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DEC 02 2024

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1DEPT. OF WATER RESOURCES
EASTERN REGION

Name of Applicant(s) Derek, Angela, & Patrick Nichols; Nichols Land LLC Phone 208.317.3316
 Mailing address PO Box 606, Moore, ID 83255-0606 Email danichols1983@gmail.com

- ☐ 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.

[Signature]
 Signature of Applicant or Authorized Representative

Derek A. Nichols owner 12-1-24
 Print Name and Title if applicable Date

Angela Nichols
 Signature of Applicant or Authorized Representative

Angela Nichols owner 12-1-24
 Print Name and Title if applicable Date

Pat Nichols
 Signature of Applicant or Authorized Representative

Patrick Nichols owner 12-1-24
 Print Name and Title if applicable Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
☐ Change nature of use
☐ Add diversion point(s)
☐ Change period of use
☒ Change place of use
☐ Other _____
- Is this a transfer for changes pursuant to Idaho Code § 42-221.O.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**.
We propose to rearrange the place of use to match the current irrigation system.

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	Supplement	page is	attached.	_____ to _____	_____
☒ ☐	_____	_____	_____	_____ to _____	_____
☒ ☐	_____	_____	_____	_____ to _____	_____
☒ ☐	_____	_____	_____	_____ to _____	_____
☒ ☐	_____	_____	_____	_____ to _____	_____
☒ ☐	_____	_____	_____	_____ to _____	_____
☒ ☐	_____	_____	_____	_____ to _____	_____
☒ ☐	_____	_____	_____	_____ to _____	_____
☒ ☐	_____	_____	_____	_____ to _____	_____

Total authorized under rights 12.13 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.72 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	
06N	25E	8												27.8					27.8
06N	25E	17			0.4		21	37	42	35	43	37		25	22	41	43	29	375.4
06N	25E	18	9			14													23
06N	25E	20	0.4																0.4
			L1																
Total Acres (for irrigation use)																			426.6

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:

Diversion is out of Darlington Ditch with lockable headgate controlled by Big Lost River Irrigation District. Water is measured by flowmeter in Diversion Pipe.

- b. Who owns the property at the point(s) of diversion? Property is owned by applicants
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: There are no liens against land. Property is

owned by applicants free and clear with no mortgages
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? NO

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:

No change

- 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.)

- 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.

B. CHANGES IN NATURE OF USE (WaterBalance)

- ### C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- 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:

Transfer contains _____ pages and _____ attachments.

Received by _____ Date _____ Preliminary check by _____ Date _____

Received by _____ Date _____
Fee paid \$500.00 Date 12/2/24 Received by Cth Receipt # E050504

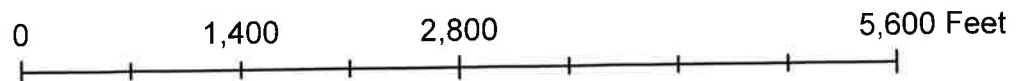
Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

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

TRANSFER APP STARTED ON 9/3/24. Page 6
COMPLETE APP REC'D ON 12/2/24.

89474

Nichols Transfer



N



MH

89474

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/3/2024

Water Right 34-13902

Owner Type

Current Owner
Current Owner
Current Owner
Current Owner

Name

DEREK A NICHOLS
ANGELA NICHOLS
PATRICK J NICHOLS
NICHOLS LAND LLC

Priority Date: 8/29/1960

Basis: Decreed

Status: Active

Source

GROUND WATER

Tributary

Beneficial Use

IRRIGATION

From

04/01

To

10/31

Diversion Rate

2.270 CFS

Volume

397.3 AF

Total Diversion

2.270 CFS

397.3 AF

Source and Point(s) of Diversion:

GROUND WATER

SESWSW

Sec. 8, Twp 06N, Rge 25E, CUSTER County

Place Of Use:

IRRIGATION within CUSTER County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	25E	8													12.0				12.0
06N	25E	17					21.4	37.8	40.0	37.2	40.0	39.6		25.2	24.8	40.0	40.0	28.9	374.9
06N	25E	18	18.6			20.6													39.2
06N	25E	20	0.5																0.5

Right Acre Limit: 113.50
POU Total Acres: 426.6

Conditions of Approval:

1. X27 This right is limited to the irrigation of 113.5 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 34-13902, 34-13904, 34-13906, 34-13985, 34-13987, 34-13989, 34-13991, 34-13993, 34-13995, 34-13997, 34-13999, 34-14001 and 34-14003 when combined shall not exceed a total diversion rate of 12.13 cfs and the irrigation of 426.6 acres.
3. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 34.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/3/2024

- | | | |
|-----|-----|---|
| 4. | R02 | A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion. |
| 5. | 214 | Prior to the diversion and use of water under Transfer approval 78547, the right holder shall install and maintain an acceptable measuring device at the authorized point of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device. |
| 6. | 213 | Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point of diversion in accordance with Department specifications. |
| 7. | R63 | This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use. |
| 8. | T07 | The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval. |
| 9. | T08 | Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer. |
| 10. | 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. |

Dates and Other Information:

Decreed Date: 12/14/2001
State or Federal: S
Water District Number: 34
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/3/2024

Water Right 34-13904

Owner Type

Current Owner
Current Owner
Current Owner
Current Owner

Name

DEREK A NICHOLS
NICHOLS LAND LLC
ANGELA NICHOLS
PATRICK J NICHOLS

Priority Date: 12/17/1961

Basis: Decreed

Status: Active

Source

GROUND WATER

Tributary

Beneficial Use

IRRIGATION

From

04/01

To

11/01

Diversion Rate

0.300 CFS

Volume

52.5 AF

Total Diversion

0.300 CFS

Source and Point(s) of Diversion:

GROUND WATER

SESWSW

Sec. 8, Twp 06N, Rge 25E, CUSTER County

Place Of Use:

IRRIGATION within CUSTER County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	25E	8												12.0					12.0
06N	25E	17					21.4	37.8	40.0	37.2	40.0	39.6		25.2	24.8	40.0	40.0	28.9	374.9
06N	25E	18	18.6			20.6													39.2
06N	25E	20	0.5																0.5

Right Acre Limit: 15.00
POU Total Acres: 426.6

Conditions of Approval:

1. X27 This right is limited to the irrigation of 15 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 34-13987 and 34-13904 when combined shall not exceed a total annual maximum diversion volume of 52.5 af at the field headgate, and the irrigation of 15 acres.
3. X35 Rights 34-13902, 34-13904, 34-13906, 34-13985, 34-13987, 34-13989, 34-13991, 34-13993, 34-13995, 34-13997, 34-13999, 34-14001 and 34-14003 when combined shall not exceed a total diversion rate of 12.13 cfs and the irrigation of 426.6 acres.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/3/2024

- | | | |
|-----|-----|---|
| 4. | R05 | Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 34. |
| 5. | R02 | A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion. |
| 6. | 214 | Prior to the diversion and use of water under Transfer approval 78547, the right holder shall install and maintain an acceptable measuring device at the authorized point of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device. |
| 7. | 213 | Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point of diversion in accordance with Department specifications. |
| 8. | R63 | This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use. |
| 9. | T07 | The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval. |
| 10. | T08 | Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer. |
| 11. | 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. |

Dates and Other Information:

Decreed Date: 2/7/2001

State or Federal: S

Owner Name Connector: AND

Water District Number: 34

Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Water Rights</u>
	52.5	15.0	34-13904 ,34-13987
12.130		426.6	34-13902 ,34-13904 ,34-13906 ,34-13985 ,34-13987 ,34-13989 ,34-13991 ,34-13993 ,34-13995 ,34-13997 ,34-13999 ,34-14001 ,34-14003

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/3/2024

Water Right 34-13906

Owner Type

Current Owner
Current Owner
Current Owner
Current Owner

Name

DEREK A NICHOLS
ANGELA NICHOLS
PATRICK J NICHOLS
NICHOLS LAND LLC

Priority Date: 1/3/1975

Basis: Decreed

Status: Active

Source

GROUND WATER

Tributary

Beneficial Use

IRRIGATION

From

04/01

To

11/01

Diversion Rate

1.160 CFS

Volume

233.7 AF

Total Diversion

1.160 CFS

233.7 AF

Source and Point(s) of Diversion:

GROUND WATER

SESWSW

Sec. 8, Twp 06N, Rge 25E, CUSTER County

Place Of Use:

IRRIGATION within CUSTER County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	25E	8												12.0					12.0
06N	25E	17					21.4	37.8	40.0	37.2	40.0	39.6		25.2	24.8	40.0	40.0	28.9	374.9
06N	25E	18	18.6			20.6													39.2
06N	25E	20	0.5																0.5

Right Acre Limit: 276.10
POU Total Acres: 426.6

Conditions of Approval:

- X27 This right is limited to the irrigation of 276.1 acres within the authorized place of use in a single irrigation season.
- X35 Rights 34-13902, 34-13904, 34-13906, 34-13985, 34-13987, 34-13989, 34-13991, 34-13993, 34-13995, 34-13997, 34-13999, 34-14001 and 34-14003 when combined shall not exceed a total diversion rate of 12.13 cfs and the irrigation of 426.6 acres.
- R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 34.

IDAHO DEPARTMENT OF WATER RESOURCES**9/3/2024****Proof Report**

- | | | |
|-----|-----|---|
| 4. | R02 | A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion. |
| 5. | 214 | Prior to the diversion and use of water under Transfer approval 78547, the right holder shall install and maintain an acceptable measuring device at the authorized point of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device. |
| 6. | 213 | Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point of diversion in accordance with Department specifications. |
| 7. | R63 | This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use. |
| 8. | T07 | The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval. |
| 9. | T08 | Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer. |
| 10. | 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. |

Dates and Other Information:

Decreed Date: 12/14/2001

State or Federal: S

Water District Number: 34

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/3/2024

Water Right 34-13985

Owner Type

Current Owner
Current Owner
Current Owner
Current Owner

Name

DEREK A NICHOLS
ANGELA NICHOLS
PATRICK J NICHOLS
NICHOLS LAND LLC

Priority Date: 2/18/1885

Basis: Decreed

Status: Active

Source

BIG LOST RIVER

Tributary

SINKS

Beneficial Use

IRRIGATION

From

05/01

To

10/15

Diversion Rate

0.610 CFS

Volume

Total Diversion

0.610 CFS

Source and Point(s) of Diversion:

BIG LOST RIVER

NWSWNE

Sec. 33, Twp 07N, Rge 24E, CUSTER County

Place Of Use:

IRRIGATION within CUSTER County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	25E	8												12.0					12.0
06N	25E	17					21.4	37.8	40.0	37.2	40.0	39.6		25.2	24.8	40.0	40.0	28.9	374.9
06N	25E	18	18.6			20.6													39.2
06N	25E	20	0.5																0.5

Right Acre Limit: 30.70
POU Total Acres: 426.6

Conditions of Approval:

1. X27 This right is limited to the irrigation of 30.7 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 34-13902, 34-13904, 34-13906, 34-13985, 34-13987, 34-13989, 34-13991, 34-13993, 34-13995, 34-13997, 34-13999, 34-14001 and 34-14003 when combined shall not exceed a total diversion rate of 12.13 cfs and the irrigation of 426.6 acres.
3. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 34.

IDAHO DEPARTMENT OF WATER RESOURCES

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4. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
6. 004 This right does not grant any right-of-way or easement across the land of another.
7. S34 The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
8. F01 Water is delivered through Darlington Ditch.
9. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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.

Dates and Other Information:

Decreed Date: 12/14/2001

State or Federal: S

Water District Number: 34

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/3/2024

Water Right 34-13987

Owner Type

Current Owner
Current Owner
Current Owner
Current Owner

Name

DEREK A NICHOLS
ANGELA NICHOLS
PATRICK J NICHOLS
NICHOLS LAND LLC

Priority Date: 6/1/1887

Basis: Decreed

Status: Active

Source

BIG LOST RIVER

Tributary

SINKS

Beneficial Use

IRRIGATION

From

05/01

To

10/15

Diversion Rate

0.430 CFS

Volume

Total Diversion

0.430 CFS

Source and Point(s) of Diversion:

BIG LOST RIVER

NWSWNE

Sec. 33, Twp 07N, Rge 24E, CUSTER County

Place Of Use:

IRRIGATION within CUSTER County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	25E	8													12.0				12.0
06N	25E	17					21.4	37.8	40.0	37.2	40.0	39.6		25.2	24.8	40.0	40.0	28.9	374.9
06N	25E	18	18.6			20.6													39.2
06N	25E	20	0.5																0.5

Right Acre Limit: 15.00
POU Total Acres: 426.6

Conditions of Approval:

1. X27 This right is limited to the irrigation of 15 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 34-13987 and 34-13904 when combined shall not exceed a total annual maximum diversion volume of 52.5 af at the field headgate, and the irrigation of 15 acres.
3. X35 Rights 34-13902, 34-13904, 34-13906, 34-13985, 34-13987, 34-13989, 34-13991, 34-13993, 34-13995, 34-13997, 34-13999, 34-14001 and 34-14003 when combined shall not exceed a total diversion rate of 12.13 cfs and the irrigation of 426.6 acres.
4. R05 Use of water under this right will be regulated by a watermaster with

IDAHO DEPARTMENT OF WATER RESOURCES

9/3/2024

Proof Report

- responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 34.
5. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
 6. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
 7. 004 This right does not grant any right-of-way or easement across the land of another.
 8. S34 The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
 9. F01 Water is delivered through Darlington Ditch.
 10. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
 11. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
 12. 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.

Dates and Other Information:

Decreed Date: 6/20/2001
 State or Federal: S
 Water District Number: 34
 Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Water Rights</u>
	52.5	15.0	34-13904 ,34-13987
12.130		426.6	34-13902 ,34-13904 ,34-13906 ,34-13985 ,34-13987 ,34-13989 ,34-13991 ,34-13993 ,34-13995 ,34-13997 ,34-13999 ,34-14001 ,34-14003

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/3/2024

Water Right 34-13989

Owner Type

Current Owner
Current Owner
Current Owner
Current Owner

Name

DEREK A NICHOLS
ANGELA NICHOLS
PATRICK J NICHOLS
NICHOLS LAND LLC

Priority Date: 4/28/1898

Basis: Decreed

Status: Active

Source

BIG LOST RIVER

Tributary

SINKS

Beneficial Use

IRRIGATION

From

05/01

To

10/15

Diversion Rate

0.590 CFS

Volume

Total Diversion

0.590 CFS

Source and Point(s) of Diversion:

BIG LOST RIVER

NWSWNE

Sec. 33, Twp 07N, Rge 24E, CUSTER County

Place Of Use:

IRRIGATION within CUSTER County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	25E	8												12.0					12.0
06N	25E	17					21.4	37.8	40.0	37.2	40.0	39.6		25.2	24.8	40.0	40.0	28.9	374.9
06N	25E	18	18.6			20.6													39.2
06N	25E	20	0.5																0.5

Right Acre Limit: 29.70
POU Total Acres: 426.6

Conditions of Approval:

- X27** This right is limited to the irrigation of 29.7 acres within the authorized place of use in a single irrigation season.
- X35** Rights 34-13902, 34-13904, 34-13906, 34-13985, 34-13987, 34-13989, 34-13991, 34-13993, 34-13995, 34-13997, 34-13999, 34-14001 and 34-14003 when combined shall not exceed a total diversion rate of 12.13 cfs and the irrigation of 426.6 acres.
- R05** Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 34.

IDAHO DEPARTMENT OF WATER RESOURCES**9/3/2024****Proof Report**

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| 4. | R43 | The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s). |
| 5. | R63 | This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use. |
| 6. | 004 | This right does not grant any right-of-way or easement across the land of another. |
| 7. | S34 | The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources. |
| 8. | F01 | Water is delivered through Darlington Ditch. |
| 9. | T07 | The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval. |
| 10. | T08 | Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer. |
| 11. | 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. |

Dates and Other Information:

Decreed Date: 12/14/2001

State or Federal: S

Water District Number: 34

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/3/2024

Water Right 34-13991

Owner Type

Current Owner
Current Owner
Current Owner
Current Owner

Name

DEREK A NICHOLS
ANGELA NICHOLS
PATRICK J NICHOLS
NICHOLS LAND LLC

Priority Date: 9/26/1894

Basis: Decreed

Status: Active

Source

BIG LOST RIVER

Tributary

SINKS

Beneficial Use

IRRIGATION

From

05/01

To

10/15

Diversion Rate

0.300 CFS

Volume

Total Diversion

0.300 CFS

Source and Point(s) of Diversion:

BIG LOST RIVER

NWSWNE

Sec. 33, Twp 07N, Rge 24E, CUSTER County

Place Of Use:

IRRIGATION within CUSTER County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	25E	8													12.0				12.0
06N	25E	17					21.4	37.8	40.0	37.2	40.0	39.6		25.2	24.8	40.0	40.0	28.9	374.9
06N	25E	18	18.6			20.6													39.2
06N	25E	20	0.5																0.5

Right Acre Limit: 15.00
POU Total Acres: 426.6

Conditions of Approval:

1. X27 This right is limited to the irrigation of 15 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 34-13902, 34-13904, 34-13906, 34-13985, 34-13987, 34-13989, 34-13991, 34-13993, 34-13995, 34-13997, 34-13999, 34-14001 and 34-14003 when combined shall not exceed a total diversion rate of 12.13 cfs and the irrigation of 426.6 acres.
3. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 34.

IDAHO DEPARTMENT OF WATER RESOURCES

9/3/2024

Proof Report

4. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
6. 004 This right does not grant any right-of-way or easement across the land of another.
7. S34 The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources.
8. F01 Water is delivered through Darlington Ditch.
9. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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.

Dates and Other Information:

Decreed Date: 12/14/2001

State or Federal: S

Water District Number: 34

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/3/2024

Water Right 34-13993

Owner Type

Current Owner
Current Owner
Current Owner
Current Owner

Name

DEREK A NICHOLS
ANGELA NICHOLS
PATRICK J NICHOLS
NICHOLS LAND LLC

Priority Date: 6/1/1896

Basis: Decreed

Status: Active

Source

BIG LOST RIVER

Tributary

SINKS

Beneficial Use

IRRIGATION

From

05/01

To

10/15

Diversion Rate

0.890 CFS

Volume

Total Diversion

0.890 CFS

Source and Point(s) of Diversion:

BIG LOST RIVER

NWSWNE

Sec. 33, Twp 07N, Rge 24E, CUSTER County

Place Of Use:

IRRIGATION within CUSTER County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	25E	8												12.0					12.0
06N	25E	17					21.4	37.8	40.0	37.2	40.0	39.6		25.2	24.8	40.0	40.0	28.9	374.9
06N	25E	18	18.6			20.6													39.2
06N	25E	20	0.5																0.5

Right Acre Limit: 44.60
POU Total Acres: 426.6

Conditions of Approval:

1. X27 This right is limited to the irrigation of 44.6 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 34-13902, 34-13904, 34-13906, 34-13985, 34-13987, 34-13989, 34-13991, 34-13993, 34-13995, 34-13997, 34-13999, 34-14001 and 34-14003 when combined shall not exceed a total diversion rate of 12.13 cfs and the irrigation of 426.6 acres.
3. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 34.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/3/2024

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| 4. | R43 | The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s). |
| 5. | R63 | This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use. |
| 6. | 004 | This right does not grant any right-of-way or easement across the land of another. |
| 7. | S34 | The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources. |
| 8. | F01 | Water is delivered through Darlington Ditch. |
| 9. | T07 | The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval. |
| 10. | T08 | Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer. |
| 11. | 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. |

Dates and Other Information:

Decreed Date: 12/14/2001
State or Federal: S
Water District Number: 34
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/3/2024

Water Right 34-13995

Owner Type

Current Owner
 Current Owner
 Current Owner
 Current Owner

Name

DEREK A NICHOLS
 ANGELA NICHOLS
 PATRICK J NICHOLS
 NICHOLS LAND LLC

Priority Date: 8/1/1899

Basis: Decreed

Status: Active

Source

BIG LOST RIVER

Tributary

SINKS

Beneficial Use

IRRIGATION

From

05/01

To

10/15

Diversion Rate

0.590 CFS

Volume

Total Diversion

0.590 CFS

Source and Point(s) of Diversion:

BIG LOST RIVER

NWSWNE

Sec. 33, Twp 07N, Rge 24E, CUSTER County

Place Of Use:

IRRIGATION within CUSTER County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	25E	8												12.0					12.0
06N	25E	17					21.4	37.8	40.0	37.2	40.0	39.6		25.2	24.8	40.0	40.0	28.9	374.9
06N	25E	18	18.6			20.6													39.2
06N	25E	20	0.5																0.5

Right Acre Limit: 29.60
 POU Total Acres: 426.6

Conditions of Approval:

1. X27 This right is limited to the irrigation of 29.6 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 34-13902, 34-13904, 34-13906, 34-13985, 34-13987, 34-13989, 34-13991, 34-13993, 34-13995, 34-13997, 34-13999, 34-14001 and 34-14003 when combined shall not exceed a total diversion rate of 12.13 cfs and the irrigation of 426.6 acres.
3. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 34.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/3/2024

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| 4. | R43 | The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s). |
| 5. | R63 | This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use. |
| 6. | 004 | This right does not grant any right-of-way or easement across the land of another. |
| 7. | S34 | The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources. |
| 8. | F01 | Water is delivered through Darlington Ditch. |
| 9. | T07 | The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval. |
| 10. | T08 | Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer. |
| 11. | 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. |

Dates and Other Information:

Decreed Date: 12/14/2001

State or Federal: S

Water District Number: 34

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/3/2024

Water Right 34-13997

Owner Type

Current Owner
 Current Owner
 Current Owner
 Current Owner

Name

DEREK A NICHOLS
 ANGELA NICHOLS
 PATRICK J NICHOLS
 NICHOLS LAND LLC

Priority Date: 8/1/1896

Basis: Decreed

Status: Active

Source

BIG LOST RIVER

Tributary

SINKS

Beneficial Use

IRRIGATION

From

05/01

To

10/15

Diversion Rate

2.850 CFS

Volume

Total Diversion

2.850 CFS

Source and Point(s) of Diversion:

BIG LOST RIVER

NWSWNE

Sec. 33, Twp 07N, Rge 24E, CUSTER County

Place Of Use:

IRRIGATION within CUSTER County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	25E	8												12.0					12.0
06N	25E	17					21.4	37.8	40.0	37.2	40.0	39.6		25.2	24.8	40.0	40.0	28.9	374.9
06N	25E	18	18.6			20.6													39.2
06N	25E	20	0.5																0.5

Right Acre Limit: 142.60
 POU Total Acres: 426.6

Conditions of Approval:

1. X27 This right is limited to the irrigation of 142.6 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 34-13902, 34-13904, 34-13906, 34-13985, 34-13987, 34-13989, 34-13991, 34-13993, 34-13995, 34-13997, 34-13999, 34-14001 and 34-14003 when combined shall not exceed a total diversion rate of 12.13 cfs and the irrigation of 426.6 acres.
3. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 34.

IDAHO DEPARTMENT OF WATER RESOURCES**9/3/2024****Proof Report**

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| 4. | R43 | The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s). |
| 5. | R63 | This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use. |
| 6. | 004 | This right does not grant any right-of-way or easement across the land of another. |
| 7. | S34 | The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources. |
| 8. | F01 | Water is delivered through Darlington Ditch. |
| 9. | T07 | The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval. |
| 10. | T08 | Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer. |
| 11. | 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. |

Dates and Other Information:

Decreed Date: 12/14/2001

State or Federal: S

Water District Number: 34

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/3/2024

Water Right 34-13999

Owner Type

Current Owner
Current Owner
Current Owner
Current Owner

Name

DEREK A NICHOLS
ANGELA NICHOLS
PATRICK J NICHOLS
NICHOLS LAND LLC

Priority Date: 4/22/1884

Basis: Decreed

Status: Active

Source

BIG LOST RIVER

Tributary

SINKS

Beneficial Use

IRRIGATION

From

05/01

To

10/15

Diversion Rate

2.170 CFS

Volume

Total Diversion

2.170 CFS

Source and Point(s) of Diversion:

BIG LOST RIVER

NWSWNE

Sec. 33, Twp 07N, Rge 24E, CUSTER County

Place Of Use:

IRRIGATION within CUSTER County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	25E	8												12.0					12.0
06N	25E	17					21.4	37.8	40.0	37.2	40.0	39.6		25.2	24.8	40.0	40.0	28.9	374.9
06N	25E	18	18.6			20.6													39.2
06N	25E	20	0.5																0.5

Right Acre Limit: 108.40
POU Total Acres: 426.6

Conditions of Approval:

1. X27 This right is limited to the irrigation of 108.4 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 34-13902, 34-13904, 34-13906, 34-13985, 34-13987, 34-13989, 34-13991, 34-13993, 34-13995, 34-13997, 34-13999, 34-14001 and 34-14003 when combined shall not exceed a total diversion rate of 12.13 cfs and the irrigation of 426.6 acres.
3. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 34.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/3/2024

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| 4. | R43 | The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s). |
| 5. | R63 | This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use. |
| 6. | 004 | This right does not grant any right-of-way or easement across the land of another. |
| 7. | S34 | The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources. |
| 8. | F01 | Water is delivered through Darlington Ditch. |
| 9. | T07 | The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval. |
| 10. | T08 | Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer. |
| 11. | 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. |

Dates and Other Information:

Decreed Date: 12/14/2001

State or Federal: S

Water District Number: 34

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/3/2024

Water Right 34-14001

Owner Type

Current Owner
Current Owner
Current Owner
Current Owner

Name

DEREK A NICHOLS
ANGELA NICHOLS
PATRICK J NICHOLS
NICHOLS LAND LLC

Priority Date: 5/1/1905

Basis: Decreed

Status: Active

Source

BIG LOST RIVER

Tributary

SINKS

Beneficial Use

IRRIGATION

From

05/01

To

10/15

Diversion Rate

1.330 CFS

Volume

Total Diversion

1.330 CFS

Source and Point(s) of Diversion:

BIG LOST RIVER

NWSWNE

Sec. 33, Twp 07N, Rge 24E, CUSTER County

Place Of Use:

IRRIGATION within CUSTER County

				NE				NW				SW				SE				Totals
Twp	Rng	Sec		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	25E	8													12.0					12.0
06N	25E	17						21.4	37.8	40.0	37.2	40.0	39.6		25.2	24.8	40.0	40.0	28.9	374.9
06N	25E	18	18.6				20.6													39.2
06N	25E	20	0.5																	0.5

Right Acre Limit: 388.60
POU Total Acres: 426.6

Conditions of Approval:

1. X27 This right is limited to the irrigation of 388.6 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 34-13902, 34-13904, 34-13906, 34-13985, 34-13987, 34-13989, 34-13991, 34-13993, 34-13995, 34-13997, 34-13999, 34-14001 and 34-14003 when combined shall not exceed a total diversion rate of 12.13 cfs and the irrigation of 426.6 acres.
3. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 34.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/3/2024

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| 4. | R43 | The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s). |
| 5. | R63 | This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use. |
| 6. | 004 | This right does not grant any right-of-way or easement across the land of another. |
| 7. | S34 | The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources. |
| 8. | F01 | Water is delivered through Darlington Ditch. |
| 9. | T07 | The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval. |
| 10. | T08 | Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer. |
| 11. | 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. |

Dates and Other Information:

Decreed Date: 12/14/2001

State or Federal: S

Owner Name Connector: And

Water District Number: 34

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/3/2024

Water Right 34-14003

Owner Type

Current Owner
 Current Owner
 Current Owner
 Current Owner

Name

DEREK A NICHOLS
 ANGELA NICHOLS
 PATRICK J NICHOLS
 NICHOLS LAND LLC

Priority Date: 6/1/1909

Basis: Decreed

Status: Active

Source

ALDER CREEK

Tributary

BIG LOST RIVER

Beneficial Use

IRRIGATION

From

05/01

To

10/15

Diversion Rate

0.190 CFS

Volume

Total Diversion

0.190 CFS

Source and Point(s) of Diversion:

ALDER CREEK

L3(NWNWSW)

Sec. 7, Twp 06N, Rge 25E, CUSTER County

Place Of Use:

IRRIGATION within CUSTER County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	25E	8												12.0					12.0
06N	25E	17					21.4	37.8	40.0	37.2	40.0	39.6		25.2	24.8	40.0	40.0	28.9	374.9
06N	25E	18	18.6			20.6													39.2
06N	25E	20	0.5																0.5

Right Acre Limit: 9.50
 POU Total Acres: 426.6

Conditions of Approval:

- X27** This right is limited to the irrigation of 9.5 acres within the authorized place of use in a single irrigation season.
- X35** Rights 34-13902, 34-13904, 34-13906, 34-13985, 34-13987, 34-13989, 34-13991, 34-13993, 34-13995, 34-13997, 34-13999, 34-14001 and 34-14003 when combined shall not exceed a total diversion rate of 12.13 cfs and the irrigation of 426.6 acres.
- R05** Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 34.

IDAHO DEPARTMENT OF WATER RESOURCES**9/3/2024****Proof Report**

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|-----|-----|--|
| 4. | R43 | The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s). |
| 5. | R63 | This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use. |
| 6. | 004 | This right does not grant any right-of-way or easement across the land of another. |
| 7. | S34 | The period of use for irrigation described above may be extended in seasons of unusual characteristics to a beginning date of 04-20 and an ending date of 10-31 at the discretion of the Director of the Idaho Department of Water Resources. |
| 8. | F01 | Water is delivered through Darlington Ditch. |
| 9. | T07 | The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval. |
| 10. | T08 | Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer. |
| 11. | 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. |

Dates and Other Information:

Decreed Date: 12/14/2001

State or Federal: S

Water District Number: 34

Mitigation Plan: False

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DEPT. OF WATER RESOURCES
EASTERN REGION



The address of the Company's registered office in the State of Kansas is 902 W. 8th Street, Scott City, Scott County, Kansas 67871, with a mailing address of P.O. Box 452, Scott City, Kansas 67871. The name of its resident

TC.

agent at such address is Angela S. Nichols.

The Company shall, however, be authorized and empowered to transact and engage in business in any and all other states, territories, and countries, without limitation, both within and without the United States of America.

ARTICLE V

Additional Members

Additional Members may be admitted in two instances:

a. Upon a permitted transfer of outstanding Units if the following are satisfied:

1. The instrument of assignment sets forth the intention of the assignor that the assignee succeed to the assignor's interest as a Member in its place;

2. The transferor, transferee, each Member and the Company each executes and files all documents necessary for the transferee to be substituted as a Member in the Company and to be bound by the terms of the Company's Operating Agreement and the Members modify the books and records of the Company to reflect the admission,

3. The Company receives an opinion of tax counsel reasonably acceptable to the Members that such transfer would not materially adversely affect the classification of the Company as a partnership for federal and state income tax purposes;

4. The assignee pays all reasonable legal fees and filing costs incurred by the Company in connection with its substitution as a Member; and

5. Members holding 100% of Nichols Land, LLC, shall have approved such substitution in writing, which approval may be granted or withheld by each such Member in its sole and absolute discretion and may be arbitrarily withheld.

b. Upon the issuance of additional Units as authorized by a vote of Members holding 100% of all outstanding Units.

ARTICLE VI

Right to Continue Business

Notwithstanding the death, withdrawal, bankruptcy, or dissolution of a Member or upon the occurrence of any other event which terminates the

continued membership of a Member in the Company, the Company shall continue in business and not be dissolved or have its affairs wound up unless within ninety (90) days following the occurrence of such an event, all of the remaining members of the Company agree in writing to dissolve the Company.

ARTICLE VII **Management**

The business and affairs of the Company shall be managed by the Manager with each Member having one vote for each unit of ownership interest in the Company held. The names and addresses of the Members are as follows:

Angela Nichols
902 W. 8th St.
Scott City, Kansas 67871

Patrick Nichols
5731 N. State Hwy 71
El Campo Texas 77437

Irma Nichols
5731 N. State Hwy 71
El Campo Texas 77437

The Manager shall have full power and authority to manage the Company and all of its assets, properties, businesses and affairs, subject only to the terms of the Operating Agreement of the Company.

ARTICLE VIII **Operating Agreement**

The Members shall adopt a written Operating Agreement to govern the powers, rights, duties and obligations of the Members. Oral amendments to the Operating Agreement shall be invalid. A person shall become a Member of the Company only upon the execution by such person, or a duly authorized representative, of the Operating Agreement or any other writing evidencing the intent to become a Member and be bound by the terms of the Operating Agreement. The Operating Agreement may be amended or repealed at any time and from time to time as provided in the Operating Agreement.

ARTICLE IX **Amendment**

These Articles of Organization may only be amended by the procedure set forth in the Company's Operating Agreement.

ARTICLE X
Effective Date

IN WITNESS WHEREOF, the undersigned, who is the Manager of NICHOLS LAND, LLC, declares on this 22nd day of February, 2021, under penalty of perjury under the laws of the State of Kansas that the foregoing is true and correct.

BY: 

PATRICK J. NICHOLS
Manager

KANSAS SECRETARY OF STATE
NON-CERTIFIED WEB COPY
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Limited Liability Company Annual Report



1. LLC Name: NICHOLS LAND, LLC
2. Business Entity ID No.: 5428420
3. Tax Closing Date: December 2022
4. State of Organization: KS
5. Official Mailing Address:
P.O. BOX 452 , SCOTT CITY KS 67871

Electronic File Stamp
Information:

Filed

- Date: 04/13/2023
- Time:
04:11:47 PM

6. Members who own 5% or more of capital (Kansas LLCs only):

Angela Nichols - 902 W 8th St. Scott City , KS 67871

Patrick Nichols - 5731 N State Hgy 71 El Campo , TX 77437

"I declare under penalty of perjury pursuant to the laws of the state of Kansas that the foregoing is true and correct."

Executed on April 13, 2023

Signature of Authorized Person: Angela Nichols

Holliday, Michael

From: Holliday, Michael
Sent: Tuesday, September 3, 2024 3:18 PM
To: danichols1983@gmail.com
Subject: RE: draft transfer application
Attachments: Nichols draft transfer.pdf; Nichols supplement.pdf

Derek,

Attached is a draft transfer application based on the map I sent you Friday. Please look it over and let me know if you have any questions. If all looks good, you can print two copies of page 2 and gather the four needed signatures, along with the signature authority for Nichols Land LLC. You will also need to answer the questions on page 4. Once it's complete please return the application to my attention along with a check made payable to IDWR for \$500. I already have the map and the 13 water right reports so there's no need to send me those. Let me know if you have questions on any of this.

Michael

From: Holliday, Michael
Sent: Friday, August 30, 2024 4:59 PM
To: danichols1983@gmail.com
Subject: draft map attached

Derek,

I tweaked the map a little bit and wanted to run it by you before sending a draft transfer application. No change in total acres. Feel free to call if you want to discuss.



IDAHO DEPARTMENT OF
WATER RESOURCES

Michael Holliday | Water Rights Supervisor
900 N Skyline Dr, Ste A, Idaho Falls, ID 83402
(208) 525-7161 | www.idwr.idaho.gov