

COMPLETE
DEC 08 2021

APPLICATION FOR TRANSFER OF WATER RIGHT - POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s) ☐ Add diversion point(s) ☐ Ownership change ☐ Ownership split
☐ Transfer is for changes pursuant to [Idaho Code § 42-221.O.8](#). Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** Jon Nicholson Phone 208-573-5049
 2. **MAILING ADDRESS** 29415 Highway 78 City Oreana
 State Idaho Zip 83650-5042 Email Wilma.nicholson@live.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 63-7756

- ☒ Attach a copy of the water right(s) as recorded, available at [idwr.idaho.gov](#), *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 0.610 CFS cubic feet per second and/or 148.5 acre-feet per annum.
 (diversion rate) (storage volume)

5. **POINT OF DIVERSION** - Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at [idwr.idaho.gov](#), *Water Rights, Water Right Transfers, Modeling Resources*.

12/16/21 JND

New?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
Yes			New	SE	10	01N	01E	ADA	ground water	396516

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

WATER RESOURCES
DIVISION

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- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at [idwr.idaho.gov](#), *Water Rights, Water Right Transfers, Modeling Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
			SE	SE	10	01N	01E	ADA	ground water	396516

Superseded by Pg 1 Received Jan 12, 2022

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Proposal is to drill a new well that would have a water meter attached to the new pump. The proposed point of diversion would then be located on my property listed in this application.

- b. Who owns the property at the point(s) of diversion? SPower owns the current POD, proposed POD is on my property.
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

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

Yes No

- ☒ ☐ undergone a period of five or more consecutive years of non-use,
☐ ☐ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☐ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

SPower purchased the property of the POD as well as the irrigation pump from my Father. SPower was no longer willing to allow me to use the pump at the current POD for irrigation purposes, property was last watered in 2015.

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No
☐ If yes and there are multiple owners, attach a [Lessor Designation](#) form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an [IRS Form W-9](#).
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. You may create a map at idwr.idaho.gov, [Water Rights](#), [Water Right Transfers](#), [File a Transfer Application](#), [Step 2C](#).

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.


Signature of applicant or authorized agent

Jon Nicholson
Print name and title if applicable

12-5-21
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** – ☒ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The [Fee Schedule](#) is available at www.idwr.idaho.gov, [Water Right Transfers](#), [Step 4](#) and in the [Application for Transfer Instructions](#).

FOR DEPARTMENT USE ONLY

Transfer includes 5 pages of attachments.

Received by LE

Date 12/08/2021

Fee paid \$450.00 Date 12/08/2021

Received by LE

Receipt # W049962

Preliminary review by AKAISER

Date 12/10/2021

Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐

Name on W-9

W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/1/2021

Water Right 63-7756

Owner Type **Name and Address**
Current Owner JON NICHOLSON
29415 HIGHWAY 78
OREANA, ID 83650-5042
(208) 573-5049

Current Owner PATTY NICHOLSON
18100 S CLOVERDALE RD
KUNA, ID 83634-2557
(208) 362-0176

Priority Date: 3/23/1973

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	11/30	0.610 CFS	148.5 AF
	<u>Total Diversion</u>		0.610 CFS	148.5 AF

Source and Point(s) of Diversion

GROUND WATER NWSESE Sec. 10, Twp 01N, Rge 01E, ADA County

Place Of Use

IRRIGATION within ADA County

T01N R01E S10	NWSE	33.0
POU Total Acres:		33.0

Conditions of Approval:

1. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

Current point of diversion



85584

proposed new point of diversion

Ada County



18100 S. Cloverdale Rd
Kuna, ID 83634
NWSESE Sec 10 Twp 01N Rge 01E

STATE OF IDAHO
CERTIFICATION OF VITAL RECORD

STATE OF IDAHO
IDAHO DEPARTMENT OF HEALTH AND WELFARE
BUREAU OF VITAL RECORDS AND HEALTH STATISTICS
CERTIFICATE OF DEATH

Date Filed MAY 18, 2012

State File No. 2012-04421

DECEDENT - LEGAL NAME PATRICIA ANN NICHOLSON			
SEX FEMALE	SOCIAL SECURITY NUMBER	AGE 72 YEARS	DATE OF BIRTH
BIRTHPLACE BRONX, NEW YORK		PLACE OF RESIDENCE KUNA, IDAHO	
MARITAL STATUS AT TIME OF DEATH MARRIED		NAME OF SURVIVING SPOUSE (if wife, maiden name) CARL NICHOLSON	WAS DECEDENT EVER IN U.S. ARMED FORCES? NO
FATHER - NAME JOHN EDWARD BOLTON			BIRTHPLACE NEW YORK
MOTHER - MAIDEN NAME UNKNOWN			BIRTHPLACE UNKNOWN/NOT STATED
METHOD OF DISPOSITION BURIAL		FUNERAL SERVICE LICENSEE RANDY J. ARZEN	
NAME AND ADDRESS OF FUNERAL FACILITY ACCENT FUNERAL HOME, MERIDIAN, IDAHO			
DATE OF DEATH MAY 16, 2012	TIME OF DEATH 2:35 A.M.	CITY, TOWN OR LOCATION OF DEATH KUNA, IDAHO	COUNTY OF DEATH ADA
CAUSE OF DEATH Underlying cause last			Approximate interval between onset and death
DUE TO (or as a consequence of):			
DUE TO (or as a consequence of):			
DUE TO (or as a consequence of):			
OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH but not resulting in the underlying cause given above			WAS AN AUTOPSY PERFORMED? NO
MANNER OF DEATH NATURAL	NAME OF CERTIFIER KATHERINE E. MILLER, M.D.		TITLE PHYSICIAN
CORONER SUBSEQUENT CERTIFICATION IF NECESSARY			
EXTERNAL CAUSES ONLY			
DATE OF INJURY	TIME OF INJURY	PLACE OF INJURY	INJURY AT WORK?
LOCATION WHERE INJURY OCCURRED			
DESCRIPTION OF HOW INJURY OCCURRED			

This is a true and correct reproduction of the document officially registered and placed on file with the IDAHO BUREAU OF VITAL RECORDS AND HEALTH STATISTICS.

DATE ISSUED: MAY 18, 2012

This copy not valid unless prepared on engraved border displaying state seal and signature of the Registrar.

James B. Aydelotte
JAMES B. AYDELOTTE
STATE REGISTRAR

85584



RECEIVED
INCOMPLETE
NOV 22 2021

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

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Check all that apply:

- ☒ Change diversion point(s)
 ☐ Add diversion point(s)
 ☐ Ownership change
 ☐ Ownership split
- ☐ Transfer is for changes pursuant to [Idaho Code § 42-221.O.8](#). Attach an explanation and any supporting documentation.

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2. MAILING ADDRESS 29415 HWY 78 City Oreana

State Idaho Zip 83650 Email wilma.nicholson@live.com

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5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

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[illegible]

85584

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Proposal is to drill a new well that would have a water meter attached to the new pump so the proposed point of Diversion would then be located on my property, listed in this application

- b. Who owns the property at the point(s) of diversion? Spower owns the current POD, proposed POD is on my property
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

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

Yes No

- ☒ ☐ undergone a period of five or more consecutive years of non-use,
☐ ☐ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☐ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

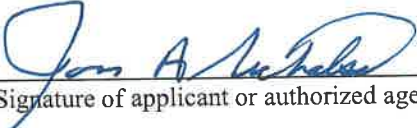
Spower purchased the property of the POD and the irrigation pump from my Father. Spower was no longer willing to allow us to use the pump for irrigation purposes. I last watered this property in 2015.

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a [Lessor Designation](#) form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an [IRS Form W-9](#).
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and ¼ ¼ of section information. You may create a map at idwr.idaho.gov, *Water Rights*, *Water Right Transfers*, *File a Transfer Application*, *Step 2C*.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.


Signature of applicant or authorized agent

Jon A Nicholson-owner 11-18-21
Print name and title if applicable Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

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FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by CE

Date 11/22/2021

Fee paid \$50.00 Date 11/22/2021

Receipted by CE

Receipt # W049943

Preliminary review by _____

Date _____

Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐

Name on W-9 _____

W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

Governor Brad Little

Director Gary Spackman

December 10, 2021

JON NICHOLSON
29415 HWY 78
OREANA ID 83650-5042

Application for Transfer No. 85584 – POD Legal Description Correction Needed

Dear Applicant,

On December 8, 2021, the Idaho Department of Water Resources (Department) received your transfer application. Your application is now considered complete by Department standards and has been assigned the above referenced number. Transfer 85584 requires the following correction(s) before the Department can continue processing on this application.

- Item 5. – POINT OF DIVERSION (POD)
 - o The table under item 5 of your transfer application describes your new POD in the SESE quarter-quarter section. Based on the map you provided with your application, and the Department's aerial imagery, it appears your desired new POD falls within the NWSE quarter-quarter section.
 - o Please review your maps and application, and update table 5 to match your submitted map.

With this letter, I have attached a copy of pg. 1 of your permit application and a copy of the map showing your proposed POD. Please make the necessary corrections, initial and date next to your corrections, and submit the corrected permit application via mail to the address below, or email a scan of the corrected page to me at anna.kaiser@idwr.idaho.gov

You may seek additional time to provide the information by making a written request to interrupt processing for up to six months. The application will be voided without a timely written reply within the next thirty (30) days. Refunds are not issued for voided applications.

If you have any questions regarding the enclosed information, please do not hesitate to contact me at (208)-334-2190 or anna.kaiser@idwr.idaho.gov.

Sincerely,



Anna Kaiser – Water Resource Agent
IDWR | Western Regional Office
2735 W Airport Way | Boise, ID 83705

Enclosures: Copy of Transfer Application Pg. 1 & Map Showing Desired POD

DEC 08 2021

WATER RESOURCES
WESTERN REGION

Idaho Department of Water resources

To whom it may concern,

I am writing in regards to water right # 63-7756. The current Owner names listed on this water right would be Jon Nicholson as well as Patty Nicholson.

I am writing in request to have Patty (Patricia) Nicholson name removed from the water right, as Patty passed away on May 16th 2012.

I am currently applying for a point of diversion change on the water right listed here.

I would need to request Patty Nicholson name be removed in order for me to continue with the point of diversion application. I have enclosed a copy of Patricia Nicholson Death Certificate for your review.

Thank you


Jon Nicholson

12-5-21



IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

November 30, 2021

JON A NICHOLSON
29415 HWY 78
OREANA, ID 83650-5042

Re: Water Right Application for Transfer Incomplete - Returned

Dear Applicant:

This office received your application for transfer on November 22, 2021. The application cannot be accepted into the records of the Idaho Department of Water Resources (IDWR) until the following items are complete:

- Part 1. & Part 8 - The Name of Applicant and the Signature were not provided correctly.
 - Per IDWR processing standards, the applicant(s) name must match the Department's current record of ownership for the water right, and an application in more than one owner's name must be signed by each applicant unless the right is held in the name of one joint owner "or" other joint owners. According to IDWR records, Water Right 63-7756 is owned by Jon Nicholson AND Patty Nicholson. In order to be acceptable for filing, the application must be in the name of both Jon Nicholson and Patty Nicholson and be signed by both.
- The Fee was not provided correctly.
 - The application proposes to change the point of diversion for the entire flow rate of 0.61 cfs authorized by the right. According to Idaho Code 42-221.O.2. the fee for changes to a water right for a quantity of greater than 0.20 cfs but not greater than 1.0 cfs is \$500 (see attached fee schedule). The application was submitted with \$50, leaving a total of \$450 remaining due, in order to be acceptable for processing.

The original incomplete application is enclosed. Please make the necessary amendments to the original form and re-submit together with payment of the remainder of the fee within the next thirty (30) days. If IDWR does not receive your written response within thirty (30) days, a refund of the \$50 paid will be issued for this filing. IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please consult the IDWR website or contact this office at 208-334-2190 and ask for the "office day person" if you have any questions about the necessary information or fee.



IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

Sincerely,

Western Region Water Rights Staff

Enclosure: Original Transfer Application
Fee Schedule