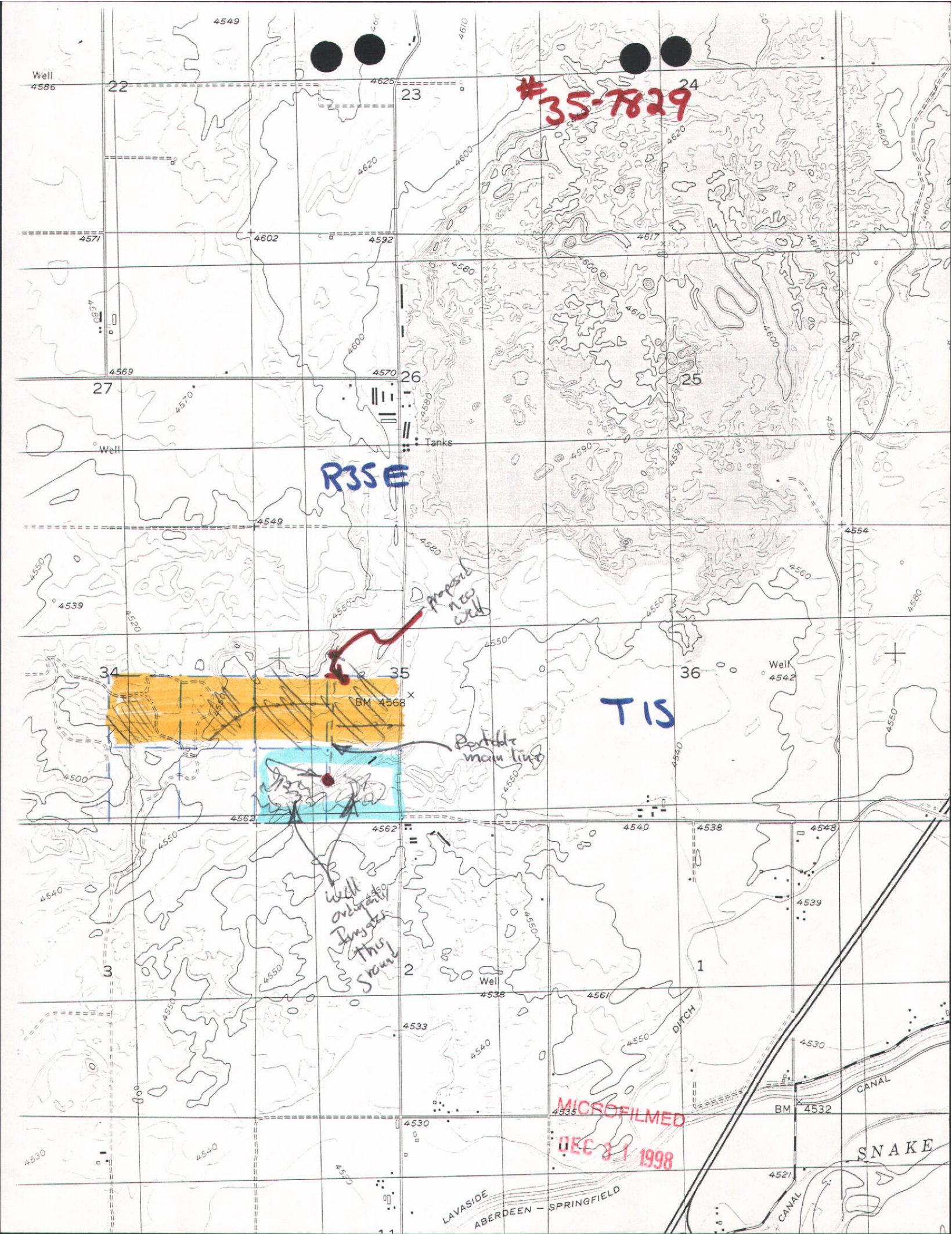
35-7829

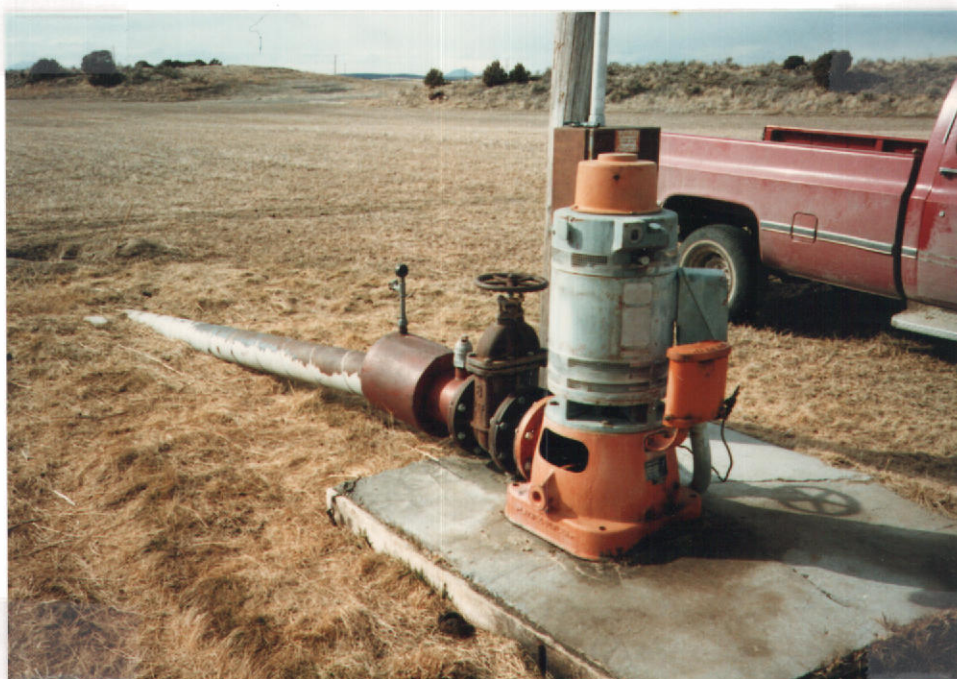
5	0
25	36

PD#6

38 joints $\frac{1}{2}$ " $\frac{11}{16}$ "







75 Hp Motor on original PD
GE Motor # LDJ1127377
Layne Boulter Pump # D23337
uses 6" Portable main line to
irrigate Gentilen Property.

MICROFILMED
DEC 31 1998

#35-7829

Portuguese ground that was planted
to grass & alfalfa and
irrigated with 4-5 hand lines
500 head of cattle graze area



MICROFILMED
DEC 31 1998 #35-7829

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 35-07829

Priority: January 09, 1979

Maximum Diversion Rate: 3.01 CFS
Maximum Diversion Volume: 608.0 AF

It is hereby certified that KENNETH GREG NICKELL And/Or KAYE NICKELL
658 N 150 W
BLACKFOOT ID 83221 have complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated January 09, 1979; and have
submitted Proof of Beneficial Use on December 31, 1987. An examination indicates that the works have
a diversion capacity of 3.01 cfs of water from:

SOURCE

GROUND WATER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	04/01 to 10/31	3.01 CFS	608.0 AF

LOCATION OF POINTS OF DIVERSION:

GROUND WATER	SE $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 35, Twp 01S, Rge 35E, B.M., BINGHAM County
GROUND WATER	NW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 35, Twp 01S, Rge 35E, B.M., BINGHAM County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S 35E 34			2.0	2.0									32.0	31.0			67.0
01S 35E 35								5.0	40.0	40.0							85.0

Total Acres: 152

CONDITIONS OF APPROVAL

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 120.
2. Right 35-07060 is also diverted through the point of diversion located in the SESW, Sec. 35, T01S, R35E.
3. Rights 35-07060 and 35-07829 when combined shall not exceed a total diversion rate of 3.01 cfs.

MICROFILMED

1992 9 0 2002

State of Idaho
Department of Water Resources
Water Right License

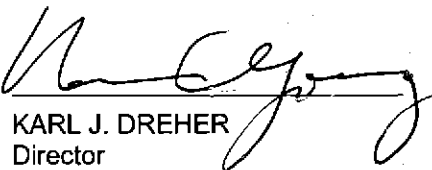
WATER RIGHT NO. 35-07829

4. 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.

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 used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 9th day of July, 2002.

Acting for


KARL J. DREHER
Director

MICROFILMED

JUL 10 2002

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 35-07829

RECEIVED

JUL - 5 2002

Department of Water Resources

Date of Priority: January 09, 1979

Maximum Diversion Rate: 3.01 CFS
Maximum Diversion Volume: 608.0 AF

Comes now KENNETH GREG NICKELL And/Or KAYE NICKELL
658 N 150 W
BLACKFOOT ID 83221 and represents to the Director of the Idaho Department
of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the
State of Idaho No. 35-07829, and requests that the permit be changed as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	3.01 CFS	608.0 AF

LOCATION OF POINTS OF DIVERSION:

GROUND WATER SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 35, Twp 01S, Rge 35E, B.M., BINGHAM County
GROUND WATER NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 35, Twp 01S, Rge 35E, B.M., BINGHAM County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S 35E 34			2.0	2.0									32.0	31.0			67.0
01S 35E 35								5.0	40.0	40.0							85.0

Total Acres: 152

Permit holder asserts that no one will be injured by such change and that such change will be made at
permit holder's own risk. Signed this 25 day of June, 2002.

Kaye Nickell
(Signature)

MICROFILMED
JUL 10 2002

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 35-07829

FOR DEPARTMENT USE ONLY

Preliminary check by kw Fee = 50.00 Received by jm # CO62290 Date 5/28/02

ACTION OF THE DEPARTMENT OF WATER RESOURCES

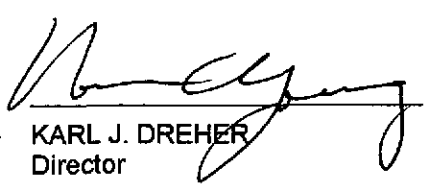
I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 35-07829 with the following:

CONDITIONS OF APPROVAL

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 120.
2. Right 35-07060 is also diverted through the point of diversion located in the SESW, Sec. 35, T01S, R35E.
3. Rights 35-07060 and 35-07829 when combined shall not exceed a total diversion rate of 3.01 cfs.
4. 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.

Witness my hand this 9TH day of July, 2002.

Acting for


KARL J. DREHER
Director

MICROFILMED
JUL 8 0 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

ASSIGNMENT OF ~~APPLICATION FOR~~ PERMIT

DEC 23 1998

Department of Water Resources

I, Marcel Gentillon
Isabelle Gentillon, hereby assign to Kenneth G. and/or Kaye Nickel
of, 658 N 150 W, Blackfoot, ID 83221
(Full Address) 208-785-5229

All my right, title, and interest in and to Application for Permit
No. 35-07829 to appropriate the public waters of the State of Idaho.

Or (for partial assignments)

The following described portion of my right, title, and interest in and to
Application for Application for Permit No. 35-07829 to appropriate the public
waters of the State of Idaho.

Describe portion of the application assigned listing the number of acres in each 40 acre
subdivision, point of diversion location, and the amount of water in cubic feet per second.

All

Made this 20th day of August, 1998

X Marcel Gentillon

Permit Holder(s)

X Isabelle Gentillon

State of Idaho)
County of Bonneville) ss

On this 20th day of August, 1998, personally appeared before me
the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.



A. B. Ruberry

Notary Public

A. B. Ruberry
Signature

My commission expires: 09/23/03

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DEC 31 1998

RECEIVED

DEC 31 1987

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

For Office Use Only
Fee Received 200
Date 29 Dec 1987
Receipt # 42170
Receipt by KGD
Reviewed by JG
Sent to region 20-58

Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 35-7829

Name(s) of Permit Holder: Gentillon Brothers V

Post Office Address: 900 N 550 E Fifth 83236

Telephone No. 346-6704

Source of Water: _____

Extent of Use:

Domestic _____ (number of households) Stockwater _____ (number and type of stock)

Irrigation 215 (acres) Other/Remark _____

Total rate and/or volume for which proof is submitted 4.38 cfs _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: 1978

Measuring Device: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☒ No

Fee enclosed \$ 200.00
(See License Examination Fee Schedule)

Flow Measurement Port: Required? ☒ Yes ☐ No
Installed? ☐ Yes ☒ No

Person to contact to accompany the Department representative during the field examination:

Marcel Gentillon Same
(Name) (Telephone Number)

Same
(Address)

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.

FEB 26 1988

29 Dec 1987
Date

Marcel Gentillon
Signature of Permit Holder (and title, if appropriate)

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
Fee Received 95.00
Date 10-04-83
Receipt # 29699

OCT 4 1983

Department of Water Resources
Eastern District Office

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit
proof of beneficial use on a water right permit

Gentillon Brothers

(Name)

of Rt. 1 Box 452

(Address)

Frith

State of Idaho, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Water of
the State of Idaho No. 35-7829.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before
Feb. 1, 19 84.

That he has heretofore performed the following work described under said permit: We have

(This must be filled out! If no work has been completed put none.)

been renting the Neighbors Water from his Pump and irrigating
our land. We have purchased our main line & system. Idaho
Power said they would supply Power. When I applied for my
Permit. I even gave them a right way to Contention. Costing \$13,000

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit:

I haven't been able to drill a well. Since Idaho
Power's Martotum. I don't want to go to
Diesel Power when I all ready give them access
to a line across my farm.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations
under said permit to Feb 1, 19 88.
(1 yr. minimum, 5 yrs. maximum)

NOTE
AS OF JULY 1, 1980,
THERE IS A \$15.00
CHARGE FOR REQUESTS
FOR EXTENSION OF
TIME.

Maurice Gentillon

Maurel Gentillon

(Signature)*

*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within
which to submit the statement of beneficial use is extended to February 1, 1988.

Signed this 23rd day of November, 19 83.

L. Glen Saxton
L. GLEN SAXTON, Chief, Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Gentillon Brothers and/or Marcel Gentillon Phone 346-6704

Post office address Route #1, Box 452, Firth, Idaho 83236

2. Source of water supply groundwater which is a tributary of _____

3. Location of point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 35 Township 1S

Range 35E B.M. Bingham County, additional points of diversion if any: _____

SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 35, T. 1S, R. 35E

4. Water will be used for the following purposes:

Amount 4.30 for Irrigation purposes from Apr 1 to Nov 1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.08 for Stockwater purposes from Jan 1 to Dec 31 (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:

a. 4.38 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 100 H.P. electric motor with pump; 1
mainline 1" dia.; mainline 6" dia., 10 laterals

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir
capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial

use is five years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is **not** for irrigation:

(1) Give the place of use of water: NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 35 Township 1S

Range 35E B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

[illegible]

c. Describe any other water rights used for the same purposes as described above. License No. 35-2791

9. a. Who owns the property at the point of diversion

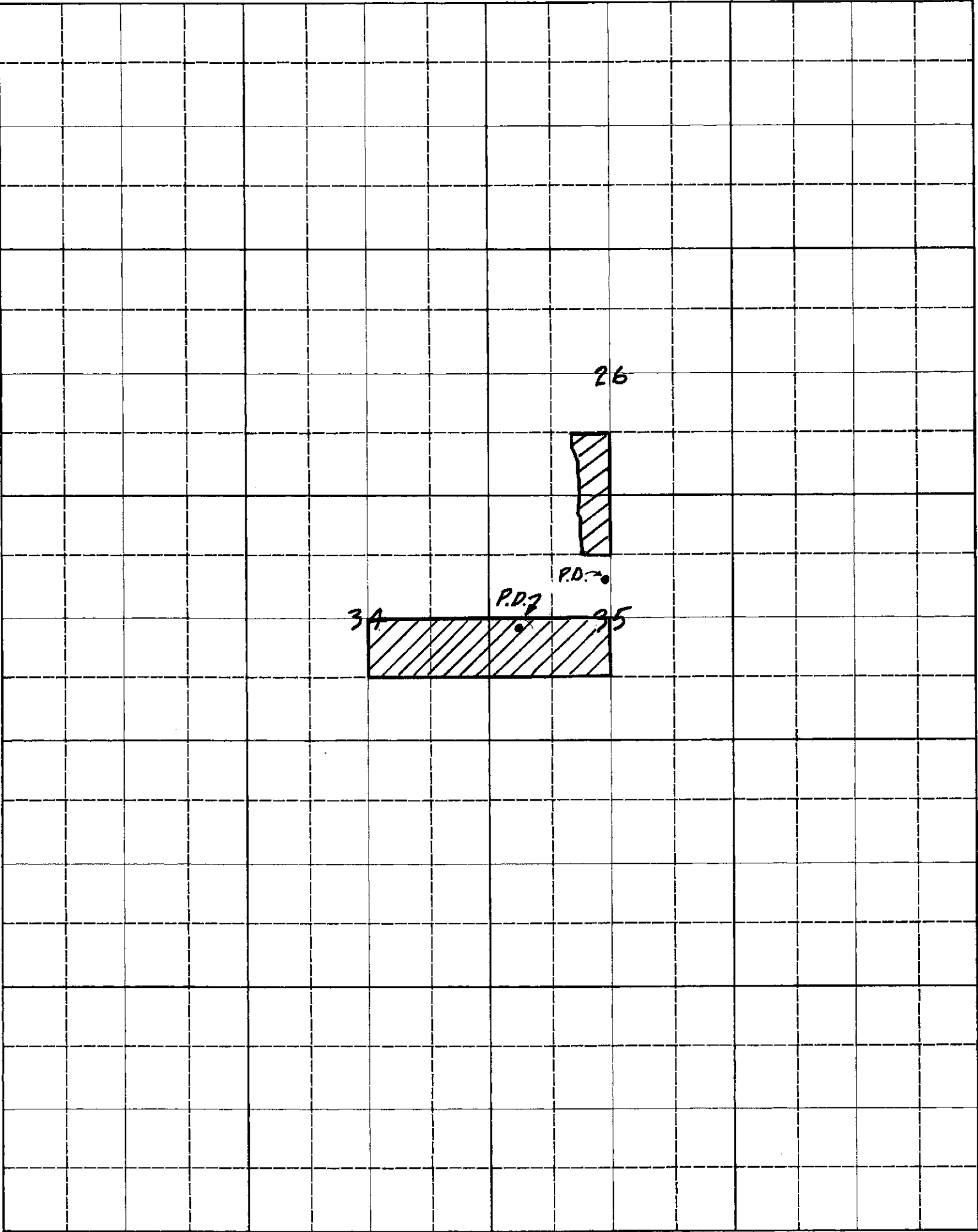
b. Who owns the land to be irrigated or place of use

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the

applicant to make this filing

10. Remarks

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Marcel Gentry
(Applicant)

Proposed Priority 1-9-79

Received by dh

Preliminary check by JM

Fee \$ 75.00

12832

Date 1-24-79 Time 2:00

Received by GW

Date 1-09-79

(Fullt. 12/24/79)

Publication prepared by DN

Date 1-12-79

Published in BACK FOOT NEWS

Publication dates JAN. 18 & 25/1979

Publication approved

Date 1/30/79

Protests filed by:

Copies of protests forwarded by

Hearing held by

Date

Recommended for approval

denial

by BMC 55.

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. 35-7829, and said application is hereby APPROVED

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 be-

fore

February 1

, 19 84.

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. Other: An access port or other device as specified by the Department shall be

installed by the permit holder to provide for the installation of measuring

equipment and the determination of the rate of diversion by the Department.

Witness my hand this

22

day of

February

, 19 79.

Chief, Operations Bureau

D. Alan Sawyer

**NOTICE OF APPLICATION
FOR WATER RIGHT**

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

35-7829
GENTILLION BROTHERS &-Or
GENTILLION, MARCEL
Route No. 1, Box 452
Firth, Idaho 83236
Source: GROUNDWATER
Date Filed: 01-09-1979
Amount: 4.38 CFS
Diversion Point: NWSW SENW Sec.
35 T 01S R 35E, Bingham Co.
Use: IRRIGATION (4.30 CFS) from
04-01 to 11-01. STOCKWATER (0.08
CFS) from 01-01 to 12-31.
Place of Use: SESW Sec. 26 T 01S
R 35E NENW NESW NWSW Sec. 35 T
01S R 35E NESE NWSE Sec. 34 T
01S R 35E NWSW Sec. 35 T 01S R
35E for 255 acres.

Diversion Means: WELL, PUMP &
MOTOR

If issued, the permit(s) will be
subject to all prior water rights.
Protests against the granting of any

permit must be filed with the Director
of the Idaho Department of Water
Resources, 1515 Lincoln Rd., Idaho
Falls, Idaho 83401 on or before
FEBRUARY 5, 1979.
C. Stephen Allred
Director

(5902)
Pub.: 1-18 & 1-25-79

40

AFFIDAVIT of PUBLICATION

County of Bingham

State of Idaho
I, David Mark Brown

solemnly

swear that I am the Publisher of
The Blackfoot 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 Sessions Laws of Idaho of 1933, approved
March 11, 1933, 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 withing the State of Idaho
shall be published to-wit: Thursday of
each week; that the notice attached hereto and which
is a part of this affidavit and part of the proof of

of publication was published in said issue or said
newspaper 2 consecutive weeks

the first publication having been made on the
18th day of January, 19 79

and the last publication having been made on the
25th day of January, 19 79

that said notice was published in the regular and en-
tire 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.

Subscribed and sworn to before me this 26th
day of January, 19 79

Patricia A. Johnson
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
Oct. 20, 1980

RECEIVED

JAN 29 1979

Department of Water Resources
Eastern District Office

87 - A



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 11, 2002

KENNETH GREG NICKELL
KAYE NICKELL
658 N 150 W
BLACKFOOT ID 83221

RE: License No. 35-7829 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

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 by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Enclosed is a copy of the approved Application for Amendment.

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

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

Sincerely,

for 
Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

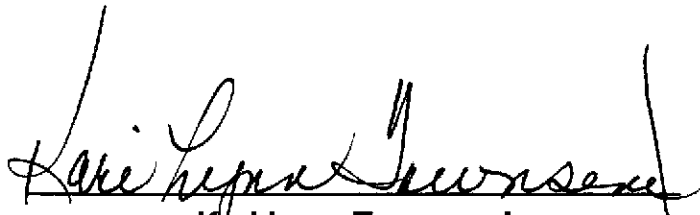
JUL 11 2002

CERTIFICATE OF SERVICE

I hereby certify that on July 11, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 35-7829

KENNETH GREG NICKELL
KAYE NICKELL
658 N 150 W
BLACKFOOT ID 83221



Kari Lynn Townsend
Secretary

MICROFILMED
JUL 10 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its 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 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 19, 2002

KENNETH GREG NICKELL
KAYE NICKELL
658 N 150 W
BLACKFOOT ID 83221

RE: Permit No. 35-07829

Dear Mr. and Mrs. Nickell:

After receiving the licensing amendment for Permit 35-07060, I prepared the licenses and submitted them to my supervisor for licensing. He found that I had made an error on the amendment for 35-07829 that we needed to fix before the licenses were signed. Your decreed right 35-02791 covers 38 acres in the SWNE, Sec. 34, and I had recommended we license 4 acres in this same 40-acre tract. In order to avoid redundancy in these rights, I have changed my recommendation to allow only 2 acres in the SWNE, Sec. 34. Please note that this change has resulted in the reduction of the number of acres, from 154 to 152 total acres and a reduction in the annual volume from 316.0 acre feet per year to 308.0 acre feet per year.

Please sign the enclosed, revised application for amendment of Permit 35-07829 and return it to me within 15 days of the date of this letter so we can proceed with licensing your permits. I am sorry if my error has caused you any problems. If you have any questions in regard to this, please do not hesitate to contact me at (208)327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

Enclosure

MICROFILMED

JUL 10 2002

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 35-07829

RECEIVED**MAY 28 2002**

Department of Water Resources

Date of Priority: January 09, 1979**Maximum Diversion Rate:** 3.01 CFS**Maximum Diversion Volume:** 616.0 AFComes now **KENNETH GREG NICKELL And/Or KAYE NICKELL**

658 N 150 W

BLACKFOOT ID 83221 and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 35-07829, and requests that the permit be changed as follows:

Source: GROUND WATER**BENEFICIAL USE**

IRRIGATION

PERIOD OF USE

04/01 to 10/31

RATE OF DIVERSION

3.01 CFS

ANNUAL VOLUME

616.0 AF

LOCATION OF POINTS OF DIVERSION:

GROUND WATER

SE $\frac{1}{4}$ SW $\frac{1}{4}$

Sec. 35, Twp 01S, Rge 35E, B.M., BINGHAM County

GROUND WATER

NW $\frac{1}{4}$ SW $\frac{1}{4}$

Sec. 35, Twp 01S, Rge 35E, B.M., BINGHAM County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S 35E 34			4.0	2.0									32.0	31.0			69.0
01S 35E 35							5.0	40.0	40.0								85.0

Total Acres: 154

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 5/14 day of May, 2002.

Kaye C. Nickell
(Signature)

MICROFILMED

JUL 10 2002

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 35-07829

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$50.00 Received by JN # 1062290 Date 5/28/02

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 35-07829 with the following:

CONDITIONS OF APPROVAL

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 120.
2. Right 35-07060 is also diverted through the point of diversion located in the SESW, Sec. 35, T01S, R35E.
3. Rights 35-07060 and 35-07829 when combined shall not exceed a total diversion rate of 3.01 cfs.
4. 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.

Witness my hand this _____ day of _____, 2002.

KARL J. DREHER
Director

MICROFILMED

JUL 10 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 30, 2002

KENNETH GREG NICKELL
KAYE NICKELL
658 N 150 W
BLACKFOOT ID 83221

RE: Water Right Permit No. 35-07829

Dear Permit Holders:

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

☒ Point of Diversion

☒ Place of Use

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days. If you have any questions, please call me at 208-327-7944.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

Enclosure

MICROFILMED

MAY 10 2002

10:25 AM
5/20/02 -
per phone con
w/Mrs. Nickell -
wondered why amendment
was necessary - will
send in amendment
& fee. KJW

Comment Report

35-7829

1. kwalker 4/29/2002 Stockwater use

Comment: The examiner did not mention any stockwater use under this right when he completed his exam write up. There was no stockwater use mentioned on the proof of beneficial use filed either. Since the permit did not mention how many or what kind of stock were watered, I could not recommend this use for licensing under this right.

MICROFILMED

JUL 10 2002

MEMORANDUM

TO: Files 35-07060 and 35-07829

FROM: KAY WALKER *KW*

RE: Water Measurement District Information

Date: April 29, 2002

.....

In review of these permits we wondered what the water measurement district records showed as far as the amount of water used under these systems. I searched "WMIS" and could not locate any information. I then contacted Lewis Rounds of the East Water Measurement District to see if he had any information. Lewis contacted the Bingham Groundwater Measurement District and they were able to give Lewis the attached records of the water use reported.

For the well under Permit 35-07060 (reports under the name of Ireland)

1997	175 acre feet
1998	260 acre feet
1999	204 acre feet
2000	301 acre feet

For the wells under Permit 35-07829 (reports under the name of Gentillon Bros.)

For the well in NWSW, S35:

1997	168 acre feet
1998	198 acre feet
1999	164 acre feet
2000	240 acre feet

For the well in SENW, (Exam found in SESW) S35:

1997	115 acre feet
1998	169 acre feet
1999	126 acre feet
2000	202 acre feet

MICROFILMED

JUL 10 2002

LICENSE REVIEW CHECKLIST

Permit No. 35-7829

Date: 4-29-02

Reviewer: Kay Walker

Change/OK

Name/Address

fix address

Source

ok

Point of Diversion:

change

Does change clarify original intended source? If no, void permit.

Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)

W36 (overlap)

W59 (subdivision description)

Place of Use

change

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)

W27 (ppu acre limit)

35-02791 - see p1u ok
see decree below

Overlaps: Right(s):

File reviewed _____ Profile reports printed _____

35-07060 - same pld in SESH, S35

also in
lic process

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 4.38 cfs

Fee Limit 5.0 cfs

Measured 3.01 cfs

Theoretical _____ cfs

Recommended Total Diversion Rate 3.01

Water Uses

ok

Change (P46)

Season of Use per new Standards

4-1 10-31

Irrigation 3.01 cfs 608 af

Stockwater _____ cfs _____ af

Domestic _____ cfs _____ af

_____ cfs _____ af

_____ cfs _____ af

Total 3.01 cfs 608 af

Irrigation - overlap (R58-R61, R62-R65, R66-R69)

supp. Gw (WB7/065/104)

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)

Water Quality (106/R07)

Payette - (W22/047/27A)

Stockwater for US (R37)

Volume Determination

3.01 cfs x 1.9835 x 214 days = 1277.6 af (vs) 154 acres x 4.0 (FHR) = 616.0 af

Remarks:

W36

152 x 4.0 = 608.0

Additional Conditions

yes

Watermaster Control 120

_____ GW Measurement/Measuring Device

_____ Other

Trust R55 - remove 051)

Non-trust (048)

GW Dist? _____

Water Msmt. Dist? _____

Crit. GWMA? _____

GWMA? _____

Government Lots? _____

Advance Priority? yes

no

If yes, explain why below.

SRBA Claim?

no - not req'd

Adjust memo _____

Amend Letters _____

P87, S06

Second Amendment Notice P49

S06

Ø in NMIS for this pld -

2002 FEB 15 PM 2:47
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

ORDER OF PARTIAL DECREE

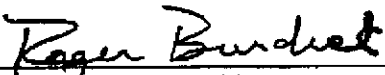
For Water Right 35-02791

On November 27, 2001, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 35-02791 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED February 4, 2002.



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 35-02791

2002 FEB 15 AM 9:05
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: GREG NICKELL
KAYE C NICKELL
658 N 150 W
BLACKFOOT, ID 83221

SOURCE: GROUNDWATER

QUANTITY: 2.32 CFS
936.00 AFY

PRIORITY DATE: 09/01/1965

POINT OF DIVERSION: T01S R35E S34 SENENE Within Bingham County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-01 TO 11-01 2.32 CFS
936.00 AFY

PLACE OF USE: Irrigation Within Bingham County
T01S R35E S26 SWSW 2.0 SESW 9.0
S34 NENE 40.0 NWNE 40.0
S35 SNNE 38.0 SENE 28.0
NENW 29.0 NWNW 40.0
SNW 30.0 SENW 28.0
284.0 Acres Total

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 234 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2002 FEB 15 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s): 35-02791

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 35-02791 was mailed
on February 15, 2002, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

C & L FARMS
DEL RAY HOLM
HOLM BROS. PARTNERSHIP, HOLM
R & M FARMS PARTNERSHIP
THEODORE L DEFFINGER
Represented by:
BLAIR J. GROVER
215 FARNSWORTH WAY
PO BOX 36
RIGBY, ID 83442-0036
Phone: 208-745-6653

CERTIFICATE OF MAILING

PAGE 1
02/15/02

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JUL 10 2002

ABERDEEN-AMERICAN FALLS
BINGHAM GROUND WATER DISTRICT
GREG NICKELL
KAYE C NICKELL
UPPER VALLEY IRRIGATORS ASSOC.

Represented by:
JEFFREY C. FEREDAY
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

FREMONT MADISON IRRIG. DIST.

Represented by:
JERRY R. RIGBY
PO BOX 250
REXBURG, ID 83440-0250
Phone: 208-356-3633

ALBERT & CHRISTINE WADA
BRENT STOLWORTHY
CLYDE M WILSON
DARWIN BROWN
FRANK S & AGNES H WADA
GERALD J BUTIKOFER
JAY L & MERRI LYNN STOLWORTHY
KENT B CORNELISON
KENT SEARLE
LDS CHURCH
LINDEN J & LOIS J BUTIKOFER
MERLE & ULENE BUTIKOFER
MURDOCH-WILSON FARMS
PAUL & ALICE HEYREND
WAYNE HANSEN

Represented by:
KENT W FOSTER
PO BOX 50130
IDAHO FALLS, ID 83405
Phone: 208-523-0620

STATE OF IDAHO

Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

CERTIFICATE OF MAILING

DIANA DELANEY
Chief Deputy Clerk

PAGE 2
02/15/02

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NOV 10 2002

now (26/4) or

MICROFILMED
1987

↑ 02/35-2991

MICROFILMED
 MAR 10 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

APR 25 2002

A. GENERAL INFORMATION

1. Owner: Greg Nickell Permit No. 35 7829
Current Address: 725 N 250W Phone No. 785-5729
2. Accompanied by: Greg Nickell BLACKFOOT ID 8324
Address: same EXAM. DATE: 07/16/91
Relationship to Permit Holder: holder Phone No. same
3. Source: groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: 35-7060
_____ ☐ Copies Attached
2. Other water rights with same point of diversion: 35-7060
_____ ☐ 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.

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
well probe	Olympic	Acetat	500		500'	

2. Measurements:

dynamic water level - 117'4"
operating pressure - 64 psig (installed gage)

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method: Sonic Meter #5 well 539 gpm
#6 well 811 gpm

Idaho Power

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:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 154 \times 4 = 616 \text{ AF/A}$
 $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 3.0(2.4)(1.9835) = 1277$
 $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 616 \text{ AF/A}$

2. Volume Calculations for Other Uses:

H. REMARKS AND OVERLAP REVIEW ANALYSIS

two wells irrigate POU filed on permit 35-7060 well #6 goes to the pivot in the SW 1/4 of sec 35

well #5 goes to the corners and another pivot.

well #5 539 gpm = 120 cfs well #6 811 gpm 1.81 cfs
448.83 448.83

35-7060 for .50 cfs from well #6

$154 \text{ ac} \times 0.02 = 3.08$ total measured 3.01 cfs

RECOMMENDATIONS with 35-7060 max cfs = 3.01 cfs 209 ac. 836 ac/A

1. Recommended Amounts

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
IRR	From 4/01 To 10/31	3.01 cfs	616

2. Recommended Amendments

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

J. AUTHENTICATION

Field Examiner's Name Arno W. Harris
Signature [Signature]
Certification Date DAVE CARLSON
Field Report Preparation Date 4/15/2002

CONSULTANT SEAL

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

$$Q = \frac{(75 \text{ HP})(8.814)(.7)}{[(117.25') + (64 \text{ psi})(2.308)]}$$

$$= 1.746420 \text{ cfs}$$

$$= 1.75 \text{ cfs} \quad (785.4 \text{ gpm})$$

(38 joints of
handlines not
in use at
time of exam)

According to permit holder flow rate should
be: pressure at pump - 45 psi

$$Q = \frac{(75 \text{ HP})(8.814)(.7)}{[(117.25') + (45 \text{ psi})(2.308)]}$$

$$= 2.092782 \text{ cfs}$$

$$= 2.09 \text{ cfs} \quad \text{theoretical} \quad (937.992 \text{ gpm})$$

$$\text{pivot} = 550 \text{ gpm}$$

90 joints $\frac{1}{4}"$ nozzles @ 45 psi, ~ 6 gpm/nozzle

$$(90 \text{ nozzles})(6 \text{ gpm/nozzle}) = 540 \text{ gpm}$$

$$Q = 1.20 \text{ cfs}$$

MICROFILMED

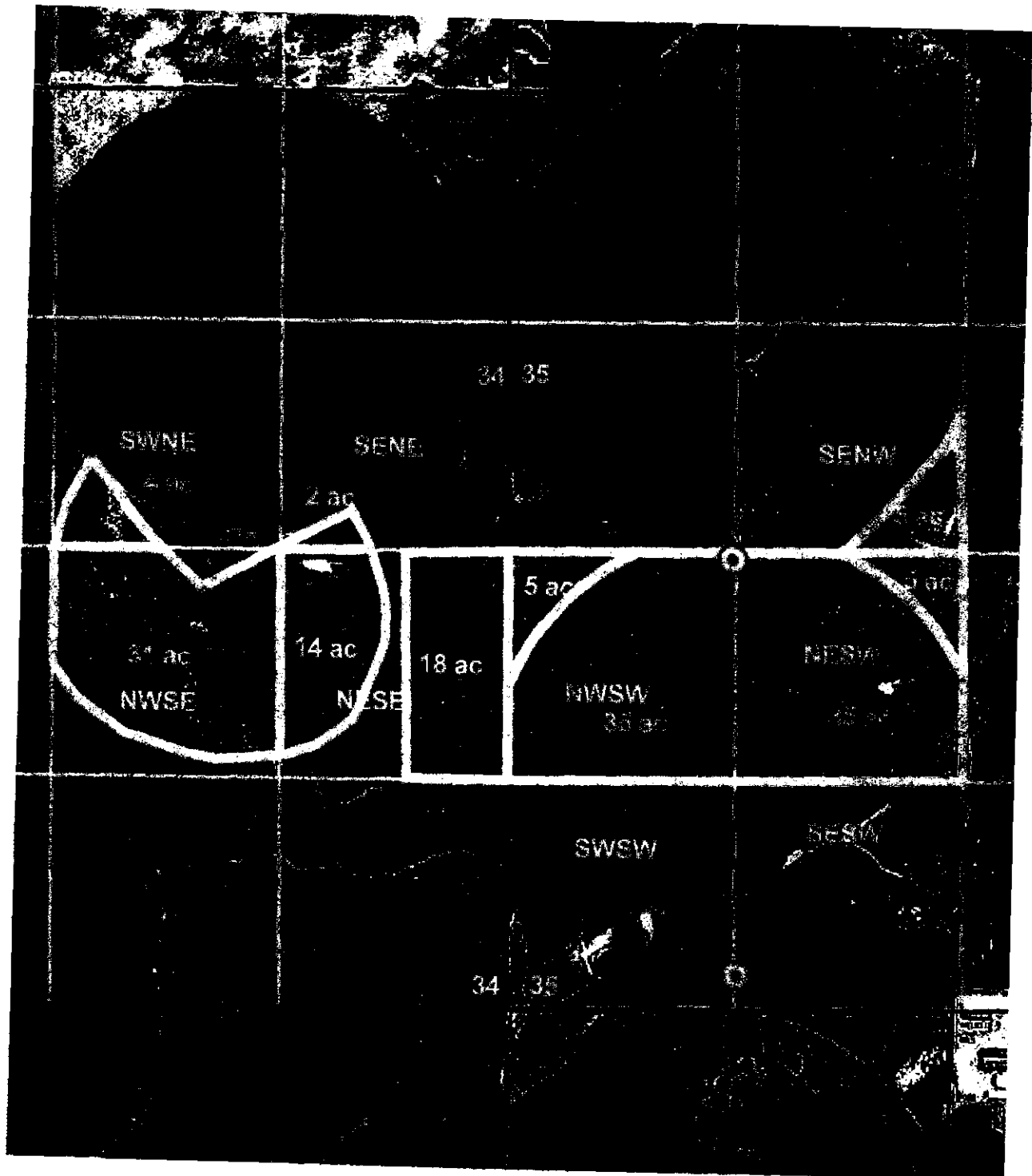
10 2002

well #5

35-7829

35-07829

T1S, R35E sec 34, 35



MICROFILMED

JUL 10 2002



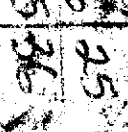
well #5

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1971 5 8 2002

35-7829

425





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 NICKELL
658 N 150 W
BLACKFOOT ID 83221

RE: ASSIGNMENT OF PERMITS 35-07060/35-07829

Dear Mr. & Mrs. Nickell:

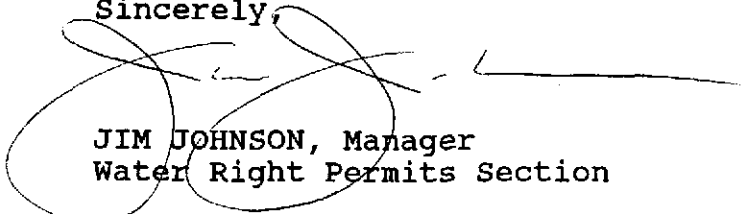
We acknowledge receipt of the correspondence changing ownership of the above referenced water rights to you. We have modified our computer records to reflect these changes in ownership. A copy of a computer generated report is enclosed for each water right for your information.

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address **PRIOR TO** July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address **AFTER** July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department to obtain the proper reporting form.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

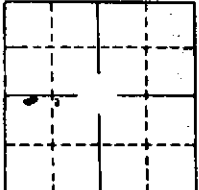
Enclosures

MICROFILMED

DEC 31 1998

WELL DRILLER'S REPORT

State 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>Gentillion Brothers or Marcel Gentillion</u> Address <u>Rt 1 Box 452 Firth Id. 83236</u> Owner's Permit No. <u>35-88-e-009</u> Water Permit no <u>35-7829</u>	7. WATER LEVEL Static water level <u>112</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 _____ °F. Quality _____ <i>Describe artesian or temperature zones below.</i>																																																																																																																																																																																																																
2. NATURE OF WORK <u>35-07829</u> ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)	8. WELL TEST DATA ☐ Pump ☐ Bailer ☐ Air ☐ Other _____ <table border="1" style="width:100%; border-collapse: collapse;"><thead><tr><th>Discharge G.P.M.</th><th>Pumping Level</th><th>Hours Pumped</th></tr></thead><tbody><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></tbody></table>	Discharge G.P.M.	Pumping Level	Hours Pumped																																																																																																																																																																																																													
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3. PROPOSED USE ☐ Domestic ☒ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☒ Stock ☐ Waste Disposal or Injection ☐ Other _____ (specify type)	9. LITHOLOGIC LOG <table border="1" style="width:100%; border-collapse: collapse;"><thead><tr><th rowspan="2">Bore Diam.</th><th colspan="2">Depth</th><th rowspan="2">Material</th><th colspan="2">Water</th></tr><tr><th>From</th><th>To</th><th>Yes</th><th>No</th></tr></thead><tbody><tr><td>24</td><td>0</td><td>2</td><td>Sand & Topsoil</td><td></td><td>+</td></tr><tr><td>24</td><td>2</td><td>5</td><td>Broken Basalt & Clay</td><td></td><td>+</td></tr><tr><td>24</td><td>5</td><td>8</td><td>Gray Basalt</td><td></td><td>+</td></tr><tr><td>24</td><td>8</td><td>9</td><td>Red Cinders</td><td></td><td>+</td></tr><tr><td>24</td><td>9</td><td>24</td><td>Gray Basalt</td><td></td><td>+</td></tr><tr><td>20</td><td>24</td><td>26</td><td>Red Cinders</td><td></td><td>+</td></tr><tr><td>20</td><td>26</td><td>36</td><td>Gray Basalt</td><td></td><td>+</td></tr><tr><td>20</td><td>36</td><td>47</td><td>Red Cinders & Clay</td><td></td><td>+</td></tr><tr><td>20</td><td>47</td><td>49</td><td>" " & Brown Clay</td><td></td><td>+</td></tr><tr><td>20</td><td>49</td><td>58</td><td>Brown Clay</td><td></td><td>+</td></tr><tr><td>20</td><td>58</td><td>73</td><td>Dark Brown Clay</td><td></td><td>+</td></tr><tr><td>20</td><td>73</td><td>76</td><td>Brown Clay & Cinders</td><td></td><td>+</td></tr><tr><td>20</td><td>78</td><td>82</td><td>Gray Basalt Broken</td><td></td><td>+</td></tr><tr><td>18</td><td>82</td><td>96</td><td>Hard Gray Basalt</td><td></td><td>+</td></tr><tr><td>18</td><td>96</td><td>98</td><td>Red Cinder</td><td></td><td>+</td></tr><tr><td>18</td><td>98</td><td>107</td><td>Grey Cinders</td><td></td><td>+</td></tr><tr><td>18</td><td>107</td><td>115</td><td>Broken Gray Basalt</td><td>+</td><td>102</td></tr><tr><td>18</td><td>115</td><td>123</td><td>Clay Filled Cinders</td><td></td><td>+</td></tr><tr><td>18</td><td>123</td><td>128</td><td>Clay & Sand Streaks</td><td>+</td><td>102</td></tr><tr><td>18</td><td>128</td><td>134</td><td>Gray Basalt</td><td></td><td>+</td></tr><tr><td>18</td><td>134</td><td>138</td><td>Clay Red & Brown</td><td></td><td>+</td></tr><tr><td>18</td><td>138</td><td>140</td><td>Clay Filled Cinders</td><td></td><td>+</td></tr><tr><td>16</td><td>140</td><td>170</td><td>Pours Gray Basalt</td><td>+</td><td>112</td></tr><tr><td>16</td><td>170</td><td>175</td><td>Broken Gray Cinders</td><td>+</td><td></td></tr><tr><td>16</td><td>175</td><td>191</td><td>Gray Basalt</td><td></td><td>+</td></tr><tr><td>16</td><td>191</td><td>193</td><td>Red Clay</td><td></td><td>+</td></tr><tr><td>16</td><td>193</td><td>196</td><td>Gray To Red Cinders</td><td>+</td><td></td></tr><tr><td>16</td><td>196</td><td>207</td><td>Red Basalt Clay Seams & Some</td><td></td><td>+</td></tr><tr><td>16</td><td>207</td><td>221</td><td>Gray Basalt</td><td></td><td>+</td></tr><tr><td>16</td><td>221</td><td>243</td><td>Red Basalt Seams & Clay</td><td>Some</td><td></td></tr><tr><td>16</td><td>243</td><td>249</td><td>Gray Basalt Porrus</td><td>Some</td><td></td></tr><tr><td>16</td><td>249</td><td>260</td><td>Gray Basalt</td><td></td><td>+</td></tr><tr><td>16</td><td>260</td><td>265</td><td>Broken Gray Basalt Cavy</td><td>+</td><td></td></tr></tbody></table>	Bore Diam.	Depth		Material	Water		From	To	Yes	No	24	0	2	Sand & Topsoil		+	24	2	5	Broken Basalt & Clay		+	24	5	8	Gray Basalt		+	24	8	9	Red Cinders		+	24	9	24	Gray Basalt		+	20	24	26	Red Cinders		+	20	26	36	Gray Basalt		+	20	36	47	Red Cinders & Clay		+	20	47	49	" " & Brown Clay		+	20	49	58	Brown Clay		+	20	58	73	Dark Brown Clay		+	20	73	76	Brown Clay & Cinders		+	20	78	82	Gray Basalt Broken		+	18	82	96	Hard Gray Basalt		+	18	96	98	Red Cinder		+	18	98	107	Grey Cinders		+	18	107	115	Broken Gray Basalt	+	102	18	115	123	Clay Filled Cinders		+	18	123	128	Clay & Sand Streaks	+	102	18	128	134	Gray Basalt		+	18	134	138	Clay Red & Brown		+	18	138	140	Clay Filled Cinders		+	16	140	170	Pours Gray Basalt	+	112	16	170	175	Broken Gray Cinders	+		16	175	191	Gray Basalt		+	16	191	193	Red Clay		+	16	193	196	Gray To Red Cinders	+		16	196	207	Red Basalt Clay Seams & Some		+	16	207	221	Gray Basalt		+	16	221	243	Red Basalt Seams & Clay	Some		16	243	249	Gray Basalt Porrus	Some		16	249	260	Gray Basalt		+	16	260	265	Broken Gray Basalt Cavy	+	
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4. METHOD DRILLED ☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary ☒ Cable ☐ Dug ☐ Other _____	10. Work started <u>3/26/88</u> finished <u>5/3/88</u>																																																																																																																																																																																																																
5. WELL CONSTRUCTION Casing schedule: ☐ Steel ☐ Concrete ☐ Other _____ Thickness Diameter From To • 250 inches 20 inches + 18 feet 18 6 feet • 250 inches 18 inches 27 feet 85 feet • 250 inches 16 inches 89 feet 150 feet 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 _____ inches by _____ inches Number From To _____ perforations _____ feet _____ 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>18</u> Material used in seal: ☒ Cement grout ☐ Bentonite ☒ Pudding clay ☐ _____ 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 _____	11. DRILLERS CERTIFICATION I/We certify that all minimum well construction standards were complied with at the time the rig was removed. Firm Name <u>Berrus Drilling</u> Firm No. <u>23</u> Address <u>Box 59</u> Date <u>5/17/88</u> Signed by (Firm Official) <u>Le Mari Berrus</u> and (Operator) <u>Jeff Berrus</u>																																																																																																																																																																																																																
6. LOCATION OF WELL Sketch map location must agree with written location. <u>3 1988</u>  Subdivision Name <u>Department of Water Resources</u> <u>Eastern District Office</u> Lot No. _____ Block No. <u>MICROFILMED</u> County <u>Bingham</u> NW 1/4 SW 1/4 Sec. <u>35</u> T. <u>1</u> S. R. <u>35</u> E. <u>11</u>	12. RECEIVED <u>DEC 31 1988</u>																																																																																																																																																																																																																

TO: John Beal
From: H.W.J.

FROM: Harold W. Jones

TO: File 35-7829

DATE: March 23, 1988

During the permit development, a well in the SE1/4SW1/4, Sec. 35, T. 1S, R. 35E, was used on ground in the N1/2SW1/4, Sec. 35, and N1/2SE1/4, Sec. 34, T. 1S, R. 35E. That well was owned by Dale and Marlis Jackman. The Gentillon Brothers have since lost access to this well even though proof was filed during February, 1988. This makes it necessary to drill a new well at the original permit point of diversion of the NW1/2SW1/4 of Sec. 35. A drilling permit was applied for (see #35-88-E-009) and is pending. We feel that as long as development can be documented that the drilling permit should be issued. A total of 4-5 lines were used in the past on this property from a 75 hp pump. A field investigation was conducted to verify this development on March 15.

There was a 6" portable mainline on site and several handlines scattered through the listed place of use. Ground has been sprinkled and grazed. Original sagebrush was removed several years ago and Juniper trees left in place for shade for stock. No information is available on capacity of well other than that 7 lines can be run at one time. This well was originally developed under permit 35-7060, which lapsed in 1974.

H.W.J.

MICROFILMED

DEC 31 1988

State of Idaho
Department of Water Resources

DRILLING PERMIT

(Authorizing Construction of a Well)*

RECEIVED

MAR 23 1988

Department of Water Resources

1. Applicant Gentillon Brothers and/or Marcel Gentillon
2. Address Route #1, Box 452, Firth, ID 83236

(X) Well Owner () Well Operator () Other, specify _____

3. Water right permit no. 35-7829; Injection well permit no. _____

4. Proposed well location 1/4 NW 1/4 SW 1/4, or Gov't lot No. _____,
Sec. 35, Twp. 1S, Rge. 35E, County Bingham,
Lot, block and subdivision _____

5. Proposed use of well: (Check all that apply)

() Domestic (X) Stockwater () Monitoring
(X) Irrigation () Industrial () Municipal
() Injection () Other, Specify _____

6. Well construction information:

(X) New well () Deepen () Replace

Proposed surface diameter 20" Proposed depth 150'

Anticipated bottom hole temperature:

(X) 85°F or less (Cold water well)
() 85°F to 212°F (Low temp. geothermal well)
() 212°F or more (Geothermal well)

7. Anticipated construction start date 3/9/88

8. Well Driller (if known) LaMar Barrus Drilling

Address _____

Date 3-9-88 Applicant's signature Marcel Gentillon

Title _____

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* After other pre-requisite approvals have been obtained. DEC 31 1998

ACTION OF IDWR

(X) Approved

() Denied

The approval of this permit authorizes the construction of a well as described on this application subject to the conditions on this permit.

GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from its date of issuance for the start of construction and is valid for one (1) year from the date of issuance for completion of the well unless an extension has been granted.
3. The permit holder or his representative shall notify the Department ten (10) days prior to the start of construction unless good cause for later notification can be shown.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Issuance of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.

SPECIFIC CONDITIONS:

Dated this 18th day of March, 1988.

Signed

Title Eastern Regional Manager

Received by HWJ Fee \$100⁰⁰ Date 3-9-88

Receipt No. 46466 Construction start date _____

Construction start extension to _____

Extension approved by _____

MICROFILMED

DEC 31 1998

ACTION REQUIRED

RECEIVED

MAR 20 1988

FROM: H.W. Jones 3-23-88

TO: Gary Speckman

Department of Water Resources

Attached is field report ref. Drilling permit
that Gentilen Bros filed after they had filed proof.

HL

MICROFILMED

FROM: Harold W. Jones

TO: File 35-7829

DATE: March 23, 1988

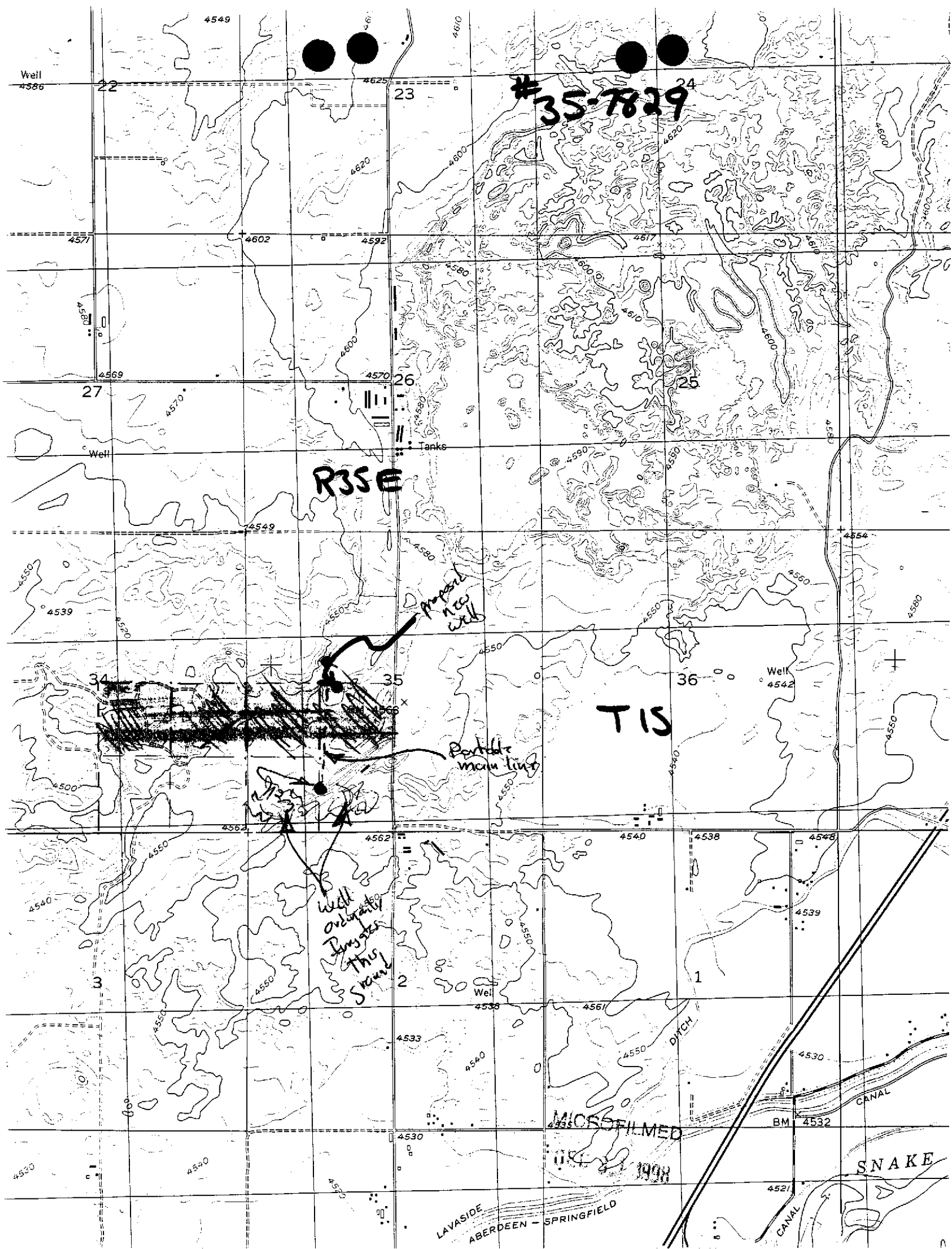
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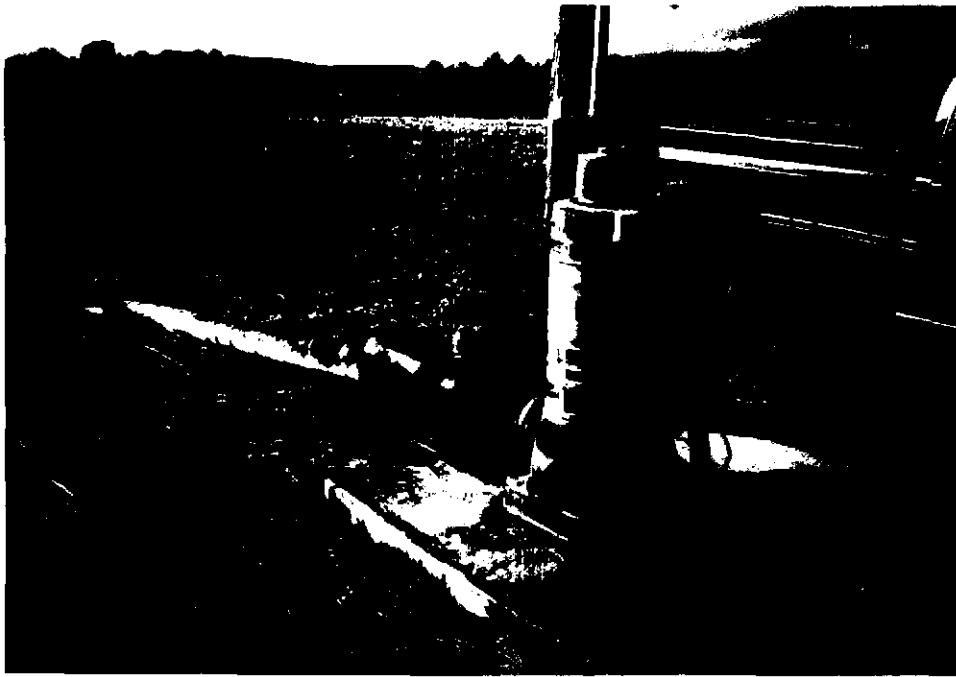
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HLJ

MICROFILMED

APR 1 - 88





75 Hp Motor on original PD
GE Motor # LDJ1127377
Layne Boulter Pump # D23337
uses 6" Portable main line to
irrigate Gentillen Property.

MICROFILMED
DEC 31 1998

#35-7829

Pto ground that was planted
to grass & alfalfa and
irrigated with 4-5 hand lines
500 head of cattle graze area



MICROFILMED

DEC 31 1992 #35-7829

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

FEBRUARY 26, 1988

GENTILLON BROTHERS
900 N. 550 E.
FIRTH ID 83236

RE: Permit No. 35-7829

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this department.

A condition of approval of your original permit required the installation of an access port which, according to the proof card submitted by you, has not been installed. An access port must be installed prior to the time a field examination is made.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 525-7161 or in person in the third floor State Office Building, 150 Shoup, Idaho Falls, Idaho.

Sincerely,
s/HAROLD W. JONES
Sr. Resource Agent

MICROFILMED

DEC 31 1998

WATER RIGHT CODING FOR
VAX SYSTEM

Coder's Name ry

WATER RIGHT NO. 35-7829

See Coder's Handbook for instructions on filling out this form.

Record

	<u>Last Name or Company (40)</u>	<u>First Name (20)</u>	<u>Owner Indicator</u>
1. Owner			

1A. Address

900 N. 550E.

1B.

City Flag

State UT Zip 83236

2. Source(s) _____
Tributary _____

3. Point(s) of Diversion Description

<u>Tract</u>	<u>Sec.</u>	<u>Twp</u>	<u>Rng</u>	<u>Lot</u>	<u>Rediv.</u>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

4. Period of Use, Use, Diversion Rate/Volume

<u>FROM</u>	<u>TO</u>	<u>USE CODE</u>	<u>CFS</u>	<u>ACRE FEET</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

RECEIVED

FEB 26 1988

5. A. Stage _____	B. Status _____
C. Priority Date ____/____/____	D. County Code _____
E. Total Cfs _____	F. Total Acre Feet _____
G. Transfer/Amendment Flag _____	H. Water District _____
I. DLE/Carey Act _____	

Record

6. Diversion Means: _____

8A. Non-Irrigation Use Remarks: _____

8B. Place of Use:

Use Code: _____

			NE				NW				SW				SE			
TWP	RANGE	SEC.	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$

8C. Other Rights: _____

10. Remarks: _____

11. Decree Plaintiff _____

12. Decree Defendant _____

Decree Date ____/____/____

13. Protested Date ____/____/____ Hearing Date ____/____/____

Old Number _____

14. Stage _____ Status _____ Water District _____

Proof due date ____/____/____ Permit or Denied Date ____/____/____

Proof made date ____/____/____ Start work date ____/____/____

Order to Show Cause ____/____/____ Licensed date ____/____/____

15. Conditions of Approval _____

RECEIVED

FEB 26 1988

16. Diversion Capacity: _____

Application Received ____/____/____ Field Exam Date ____/____/____

Verified Code _____

Gentillon Brothers &/or
Marcel Gentillon
Rt. 1 Box 452
Firth ID 83236

138097
CERTIFIED MAIL
November 30, 1987

PROOF DUE NOTICE

RE: Permit No. 35-7829

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, 1988. (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 completed 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, or the permit will no longer be of any force nor effect.

Sincerely,

RITA FLECK
Secretary/Records Manager

Enclosures

RECORDED

FEB 26 1988



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

October 7, 1985

Re: Permit No. 35-7829

Marcel Gentillon
Rt. 1, Box 452
Firth, ID 83236

Dear Mr. Gentillon:

I have received your letter dated September 30, 1985 in which you described development under your water right permit.

The Department letter to you dated September 1, 1985 was intended to provide you with some information only. The letter did not require you to do anything.

The information we wanted to convey to you is as follows:

1. On July 1, 1985, an amended statute identified as 42-203D became effective. It essentially says that permits for which development was not complete by July 1, 1985 will be reviewed by the Department.
2. If by chance a project was completed by July 1, 1985, the permit holder should submit the proof of beneficial use, even though it might not be due yet under the terms of the permit, in order that the Department would know that the permit is not subject to the review requirements of Sec. 402-203D, Idaho Code.

In your particular case, proof of beneficial use is not due until February 1, 1988. I also note that your permit has been dismissed from the Idaho Power Company lawsuit.

Enclosed is a proof of beneficial use form which eventually needs to be completed and returned to the Department when you have completed development under the terms of the water right permit. If development is not yet complete, the form should not be submitted at this time.

MICROFILMED

FEB 26 1988

Marcel Gentillon
October 7, 1985
Page 2

If you have questions or if this office may be of further assistance,
please contact us.

Sincerely,



L. GLEN SAXTON
Chief, Operations Bureau

1s

Enclosure

cc: Eastern Region

RECEIVED

FEB 26 1988

RECEIVED

OCT 4 1985

Department of Water Resources

30 Sept 1985

Dear Mr. Saxton

357829

I received your letter stating, "according to your records our water permit was not submitted before July 1, 1985, which indicates your project is not complete."

On Feb. 3, 1977 I and my brother Maurice Gentillon applied for a water permit which was granted. We purchased main line and sprinkler pipes and started breaking the ground. We planted 80 acres of barley in 1978. We rented water from our good neighbor Dale Jackman and son. untill we could get enough money to drill our well. Then when we were ready to drill our well the Idaho power company. told us they would not hook us up. Then Idaho power filed a law suit against us. I then went to the water resource and they told me to file for an extension which I did and it was granted.

During this time we have developed our farm and are still watering our farm from our neighbor well.

MICROFILMED

FEB 26 1986

This spring I received a letter from your attorney wanting proof of purchase of my main line and sprinkler pipe, which we thought we were one of the first ones.

I know two or three farmers that drilled their wells and Utah Power Co. was hooking them up as fast as they could.

I have talked to Ronald Carlson and he told me to write to you and explain my procedures, that we have done every thing according to procedure that were possible during this time

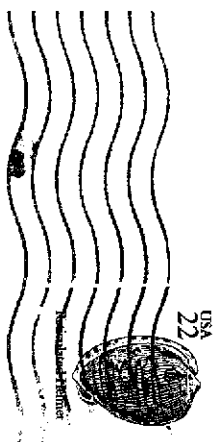
Sincerely yours
Marcel Gentilman

RECEIVED
FEB 26 1988

Glenn Gantman
Marcel Gantman
900 South 550 East
Salt Lake City, Utah 84143

~~Glenn Gantman~~
Marcel Gantman

State of Idaho
Department of Water Resources
State Office
450 W. State Street
Boise, Idaho 83720





State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

ACCORDING TO OUR RECORDS, YOU ARE THE HOLDER OF A WATER PERMIT ON WHICH PROOF OF BENEFICIAL USE OF WATER WAS NOT SUBMITTED BEFORE JULY 1, 1985, WHICH INDICATES YOUR PROJECT IS NOT COMPLETE. THEREFORE, YOU NEED TO BE AWARE OF CHANGES IN IDAHO LAW, EFFECTIVE JULY 1, 1985, WHICH IMPACT ALL WATER PERMITS ISSUED BY THIS DEPARTMENT.

SPECIFICALLY, PURSUANT TO SECTION 42-203D, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS NO COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-203D, WHICH READS AS FOLLOWS:

42-203D. REVIEW OF PERMITS - OPPORTUNITY FOR HEARING. - (1)THE DEPARTMENT SHALL REVIEW ALL PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE [JULY 1, 1985] OF THIS SECTION, EXCEPT TO THE EXTENT A PERMIT HAS BEEN PUT TO BENEFICIAL USE PRIOR TO JULY 1, 1985, TO DETERMINE WHETHER THEY COMPLY WITH THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PROPOSED USE DOES NOT SATISFY THE CRITERIA OF CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL EITHER CANCEL THE PERMIT OR IMPOSE THE CONDITIONS REQUIRED TO BRING THE PERMIT INTO COMPLIANCE WITH CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PERMIT SATISFIES THE CRITERIA ESTABLISHED IN CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT. (2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

YOU MAY OBTAIN PROOF OF BENEFICIAL USE FORMS FROM THE DEPARTMENT. IF YOU HAVE ANY QUESTIONS, PLEASE LET US KNOW.

SINCERELY,

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

MICROFILMED

FEB 26 1988

November 28, 1983

Gentillon Brothers and/or Marcel Gentillon
Rt. 1 Box 452
Firth, ID 83235

Gentlemen:

Re: Permit No. 35-7829

Enclosed is a copy of the approved request for extension of time. The time within which to submit the statement of beneficial use postcard is extended to February 1, 1988. The approval of the extension of time is based upon the past moratorium by Idaho Power Company against new power hookups.

The 1982 Idaho Legislature added a requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date a permit is issued. In the case of this extension, you must commence works within a year from the day the extension was signed and proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction. If you are still prevented from commencing works eleven months from now, note the reason on the blue card and return it then.

In connection with the development of a water right under this permit, the Department wishes to call to your attention an Idaho Supreme Court decision issued in November 1982 which likely could affect your future use of water.

The decision in the case of Idaho Power Company vs the State of Idaho, et al stated in part that Idaho Power Company's use of water for power generation purposes at the Swan Falls dam on the Snake River is not subordinated to upstream depletion by later in time uses. The question of whether Idaho Power's 8,400 cfs water right at Swan Falls dam has

been diminished by subsequent development, however, was remanded back to district court for determination. The findings of the district court could restrict water availability or require compensation to Idaho Power Company for uses developed later in time than Idaho Power Company's water right at Swan Falls dam.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosures: Ext. of Time
Blue Postcard

STAFF REVIEW OF REQUESTS FOR EXTENSION OF TIME

Permit Number 35-7829

10-25-83

Y Date Received stamp 10-7-83

Y Fee receipted

Y Name on request same as on permit

Y Address same as on permit

Y Proof due date correct 2-1-84 - Less than 6 months
ok to PROCESS

? Period of request correct

Y Signature same as on permit

Y First extension request

Y Permit holder named as defendant in 1983 Idaho Power lawsuit

Y Is extension filed before proof due date?

Date extension received

Proof due date

N/A Days late

Priority date

Adjusted priority date

Y Is delay caused by litigation? - I.P. MORATORIUM

Date litigation began 12 29 77

Date litigation completed - ON GOING

Period of delay 5 yrs

New proof due date 2 1 89

*Assume permit
holder has made
commencement NO*

47 Is there commencement of works? → using neighbors wtr.

47 Cover letter number - 26

 Rolodex card updated

Remarks:

1) Permit holder using wtr but has not drilled
own well. -

2) Permit is located w/in Swan Falls riparian area

Reviewed by: Juni

Date: 10-25-83



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse
Boise, Idaho 83720

(208) 384-2215

February 27, 1979

Re: Permit No. 35-7829

Gentillon Brothers
&/or Marcel Gentillon
Route #1, Box 452
Firth, Idaho 83236

Gentlemen:

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval on the fourth page.

Please note the special condition requiring you to install an access port or other device to provide for the installation of measuring equipment by the Department. The Department will provide the specifications for the installation to you.

The exercise of this permit may also be affected by the court's determination of water rights in the case of Idaho Power Company v. State of Idaho, et al., Civil No. 62237, currently pending before the District Court of Ada County.

Idaho Power officials tell us that because of Case No. U-1006-124 filed before the Idaho Public Utilities Commission, Idaho Power Company is asking the District Court of Ada County to determine whether the Power Company's water rights on the Snake River are protected against subsequent upstream appropriations in the waters of the Snake River and surface and subterranean tributaries between Milner Dam and Hells Canyon.

Since the use of water under your permit may affect the flows in this reach of the Snake River, the final decision in Idaho Power Company v. State of Idaho, et al. (Ada County Civil No. 62237) may determine to what extent the exercise of your permit may be subject to the water rights of Idaho Power.

While the Ada County court is examining this question, Idaho Power Company has not filed a specific protest to your permit. However, the Department of Water Resources has been advised that the Power Company is not waiving any of its rights to contest or limit the exercise of your permit or a subsequent license or water right.

If you have any questions, please let us know.

Sincerely,

David R. Tuthill Jr.

DAVID R. TUTHILL, JR.
Supervisor, Water Allocations Section

Enclosure

*Access port
letter sent 2/9/79
Patty Byington*

DRT:lr

MICROFILMED

STAFF REVIEW - STATE OFFICE

- | | |
|---|---|
| 1. <u>✓</u> Name vs. Signature | 7. <u>✓</u> Place of Use for other than irrig. |
| 2. <u>W</u> Source | 8. <u>215</u> Place of Use for irrigation (add acres) |
| 3. <u>2</u> Points of Diversion | 9. <u>A</u> Property Owner at Pt. <u>✓</u> of Div. & Pl. of Use |
| 4. <u>4.38</u> Amnt. & Period of Use | 10. <u>✓</u> Map |
| 5. <u>✓</u> Descrip. of Diverting Wrks. | 11. <u>75</u> Fee & Rec't. No. <u>✓</u> |
| 6. <u>5</u> Time req. for Proof of B/U | |

Copies Sent To:

NO Idaho Health Department
7 Idaho Fish & Game Dept.
1 Bureau of Land Management

NO U.S.F.S.
7 Dept. of Lands
1 Other

$$\begin{array}{r} 215 \\ .02 \\ \hline 4.30 \text{ cts} \end{array}$$

Dam Safety Information N/A (Goes to Permit Section)

Check:

Critical G.W. Area yes ✓ no

Other rights on same land 35-2791 - no overlap

Withdrawals of all protests received N/A yes no

Conditions:

ID Power Co. Letter - Snake R. NO

ID Power Co. Letter - G.W. & Tribs. Yes

Snake River Condition NO

Payette River Letter NO

Priority Date 1/09/79

Water Quality #16 NO

Water Quality #10
 intrastate interstate

Meas. Dev. or Sc. Meas. Yes

Totalizing meter NO

Supplemental NO

Right-of-Way Cond. NO

Watermaster Cond. NO
 Wtr. Dist No.

Meas. Dev. Cond. for apps within a Water Dist.

Jim
 Reviewer

2/21/79
 Date FILED

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 35-7829

- ☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) RP 1/9/79

In form to receipt

(2) [scribble] _____

Send Copies to:

- _____ Idaho State Health Department
_____ Idaho Fish and Game Department
_____ Bureau of Land Management

(3) [scribble] _____

- _____ Request Special Use Permit from U.S.F.S.
_____ Request Easement from B.L.M.
_____ Request Information from Applicant
_____ Request Dam Safety Information

(4) RP _____

In form for advertising

(5) [scribble] _____

Platted on Map No. BH31N 35 15 35 E

(6) RP 1/9/79

Located within Water District No. 01

(7) [scribble] _____

Critical groundwater area: yes _____ no ☒

(8) [scribble] _____

Groundwater levels:

_____ Declining, ☒ Stable, _____ Increasing

(comment) _____

(9) RP 1/9/79

Other rights on the same place of use NONE

(10) _____ _____

Comments: _____

(11) dh 1-29-79

Affidavit of Publication received (date) 1-29-79

(12) _____ _____

Final date for protests FEBRUARY 5, 1979
Protests received: yes _____ no _____

(13) EMC 1/8/79

All requested information received from agencies or applicant: yes ☒ no _____

(14) EMC 1/8/79

Action recommended:

☒ Approve _____ Deny

1/09/79 Proposed Priority See not received w/app.

_____ Reason for Reduction _____

☒ Measuring device required

_____ See attached sheet for other conditions of approval

_____ No special conditions for approval

(15) District Eastern

By Ernest M. Carlson Date 1/8/79

RECEIVED
FEB 12 1979

Department of Water Resources

penner

RECEIVED

DATE 2-9-79

FROM Ernie - Eastern

TO Jim Johnson

SUBJECT Application for Permit No. 35-7829

Final review of the application found total acreage to be irrigated designated in ad as 255 acres. However, the application is for 215 acres. Since the legal descriptions and amounts are all correct, the primary info is in proper form. Could we, therefore, forgo readvertising the application and simply approve the permit for 215 acres? ok S.S.

SIGNATURE
MICROFILMED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, ID 83401
(208) 523-7186

JANUARY 12, 1979

The Blackfoot News
P. O. Box 70
Blackfoot, Idaho 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. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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 billings to this office before FEBRUARY 5, 1979.

Yours truly,

RONALD D. CARLSON
Supervisor

Encl.

MICROFILMED

EUCI'

**NOTICE OF APPLICATION
FOR WATER RIGHT**

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

35-7829

GENTILLION BROTHERS &-Or
GENTILLION, MARCEL
Route No. 1, Box 452
Firth, Idaho 83236

Source: GROUNDWATER

Date Filed: 01-09-1979

Amount: 4.38 CFS

Diversion Point: NWSW SENW Sec.

35 T 01S R 35E, Bingham Co.

Use: IRRIGATION (4.30 CFS) from
04-01 to 11-01. STOCKWATER (0.08
CFS) from 01-01 to 12-31.

Place of Use: SESW Sec. 26 T 01S
R 35E NENW NESW NWSW Sec. 35 T
01S R 35E NESE NWSE Sec. 34 T
01S R 35E NWSW Sec. 35 T 01S R
35E for 255 acres.

Diversion Means: WELL, PUMP &
MOTOR

If issued, the permit(s) will be
subject to all prior water rights.
Protests against the granting of any
permit must be filed with the Director
of the Idaho Department of Water
Resources, 1515 Lincoln Rd., Idaho
Falls, Idaho 83401 on or before
FEBRUARY 5, 1979.

C. Stephen Allred
Director

(5902)

Pub.: 1-18 & 1-15-79

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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35-7829

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GENTILLION, MARCEL
Route No. 1, Box 452,
Firth, Idaho 83236

Source: GROUNDWATER

Date Filed: 01-09-1979

Amount: 4.38 CFS

Diversion Point: NWSW SENW Sec.

35 T 01S R 35E, Bingham Co.

Use: IRRIGATION (4.30 CFS) from
04-01 to 11-01. STOCKWATER (0.08
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Place of Use: SESW Sec. 26 T 01S

R 35E NENW NESW NWSW Sec. 35 T

01S R 35E NESE NWSE Sec. 34 T

01S R 35E NWSW Sec. 35 T 01S R

35E for 255 acres.

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of the Idaho Department of Water
Resources, 1515 Lincoln Rd., Idaho
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FEBRUARY 5, 1979.

C. Stephen Allred
Director

(5902)

Pub.: 1-18 & 1-15-79.

*converted as per telecon
1-17-79 dl*

YOU WILLING TO SPIN

21969

9869178507 91093

16926 009607 02
09109 0916 16
10 20917 9 29116
1 06617 122062
1906 009172469

10000000 15 1252

(308) 253-5782
19940 69112 ID 83401
1212 110010 8099

DEPARTMENT OF WATER RESOURCES

2181E OF IDHNO

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

35-2828-

GENTILLON BROTHERS &/OR
GENTILLON, MARCEL

ROUTE #1, BOX 452, FIRTH, ID 83236

Source: GROUNDWATER

Date Filed: 01/09/1979

Amount: 4.38 CFS

Diversion Point: NWSW SENW Sec 35 T 015 R 35E, BINGHAM Co.

Use: IRRIGATION (4.30 CFS) from 04/01 to 11/01
STOCKWATER (0.08 CFS) from 01/01 to 12/31

Place of Use: ~~SESW Sec 26 T 015 R 35E NENW NESW NWSW Sec 35 T 015 R 35E NESE~~
~~(N) SWSE Sec 34 T 015 R 35E NWSW Sec 35 T 015 R 35E~~
FOR 255 ACRES
215

Diversion Means: WELL, PUMP & MOTOR

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Rd., Idaho Falls, Idaho 83401 on or before FEBRUARY 5, 1979.

C. STEPHEN ALLRED

Director

Published 1/18 & 1/25/79.

Corrected as per telephone 1-17-79 dk

MICROFILMED