

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

RECEIVED

MAR 17 2025

DEPT. OF WATER RESOURCES  
EASTERN REGION

## APPLICATION FOR TRANSFER OF WATER RIGHT

### GENERAL INFORMATION AND INSTRUCTIONS

Pursuant to Section 42-222(1), *Idaho Code*, a transfer application may be filed to change the point of diversion, place of use, period of use, or nature of use of all or part of an established water right. Any person proposing to make such a change is required to file a transfer application with the Department. "Such application shall be upon forms furnished by the department and shall describe the [water right] to be changed and the changes which are proposed and shall be accompanied by the statutory filing fee." *Idaho Code* § 42-222(1).

The Department has developed this application form to assist applicants in satisfying the requirements of Section 42-222(1). This application form requests information about the applicant's authority to file (Part 1), information about the current elements of the water right(s) to be changed (Part 2), information about the proposed changes (Part 3), information about the validity of the water right(s) and the effects of the proposed changes (Part 4), and confirmation that the information provided is truthful (Part 5).

The applicant or their representative must provide a response for all applicable questions, any additional information required, and the proper filing fee before this application will be considered complete. If an application is incomplete or more information is required, the Department will notify the applicant or representative and allow time for the application to be completed. An application that remains incomplete will be returned to the applicant and the filing fee will be refunded.

An application for transfer is limited to the changes proposed for a single water distribution system. A proposal to change two or more separate water distribution systems, that will remain separate after the transfer, must be filed as separate applications. Applicants may provide additional pages to supplement their responses to the questions posed on this application form. Supplemental forms for listing additional water rights, points of diversion, or places of use can be found on the Department's website ([idwr.idaho.gov](http://idwr.idaho.gov)). If you need assistance understanding the questions on this form, generating current water right reports, determining legal descriptions, or accessing water measurement records feel free to contact the nearest regional office of the Department.

#### PART 1 – CONTACT INFORMATION, OWNERSHIP RECORDS, AUTHORITY TO FILE

Name(s) of Applicant(s) Kirk Nickerson ~~Farms LLC~~ <sup>KN</sup> Kirk Nickerson 10/14/25

Mailing Address 3880 N. 1300 W.

Email\* nickers@atcnet.net Phone 208 705-3103

Name of Representative (if any) \_\_\_\_\_

Mailing Address \_\_\_\_\_

Email\* \_\_\_\_\_ Phone \_\_\_\_\_

\*If an email address is provided, Department staff will use email as the primary method for corresponding with the applicant and representative about the application.

**A. Representative.** If the representative is authorized to sign or amend the application on behalf of the applicant, attach documents confirming that authority. Label documents as Attachment 1A.

SCANNED

MAR 20 2025

RECORDING REQUESTED BY:  
Baker & Harris  
AND WHEN RECORDED MAIL TO:  
Baker & Harris  
266 W Bridge Street  
Blackfoot, ID 83221

**BUTTE COUNTY**  
Recorded for:  
Baker & Harris  
10:40:05 AM 10-10-2025  
**0000-063141**  
No. Pages: 2 Fee: \$15.00  
**SHELLY BLACKNER**  
County Clerk  
Deputy: KG

**RECEIVED**  
OCT 14 2025  
DEPT. OF WATER RESOURCES  
EASTERN REGION

sp

only

### PERSONAL REPRESENTATIVE'S DEED

THIS DEED is made between NICKERSON FARMS, LLP., an Idaho Limited Liability Partnership, by KIRK NICKERSON, as Personal Representative of the Estate of KEITH NICKERSON, Partner of NICKERSON FARMS, LLP., deceased, Grantor, and KIRK NICKERSON, whose address is 3880 N. 1300 W., Howe, Idaho 83244, Grantee.

WHEREAS, Grantor is the qualified Personal Representative of said estate, filed as Probate Case Number CV12-23-0127, located in Butte County, Idaho; and,

THEREFORE, for valuable consideration received, Grantor transfers and conveys to Grantee the following-described real property in Butte County, Idaho:

TOWNSHIP 6 NORTH, RANGE 29 E.B.M., BUTTE  
COUNTY, IDAHO SECTION 22: W1/2SE1/4

Together with the tenements, hereditaments, and appurtenances there unto belonging or in any wise appertaining; subject, however, to all zoning laws, city ordinances, easements, restrictive agreements and rights-of-way, and public roads with all appurtenances.

EXECUTED this 9<sup>th</sup> day of October, 2025.



Kirk Nickerson, as Personal Representative of the Estate of  
Keith Nickerson, Partner of Nickerson Farms, LLP., an Idaho  
Limited Liability Partnership

STATE OF IDAHO     )  
                              : ss  
County of Bingham    )

On this 1<sup>st</sup> day of October, 2025, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared KIRK NICKERSON, known or identified to me to be the person whose name is subscribed to the within instrument, as Personal Representative of the estate of KEITH NICKERSON, Partner of NICKERSON FARMS, LLP., an Idaho Limited Liability Partnership, deceased, and acknowledged to me that he executed the same on behalf of NICKERSON FARMS, LLP., in his capacity as Personal Representative of the estate of the decedent.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Jared Harris  
Notary Public for Idaho  
Residing at Blackfoot  
My Commission Expires: 2/23/29

Ogds House 410 + 40  
Kirk & Phyllis & Mark

**BUTTE COUNTY**  
Recorded for:  
**Baker & Harris**  
10:39:53 AM 10-10-2025  
**0000-063138**  
No. Pages: 2 Fee: \$15.00  
**SHELLY BLACKNER**  
County Clerk  
Deputy: KG

RECORDING REQUESTED BY:  
Baker & Harris  
AND WHEN RECORDED MAIL TO:  
Baker & Harris  
266 W Bridge Street  
Blackfoot, ID 83221

Special Service Fees Will Be Enclosed & Will Only

**PERSONAL REPRESENTATIVE'S DEED**

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THEREFORE, for valuable consideration received, Grantor transfers and conveys to Grantee the following-described real property in Butte County, Idaho:

Township 6 N, R 29 E.B.M, Butte County, Idaho

Section 24: NW $\frac{1}{4}$ NW $\frac{1}{4}$

EXCEPTING THEREFROM: A parcel of land generally described as being a portion of the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 24, Township 6 N, Range 29 E.B.M., Butte County, Idaho, described as: Commencing at a point on the centerline of an existing county road from which the east one-quarter corner of Section 13, Township 6 N, Range 29 E.B.M., monumented by a standard G.L.O. pipe and brass cap, dated 1910, bears S 89°59'32" E 5134.03 feet; and the southwest corner of said Section 24, Township 6 N, Range 29 E.B.M., bears S 00°04'06" W 5281.15 feet; thence South 00°04'06" W, a distance to 836.82 feet to the POINT OF BEGINNING; thence S 89°55'54" East, perpendicular to the center-line of said county road, a distance of 250 feet; thence S 00°04'06" W parallel with the centerline of said county road a distance of 250 feet; N 89°55'54" W a distance of 250 feet to the centerline of said county road; thence N 00°04'06" E along the centerline of said county road a distance of 250 feet to the point of beginning.

Together with the tenements, hereditaments, and appurtenances there unto belonging or in any wise appertaining; subject, however, to all zoning laws, city ordinances,

casements, restrictive agreements and rights-of-way, and public roads with all appurtenances.

EXECUTED this 4<sup>th</sup> <sup>Oct 29</sup> day of November, 2023

Kirk Nickerson  
Kirk Nickerson, as Personal Representative  
of the Estate of Keith Nickerson

STATE OF IDAHO )  
                              : ss  
County of Bingham )

On this 4<sup>th</sup> day of October, 2025, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared KIRK NICKERSON, known or identified to me to be the person whose name is subscribed to the within instrument, as Personal Representative of the estate of KEITH NICKERSON, deceased, and acknowledged to me that he executed the same in his capacity as Personal Representative of the estate of the decedent.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Jared Harris  
Notary Public for Idaho  
Residing at Blackfoot  
My Commission Expires: 2/23/29

RECORDING REQUESTED BY:  
Baker & Harris  
AND WHEN RECORDED MAIL TO:  
Baker & Harris  
266 W Bridge Street  
Blackfoot, ID 83221

**BUTTE COUNTY**  
Recorded for:  
Baker & Harris  
10:40:09 AM 10-10-2025  
**0000-063142**  
No. Pages: 2 Fee: \$15.00  
**SHELLY BLACKNER**  
County Clerk  
Deputy: KG

spac

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### PERSONAL REPRESENTATIVE'S DEED

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TOWNSHIP 6 NORTH, RANGE 29 E.B.M., BUTTE  
COUNTY, IDAHO SECTION 22: E1/2SE1/4

Together with the tenements, hereditaments, and appurtenances there unto belonging or in any wise appertaining; subject, however, to all zoning laws, city ordinances, easements, restrictive agreements and rights-of-way, and public roads with all appurtenances.

EXECUTED this 9<sup>th</sup> day of October, 2025.

*Kirk Nickerson*

Kirk Nickerson, as Personal Representative of the Estate of  
Keith Nickerson, Partner of Nickerson Farms, LLP., an Idaho  
Limited Liability Partnership

STATE OF IDAHO )  
: ss  
) County of Blingham

On this 1 day of October, 2025, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared KIRK NICKERSON, known or identified to me to be the person whose name is subscribed to the within instrument, as Personal Representative of the estate of KEITH NICKERSON, Partner of NICKERSON FARMS, LLP, an Idaho Limited Liability Partnership, deceased, and acknowledged to me that he executed the same on behalf of NICKERSON FARMS, LLP, in his capacity as Personal Representative of the estate of the decedent.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



*Jared Harris*  
Notary Public for Idaho  
Residing at Blackfoot  
My Commission Expires: 2/23/29

**BUTTE COUNTY**

Recorded for:

Baker &amp; Harris

10:39:49 AM 10-10-2025

**0000-063137**

No. Pages: 2 Fee: \$15.00

**SHELLY BLACKNER**

County Clerk

Deputy: KG

RECORDING REQUESTED BY:

Baker &amp; Harris

AND WHEN RECORDED MAIL TO:

Baker &amp; Harris

266 W Bridge Street

Blackfoot, ID 83221

space above this line for Recorder's use only

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THEREFORE, for valuable consideration received, Grantor transfers and conveys to Grantee the following-described real property in Butte County, Idaho:

Township 6 North, Range 29, E.B.M, Butte County, Idaho

Section 22: N½

EXCEPTING THEREFROM: The well site and easement described in the Deed recorded in Book 17 of Deeds at page 135.

Section 24: S½NW¼

Together with the tenements, hereditaments, and appurtenances there unto belonging or in any wise appertaining; subject, however, to all zoning laws, city ordinances, easements, restrictive agreements and rights-of-way, and public roads with all appurtenances.

EXECUTED this 9 day of November, 2023



Kirk Nickerson, as Personal Representative  
of the Estate of Keith Nickerson

STATE OF IDAHO    )  
                              : ss  
County of Bingham    )

On this 7<sup>th</sup> day of October, 2025, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared KIRK NICKERSON, known or identified to me to be the person whose name is subscribed to the within instrument, as Personal Representative of the estate of KEITH NICKERSON, deceased, and acknowledged to me that he executed the same in his capacity as Personal Representative of the estate of the decedent.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Jared Harris  
Notary Public for Idaho  
Residing at Blackfoot  
My Commission Expires: 2/23/29



0006089169

**STATE OF IDAHO***Office of the secretary of state, Phil McGrane***ANNUAL REPORT**

Idaho Secretary of State  
PO Box 83720  
Boise, ID 83720-0080  
(208) 334-2301  
Filing Fee: \$0.00

*For Office Use Only***-FILED-**

File #: 0006089169

Date Filed: 2/3/2025 8:36:33 AM

## Entity Name and Mailing Address:

Entity Name: NICKERSON FARMS LLP  
The file number of this entity on the records of the Idaho Secretary of State is: 0000002124  
Address: 3880 N 1300 W  
HOWE, ID 83244-8711

## Entity Details:

Entity Status: Active-Existing  
This entity is organized under the laws of: IDAHO  
If applicable, the old file number of this entity on the records of the Idaho Secretary of State was: J331

## The registered agent on record is:

Registered Agent: KEITH L NICKERSON  
Registered Agent  
Physical Address  
3880 NORTH 1300 WEST  
HOWE, ID 83244  
Mailing Address

## Limited Liability Partnership Partners

| Name              | Business Address                |
|-------------------|---------------------------------|
| Kirk L Nickerson  | 3880 N 1300 W<br>HOWE, ID 83244 |
| Keith L Nickerson | 3900 N 1300 W<br>HOWE, ID 83244 |

The annual report must be signed by an authorized signer of the entity.

Job Title: Partner

*Kirk Nickerson**02/03/2025*

Sign Here

Date

DUPLICATE - 0404 02/03/2025 8:36:33 AM RECEIVED BY OFFICE OF THE IDAHO SECRETARY OF STATE

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 17 2025

DEPT. OF WATER RESOURCES  
EASTERN REGION

## APPLICATION FOR TRANSFER OF WATER RIGHT

## GENERAL INFORMATION AND INSTRUCTIONS

Pursuant to Section 42-222(1), *Idaho Code*, a transfer application may be filed to change the point of diversion, place of use, period of use, or nature of use of all or part of an established water right. Any person proposing to make such a change is required to file a transfer application with the Department. "Such application shall be upon forms furnished by the department and shall describe the [water right] to be changed and the changes which are proposed and shall be accompanied by the statutory filing fee." *Idaho Code* § 42-222(1).

The Department has developed this application form to assist applicants in satisfying the requirements of Section 42-222(1). This application form requests information about the applicant's authority to file (Part 1), information about the current elements of the water right(s) to be changed (Part 2), information about the proposed changes (Part 3), information about the validity of the water right(s) and the effects of the proposed changes (Part 4), and confirmation that the information provided is truthful (Part 5).

The applicant or their representative must provide a response for all applicable questions, any additional information required, and the proper filing fee before this application will be considered complete. If an application is incomplete or more information is required, the Department will notify the applicant or representative and allow time for the application to be completed. An application that remains incomplete will be returned to the applicant and the filing fee will be refunded.

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## PART 1 – CONTACT INFORMATION, OWNERSHIP RECORDS, AUTHORITY TO FILE

Name(s) of Applicant(s) Kirk Nickerson Farms LLCMailing Address 3880 N. 1300 W.Email\* nickers@atcnet.netPhone 208 705-3103

Name of Representative (if any) \_\_\_\_\_

Mailing Address \_\_\_\_\_

Email\* \_\_\_\_\_

Phone \_\_\_\_\_

\*If an email address is provided, Department staff will use email as the primary method for corresponding with the applicant and representative about the application.

**A. Representative.** If the representative is authorized to sign or amend the application on behalf of the applicant, attach documents confirming that authority. Label documents as Attachment 1A.

**B. Current Owner.** If the applicant is not the current owner of record for all water rights included in this application, attach documents showing that the applicant has the authority to make the proposed changes. Label documents as Attachment 1B.

**C. Updating Ownership Records.** Applicants needing to update the ownership records for any of the water rights included in this application must attach documents supporting the ownership change. Such documents must trace ownership of the subject water rights or the current place of use for the subject water rights from the current owner of record for the water rights to the applicant. Label documents as Attachment 1C.

**D. Business Entities.** If the applicant is a business entity (corporation, LLC, partnership, trust, etc.), is the entity currently registered with the Idaho Secretary of State?

☒ Yes. If this application is signed by someone other than a person listed on the most recent annual report filed with the Idaho Secretary of State, attach documents confirming the authority of the signer to sign on behalf of the business entity. Label documents as Attachment 1D.

☐ No. Attach documents confirming the authority of the signer to sign on behalf of the business entity. Label documents as Attachment 1D.

**E. Approval of Irrigation Delivery Entity.** Section 42-108, *Idaho Code*, states that a transfer application proposing to change water rights held by an irrigation company or district requires the consent of the irrigation entity. If this application proposes to change water rights held by an irrigation entity, attach a letter of consent from the entity (labeled as Attachment 1E) or have an authorized representative of the entity co-sign the application.

**F. Encumbered Properties.** If the current place of use for the water rights included in this application is subject to a lien, deed of trust, mortgage, or contract and the application proposes to change the nature of use of the water rights or to move water rights off the current place of use, attach a statement of consent for the change signed by the lien holder, trustee, mortgagor or contract holder. Label documents as Attachment 1F.

**G. Legal Access.** If the applicant is not the current owner of the proposed point(s) of diversion, conveyance system, or place(s) of use, provide evidence of legal access to the land or infrastructure not owned by the applicant. Label documents as Attachment 1G. For example, an applicant may provide a letter of consent from the owner of the land or conveyance system or may have the owner co-sign the application. For applications proposing to divert water on or convey water across federal land, an applicant is not required to demonstrate legal access to the federal land prior to approval. Instead, if the transfer application is approved, the applicant must obtain access authorization from the relevant federal agency prior to diverting water under the subject water rights.

## PART 2 – WATER RIGHTS BEFORE PROPOSED CHANGES

**A. Current Water Rights.** For each water right proposed to be changed, attach a current water right report obtained from any Department office or from the Department's website ([idwr.idaho.gov](http://idwr.idaho.gov)). Label water right reports as Attachment 2A.

**B. Map of Current System.** Attach a map of the current point(s) of diversion and place(s) of use for the water rights to be changed. The map should clearly depict the elements of the water rights to be changed. For example, if the application proposes to change the point of diversion for a water right, the map should display the current location of the point of diversion. For irrigation water rights, the map should also identify the location of the irrigated acres to be changed. Label map as Attachment 2B.

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**C. Current Location of Irrigated Acres.** If this application proposes to change the place of use or nature of use for only a portion of an irrigation water right, use the following table to identify the current location of the irrigated acres to be changed. If additional pages are required, label additional pages as Attachment 2C. If this application proposes to change or rearrange the entire place of use for irrigation water right(s), skip to Part 3.

☒ **N/A.** This application does not propose to change the place of use or nature or use of an irrigation water right or this application proposes to change the place of use or nature of use for an entire irrigation right.

**Current Location of Irrigated Acres to be Changed**

| 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 |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |

Total Irrigated Acres to be Changed: \_\_\_\_\_

**PART 3 – DESCRIPTION OF PROPOSED CHANGES**

**A. Purpose of Transfer.** Section 42-222(1), *Idaho Code*, states that transfer applications may only be filed to change the point of diversion, place of use, period of use, or nature of use of an established water right. Section 42-248(3), *Idaho Code*, authorizes water right ownership changes to be described on a transfer application. Identify the changes proposed in this application:

- |                                                               |                                                                          |
|---------------------------------------------------------------|--------------------------------------------------------------------------|
| <input type="checkbox"/> Change point(s) of diversion         | <input checked="" type="checkbox"/> Change place of use                  |
| <input checked="" type="checkbox"/> Add point(s) of diversion | <input type="checkbox"/> Change period of use                            |
| <input type="checkbox"/> Change nature of use                 | <input checked="" type="checkbox"/> Update water right ownership records |

**B. Proposed Changes.** Describe the proposed changes in narrative form:

This application proposes combining the places of use and points of diversion for the involved rights. The five points of diversion are existing wells that are interconnected and deliver water to entire proposed place of use. Minor changes to the irrigated acres under these rights is proposed to reflect current irrigation practices. Updating the water right ownership is included as part of this application.

**C. Summary of Proposed Changes.**

1. Water Rights. Use the following table to list all water rights, or portions thereof, that are proposed to be changed as they would appear after the proposed changes. In the Amount column, list the volume in acre-feet (af) for storage uses or the rate in cubic feet per second (cfs) for all other uses.

|             | All or Part                                                  | Right Number | Amount<br>(cfs/af) | Nature of Use | Period of Use | Source       |
|-------------|--------------------------------------------------------------|--------------|--------------------|---------------|---------------|--------------|
| new pivot   | <input checked="" type="checkbox"/> <input type="checkbox"/> | 33-2039A     | 2.06 cfs           | Irrigation    | 4/1 to 10/31  | Ground water |
| new pivot   | <input checked="" type="checkbox"/> <input type="checkbox"/> | 33-2039B     | 0.38 cfs           | Irrigation    | 4/1 to 10/31  | Ground water |
| axons       | <input checked="" type="checkbox"/> <input type="checkbox"/> | 33-2038      | 3.01 cfs           | Irrigation    | 4/1 to 10/31  | Ground water |
| Bethann     | <input checked="" type="checkbox"/> <input type="checkbox"/> | 33-2037A     | 1.44 cfs           | Irrigation    | 4/1 to 10/31  | Ground water |
| Bethann     | <input checked="" type="checkbox"/> <input type="checkbox"/> | 33-10837     | 0.12 cfs           | Irrigation    | 4/1 to 10/31  | Ground water |
| Stoppes     | <input checked="" type="checkbox"/> <input type="checkbox"/> | 33-14868     | 0.91 cfs           | Irrigation    | 4/1 to 10/31  | Ground water |
| Kirks House | <input checked="" type="checkbox"/> <input type="checkbox"/> | 33-2049      | 1.76 cfs           | Irrigation    | 4/1 to 10/31  | Ground water |
|             | <input type="checkbox"/> <input type="checkbox"/>            |              |                    |               | to            |              |
|             | <input type="checkbox"/> <input type="checkbox"/>            |              |                    |               | to            |              |
|             | <input type="checkbox"/> <input type="checkbox"/>            |              |                    |               | to            |              |

2. Total Amounts. Calculate the total quantity, in cfs or af, of water rights that are proposed to be changed through this application. For an application proposing to only change the place of use for irrigation rights, the total quantity of water is calculated by comparing the current place of use to the proposed place of use, summing the number of acres increased in each legal subdivision, and quantifying the proportional amount of diversion rate for the increased acres. For an application proposing to change or add points of diversion for irrigation or any other beneficial use, the total amount is the total diversion rate for the changed portion of the right.

Total Amount of Water Rights Proposed to be Changed: 9.56 cfs and/or \_\_\_\_\_ af.

3. Point(s) of Diversion. Use the following table to list all the proposed points of diversion for the water rights to be changed, including any current points of diversion that will continue to be used as part of the proposed water distribution system.

The legal description for the proposed point(s) of diversion must be to the nearest 40-acre subdivision (QQ) or U.S. Government Lot of the Public Land Survey System (PLSS). PLSS information is typically available from USGS topo maps, property deeds, tax bills or various mapping tools on the Department's website.

For points of diversion within platted subdivisions, list the lot and block number in the "Diversion Name/Number" column. An application proposing an injection into a stream and a re-diversion from that stream must list the source for the original diversion as the source for the injection and re-diversion points. If this application proposes construction of a new diversion structure (for example, a new ground water well or a new pump station on a creek), please indicate the status in the appropriate column.

☐ N/A. This application does not propose to add or change any points of diversion.

#### Proposed Points of Diversion

| New? | Twp                                        | Rge | Sec | Lot | 1/4 | 1/4 | 1/4 | County | Source       | Diversion Name/Number |
|------|--------------------------------------------|-----|-----|-----|-----|-----|-----|--------|--------------|-----------------------|
|      | 06N                                        | 29E | 22  |     |     | NW  | NW  | Butte  | Ground water | WMIS # 1003722        |
|      | 06N                                        | 29E | 22  |     |     | NW  | NE  | Butte  | Ground water | WMIS # 1003728        |
|      | 06N                                        | 29E | 22  |     |     | NW  | NE  | Butte  | Ground water | WMIS # 1004474        |
|      | 06N                                        | 29E | 22  |     |     | NW  | SE  | Butte  | Ground water | WMIS # 1003726        |
|      | 06N                                        | 29E | 22  |     |     | NE  | SE  | Butte  | Ground water | WMIS # 1003731        |
|      | See Attached Point of Diversion Supplement |     |     |     |     |     |     |        |              |                       |

4. Place of Use. The proposed place of use must be described to the nearest 40-acre subdivision (QQ) or U.S. Government Lot of the Public Land Survey System. Government lot numbers can be noted in parenthesis below the approximate quarter-quarter location of the government lot. For water rights held by irrigation districts, municipal providers or irrigation companies, the proposed place of use may be generally described as authorized by Sections 42-202B, 42-219 and 42-222B, *Idaho Code*.

☐ N/A. This application does not propose to change the place of use.

#### Proposed Place of Use

| 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  | 37   | 39 | 40 | 37 | 40   | 40 | 39 | 39 |      |    |    |    | 40   | 40 | 36 | 36 | 463         |
|     |     | 24  |      |    |    |    |      | 11 | 37 | 40 |      |    |    |    |      |    |    |    | 88          |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |

Total Irrigated Acres: 551

5. Map of Proposed System. Attach a map showing the location of the points of diversion, reservoirs, dams, canals, ditches, pipelines and other works proposed to divert and convey water. Also show the location of the place of use, including any lands to be irrigated. The map should delineate the legal subdivisions including townships, ranges, sections, quarter-quarters and government lots. Label map as Attachment 3C.

### PART 4 – ADDITIONAL INFORMATION

Section 42-222(1), *Idaho Code*, establishes the criteria used to evaluate transfer applications. An applicant bears the burden of demonstrating that the water right to be changed is a valid right, that the proposed use is a beneficial use, and that the proposed changes will not injure other water rights, will not enlarge the use of the original rights, are in the local public interest, and are consistent with the conservation of water resources within the state of Idaho. To satisfy this burden, an applicant must provide sufficient data and information for the

## Ident. No. \_\_\_\_\_

Attachment to: ☐ Application for Permit to Appropriate Water ☒ Application for Transfer\*\* ☐ Adjudication Claim  
☐ Application for Amendment of Permit ☐ Beneficial Use Field Report ☐ Statutory Claim

[illegible]

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

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below.

[illegible]

89654

Department to evaluate the effects of the proposed change. The Department may deny an application if the applicant fails to provide sufficient data and information to determine whether the criteria from Section 42-222(1) are satisfied. In addition to the information requested in Parts 1-3 of this application, the following information must be provided for an application to be considered complete. Department staff may request additional information or clarification as the application is processed.

#### A. Validity of Water Rights

1. If one or more of the water rights proposed to be changed is a statutory claim, established pursuant to Section 42-248, *Idaho Code*, attach evidence supporting the priority date claimed. Label documents as Attachment 4A-1. For statutory claims, the Department may conduct a field inspection as part of the application review process to evaluate the water right elements listed on the statutory claim.

2. Has any portion of the water right(s) proposed to be changed undergone a period of five or more consecutive years of non-use?

☐ Yes. Attach a statement describing the portion of the right(s) that were not used and the length of time of the non-use. In addition, identify any exception or defense to forfeiture and provide a detailed description as to why the water rights have not been lost and forfeited for non-use. Label documents as Attachment 4A-2. Statutory exceptions or defenses to forfeiture are set forth in Section 42-223, *Idaho Code*.

☒ No.

#### B. Injury to Other Water Rights

1. Identify any other water right(s) diverted at the current point(s) of diversion.

N/A

2. Identify any other water right(s) diverted at the proposed point(s) of diversion.

N/A

3. Is the proposed point of diversion within a state water district? ☒ Yes. Water District # 33. ☐ No.

4. If already constructed and in use, are the proposed points of diversion equipped with Department-approved measuring devices? ☒ Yes. ☐ No.

5. If this application proposes to divert a surface water right from a ground water well, attach a technical analysis evaluating the hydraulic connection between the proposed ground water point of diversion and the source of water listed on the right to be changed. Label technical analysis as Attachment 4B-5.

6. If this application proposes changing the point of diversion for a ground water right in the Eastern Snake Plain Aquifer (ESPA), attach a technical analysis of the anticipated depletions to reaches of the Snake River that are hydraulically connected to the ESPA using the Department's current ground water model for the ESPA. The technical analysis must evaluate depletion impacts in a time-series format at transient and steady state time steps. To assist applicants in preparing the required technical analysis, the Department has developed a transfer tool interface for the ESPA model. The transfer tool and user instructions can be downloaded from the Department's website ([idwr.idaho.gov](http://idwr.idaho.gov)). If the proposed and current points of diversion are in the same or adjacent model cells, no technical analysis is required, unless specifically requested by the Department. Label technical analysis as Attachment 4B-6.

**C. Enlargement in Use**

1. Identify any other water rights used at the current place of use, including the number of shares in a canal company or acres assessed by an irrigation district.

Blaine County Canal Company water is used in conjunction with ground water.

2. Identify any other water rights used at the proposed place of use, including the number of shares in a canal company or acres assessed by an irrigation district.

Same

3. If this application proposes changing the place of use or nature of use for irrigation water rights, will the current place of use, for the portion of the right to be changed, continue to be irrigated?

☐ Yes. Identify the water right(s) to be used for the continued irrigation.

☒ No. The place of use for the portion to be changed will no longer be irrigated.

☐ N/A. The application does not propose to change the place of use for irrigation rights.

4. Unstacking Water Rights for Irrigation. If this application proposes to change the place of use for an irrigation water right that is combined with other irrigation rights at the current place of use but does not propose to change the place of use for all the stacked irrigation rights, attach evidence of the historical consumptive use occurring under all water rights at the current place of use. For irrigation rights, this should include at least five years of diversion data and/or crop data and estimates of evapotranspiration. Label the information as Attachment 4C-4. Evapotranspiration data may be available on the Department's website (<http://et-idwr.idaho.gov>)

5. If the application proposes to change the nature of use for a water right, attach evidence of the historical consumptive use occurring under the portion of the water right to be changed. For irrigation rights, this should include diversion data, crop data and estimates of evapotranspiration. Label the information as Attachment 4C-5. Evapotranspiration data may be available on the Department's website (<http://et-idwr.idaho.gov>)

6. If the application proposes to change the nature of use of a water right to municipal use for reasonably anticipated future needs, complete the form titled "Municipal Water Right Application Checklist" found on the Department's website ([idwr.idaho.gov](http://idwr.idaho.gov)). Label the form as Attachment 4C-6.

7. To your knowledge, are any portions of the water rights proposed to be changed:

Yes      No

☐
☒

currently leased to the Water Supply Bank?

If yes, complete the form titled "Application for Transfer of Water Right Attachment WSB" found on the Department's website ([idwr.idaho.gov](http://idwr.idaho.gov)).

Label the Form as Attachment 4C-7.

☐
☒

currently used in a mitigation plan limiting the use of water under the right?

☐
☒

subject to an agreement not to divert (CREP)?

☐
☒

currently enrolled in a federal set-aside program (CRP)?

**D. Local Public Interest**

The department must consider whether the proposed changes are in the local public interest as defined in Section 42-202B(3), *Idaho Code*. Some of the local public interest factors that may be considered in conjunction with a transfer application are (1) Recreation, fish, and wildlife impacts, (2) Water quality or contamination concerns, (3) Local and state ordinances, regulations, or policies related to water use, (4) Goals, requirements and limits set forth in the State Water Plan. If you choose to provide information about local public interest factors, label the information as Attachment 4D.

**E. Conservation of Water Resources**

Describe the diversion works and water delivery system. This may include sizes and dimensions of pumps, pipelines, headgates, ditches, dams, impoundments and irrigation equipment.

**PART 5 – FILING FEE AND SIGNATURE**

**A. Filing Fee.** Filing fees for transfer applications are set forth in Section 42-221.O, *Idaho Code*. A table summarizing the filing fees for transfer applications is also found on the Department's website ([idwr.idaho.gov](http://idwr.idaho.gov)). Any application proposing to change the nature of use for one or more rights requires an additional filing fee of \$250. Applications proposing to update the ownership records for water rights must also include the appropriate filing fee to update the ownership records. For any application relying on the filing fee set forth in Section 42-221.O.8, *Idaho Code*, attach a statement describing how the application qualifies under Section 42-221.O.8. Label documents as Attachment 5A.

**B. Affidavit of Applicant or Representative:**

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. *Partner*

*Kirk L. Nickerson for Yvonne Nickerson James LLC*  
Signature of Applicant or Representative\*

*Kirk L. Nickerson*  
Print Name and Title, if applicable

*3-17-25*  
Date

*Yvonne Nickerson*  
Signature of Applicant or Representative\*

*Yvonne Nickerson (Partner)*  
Print Name and Title, if applicable

*3-17-25*  
Date

\*If water rights included in this application are owned by multiple people or entities, each owner must sign the application form.

**FOR DEPARTMENT USE ONLY**

✓ Fee Paid: \$ *1395.-* Receipt #: *E050725* Date: *3/17/2025* Received by: *JB*  
Add'l Paid: \$ \_\_\_\_\_ Receipt #: \_\_\_\_\_ Date: \_\_\_\_\_ Received by: \_\_\_\_\_

## DURABLE POWER OF ATTORNEY

I, **KEITH L. NICKERSON**, name the following person as my agent:

Name of Agent: **KIRK LORIN NICKERSON**  
Agent's Address: 3880 N 1300 W, Howe, ID 83244  
Agent's Phone Number: 208-705-3103

## DESIGNATION OF SUCCESSOR AGENTS

If my agent is unable or unwilling to act for me, I name as my successor agent:

Name of Successor Agent \_\_\_\_\_  
Successor Agent's Address: \_\_\_\_\_  
Successor Agent's Phone Number: \_\_\_\_\_

If my successor agent is unable or unwilling to act for me, I name as my second successor agent:

Name of Second Successor Agent: \_\_\_\_\_  
Second Successor Agent's Address: \_\_\_\_\_  
Second Successor Agent's Phone Number: \_\_\_\_\_

## GRANT OF GENERAL AUTHORITY

I grant my agent and any successor agent general authority to act for me with respect to the following subjects as defined in the uniform power of attorney act, chapter 12, title 15, Idaho Code:

- ☐ Real Property
- ☐ Tangible Personal Property
- ☐ Stocks and Bonds
- ☐ Commodities and Options
- ☐ Banks and Other Financial Institutions
- ☐ Operation of an Entity or Business
- ☐ Insurance and Annuities
- ☐ Estates, Trusts, and Other Beneficial Interests
- ☐ Claims and Litigation
- ☐ Personal and Family Maintenance
- ☐ Benefits from Governmental Programs or Civil or Military Service
- ☐ Retirement Plans
- ☐ Taxes
- ☒ All Preceding Subjects

## GRANT OF SPECIFIC AUTHORITY

My agent MAY NOT do any of the following specific acts for me UNLESS I have INITIALED the specific authority listed below:

- ( ) Create, amend, revoke, or terminate an inter vivos trust
- ( ) Make a gift, subject to the limitations of the uniform power of attorney act, Chapter 12, Title 15, Idaho Code, and any special instructions in this power of attorney
- ( ) Make a gift without limitations except any special instructions in this power of attorney
- ( ) Create or change rights of survivorship
- ( ) Create or change a beneficiary designation
- ( ) Authorize another person to exercise the authority granted under this power of attorney
- ( ) Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan
- ( ) Exercise fiduciary powers that the principal has authority to delegate

## LIMITATION ON AGENT'S AUTHORITY

An agent that is not my ancestor, spouse, or descendant MAY NOT use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the Special Instructions.

## EFFECTIVE DATE

This power of attorney is effective immediately unless I have stated otherwise in the Special Instructions.

## NOMINATION OF CONSERVATOR (OPTIONAL)

If it becomes necessary for a court to appoint a conservator of my estate, I nominate the following person(s) for appointment:

|                                               |                               |
|-----------------------------------------------|-------------------------------|
| Name of Nominee for conservator of my estate: | <b>KIRK LORIN NICKERSON</b>   |
| Nominee's Address:                            | 3880 N 1300 W, Howe, ID 83244 |
| Nominee's Phone Number:                       | 208-705-3103                  |

## RELIANCE ON THIS POWER OF ATTORNEY

Any person, including my agent, may rely upon the validity of this power of attorney or a copy of it unless that person knows it is terminated or invalid.

## SIGNATURE AND ACKNOWLEDGMENT

Your Signature:

Keith L. Nickerson

Date:

2-25-10

Your Name Printed: Keith L. Nickerson

Your Address: 1300 W 3900 N, Howe, ID 83244

Your Phone Number:

### NOTARY

State of Idaho )

ss.

County of Bingham. )

On this 25th day of February, 2010, before me, personally appeared Keith L. Nickerson, known or identified to me, to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same.



Joni L. Murphy  
Notary Public

Residing at Blackfoot

My commission expires on 8-28-14

**Last Will  
of  
Keith L. Nickerson**

I, KEITH L. NICKERSON of Howe, Butte County, Idaho, do make, publish and declare this to be my last will, hereby revoking all former wills and codicils made by me.

**ARTICLE I  
FAMILY**

I am the widower of FERN NICKERSON. I am the parent of three children, SHERI NICKERSON, KIRK LORIN NICKERSON, and GREG KEITH NICKERSON.

**ARTICLE II  
APPOINTMENT OF FIDUCIARIES**

A. **Personal Representative.** I nominate my son, KIRK LORIN NICKERSON, as Personal Representative of my estate and of this my last will. If KIRK LORIN NICKERSON is unable or unwilling to serve, or to continue to serve, I nominate my son, GREG KEITH NICKERSON, as Personal Representative.

B. **Waiver of Bond.** To the extent allowed by law, I direct that any of the fiduciaries named above, or their alternates or successors, shall be entitled to serve without bond or other undertaking.

C. **Scope.** The term "Personal Representative" shall include the Personal Representatives named in this Article or any duly appointed successor and, for convenience, shall refer either to a sole Personal Representative or co-Personal Representatives.

**ARTICLE III  
DECLARATION OF PROPERTY**

I declare that I may hold certain savings accounts, checking accounts or other accounts in a joint name with another person. It is my intention in doing so for convenience only, and I nevertheless state that it is my intention that said property shall remain in my Estate and shall be disposed of pursuant to this my last will and testament. Provided, however, that any account payable on my death shall be paid to directly to the designee.

1427


to any difference in the tax basis of the property and without the requirement of making any adjustment among the beneficiaries. Any such distributions, allocations or valuations shall be binding and conclusive on all parties.

2. **Tax Elections/Discretions.** My Personal Representative shall have sole discretion to: (1) claim deductions available to me or to my estate on estate tax returns or on state or federal income tax returns; (2) use date-of-death values or alternate valuation date values for estate tax purposes; and (3) make any other election or decision available under any federal or state tax laws. Any such election or decision may be made regardless of the effect thereof on any beneficiary or on any interest passing under this will or otherwise, and without adjustment between income and principal or among beneficiaries.

3. **Distributions to Minors.** To distribute any interest in my estate to which a minor beneficiary is entitled to the individual selected by my Personal Representative as Custodian under the Idaho Uniform Transfers to Minors Act or under any other comparable law of the state where the minor beneficiary is domiciled.

#### ARTICLE XI MISCELLANEOUS

A. **Titles, Captions.** The titles and captions used in this instrument are for convenience of reference only and shall not be construed to have any legal effect.

B. **Statutory References.** All statutory references in this instrument shall be construed to refer to that statutory section mentioned, related successor sections and corresponding provisions of any subsequent law, including all amendments.

WITNESSES:

[Signature]  
[Signature]

Keith L. Nickerson  
Keith L. Nickerson, Testator

I, Keith L. Nickerson, the Testator, sign my name to this instrument, consisting of 5 pages, this 8<sup>th</sup> day of March, 2013, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my last Will; that I sign it willingly; that I execute it as my free and voluntary act for the purposes therein expressed; and that I am eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.

Keith L. Nickerson  
Keith L. Nickerson, Testator

Jared M. Harris  
**BAKER & HARRIS**  
266 West Bridge Street  
Blackfoot, Idaho 83221  
Telephone: (208) 785-2310  
Facsimile: (208) 785-6749  
E-Mail: [jharris@bakerharrislaw.com](mailto:jharris@bakerharrislaw.com)  
Court eService Email: [efiling@bakerharrislaw.com](mailto:efiling@bakerharrislaw.com)  
Idaho State Bar No. 4488

Attorneys for Personal Representative

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF BUTTE  
MAGISTRATE DIVISION

IN THE MATTER OF THE ESTATE OF

**KEITH LORIN NICKERSON,**

Deceased.

Case No. CV12-23-0127

**NOTICE TO CREDITORS**

(I.C. 15-3-801)

NOTICE IS HEREBY GIVEN that the undersigned has been appointed personal representative of the above-named decedent. All persons having claims against the decedent or the estate are required to present their claims within four months after the date of the first publication of this Notice or said claims will be forever barred.

Claims must be presented to the undersigned at the address indicated, and filed with the Clerk of the Court.

DATED this 29 day of November, 2023

  
Kirk Lorin Nickerson

89654

Law Offices of

**BAKER & HARRIS**

Dwight E. Baker\*

Jared M. Harris \*\*

Jonathan W. Harris

\* Retired

\*\* Also Admitted in Utah

266 W. BRIDGE STREET

BLACKFOOT, ID 83221

Telephone (208) 785-2310

Facsimile (208) 785-6749

E-Mail — [jharris@bakerharrislaw.com](mailto:jharris@bakerharrislaw.com)

Web — [www.bakerharrislaw.com](http://www.bakerharrislaw.com)

December 3, 2024

**VIA EMAIL** - [nickers@atcnet.net](mailto:nickers@atcnet.net)

Kirk Nickerson  
3880 N 1300 W  
Howe ID 83244

Re: Kirk Nickerson Farms, LLC & Yvonne Nickerson Farms, LLC  
B&H File No: 13559

Dear Kirk:

Attached please find the following documents that were filed with the Idaho Secretary of State in reference to the above matter.

1. Certificate of Organization Limited Liability Company (Kirk Nickerson Farms, LLC);
2. Filing Acknowledgment for Kirk Nickerson Farms, LLC;
3. Certificate of Organization Limited Liability Company (Yvonne Nickerson Farms, LLC); and
4. Filing Acknowledgment for Yvonne Nickerson Farms, LLC.

Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

**BAKER & HARRIS**



Jared M. Harris

JMH/mb

Attachments



DEPARTMENT OF THE TREASURY  
INTERNAL REVENUE SERVICE  
CINCINNATI OH 45999-0023

Date of this notice: 12-09-2024

Employer Identification Number:  
33-2300714

Form: SS-4

Number of this notice: CP 575 G

YVONNE NICKERSON FARMS LLC  
YVONNE NICKERSON SOLE MBR  
3880 N 1300 W  
HOWE, ID 83244

For assistance you may call us at:  
1-800-829-4933

IF YOU WRITE, ATTACH THE  
STUB AT THE END OF THIS NOTICE.

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 33-2300714. This EIN will identify you, your business accounts, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

Taxpayers request an EIN for their business. Some taxpayers receive CP575 notices when another person has stolen their identity and are opening a business using their information. If you did **not** apply for this EIN, please contact us at the phone number or address listed on the top of this notice.

When filing tax documents, making payments, or replying to any related correspondence, it is very important that you use your EIN and complete name and address exactly as shown above. Any variation may cause a delay in processing, result in incorrect information in your account, or even cause you to be assigned more than one EIN. If the information is not correct as shown above, please make the correction using the attached tear-off stub and return it to us.

A limited liability company (LLC) may file Form 8832, *Entity Classification Election*, and elect to be classified as an association taxable as a corporation. If the LLC is eligible to be treated as a corporation that meets certain tests and it will be electing S corporation status, it must timely file Form 2553, *Election by a Small Business Corporation*. The LLC will be treated as a corporation as of the effective date of the S corporation election and does not need to file Form 8832.

To obtain tax forms and publications, including those referenced in this notice, visit our Web site at [www.irs.gov](http://www.irs.gov). If you do not have access to the Internet, call 1-800-829-3676 (TTY/TDD 1-800-829-4059) or visit your local IRS office.

 **IRS** DEPARTMENT OF THE TREASURY  
INTERNAL REVENUE SERVICE  
CINCINNATI OH 45999-0023

Date of this notice: 12-09-2024

Employer Identification Number:  
33-2300514

Form: SS-4

Number of this notice: CP 575 G

KIRK NICKERSON FARMS LLC  
KIRK NICKERSON SOLE MBR  
3880 N 1300 W  
HOWE, ID 83244

For assistance you may call us at:  
1-800-829-4933

IF YOU WRITE, ATTACH THE  
STUB AT THE END OF THIS NOTICE.

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 33-2300514. This EIN will identify you, your business accounts, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

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# PHIL McGRANE

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## IDAHO SECRETARY OF STATE

December 2, 2024

Kirk Nickerson Farms, LLC  
3880 N 1300 W  
HOWE, ID 83244-8711

Dear Kirk Nickerson Farms, LLC

Congratulations on starting a new business in Idaho!

Your **Certificate of Organization of Limited Liability Company** for Kirk Nickerson Farms, LLC in the state of Idaho has been approved.

Like you, Idaho is open for business. We take great pride in consistently being recognized as one of the most business-friendly states in the nation. As you start and grow your business, here are some helpful resources to guide you:

**State & Federal Resources for Business** (<https://business.idaho.gov/>)

Small business resources to assist with licensing, regulation, business funding, and more.

**Idaho Department of Commerce** (<https://commerce.idaho.gov/>)

Resources for incentives, grants, and workforce development.

**Idaho Department of Labor** (<https://www.labor.idaho.gov/dnn>)

Report new hires, post jobs, and pay unemployment taxes.

**Idaho Tax Commission** (<https://tax.idaho.gov/>)

Find tax permits, sales and use taxes, business income tax, and important tax forms.

Again, congratulations on getting your business up and running.

A handwritten signature of Phil McGrane, consisting of a stylized 'P' and 'M' followed by a flourish, enclosed in an oval.

Phil McGrane  
Idaho Secretary of State

---

BUSINESS SERVICES | [SOSBIZ.IDAHO.GOV](https://SOSBIZ.IDAHO.GOV)

PHONE: (208) 334-2301

450 N. 4TH ST., BOISE, ID 83702

[BUSINESS@SOS.IDAHO.GOV](mailto:BUSINESS@SOS.IDAHO.GOV)

89654



# PHIL McGRANE

## IDAHO SECRETARY OF STATE

December 2, 2024

Yvonne Nickerson Farms, LLC  
3880 N 1300 W  
HOWE, ID 83244-8711

Dear Yvonne Nickerson Farms, LLC

Congratulations on starting a new business in Idaho!

Your **Certificate of Organization of Limited Liability Company** for Yvonne Nickerson Farms, LLC in the state of Idaho has been approved.

Like you, Idaho is open for business. We take great pride in consistently being recognized as one of the most business-friendly states in the nation. As you start and grow your business, here are some helpful resources to guide you:

**State & Federal Resources for Business** (<https://business.idaho.gov/>)

Small business resources to assist with licensing, regulation, business funding, and more.

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Resources for incentives, grants, and workforce development.

**Idaho Department of Labor** (<https://www.labor.idaho.gov/dnn>)

Report new hires, post jobs, and pay unemployment taxes.

**Idaho Tax Commission** (<https://tax.idaho.gov/>)

Find tax permits, sales and use taxes, business income tax, and important tax forms.

Again, congratulations on getting your business up and running.

A handwritten signature of Phil McGrane, enclosed in an oval.

Phil McGrane  
Idaho Secretary of State

PHONE: (208) 334-2301

BUSINESS SERVICES | [SOSBIZ.IDAHO.GOV](https://SOSBIZ.IDAHO.GOV)

450 N. 4TH ST., BOISE, ID 83702 [BUSINESS@SOS.IDAHO.GOV](mailto:BUSINESS@SOS.IDAHO.GOV)

89654



0005994096

**STATE OF IDAHO**

Office of the secretary of state, Phil McGrane

**CERTIFICATE OF ORGANIZATION LIMITED LIABILITY COMPANY**

Idaho Secretary of State

PO Box 83720

Boise, ID 83720-0080

(208) 334-2301

Filing Fee: \$100.00

For Office Use Only

**-FILED-**

File #: 0005994096

Date Filed: 11/26/2024 9:51:46 AM

| Certificate of Organization Limited Liability Company                                                                                                                     |                                                                                                                                                          |      |         |                  |                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|------|---------|------------------|---------------------------------|
| Select one: Standard, Expedited or Same Day Service (see descriptions below)      Standard (filing fee \$100)                                                             |                                                                                                                                                          |      |         |                  |                                 |
| 1. Limited Liability Company Name                                                                                                                                         |                                                                                                                                                          |      |         |                  |                                 |
| Type of Limited Liability Company                                                                                                                                         | Limited Liability Company                                                                                                                                |      |         |                  |                                 |
| Entity name                                                                                                                                                               | Yvonne Nickerson Farms, LLC                                                                                                                              |      |         |                  |                                 |
| 2. The complete street address of the principal office is:                                                                                                                |                                                                                                                                                          |      |         |                  |                                 |
| Principal Office Address                                                                                                                                                  | 3880 N 1300 W<br>HOWE, ID 83244                                                                                                                          |      |         |                  |                                 |
| 3. The mailing address of the principal office is:                                                                                                                        |                                                                                                                                                          |      |         |                  |                                 |
| Mailing Address                                                                                                                                                           | 3880 N 1300 W<br>HOWE, ID 83244-8711                                                                                                                     |      |         |                  |                                 |
| 4. Registered Agent Name and Address                                                                                                                                      |                                                                                                                                                          |      |         |                  |                                 |
| Registered Agent                                                                                                                                                          | Registered Agent<br>Yvonne Nickerson<br>Physical Address:<br>3880 N 1300 W<br>HOWE, ID 83244<br>Mailing Address:<br>3880 N 1300 W<br>HOWE, ID 83244-8711 |      |         |                  |                                 |
| <input checked="" type="checkbox"/> I affirm that the registered agent appointed has consented to serve as registered agent for this entity.                              |                                                                                                                                                          |      |         |                  |                                 |
| 5. Governors                                                                                                                                                              |                                                                                                                                                          |      |         |                  |                                 |
| <table border="1"><thead><tr><th>Name</th><th>Address</th></tr></thead><tbody><tr><td>Yvonne Nickerson</td><td>3880 N 1300 W<br/>HOWE, ID 83244</td></tr></tbody></table> |                                                                                                                                                          | Name | Address | Yvonne Nickerson | 3880 N 1300 W<br>HOWE, ID 83244 |
| Name                                                                                                                                                                      | Address                                                                                                                                                  |      |         |                  |                                 |
| Yvonne Nickerson                                                                                                                                                          | 3880 N 1300 W<br>HOWE, ID 83244                                                                                                                          |      |         |                  |                                 |
| Signature of Organizer:                                                                                                                                                   |                                                                                                                                                          |      |         |                  |                                 |
| Yvonne Nickerson                                                                                                                                                          | 11/26/2024                                                                                                                                               |      |         |                  |                                 |
| Sign Here                                                                                                                                                                 | Date                                                                                                                                                     |      |         |                  |                                 |



0005994119



**STATE OF IDAHO**  
**Office of the secretary of state, Phil McGrane**  
**CERTIFICATE OF ORGANIZATION LIMITED**  
**LIABILITY COMPANY**

Idaho Secretary of State  
PO Box 83720  
Boise, ID 83720-0080  
(208) 334-2301  
Filing Fee: \$100.00

For Office Use Only

**-FILED-**

File #: 0005994119

Date Filed: 11/26/2024 9:59:59 AM

Certificate of Organization Limited Liability Company

Select one: Standard, Expedited or Same Day Service (see descriptions below)      Standard (filing fee \$100)

1. Limited Liability Company Name

Type of Limited Liability Company

Limited Liability Company

Entity name

Kirk Nickerson Farms, LLC

2. The complete street address of the principal office is:

Principal Office Address

3880 N 1300 W  
HOWE, ID 83244

3. The mailing address of the principal office is:

Mailing Address

3880 N 1300 W  
HOWE, ID 83244-8711

4. Registered Agent Name and Address

Registered Agent

Registered Agent

Kirk Nickerson

Physical Address:

3880 N 1300 W  
HOWE, ID 83244

Mailing Address:

3880 N 1300 W  
HOWE, ID 83244-8711

☒ I affirm that the registered agent appointed has consented to serve as registered agent for this entity.

5. Governors

| Name           | Address                              |
|----------------|--------------------------------------|
| Kirk Nickerson | 3880 N 1300 W<br>HOWE, ID 83244-8711 |

Signature of Organizer:

Kirk Nickerson

Sign Here

11/26/2024

Date

DU000-3498 11/26/2024 10:00 AM Received by Office of the Idaho Secretary of State

Idaho/ Butte/ South Custer County Service Center  
125 S Water St  
Arco ID 83213

March 10, 2025

Dear Kirk Nickerson Farms LLC

The Bonneville County FSA Committee has completed the review of the farm operating plan and supporting documentation submitted for 2023. The Bonneville County FSA Committee understands that Rising M Land & Livestock is a properly organized limited liability corporation with 4 interest holders, each owning a percent of the entity. Entity interests are identified as follows:

| <u>INDIVIDUAL/LEGAL ENTITY</u> | <u>PERCENT INTEREST</u> |
|--------------------------------|-------------------------|
| Kirk Nickerson                 | 50                      |
| Yvonne Nickerson               | 50                      |

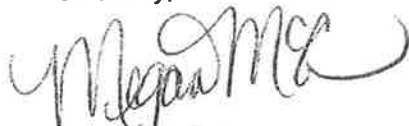
Based on the information submitted, the Committee determined the following:

- The above-mentioned entity is "actively engaged in farming" and eligible for payments under programs subject to the payment eligibility and payment limitation provisions.
- The above-mentioned entity is restricted to one limitation for payment limitation purposes and payments will be attributed to each stockholder in accordance with the ownership share represented.

These determinations will remain in effect for the current and subsequent years and a new farm operating plan will not be required unless a change occurs in your farming operation that would affect these determinations.

These determinations are based on the facts as submitted. You are responsible for promptly notifying the County FSA Office in writing of any change that would affect these determinations. Any unrevealed circumstances could require the application of a more restrictive rule.

Sincerely,



Megan McGuire  
Butte/ South Custer County Executive Director

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

2/10/2025

Water Right 33-2038

**Owner Type**      **Name and Address**  
Current Owner      FERN NICKERSON  
                         1300 W 3900 N  
                         HOWE, ID 83244  
                         (208) 767-3320

Current Owner      KEITH NICKERSON  
                         1300 W 3900 N  
                         HOWE, ID 83244  
                         (208) 705-3103

**Priority Date:** 12/22/1947

**Basis:** Decreed

**Status:** Active

**Source**  
GROUND WATER

**Tributary**

| <b><u>Beneficial Use</u></b> | <b><u>From</u></b>            | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Volume</u></b> |
|------------------------------|-------------------------------|------------------|------------------------------|----------------------|
| IRRIGATION                   | 4/01                          | 10/31            | 3.010 CFS                    |                      |
|                              | <b><u>Total Diversion</u></b> |                  | 3.010 CFS                    |                      |

**Source and Point(s) of Diversion:**

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

**Place Of Use:**

IRRIGATION within BUTTE 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 | 29E | 22  | 38.0 | 36.0 | 40.0 | 37.0 |    |    |    |    |    |    |    |    |    |    |    |    | 151.0  |

POU Total Acres: 151.0

**Conditions of Approval:**

1.      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.
2.      E18      USE OF WATER UNDER THIS RIGHT IS COMBINED WITH WATER FROM BLAINE COUNTY CANAL CO.

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

2/10/2025

**Dates and Other Information:**

Decreed Date: 8/11/2000  
Civil Case Number: 39576  
Judicial District: FIFTH  
State or Federal: S  
Owner Name Connector: OR  
Water District Number: 33  
Mitigation Plan: False

**Combined Use Limits:**

N/A

**SubCase:**

N/A

**Water Supply Bank:**

N/A

**IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report**

**2/10/2025**

**Water Right 33-2039A**

**Owner Type**      **Name and Address**  
Current Owner      FERN NICKERSON  
1300 W 3900 N  
HOWE, ID 83244  
(208) 767-3320

Current Owner      KEITH NICKERSON  
1300 W 3900 N  
HOWE, ID 83244  
(208) 705-3103

**Priority Date:** 12/26/1947

**Basis:** Decreed

**Status:** Active

**Source**  
GROUND WATER

**Tributary**

| <b><u>Beneficial Use</u></b> | <b><u>From</u></b>            | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Volume</u></b> |
|------------------------------|-------------------------------|------------------|------------------------------|----------------------|
| IRRIGATION                   | 4/01                          | 10/31            | 2.060 CFS                    |                      |
|                              | <b><u>Total Diversion</u></b> |                  | 2.060 CFS                    |                      |

**Source and Point(s) of Diversion:**

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

**Place Of Use:**

IRRIGATION within 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 | 38.0 | 39.0 | 40.0 |    |    |    |    |    |    |    |    | 156.0  |

Right Acre Limit: 130.00  
POU Total Acres: 156.0

**Conditions of Approval:**

- USE OF THIS RIGHT WITH RIGHT NO. 33-02039B IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.44 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 546 AF.
- USE OF THIS RIGHT WITH RIGHT NO. 33-02039B IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 160 ACRES IN A SINGLE IRRIGATION SEASON. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 130 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

## IDAHO DEPARTMENT OF WATER RESOURCES

2/10/2025

## Proof Report

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. E18 USE OF WATER UNDER THIS RIGHT IS COMBINED WITH WATER FROM  
BLAINE COUNTY CANAL CO.
5. RIGHT NO. 33-02039B IS ALSO DIVERTED THROUGH POINT OF  
DIVERSION DESCRIBED ABOVE.

**Dates and Other Information:**

Decreed Date: 8/11/2000

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

Owner Name Connector: OR

Water District Number: 33

Mitigation Plan: False

**Combined Use Limits:****Rate**

2.440

**Volume**

546.0

**Acres**

160.0

**Water Rights**

33-2039A ,33-2039B

**SubCase:**

N/A

**Water Supply Bank:**

N/A

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

2/10/2025

Water Right 33-2039B

**Owner Type**      **Name and Address**  
Current Owner      KEITH NICKERSON  
                         1300 W 3900 N  
                         HOWE, ID 83244  
                         (208) 705-3103

Current Owner      FERN NICKERSON  
                         1300 W 3900 N  
                         HOWE, ID 83244  
                         (208) 767-3320

**Priority Date:** 2/23/1954

**Basis:** Decreed

**Status:** Active

**Source**  
GROUND WATER

**Tributary**

| <b><u>Beneficial Use</u></b> | <b><u>From</u></b>            | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Volume</u></b> |
|------------------------------|-------------------------------|------------------|------------------------------|----------------------|
| IRRIGATION                   | 4/01                          | 10/31            | 0.380 CFS                    |                      |
|                              | <b><u>Total Diversion</u></b> |                  | 0.380 CFS                    |                      |

**Source and Point(s) of Diversion:**

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

**Place Of Use:**

IRRIGATION within BUTTE 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 | 29E | 22  |  |    |    |    |    | 39.0 | 38.0 | 39.0 | 40.0 |    |    |    |    |    |    |    |    | 156.0  |

POU Total Acres: 156.0

**Conditions of Approval:**

- USE OF THIS RIGHT WITH RIGHT NO. 33-02039A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.44 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 546 AF.
- USE OF THIS RIGHT WITH RIGHT NO. 33-02039A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 160 ACRES IN A SINGLE IRRIGATION SEASON.
- C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE

## IDAHO DEPARTMENT OF WATER RESOURCES

2/10/2025

## Proof Report

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. E18

USE OF WATER UNDER THIS RIGHT IS COMBINED WITH WATER FROM  
BLAINE COUNTY CANAL CO.

5.

RIGHT NO. 33-02039A IS ALSO DIVERTED THROUGH POINT OF  
DIVERSION DESCRIBED ABOVE.

**Dates and Other Information:**

Decreed Date: 8/11/2000

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

Owner Name Connector: OR

Water District Number: 33

Mitigation Plan: False

**Combined Use Limits:****Rate**

2.440

**Volume**

546.0

**Acres**

160.0

**Water Rights**

33-2039A ,33-2039B

**SubCase:**

N/A

**Water Supply Bank:**

N/A



## IDAHO DEPARTMENT OF WATER RESOURCES

2/10/2025

## Proof Report

4. C05 1412(6), IDAHO CODE.  
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. RIGHT NO. 33-10837 IS AN  
ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO  
CODE.

**Dates and Other Information:**

Decreed Date: 8/11/2000

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

Owner Name Connector: OR

Water District Number: 33

Mitigation Plan: False

**Combined Use Limits:****Rate**

1.440

**Volume**

273.0

**Acres**

78.0

**Water Rights**

33-2037A ,33-10837

**SubCase:**

N/A

**Water Supply Bank:**

N/A

**IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report**

**2/10/2025**

**Water Right 33-10837**

**Owner Type**      **Name and Address**  
Current Owner      KIRK L NICKERSON  
                                 1300 W 3900 N  
                                 HOWE, ID 83244  
                                 (208) 767-3102

Current Owner      KEITH NICKERSON  
                                 1300 W 3900 N  
                                 HOWE, ID 83244  
                                 (208) 705-3103

**Priority Date:** 4/1/1976

**Basis:** Decreed

**Status:** Active

**Source**  
GROUND WATER

**Tributary**

| <b><u>Beneficial Use</u></b> | <b><u>From</u></b>            | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Volume</u></b> |
|------------------------------|-------------------------------|------------------|------------------------------|----------------------|
| IRRIGATION                   | 4/01                          | 10/31            | 0.120 CFS                    |                      |
|                              | <b><u>Total Diversion</u></b> |                  | 0.120 CFS                    |                      |

**Source and Point(s) of Diversion:**

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

**Place Of Use:**

IRRIGATION within BUTTE 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 | 29E | 22  |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 40.0 | 38.0 | 78.0   |

POU Total Acres: 78.0

**Conditions of Approval:**

- USE OF THIS RIGHT WITH RIGHT NO. 33-02037A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.44 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 273 AF.
- 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

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

2/10/2025

3. RIGHT IS THE SUPERIOR RIGHT.  
USE OF THIS RIGHT WITH RIGHT NO. 33-02037A IS LIMITED TO THE  
IRRIGATION OF A COMBINED TOTAL OF 78 ACRES IN A SINGLE  
IRRIGATION SEASON.
4. 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.
5. THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 33-  
02037A PURSUANT TO SECTION 42-1426, 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.

**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  
Water District Number: 33  
Swan Falls Trust or Nontrust: T  
Mitigation Plan: False

**Combined Use Limits:**

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

**SubCase:**

N/A

**Water Supply Bank:**

N/A

## 2/10/2025

|                          |                                                                               |
|--------------------------|-------------------------------------------------------------------------------|
| <b><u>Owner Type</u></b> | <b><u>Name and Address</u></b>                                                |
| Current Owner            | NICKERSON FARMS LLP<br>3880 N 1300 W<br>HOWE, ID 83244-8711<br>(208) 705-3103 |

**Status:** Active

## Tributary

| <u>Beneficial Use</u> | <u>From</u>            | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|------------------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01                  | 10/31     | 0.910 CFS             | 273.0 AF      |
|                       | <b>Total Diversion</b> |           | 0.910 CFS             | 273.0 AF      |

**Source and Point(s) of Diversion:**  
GROUND WATER                      NWNSE                      Sec. 22, Twp 06N, Rge 29E, BUTTE County

**Place Of Use:**  
IRRIGATION within BUTTE County

| IRRIGATION within 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                  |  |
|                                |     |     |    |    |    |    |    |    |    |    |    |    |    |    |      |    |    |      | POU Total Acres: 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.                                                                                                                                                                                                                                                          |

Decreed Date: 8/11/2000  
Civil Case Number: 39576  
Judicial District: FIFTH  
State or Federal: S

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

2/10/2025

Water District Number: 33  
Mitigation Plan: False

**Combined Use Limits:**

N/A

**SubCase:**

N/A

**Water Supply Bank:**

N/A

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Proof Report**

**2/10/2025**

**Water Right 33-2049**

**Owner Type**      **Name and Address**  
 Current Owner      FERN NICKERSON  
                          1300 W 3900 N  
                          HOWE, ID 83244  
                          (208) 767-3320

Current Owner      KEITH NICKERSON  
                          1300 W 3900 N  
                          HOWE, ID 83244  
                          (208) 705-3103

**Priority Date:** 11/9/1948

**Basis:** Decreed

**Status:** Active

**Source**  
 GROUND WATER

**Tributary**

| <b><u>Beneficial Use</u></b> | <b><u>From</u></b>            | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Volume</u></b> |
|------------------------------|-------------------------------|------------------|------------------------------|----------------------|
| IRRIGATION                   | 4/01                          | 10/01            | 1.760 CFS                    |                      |
|                              | <b><u>Total Diversion</u></b> |                  | 1.760 CFS                    |                      |

**Source and Point(s) of Diversion:**

|              |        |                                         |
|--------------|--------|-----------------------------------------|
| GROUND WATER | NWSWNW | Sec. 24, Twp 06N, Rge 29E, BUTTE County |
| GROUND WATER | SWNWNW | Sec. 24, Twp 06N, Rge 29E, BUTTE County |
| GROUND WATER | NESE   | Sec. 22, Twp 06N, Rge 29E, BUTTE County |

**Place Of Use:**

IRRIGATION within 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 | NE | NW | SW | SE | Totals |  |  |  |  |
| 06N | 29E | 24  |  |    |    |    |    |    |    | 9.0 | 39.0 | 40.0 |    |    |    |    |    |    |    |    |    |    |    | 88.0   |  |  |  |  |

POU Total Acres: 88.0

**Conditions of Approval:**

1.            R05            Use of water under this right may 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 No. 33.
2.            01M            After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the

IDAHO DEPARTMENT OF WATER RESOURCES

2/10/2025

Proof Report

- Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
3. 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.
4. 004 This right does not grant any right-of-way or easement across the land of another.
5. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. 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.
7. T19 Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

**Dates and Other Information:**

Decreed Date: 8/11/2000

State or Federal: S

Owner Name Connector: OR

Water District Number: 33

Generic Max Rate Per Acre: 0.020

Generic Max Volume Per Acre: 3.5

Mitigation Plan: False

**Combined Use Limits:**

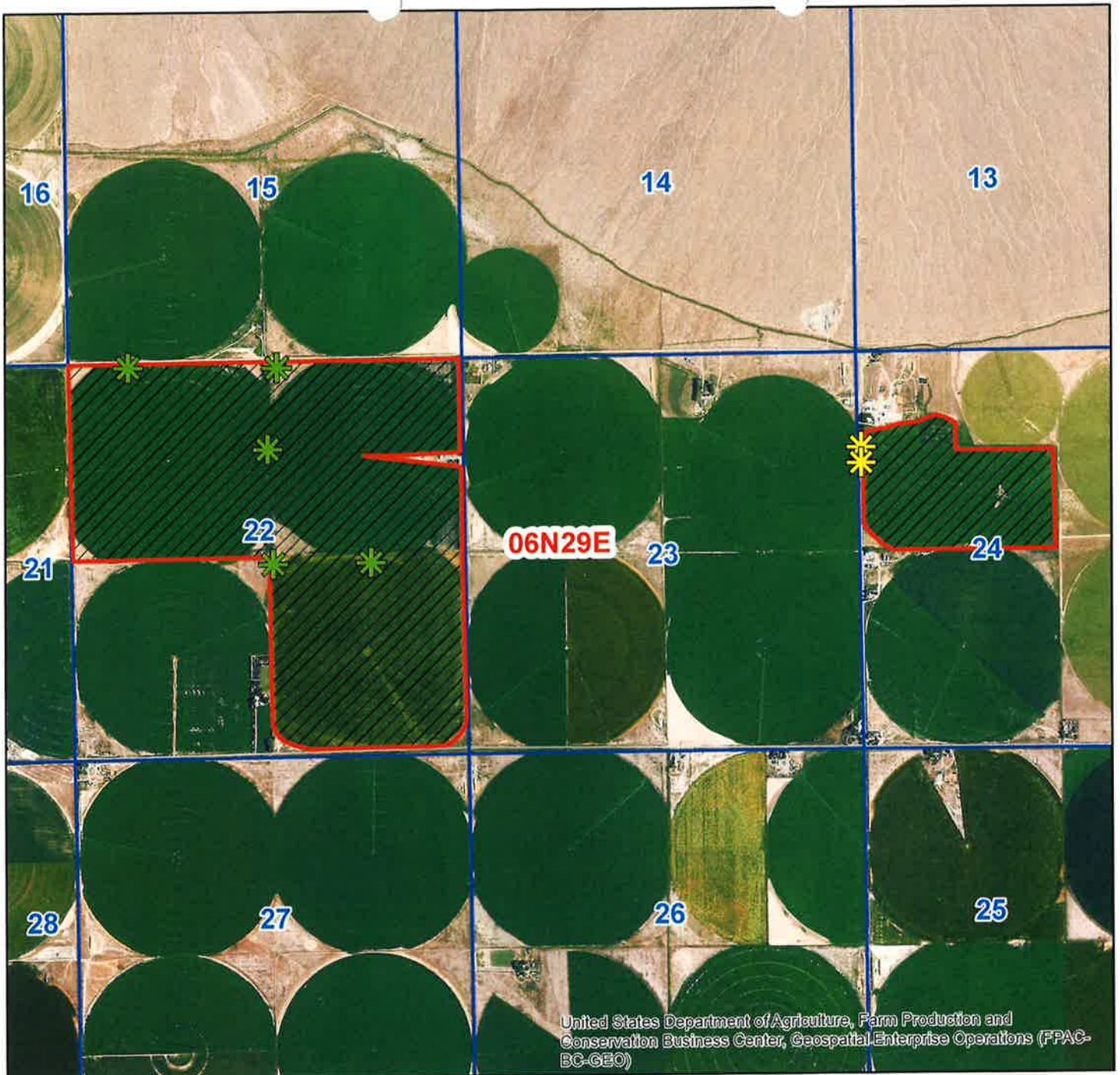
N/A

**SubCase:**

N/A

**Water Supply Bank:**

N/A



## Legend



Proposed\_Place\_of\_Use



Proposed\_Points\_of\_Diversion



Points\_of\_Diversion\_(33-2049\_Only)



Township/Range



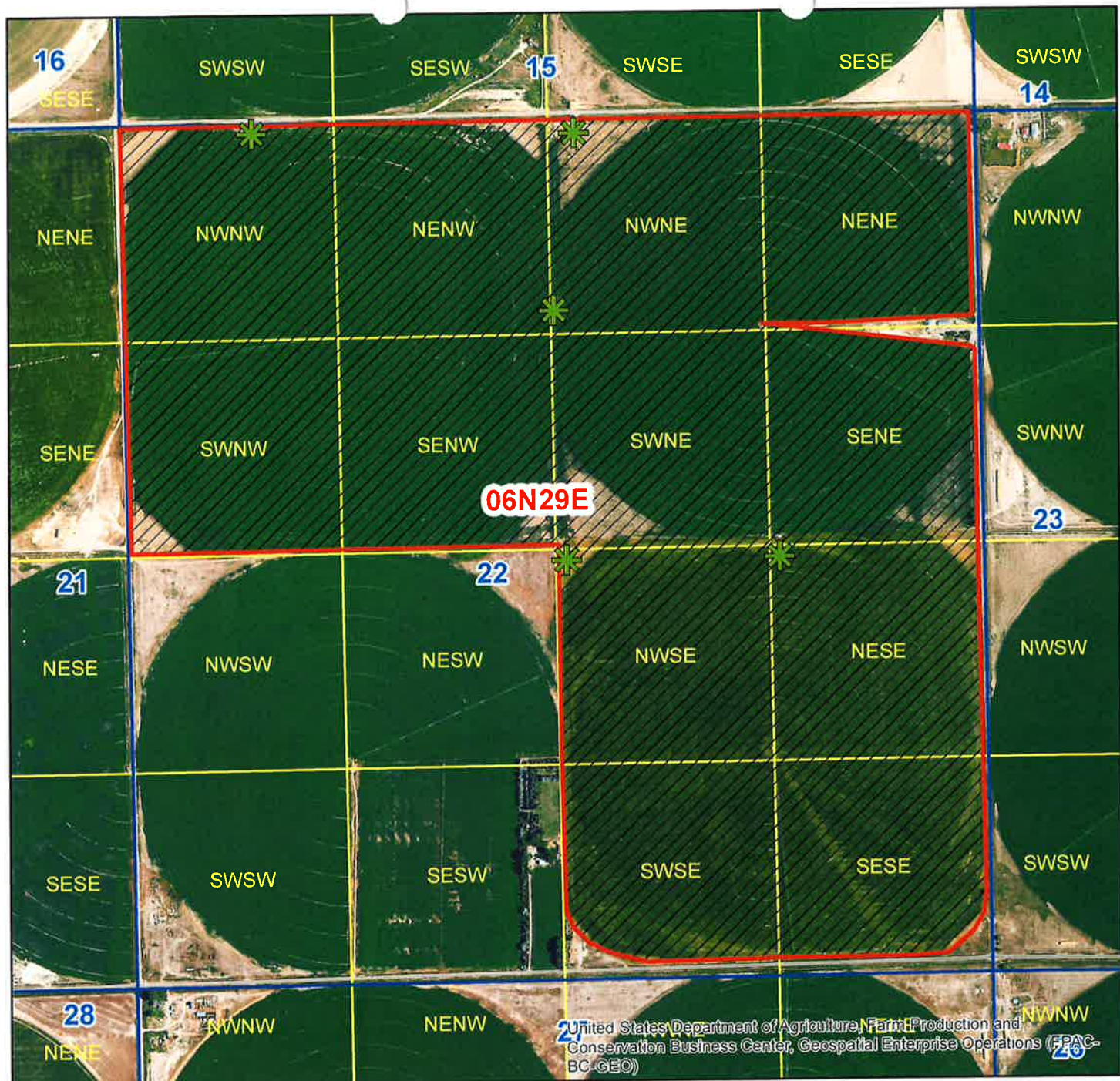
Sections



1 inch = 656 yards

0 1,800 3,600 Feet

89654



## Legend



## Proposed\_Place\_of\_Use



### Proposed\_Points\_of\_Diversion



Township/Range



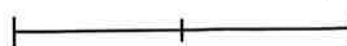
## Sections

QQ



1 inch = 909 feet

0      800      1,600 Feet





## Legend



Proposed Place of Use



Points of Diversion (33-2049 Only)



Township/Range



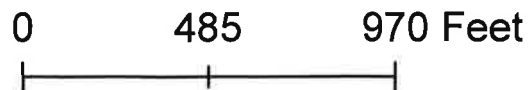
Sections



QQ



1 inch = 499 feet



89654

INCORPORATED UNDER THE LAWS OF THE STATE OF IDAHO



# Blaine County Canal Company, Limited

CAPITAL STOCK \$20,000.00

THIS IS TO CERTIFY THAT Nickerson Farms LLP is the owner of 153 shares of the capital stock of the Blaine County Canal Company, Limited, transferable on the books of the Company as provided by its by-laws.

This certificate is issued and accepted in accordance with and subject to the conditions stated in the Articles of Incorporation and By-laws, and amendments thereto.

This certificate entitles the owner thereof to receive a proportionate share of all water available under the rights owned by the corporation, for the irrigation of and domestic uses on the following described lands:

Transfer of this certificate shall be made upon the books of the corporation only to persons eligible to become stockholders, as provided in the by-laws, and amendments thereto.

IN WITNESS WHEREOF, The BLAINE COUNTY CANAL COMPANY, LIMITED, has caused this certificate to be sealed with its Corporate Seal and signed by its duly authorized officers this 3<sup>rd</sup> day of March, 1920.

BLAINE COUNTY CANAL COMPANY, LIMITED

ATTEST:

Makayla R. Callister

Secretary

By

Ros Pancheu

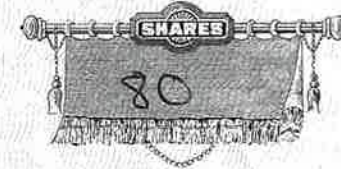
President

SHARES

\$1.00

PAID

INCORPORATED UNDER THE LAWS OF THE STATE OF IDAHO



# Blaine County Canal Company, Limited

CAPITAL STOCK \$20,000.00

THIS IS TO CERTIFY THAT Nickerson Farms LLP is the owner of 80 shares of the capital stock of the Blaine County Canal Company, Limited, transferable on the books of the Company as provided by its by-laws.

This certificate is issued and accepted in accordance with and subject to the conditions stated in the Articles of Incorporation and By-laws, and amendments thereto.

This certificate entitles the owner thereof to receive a proportionate share of all water available under the rights owned by the corporation, for the irrigation of and domestic uses on the following described lands:

Transfer of this certificate shall be made upon the books of the corporation only to persons eligible to become stockholders, as provided in the by-laws, and amendments thereto.

IN WITNESS WHEREOF, The BLAINE COUNTY CANAL COMPANY, LIMITED, has caused this certificate to be sealed with its Corporate Seal and signed by its duly authorized officers this 3<sup>rd</sup> day of March, 2020.

ATTEST: Makayla R. Callister  
Secretary

By Ron Pancheri  
President



89654

1/4

INCORPORATED UNDER THE LAWS OF THE STATE OF IDAHO



# Blaine County Canal Company, Limited

CAPITAL STOCK \$20,000.00

THIS IS TO CERTIFY THAT Kirk Nickerson is the owner of 480 shares of the capital stock of the Blaine County Canal Company, Limited, transferable on the books of the Company as provided by its by-laws.

This certificate is issued and accepted in accordance with and subject to the conditions stated in the Articles of Incorporation and By-laws, and amendments thereto.

This certificate entitles the owner thereof to receive a proportionate share of all water available under the rights owned by the corporation, for the irrigation of and domestic uses on the following described lands:

N 1/2, Sec 22 Township 6 North Range 29 East Boise Meridian

E 1/2, SE 1/4 Sec 22 T 6 N R 29 E

T 6 N R 29 E Sec 24 S 1/2 NW 1/4

Transfer of this certificate shall be made upon the books of the corporation only to persons eligible to become stockholders, as provided in the by-laws, and amendments thereto.

IN WITNESS WHEREOF, The BLAINE COUNTY CANAL COMPANY, LIMITED, has caused this certificate to be sealed with its Corporate Seal and signed by its duly authorized officers this 8 day of March, 1924.

BLAINE COUNTY CANAL COMPANY, LIMITED

ATTEST:

Mary G. Callister

Secretary

By

Roy Danchin

President

SHARES

\$1.00

EACH



IDAHO DEPARTMENT OF  
**WATER RESOURCES**

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: [easterninfo@idwr.idaho.gov](mailto:easterninfo@idwr.idaho.gov) • Web: [idwr.idaho.gov](http://idwr.idaho.gov)

**Governor Brad Little**

**Director Mathew Weaver**

March 19, 2025

KIRK NICKERSON FARMS LLC  
3880 N 1300 W  
HOWE, ID 83244

RE: Transfer No. 89654  
Water Right No(s). 33-10837, 33-14868, 33-2037A, 33-2038, 33-2039A, 33-2039B,  
33-2049

Dear Applicant:

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the ARCO ADVERTISER on 3/27/2025 and 4/3/2025. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Christina Henman  
Administrative Assistant

## Henman, Christina

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**From:** Henman, Christina  
**Sent:** Wednesday, March 19, 2025 3:40 PM  
**To:** arcoadv@aol.com  
**Subject:** Legal Notice for Arco Advertiser  
**Attachments:** 89453, 89654 Arco Advertiser.docx

LEGAL NOTICE DEPARTMENT  
ARCO ADVERTISER  
PO BOX C  
ARCO, ID 83213

RE: Transfer No. 89453, 89654  
Water Right No(s). 33-14886, 33-2044A, 33-2047, 33-2048B, 33-2055, 33-2077, 33-2078, 33-2100, 33-10837, 33-14868, 33-2037A, 33-2038, 33-2039A, 33-2039B, 33-2049

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 4/14/2025. Your cooperation is appreciated.

Thank You,



**Christina Henman**  
Administrative Assistant  
IDWR, Eastern Region  
900 N Skyline Ste. A  
Idaho Falls, ID 83402  
Phone: (208) 525-7161

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT  
AMENDED TRANSFER NO. 89453**

**ILENE HARRELL and BRIAN S HARRELL**, 3848 N 1700 W, HOWE, ID 83244-8715 has filed an amended Application No. 89453 for changes to the following water rights within BUTTE County(s): Right No(s). 33-14886, 33-2044A, 33-2047, 33-2048B, 33-2055, 33-2077, 33-2078, 33-2100; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion and place of use, and add point of diversion. Proposed points of diversion are in NWSESW Sec 22, and NWNWNW and NENW (new) Sec 27, T06N R29E for 5.49 cfs from Ground Water. Proposed place of use is in N1/2 Sec 27 T06N R29E for 262.7 acres.

**TRANSFER NO. 89654**

**KIRK NICKERSON FARMS LLC**, 3880 N 1300 W, HOWE, ID 83244 has filed Application No. 89654 for changes to the following water rights within BUTTE County(s): Right No(s). 33-10837, 33-14868, 33-2037A, 33-2038, 33-2039A, 33-2039B, 33-2049; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: add points of diversion and change place of use. Proposed points of diversion are in NWNW, NWNE, NWNE, NWSE and NESE Sec 22, and NWSWNW and SWNWNW Sec 24, T06N R29E for 9.56 cfs from Ground Water. (Points of diversion in Sec 24 are for right 33-2049 only). Proposed place of use is in Sec 22 and 24 T06N R29E for 551 acres. For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 4/14/2025. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director

Published on 3/27/2025 and 4/3/2025