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42-222 POD - 07/18

complete as an ownership
change - only

STATE OF IDAHO

OCT 29 2021

OCT 25 2021

DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Eastern RegionDEPARTMENT OF
WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT - POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ ~~Change diversion point(s)~~ ☐ Add diversion point(s) ☒ Ownership change ☐ Ownership split
☐ Transfer is for changes pursuant to [Idaho Code § 42-221.O.8](#). Attach an explanation and any supporting documentation.

1. **APPLICANT(S)** Cripple Creek Ranch LLC Phone (435) 458-3589
 2. **MAILING ADDRESS** 4607 W 16800 N City FIELDING
 State UT Zip 84311 Email (435) 279-0067

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
☒ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 29-10428 OK

- ☒ Attach a copy of the water right(s) as recorded, available at [idwr.idaho.gov](#), *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 0.02 cubic feet per second and/or _____ acre-feet per annum.
 (diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at [idwr.idaho.gov](#), *Water Rights, Water Right Transfers, Modeling Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
YES		NE	NW	SE	36	10S	33E	POWER	GROWND WATER	

6. GENERAL INFORMATION

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

Point of diversion is a well with a 6 inch casing. The water is then conveyed through a 2 inch pipe into a 5500 gallon storage tank.

- b. Who owns the property at the point(s) of diversion? Applicant
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

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

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No
☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and ¼ ¼ of section information. You may create a map at idwr.idaho.gov, Water Rights, Water Right Transfers, File a Transfer Application, Step 2C.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

[Signature] Kevin Gurn member 10-15-21
Signature of applicant or authorized agent Print name and title if applicable Date

Signature of applicant or authorized agent Print name and title if applicable Date

9. **FEE** – ☐ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, Water Right Transfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes 6 pages of attachments. Received by [Signature] Date 10-15-21
Fee paid 225 Date 10-25-21 Receipted by [Signature] Receipt # 211203
Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐
W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐
(Do NOT scan the W-9 – confidential information is held by fiscal only)

Cripple Creek Ranch LLC Transfer POD



0 250 500 1,000 Feet



Place of Use

-  Proposed Point of Diversion
-  Water Right POD
-  Township/Range
-  Sections
-  QQ

When Recorded Mail To:

Hallock & Hallock, a professional corporation
40 West Cache Valley Blvd., Suite 9A
Logan, Utah 84341

Send Tax Notices To:

Cripple Creek Ranch, LLC
P.O. Box 43
Fielding, Utah 84311

Instrument # 208189

POWER COUNTY, IDAHO

10-16-2015 02:31:17 PM No. of Pages: 3

Recorded for : HALLOCK & HALLOCK

SHARIE SPRAGUE

Fee: 16.00

Ex-Officio Recorder Deputy

*marieon
schelste*

WARRANTY DEED

Kevin O. Garn, Jeri Garn, and Michael L. Garn, grantors, of P.O. Box 43, Fielding, County of Box Elder, State of Utah, do hereby grant, bargain, sell, warrant and convey to **Cripple Creek Ranch, LLC**, an Idaho limited liability company of P.O. Box 43, Fielding, Utah, grantee, for the sum of ONE DOLLAR, their undivided interest in the following described real estate in Power County, State of Idaho:

See Exhibit "A" attached hereto.

Together with all improvements, water, water rights, ditches, ditch rights, easements, hereditaments and appurtenances thereto.

Witness in the hands of said grantors this 2 day of October 2015.

Kevin O. Garn

Kevin O. Garn

Jeri Garn

Jeri Garn

Michael L. Garn

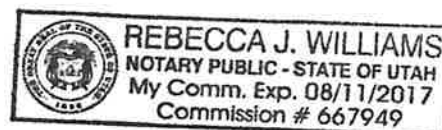
Michael L. Garn

STATE OF UTAH)
 :SS
COUNTY OF Cache)

On the 2 day of October 2015, before me, the undersigned Notary, personally appeared Kevin O. Garn, who is personally known to me or who proved to me his identity through documentary evidence to be the person who signed the preceding document in my presence and who swore to me that his signature is voluntary and document truthful.

Rebecca J. Williams

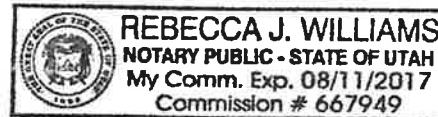
Notary Public
Residing at: Cache
My commission expires: 08/11/2017



STATE OF UTAH)
 :SS
COUNTY OF Cache)

On the 2 day of October 2015, before me, the undersigned Notary, personally appeared Jeri Garn, who is personally known to me or who proved to me her identity through documentary evidence to be the person who signed the preceding document in my presence and who swore to me that her signature is voluntary and document truthful.

Rebecca J Williams
Notary Public
Residing at: Cache
My commission expires: 08/11/2017



STATE OF UTAH)
 :SS
COUNTY OF Cache)

On the 5 day of October 2015, before me, the undersigned Notary, personally appeared Michael L. Garn, who is personally known to me or who proved to me his identity through documentary evidence to be the person who signed the preceding document in my presence and who swore to me that his signature is voluntary and document truthful.

Rebecca J Williams
Notary Public
Residing at: Cache
My commission expires: 08/11/2017



EXHIBIT "A"

Tract 1:

Township 11 South, Range 33 E.B.M., Power County, Idaho.

Section 3: $N\frac{1}{2}SW\frac{1}{4}$

Section 4: Government Lots 1, 2, 3, 4; $S\frac{1}{2}N\frac{1}{2}$; $N\frac{1}{2}S\frac{1}{2}$

Section 5: Government Lots 1, 2, 5; $SW\frac{1}{4}NE\frac{1}{4}$, EXCEPT that portion of Government Lot 2 and the $SW\frac{1}{4}NE\frac{1}{4}$ described as follows: Beginning at the SW Corner of said Government Lot 2; thence South 750 feet to the True Point of Beginning; thence NE to a point 120 feet North of the NE Corner of the $SW\frac{1}{4}NE\frac{1}{4}$; thence South to the SE Corner of the $SW\frac{1}{4}NE\frac{1}{4}$; thence West to the SW Corner of the $SW\frac{1}{4}NE\frac{1}{4}$; thence North 570 feet to the True Point of Beginning.

Section 10: $NE\frac{1}{4}$; $E\frac{1}{2}SE\frac{1}{4}$

Section 11: ALL

Except County Roads

Tract 2:

Township 11 South, Range 33 E.B.M., Power County, Idaho.

Section 2: $S\frac{1}{2}S\frac{1}{2}$

Section 3: Lots 1, 2, 3, and 4; $S\frac{1}{2}N\frac{1}{2}$; $N\frac{1}{2}SE\frac{1}{4}$; $SE\frac{1}{4}SE\frac{1}{4}$

Except County Roads

Township 10 South, Range 33 E.B.M., Power County, Idaho.

Section 33: $E\frac{1}{2}SE\frac{1}{4}$

Section 35: $N\frac{1}{2}S\frac{1}{2}$; $S\frac{1}{2}SE\frac{1}{4}$

Section 36: $N\frac{1}{2}SW\frac{1}{4}$; $W\frac{1}{2}SE\frac{1}{4}$

Except County Roads

Together with the right to the following described water registered with the State of Idaho Division of Water Rights: WUC#29-10428, 29-10424, 29-10425, 29-10426, and 29-10427.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

11/1/2021

Water Right 29-10428

Owner Type **Name**
Current Owner KEVIN GARN
Current Owner MICHAEL GARN
Current Owner JERI GARN
Priority Date: 4/1/1910
Basis: Decreed
Status: Active

Source
SPRINGS

Tributary
SINKS

Beneficial Use
STOCKWATER

<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
1/01	12/31	0.020 CFS
<u>Total Diversion</u>		0.020 CFS

Volume

Source and Point(s) of Diversion
SPRINGS

SENWSE

Sec. 36, Twp 10S, Rge 33E, POWER County

Place Of Use
STOCKWATER within POWER County
T10S R33E S36 NWSE

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. PARCEL NO. RP D2309-00 STOCKWATER, 40 BEEF CATTLE

Dates and Other Information

Decreed Date: 6/16/1998
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: EXC
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A



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 • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

November 16, 2021

CRIPPLE CREEK RANCH LLC
4607 W 16800 N
FIELDING UT 84311-9401

Re: Change in Ownership for Water Right No(s): 29-10428

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records and has enclosed a computer-generated report for you.

According to the application received it was also your intent to complete a change of point of diversion. During our review and discussion with you it seems you decided to only proceed with the ownership change. Because the transfer will not be processed you are entitled to a \$200.00 refund. The refund has been initiated and should arrive from the state office in a couple of weeks.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 497-3787.

Sincerely,

Jonie Barg
Technical Records Specialist 1

Enclosure(s)

cc: WESTERN AGCREDIT PCA

Barg, Jonie

From: Barg, Jonie
Sent: Tuesday, November 16, 2021 3:06 PM
To: IdwrPayable
Subject: Refund Request
Attachments: Receipt.PDF

Good afternoon!

I have a refund request as follows:

Receipt number: C111203
Amount: \$200.00
Payable to: Garn Farms
4607 W 16800 N
Fielding UT 84311

Reason: Originally the application was filed for an ownership change and transfer. Transfer portion withdrawn; therefore, they are entitled to a partial refund.

Thank you so much for your time. Let me know if you have any questions.

Have a great day!!!



IDAHO DEPARTMENT OF
WATER RESOURCES

Jonie Barg | Technical Records Specialist

900 N Skyline Drive Ste. A, Idaho Falls, ID 83402

Phone number: (208) 525-7161

Fax number: (208) 525-7177

Email: jonie.barg@idwr.idaho.gov

Website: www.idwr.idaho.gov