

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 79785

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 www.idwr.idaho.gov.

Name of Applicant(s) Kirk and Keith Nickerson

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 www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☐ #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 RESOURCESRECEIVED
JAN 28 2015
Department of Water Resources
Eastern RegionAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) Kirk and Keith NickersonPhone 208 705 3103Mailing address 3880 N. 1300 W. Howe 83244Email nickers@atc.net

- ☐ 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 _____

Phone _____

Mailing address _____

Email _____

- ☐ 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.

Kirk Nickerson
Signature of Applicant or Authorized Representative

Kirk Nickerson

Print Name and Title if applicable

01/26/2015

Date

Keith Nickerson
Signature of Applicant or Authorized Representative

Keith Nickerson

Print Name and Title if applicable

01/26/2015

Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion
☐ Change nature of use

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

- ☒ Change place of use
☐ Other _____

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

We are applying for a third well to be drilled to use on a pivot in the SE 1/4 of S22, T06N R29E. Our other two wells are pumping sand; one is sinking. We propose to drop the 10-acre designations on the original two PODs. This transfer also proposes to recognize the installation of a pivot by creating a combined POU for the three water rights.

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 ☒ ☐	33-2037A	1.44	IRRIGATION	04/01 to 10/31	GROUND WATER
☒ ☐	33-14868	0.91	IRRIGATION	04/01 to 10/31	GROUND WATER
☒ ☐	33-10837	0.12	IRRIGATION	04/01 to 10/31	GROUND WATER
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 2.35 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 2.35 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 #
No			NW	SE	22	06N	29E	BUTTE	GROUND WATER	
No			NE	SE	22	06N	29E	BUTTE	GROUND WATER	
Yes			SE	NW	22	06N	29E	BUTTE	GROUND WATER	

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	
06N	29E	22													39.0	40.0	38.0	39.0	156
Total Acres (for irrigation use)																			156

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:
Upon transfer approval, three pumps, one pivot; will be able to support a flow meter
- b. Who owns the property at the point(s) of diversion? Applicant
 If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
 If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A
- 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:
N/A
- 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:
N/A, all water rights are included in the transfer
- 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?

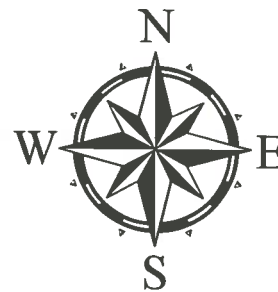
If yes, describe:

Nickerson Transfer



Legend

- New, Additional POD*
- ◆ 33-14868 Pre-Transfer POD*
- 33-2037A & 33-10837 Pre-Transfer POD*
- Post-Transfer Combined POU
- 33-2037A & 33-10837 Pre-Transfer POU
- 33-14868 Pre-Transfer POU
- Township/Range
- Sections
- QQ



0 0.075 0.15 0.3 0.45 Miles

*Post transfer all three PODs will be associated with each of the three rights

79785

1/26/2015

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NICKERSON FARMS LLP 1300 W 3900 N HOWE, ID 83244 (208) 767-3320

Status: Active

Tributary

Sec. 22, Twp 06N, Rge 29E, BUTTE County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06N	29E	22													39.0			39.0	78.0

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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
2.	E18	Use of water under this right is combined with water from Blaine County Canal Co.

1.	scox Updated Shape	8/5/2005	POU
2.	scox Updated shape	8/5/2005	POD
3.	pskaggs This is now an approved transfer, transfer number = 71998	9/12/2005	Transferred Right

1/26/2015

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KEITH NICKERSON 1300 W 3900 N HOWE, ID 83244 (208)767-3320

Status: Active

Tributary

Volume

1.440 CFS

Sec. 22, Twp 06N, Rge 29E, BUTTE County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06N	29E	22														40.0	38.0		78.0

POU Total Acres: 78.0

1.		USE OF THIS RIGHT WITH RIGHT NO. 33-10837 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.44 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 273 AF.
2.		USE OF THIS RIGHT WITH RIGHT NO. 33-10837 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 78.0 ACRES IN A SINGLE IRRIGATION SEASON. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 72.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3.	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.
4.	C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5.	C06	PRIORITY DATE CHANGED TO PREVENT INJURY FROM CHANGE IN USE.
6.		RIGHT NO. 33-10837 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/26/2015

RIGHT NO. 33-10837 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO
SECTION 42-1426, IDAHO CODE.

Comments:

1. RUBERRY 5/9/1994 COPIED FROM REMARKS
RIGHT SPLIT AND CLAIMED AS: A33-02037A: 1.60 CFS, 80 ACRES - KEITH NICKERSON,
ROBERT CHAMBERS *** FOR PAST 10 YEARS AT LEAST, THE CLAIMANTS UNDER
PORTION "A" HAVE BEEN THE SOLE USERS OF WATER UNDER THIS LICENSE.
2. ARUBERRY 3/4/1999 CHANGE OF OWNERSHIP
OWNERHSIP CHANGE FILED 3/3/99.
3. JCRABTRE 10/15/1999 ADDRESS CHANGE
CHANGED ADDRESS PER TELEPHONE CONVERSATION WITH CLAIMANT
4. AJU10-EC 11/22/1999 AJU10 CONDITION UPDATE
CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Dates and Other Information

Decreed Date: 8/11/2000
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: OR
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
1.440	273.0	78.0
33-2037A ,33-10837		

Verification Log

SubCase:

N/A

Water Supply Bank:

N/A

1/26/2015

79785

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

1/26/2015

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. RIGHT NO. 33-02037A IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.
THIS RIGHT IS FOR AN ENLARGEMENT OF 6 ACRES WITHIN THE PLACE OF
USE DESCRIBED FOR THIS RIGHT.

Comments:

1. JCRABTRE 10/15/1999 CHANGED ADDRESS
CHANGED ADDRESS PER TELEPHONE CONVERSATION WITH CLAIMANT
2. AJU10-EC 11/22/1999 AJU10 CONDITION UPDATE
CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Dates and Other Information

Decreed Date: 8/11/2000
Enlargement Statute Priority Date: 4/12/1994
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: AND
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
1.440	273.0	78.0
33-2037A ,33-10837		

Verification Log

SubCase:

N/A

Water Supply Bank:

N/A