

MEMORANDUM

Date: October 15, 2025
To: Transfer 89654
From: Brian Normandeau
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes changing the place of use, points of diversion and adding points of diversion to water rights 33-2039A, 33-2039B, 33-2038, 33-2037A, 33-10837, 33-14868 and 33-2049. The purpose of this transfer is to combine the place of use and five ground water diversions for these rights to reflect the current operation of the system. No physical changes will occur to the points of diversion; however, the legal description is being changed from a 10-acre tract to a 40-acre tract for all rights except 33-2049. The wells are interconnected and operated as one system. Minor changes to the place of use land list are proposed to more accurately represent the acres currently irrigated. Right 33-2049 has two additional points of diversion that remain unchanged and are proposed to stay on that right only. Those two wells are inactive and not connected with the five operational diversions. Ownership of the water rights will be updated through this transfer.

The current conditions for Water Rights 33-2039A and 33-2039B mistakenly state a combined acre limit of 160.0 acres. This acre limit is inconsistent with the 156 acres place of use defined in the partial decrees. The current combined volume of 546 acre-feet is a consistent volume for 156 acres (3.5 acre-feet per acre standard). This transfer will correct the combined acre limit to 156 acres.

Authority to File:

The original application was submitted with Kirk Nickerson Farms LLC as the applicant. On 10/14/2025, Kirk Nickerson amended the application to himself, personally, as the applicant and water right owner. Kirk Nickerson is the property and water right owner based on deeds provided with this application.

Water Right Validity:

The water rights being transferred were decreed 8/11/2000. Based on available aerial imagery, some of the acres being removed from the place(s) of use do appear to have undergone a period of non-use; however, the total number of acres being irrigated under these rights reflects the full beneficial use of the rights has been maintained. There is no clear evidence that any portion of these rights have been forfeited due to non-use. No issues identified.

Injury to Other Water Rights:

The majority of the proposed points of diversion are within the same or adjacent ESPA model cells. A worst case scenario model analysis was done for the points of diversion not within the same or adjacent model cells. Impacts to the individual ESPA river reaches are less the 2.0 af/tri. The application was advertised and was not protested. The diversions are existing wells. No issues identified.

Enlargement of Use:

Approval of this transfer does not result in an increase in the diversion rate, total volume or total irrigated acres covered by these water rights. The applicant has Blaine County Canal Company shares that will continue to be used along with these ground water rights. No issues identified.

Local Public interest:

No issues identified.

Beneficial Use/Conservation of Water Resources:

No issues identified.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.