

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

MINIMUM REQUIREMENTS CHECKLIST

TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) Kenneth G & Kaye C Nickell

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a [Part 2A](#) report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer [Part 2B](#) for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. ([Fee schedule](#) is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☐ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☐ ☒ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 26 2022

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Department of Water Resources
Eastern Region

Name of Applicant(s) Kenneth G & Kaye C Nickell Phone 208-681-1725
Mailing address 685 N 150 W Blackfoot, ID 83221 Email greg@nickell.org

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

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

☐ No Representative

Name of Representative Kenneth G. Nickell Phone 208 681 1725
Mailing address 658 N. 150 W Blackfoot ID 83221 Email greg@nickell.org

☐ Send all correspondence for this application to the representative and not to the applicant.

OR

☐ Send original correspondence to the applicant and copies to the representative.

☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

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

Kenneth G. Nickell
Signature of Applicant or Authorized Representative

Kenneth G. Nickell
Print Name and Title if applicable

5-26-22
Date

Kaye C. Nickell
Signature of Applicant or Authorized Representative

Kaye C. Nickell
Print Name and Title if applicable

5-26-22
Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use

☐ Change nature of use ☐ Change period of use ☐ Other _____
- Is this a transfer for changes pursuant to Idaho Code § 42-221.0.8?

If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.

This transfer proposes to change the place of use for water rights 35-2222, 35-7861C, and 35-13277 to reflect current irrigation practices.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

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

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	35-2222	3.66 / 760	IRRIGATION	04/01 to 10/31	GROUND WATER
☒ ☐	35-7861C	0.57 / 204	IRRIGATION	04/01 to 10/31	GROUND WATER
☒ ☐	35-13277	0.39 / 88	IRRIGATION	04/01 to 10/31	GROUND WATER
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 3.68 cfs and/or 920.5 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.24 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

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

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

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

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

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	35E	33													35.0	32.0	31.0	34.0	132.0
01S	35E	34									35.0	27.0	35.0	34.0					131.0
Total Acres (for irrigation use)																			263.0

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

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

The system consist of 1 pump with 2 pivots.

- b. Who owns the property at the point(s) of diversion? Rising River Properties LLC

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Applicant owns Rising River Properties LLC.

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

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

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

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

The land will not be irrigated.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

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

Yes No

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

If yes, describe:

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

[illegible]

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Fee paid \$500.00 Date 5/26/22 Received by CEH Receipt # E048187

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

2/27/2018

WATER RIGHT NO. 35-13277

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KENNETH G NICKELL 650 N 150 W BLACKFOOT, ID 83221 2086818029
Current Owner	KAYE C NICKELL 685 N 150 W BLACKFOOT, ID 83221 2087855729
Original Owner	~~ROLAND WINBERG 647 N 350 W BLACKFOOT, ID 83221 2087851459~~

Priority Date: 04/01/1987

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.39 CFS	88 AFA
Total Diversion			0.39 CFS	

Location of Point(s) of Diversion:

86317

GROUND WATER|NESESE|Sec. 33|Township 01S|Range 35E|BINGHAM County

IRRIGATION Use:

Acre Limit: 22

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01S	35E	33		NESE	40		NWSE	36		SWSE	30		SESE	36
		34		NESW	34		NWSW	32		SWSW	36		SESW	19

Total Acres: 263

Conditions of Approval:

1. K09 THIS RIGHT IS FOR AN ENLARGEMENT OF 22 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.
2. C11 THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.
3. K02 THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHTS NO. 35-2222 AND 35-7861C PURSUANT TO SECTION 42-1426, IDAHO CODE.
4. E51 USE OF THIS RIGHT WITH RIGHTS NO. 35-2222 AND 35-7861C IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.68 CFS.
5. E55 USE OF THIS RIGHT WITH RIGHTS NO. 35-2222 AND 35-7861C IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 263 ACRES IN A SINGLE IRRIGATION SEASON.
6. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 09/17/2002

86317

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

2/27/2018

WATER RIGHT NO. 35-7861C

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KENNETH G NICKELL 650 N 150 W BLACKFOOT, ID 83221 2086818029
Current Owner	KAYE C NICKELL 685 N 150 W BLACKFOOT, ID 83221 2087855729
Original Owner	ROLAND WINBERG 647 N 350 W BLACKFOOT, ID 83221 2087851459

Priority Date: 06/25/1979

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.57 CFS	204 AFA
Total Diversion			0.57 CFS	

Location of Point(s) of Diversion:

86317

GROUND WATER|NESESE|Sec. 33|Township 01S|Range 35E|BINGHAM County

IRRIGATION Use:

Acre Limit: 51

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01S	35E	33		NESE	40		NWSE	36		SWSE	30		SESE	36
		34		NESW	34		NWSW	32		SWSW	36		SESW	19

Total Acres: 263

Conditions of Approval:

1. E51 USE OF THIS RIGHT WITH RIGHTS NO. 35-2222 AND 35-13277 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.68 CFS.
2. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 51 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. E55 USE OF THIS RIGHT WITH RIGHTS NO. 35-2222 AND 35-13277 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 263 ACRES IN A SINGLE IRRIGATION SEASON.
5. K01 RIGHT NO. 35-13277 IS AN ENLARGEMENT OF THIS RIGHT AND RIGHT NO. 35-2222 PURSUANT TO SECTION 42-1426, IDAHO CODE.
6. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 09/17/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

86317

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

2/27/2018

WATER RIGHT NO. 35-2222

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KENNETH G NICKELL 650 N 150 W BLACKFOOT, ID 83221 2086818029
Current Owner	KAYE C NICKELL 685 N 150 W BLACKFOOT, ID 83221 2087855729
Original Owner	MARJORIE W FULLMER 387 S ADAMS ST BLACKFOOT, ID 83221
Original Owner	ROLAND WINBERG 647 N 350 W BLACKFOOT, ID 83221 2087851459

Priority Date: 04/14/1952

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	3.66 CFS	760 AFA
Total Diversion			3.66 CFS	

6317

Water Right Report

Location of Point(s) of Diversion:

GROUND WATER|NESESE|Sec. 33|Township 01S|Range 35E|BINGHAM County

IRRIGATION Use:

Acre Limit: 190

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01S	35E	33		NESE	40		NWSE	36		SWSE	30		SESE	36
		34		NESW	34		NWSW	32		SWSW	36		SESW	19

Total Acres: 263

Conditions of Approval:

1. E55 USE OF THIS RIGHT WITH RIGHTS NO. 35-7861C AND 35-13277 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 263 ACRES IN A SINGLE IRRIGATION SEASON.
2. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 190 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. E51 USE OF THIS RIGHT WITH RIGHTS NO. 35-7861C AND 35-13277 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.68 CFS.
4. K01 RIGHT NO. 35-13277 IS AN ENLARGEMENT OF THIS RIGHT AND RIGHT NO. 35-7861C PURSUANT TO SECTION 42-1426, IDAHO CODE.
5. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
6. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates:

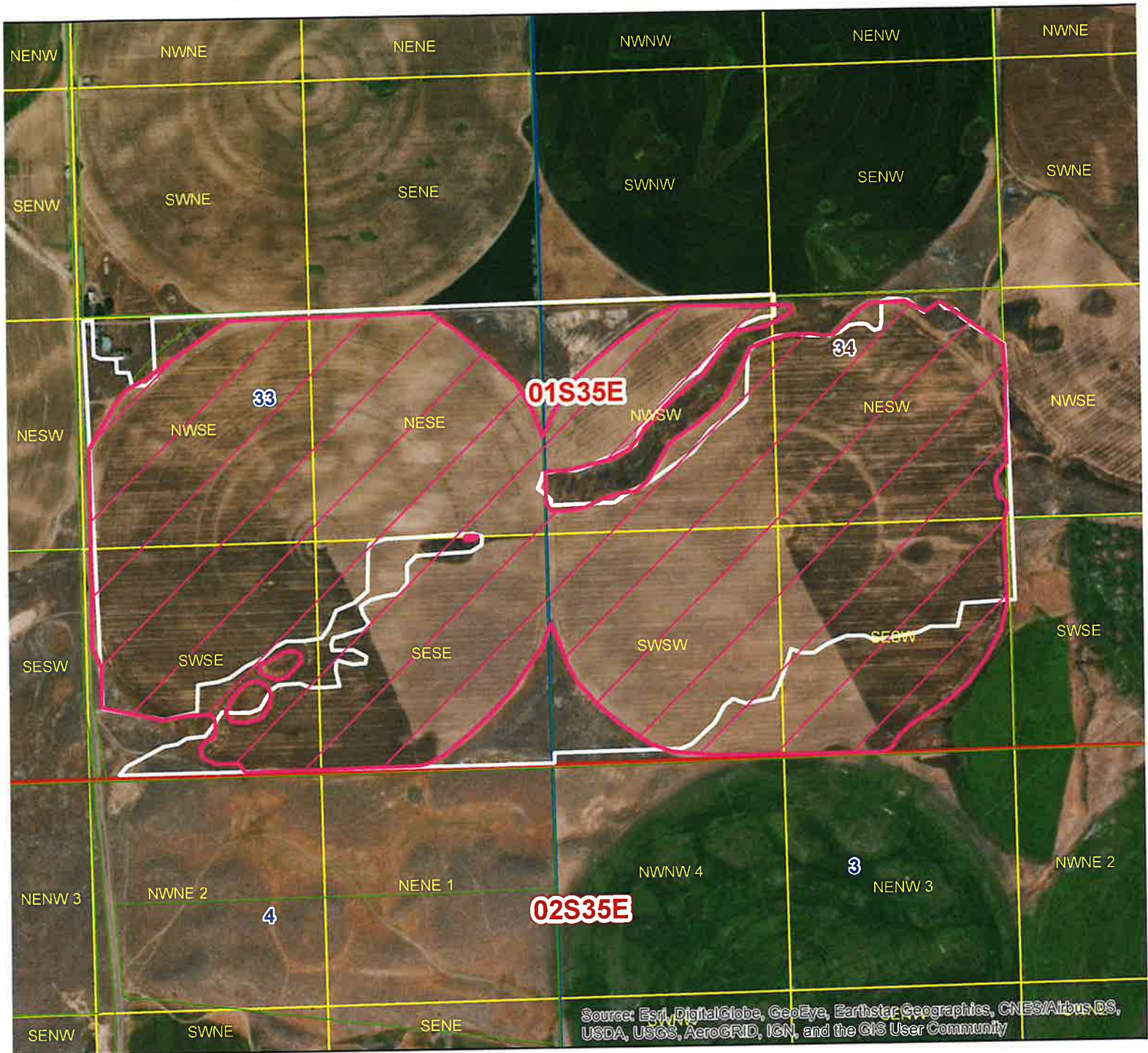
Licensed Date:

Decreed Date: 09/17/2002

Permit Proof Due Date:

86317

Nickell Transfer: Change Place of Use



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

0 500 1,000 2,000 Feet



- Water Right Place of Use
- GW Place of Use
- Township/Range
- Sections
- QQ

86317