

RECEIVED

MAY 27 2021

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 85019

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) Nest Egg Investments LLC

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).**
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☒ ☐ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☒ ☐ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☒ ☐ #10 Other. Please describe: Timeline and evidence submitted to IDWR March 6, 2020

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Department of Water Resources
Eastern Region

Name of Applicant(s) Nest Egg Investments LLC Phone 208-521-6032
Mailing address c/o Aaron McCracken, 1665 Delmar Dr., Idaho Falls, ID 83404 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Rocky Mountain Environmental Associates, Inc. Phone 208-524-2353
Mailing address 482 Constitution Way Ste 303, Idaho Falls, ID 83402 Email kristin.rmea@gmail.com

☐ Send all correspondence for this application to the representative and not to the applicant.

OR

☒ Send original correspondence to the applicant and copies to the representative.

☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant or Authorized Representative

AARON MCCRACKEN - member
Print Name and Title if applicable

5/20/21
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
☒ Change nature of use
 ☐ Add diversion point(s)
☐ Change period of use
 ☒ Change place of use
☐ Other _____
- Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.
Applicant obtained 25-14417 and 25-14419 for the purpose of a new nursery located south of Rigby. The new nursery will not be developed. It is proposed to move the water rights to the Sunnyside Gardens location in Idaho Falls for expansion of the facility. A companion Permit amendment application will relocate 25-14419.

85019

Narrative to Support Applications:**Application for Transfer of Water Right 25-14417****Application for Amendment of Permit 25-14419***Nest Egg Investments LLC*

The applicant proposed to develop a new nursery location south of the City of Rigby in 2014. To provide water for the proposed nursery, applicant obtained Permit 25-14419, with purchased water right 25-14417 providing for the volume component of the new use. In 2014, IDWR approved the Permit 25-14419 and the transferred water right 25-14417 with a combined limit of 2.7 afa for the irrigation of 1.0 acre. The nature of use on both rights are listed as "Irrigation," with an added use for "domestic" for the office building of the nursery on the Permit 25-14419. Both rights are dependent on each other for full operation of the proposed nursery.

Since the time of the approved permit and transfer of water rights 25-14417 and 25-14419 in 2014, the applicant has not been able to develop the proposed nursery. In 2015, the applicant received news that their primary nursery location of Sunnyside Gardens in Idaho Falls was at risk. The land owner was selling the property and it would no longer be available, necessitating relocation of the primary business. A timeline of the detailed events was submitted to IDWR with a request for an extension of time to develop Permit 25-14419 (which was approved) and is included in Attachment #10.

The forced relocation of the primary facility location in Ammon delayed and ultimately changed the business plan for the applicant in regards to rights 25-14417 and 25-14419. It became unfeasible to build two nurseries simultaneously at the new location in Ammon and the proposed location south of Rigby. Likewise, it is now no longer considered feasible to continue to pursue the new nursery location in Rigby. Therefore, it is proposed to relocate rights 25-14417 and 25-14419 to the primary nursery location in Ammon for the continued growth and development of the Ammon nursery.

At the time that these applications were approved in 2014, the approach taken to describe the intended use was different from the process used today. Since the approval of these water rights in 2014, IDWR has developed a new process for addressing water rights for similar scenarios. Today, a water right transferred to provide the volume component of a new permit can be changed to "Mitigation by non-use." The development of rights 25-14417 and 25-14419 preceded this new process. However, right 25-14417 essentially performs the same role as a mitigation right would: it provides the consumptive volume component to Permit 25-14419 and binds them together.

Idaho Statute §42-223(10) states that if a water right is left unused for mitigation purposes, then it is protected from forfeiture. Even though 25-14417 is not listed as "mitigation," it provides the consumptive component bound to a permit that is still in

development and is therefore protected from forfeiture. Additionally, uncontrollable circumstances prevented development of the nursery, for which the water rights were intended.

To best reflect the beneficial use under 25-14417 and 25-14419, it is proposed to change the nature of use of both water rights to "Commercial." They will be used at a commercial nursery business for irrigation within and around greenhouses. It is also proposed to remove the "Domestic" component from 25-14419 since a new office building will not be required and the office use is already covered under the existing commercial water right 25-7320. See Attachment #8a of the transfer application for additional information on conversion to a new beneficial use.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	25-14417	0.019 cfs	Commercial	4/01 to 10/31	Ground water
☐ ☐		2.6 afa		to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.019 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.019 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☒ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
N			NE	NE	34	2N	38E	Bonneville	Ground water	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2N	38E	34	C	C															
Total Acres (for irrigation use)																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

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

An existing well will deliver water into a system for greenhouses and drip irrigation at the nursery.

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

Irrigation will not occur through use of ground water. If irrigation continues at this location, it will likely be through shares in Burgess Canal & Irrigating Co. (the historical source of irrigation water prior to 25-14417 and 25-14419 being obtained)

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

At existing POU: Burgess Canal & Irrigating Co. At proposed POD/POU: 25-7320 for the nursery and Progressive Irrigation District.

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

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

Not applicable. This right provides mitigation for the volume authorized under Permit 25-14419, which is still within the development period.

WATER RIGHT REPORT

5/4/2021

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 25-14417

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NEST EGG INVESTMENTS LLC C/O AARON MC CRACKEN 1665 DELMAR DR IDAHO FALLS, ID 83404 2085216032
Original Owner	KENT MERRILL 532 N 3825 E RIGBY, ID 83442 2087456990

Priority Date: 02/28/1992

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.019 CFS	4 AFA
Total Diversion			0.019 CFS	4 AFA

Location of Point(s) of Diversion:

GROUND WATER|SENE|Sec. 35|Township 04N|Range 38E|JEFFERSON County

Licensed Diversion Capacity: 0.78

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>

04N | 38E | 35 | | SENE | 1 | | | | | | | |

Total Acres: 1

Conditions of Approval:

1. X35 Rights 25-14417 and 25-14419 when combined shall not exceed a total annual maximum diversion volume of 2.7 af at the field headgate, and the irrigation of 1.0 acre.
2. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 120.
3. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
4. 214 Prior to the diversion and use of water under Transfer approval 79646, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
5. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
6. R60 This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
7. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. R55 This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
9. 004 This right does not grant any right-of-way or easement across the land of another.
10. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Dates:

Licensed Date: 01/29/1997

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre: 0.03

Generic Max Volume per Acre: 4

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust: T

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Eastern Snake Plain Aquifer Modeling Analysis

Nest Egg Investments LLC

The Applicant proposes to relocate water rights 25-14417 and 25-14419, which authorize a total diversion of 2.7 afa for irrigation at a nursery. The modeling included below represents the combined limitation of 2.7 afa being relocated to the proposed point of diversion. The points of diversion included in this modeling analysis are identified to be located in the following grid cells and are shown in Figure 1:

TO Well	R76 C162
FROM Well 1	R67 C169

Using ESPAM 2.1 to simulate the depletions of transferring 2.7 AFA (0.9 AF/trimester) from the original point of diversion to the proposed point of diversion, the affects do not exceed the threshold of 2.0 af/trimester. **No mitigation is required.** Figures 2-4 include excerpts from the ESPAM 2.1 simulation.

Figure 1. ESPAM Grid Map



Figure 2. Data Entry

ENHANCED GROUND-WATER RIGHTS TRANSFER
UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE IDAHO DEPARTMENT OF AGRICULTURE

Cells this color are set up for user entries

ENTER STARTING DATE FOR SIMULATION. THEN PUSH "UPDATE DATES" BUTTON

YEAR: 1991

SEASON: WINTER

TRANSFER NO: 25-14417 & 25-14

TRANSFER NAME: Nest Egg Investm

UPDATE DATES RUN MODEL GET OUTPUT

CALCULATE EFFECTS

ENTER CELL LOCATIONS:

	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL
ROW	67	76	75	45
COLUMN	169	162	105	30

TRIMESTER OF ACTIVITY	TO WELL	FROM1 WELL		FROM2 WELL		FROM3 WELL	
	Projected Use AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER
WIN 1991	0	1	1	0	0	0	0
SPR 1992	0	1	1	0	0	0	0
SUM 1992	0	1	1	0	0	0	0
WIN 1992	0	1	1	0	0	0	0
SPR 1993	0	1	1	0	0	0	0
SPR 2021	0	1	1	0	0	0	0
SUM 2021	0	1	1	0	0	0	0
WIN 2021	0	1	1	0	0	0	0
SPR 2022	0	1	1	0	0	0	0
SUM 2022	1	0	1	0	0	0	0
WIN 2022	1	0	1	0	0	0	0
SPR 2023	1	0	1	0	0	0	0
SUM 2023	1	0	1	0	0	0	0
WIN 2023	1	0	1	0	0	0	0
SPR 2024	1	0	1	0	0	0	0
SUM 2024	1	0	1	0	0	0	0
WIN 2024	1	0	1	0	0	0	0
SPR 2025	1	0	1	0	0	0	0
SUM 2025	1	0	1	0	0	0	0
WIN 2025	1	0	1	0	0	0	0
SPR 2026	1	0	1	0	0	0	0
SUM 2026	1	0	1	0	0	0	0
WIN 2026	1	0	1	0	0	0	0
SPR 2027	1	0	1	0	0	0	0
SUM 2139	1	0	1	0	0	0	0
WIN 2139	1	0	1	0	0	0	0
SPR 2140	1	0	1	0	0	0	0
SUM 2140	1	0	1	0	0	0	0
WIN 2140	1	0	1	0	0	0	0
SPR 2141	1	0	1	0	0	0	0
SUM 2141	1	0	1	0	0	0	0

Figure 3. Net Transfer Graphs

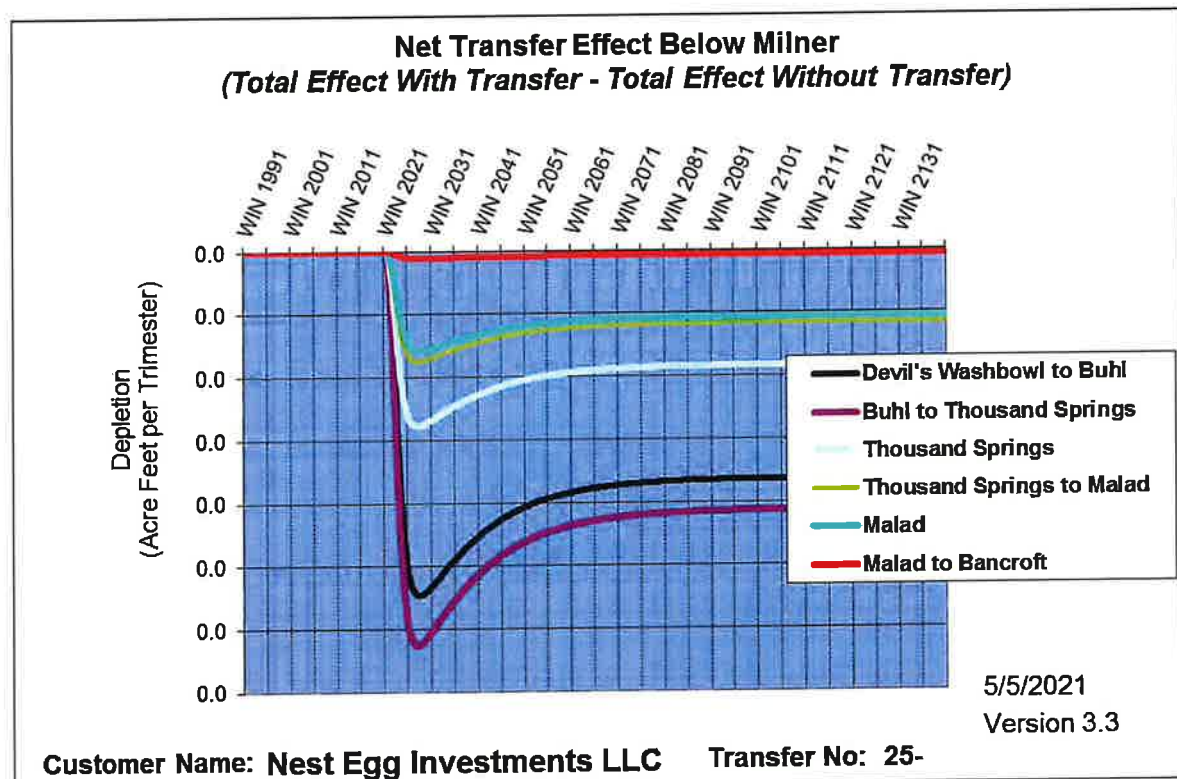
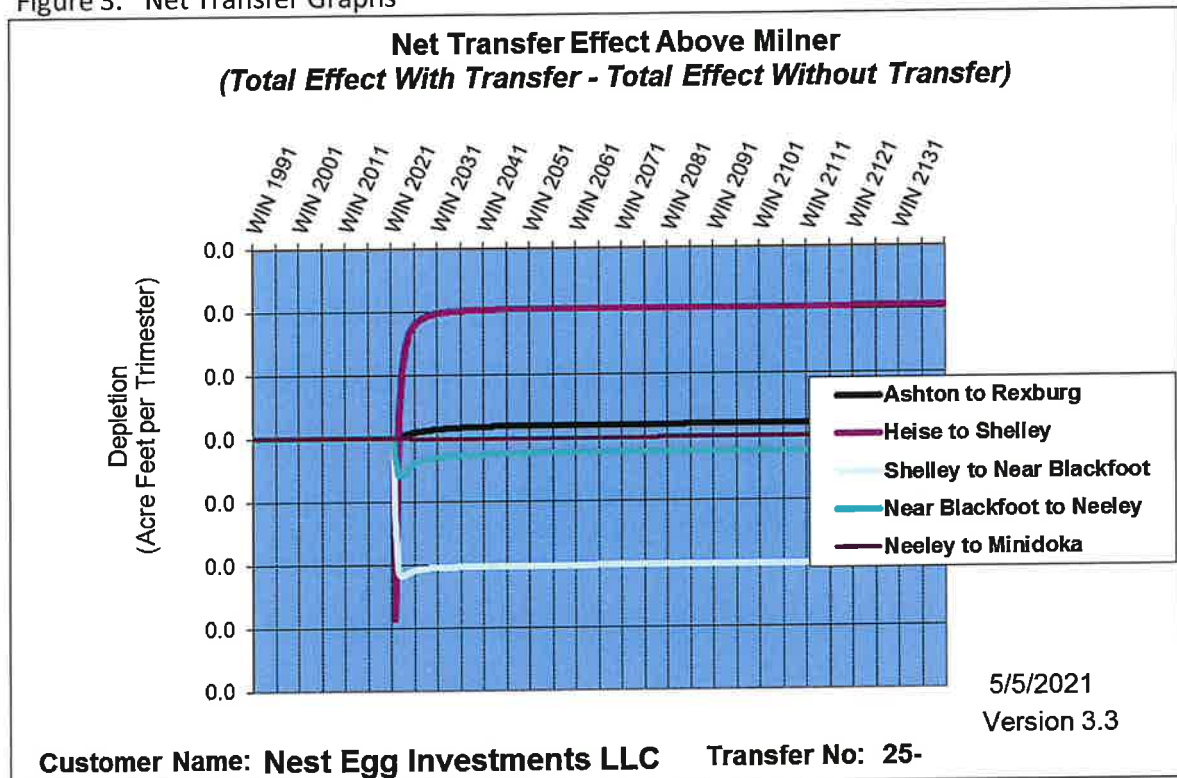


Figure 4. Calculated Effects.

	Net Transfer Effect (AF/four months)										
	Ashton to	Heise to	Shelley to	Nr Bickft	Neeley to	Dev. Wbl.	Buhl to	Kspr	Kspr to	Malad	Malad to
	Rexburg	Shelley	Nr Bickft	Neeley	Minidoka	Buhl	Kspr		Malad		Bancroft
WIN 1991	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 1992	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 1992	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 1992	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 1993	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2020	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2020	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2020	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2021	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2021	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2021	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2022	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2022	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2022	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2023	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2023	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2023	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2024	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2024	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2024	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2025	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2025	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2139	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2140	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2140	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 2140	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 2141	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 2141	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Enter First Time Step of Transfer: SUM 2021												
Match:	90	Match:	456									
	AIR	HIS	StNB	NBIN	NIM	DWtB	BlTS	TS	TSstM	M	MtB	Total
Preexisting Effects @ SS (Last Time Step):	0.02	0.37	0.18	0.30	0.00	0.01	0.01	0.00	0.00	0.00	0.00	0.90
dy State - Value of Dep. @ Last Time Step:	0.03	0.39	0.16	0.30	0.00	0.01	0.01	0.00	0.00	0.00	0.00	0.90
ts @ Transient State (Max Value Timestep):	0.02	0.37	0.18	0.30	0.00	0.01	0.01	0.00	0.00	0.00	0.00	0.90
nt State - Max. Value of Dep. After Transfer:	0.03	0.39	0.18	0.30	0.00	0.01	0.01	0.00	0.00	0.00	0.00	0.92
Steady State Change:	0.00	0.02	-0.02	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
Transient State Change:	0.00	0.02	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	

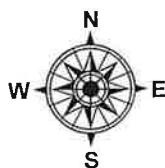


0 120 240 480 Feet

2019 Aerial Photography

Legend

-  Proposed POD
-  Proposed POU
-  POU 25-7320
-  Twp & Rng
-  Section
-  QQ



Proposed Location

Nest Egg Investments LLC

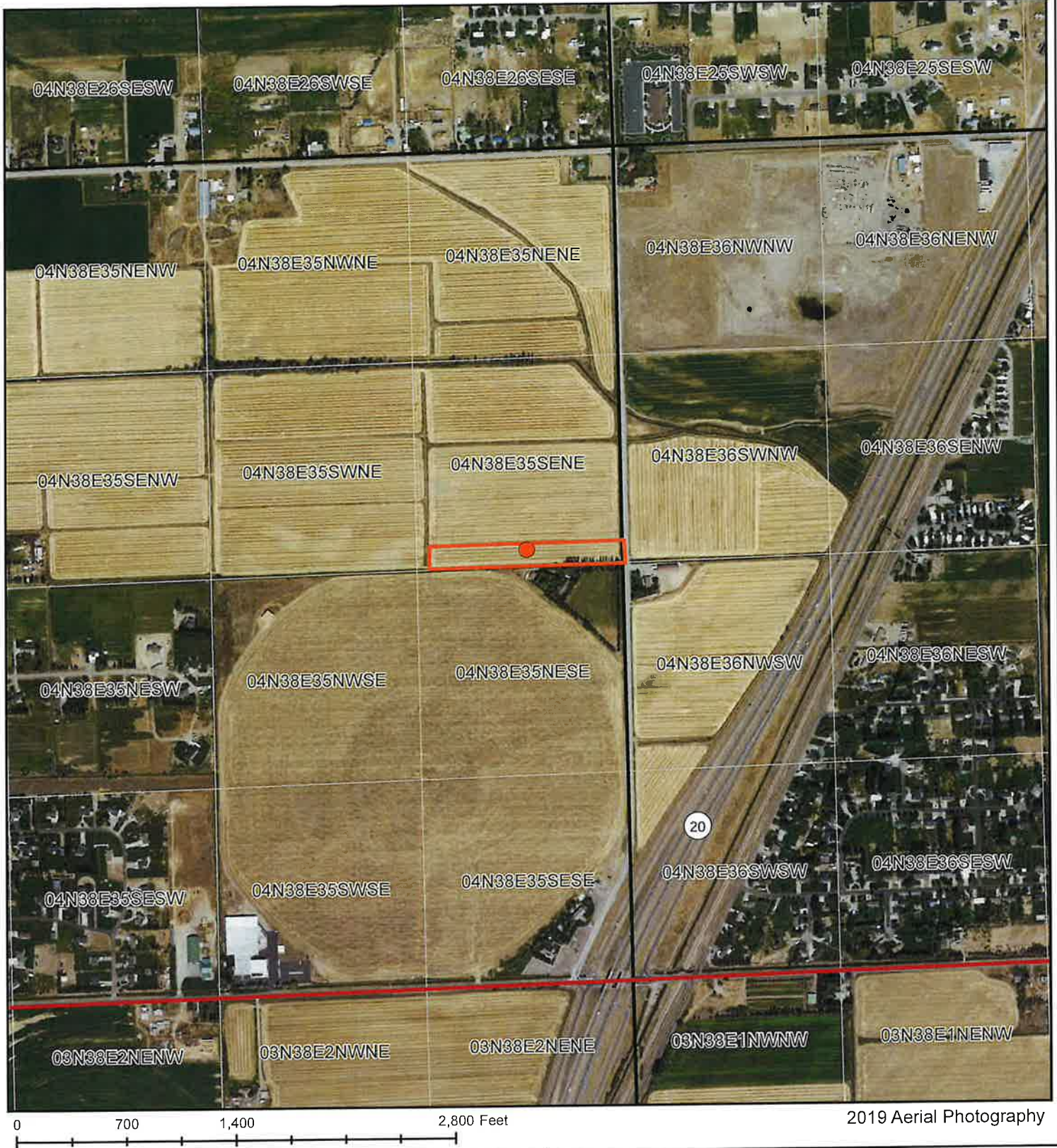
RMEA #18-0083

by: KM

Date: 5/20/2021

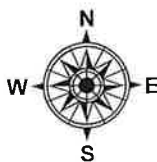


Rocky Mountain
ENVIRONMENTAL
ASSOCIATES, INC.



Legend

-  POD 25-14417  QQ
-  POU 25-14417
-  Twp & Rng
-  Section



Existing Location
Nest Egg Investments LLC

RMEA #18-0083

by: KM

Date: 5/5/2021



85019

Change in Nature of Use

Nest Egg Investments LLC

Applicant proposes to better reflect the nature of use of the water right by converting it from an irrigation water right to commercial for use in a nursery. Historically, water right 25-14417 was used to irrigate alfalfa – less frequent cuttings at the original location prior to the transfer approved in 2014. Using ET Idaho 2017, and based upon information gathered at the Idaho Falls FAA Airport station (NWS – USW00024145), alfalfa-less frequent cuttings has a precipitation deficit of 796 mm/year, or 2.6 af/year, for the growing season. The table below is an excerpt from ET Idaho 2017.

Table 1. Excerpt from ET Idaho 2017 Idaho Falls FAA Airport station for Alfalfa – less frequent cuttings.

Alfalfa - less frequent cuttings															
Precipitation Deficit															
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Non Growing Season ^b	Annual
Mean ^j	mm/day												mm		
Monthly ^c	-0.12	0.09	0.13	0.94	3.93	6.10	4.99	5.31	3.16	1.52	-0.21	-0.33	796	-15	781

To convert the water right from irrigation to commercial requires that only the consumptive component be converted. Therefore, it is proposed to limit the use of the water right to 2.6 afa to avoid enlargement.

MAR 6 2020DEPARTMENT OF
WATER RESOURCES

February 7, 2020

Re: Permit 25-14419

Shelley Keen (Idaho Dept. of Water Resources),

Our expansion plans changed when we found out the property on which our primary location was built would be sold.

For your consideration, below is the timeline of events that led to us opening a new primary location in Ammon:

May 2015- There was enough question about the feasibility of staying at our primary location that efforts to develop our secondary location in Rigby were put on hold.

April 2016- Found out the primary property would be listed to sell in 2018. Due to the cost and the fact the two owners wouldn't allow the piece to be divided we would not be able to continue operations at that location beyond the 2018 season.

September 2016- Told the farmer leasing our Rigby property to continue farming the piece as we tried to procure a new site for our primary location.

May 2017- Began looking in earnest for a new primary location in Idaho Falls and Ammon.

September 2017- Found a parcel in Ammon that we felt would be a good location to develop. This piece would require re-platting, subdividing, and re-zoning.

December 2017 - May 2018- Re-zoning, subdividing, platting, surveying and permitting (see attached- A, B, C, D).

July 2018- Broke ground for new facility (see attached- E).

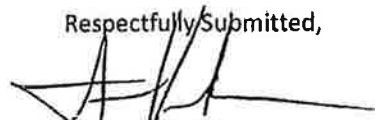
August 2018- Began tearing down and moving greenhouses from the old location (see attached- F).

November 2018- Original location was listed for sale.

December 2018- Original location went under contract (see attached- G).

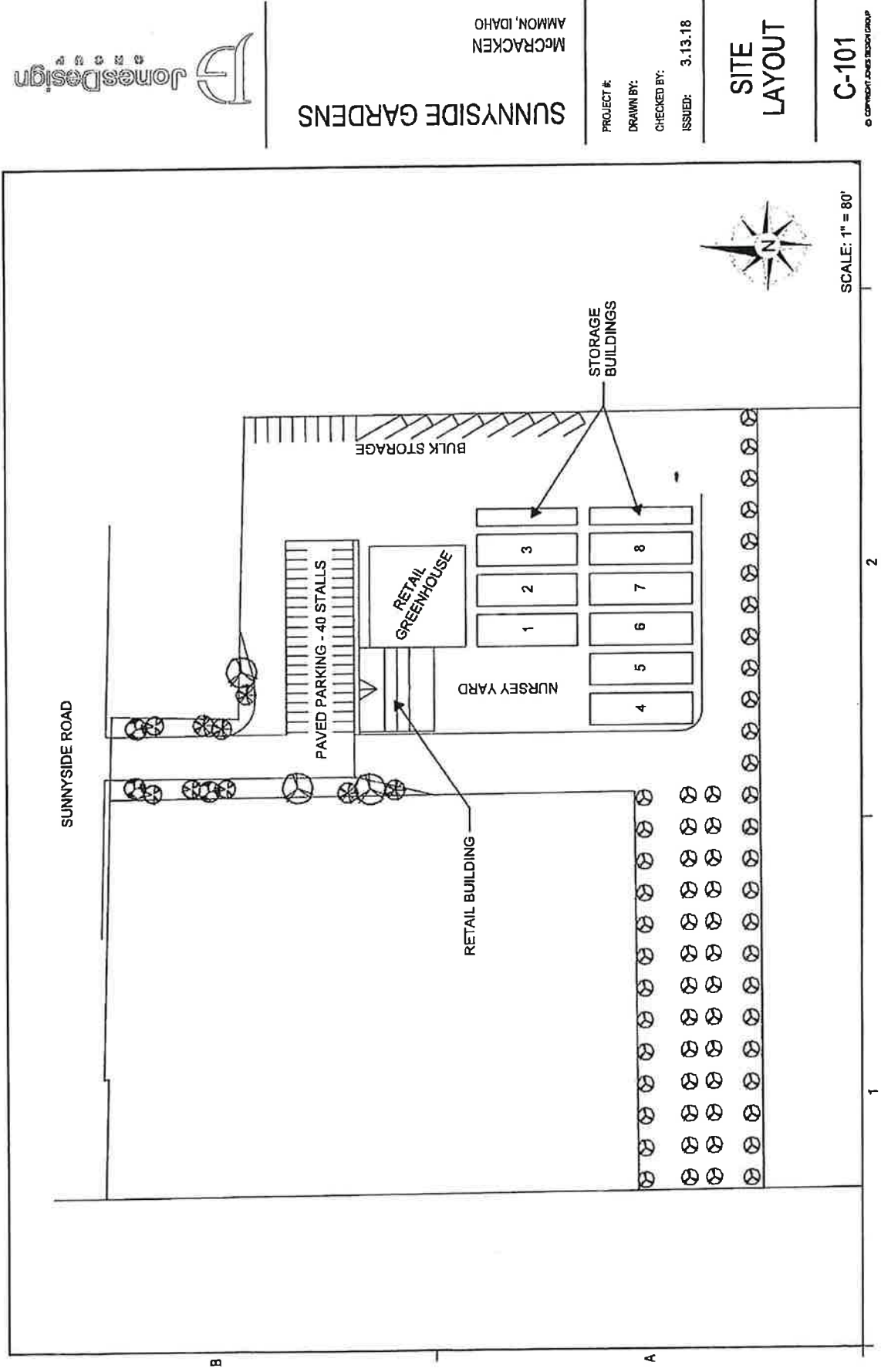
February 2019- Closed old location and opened for business in the new Ammon location (see attached- H).

Respectfully Submitted,


Aaron McCracken

Sunnyside Gardens

akm@sunnysidegardens.net



D Jones Design

SUNNYSIDE GARDENS

McCRACKEN
AMMON, IDAHO

PROJECT #:

DRAWN BY:

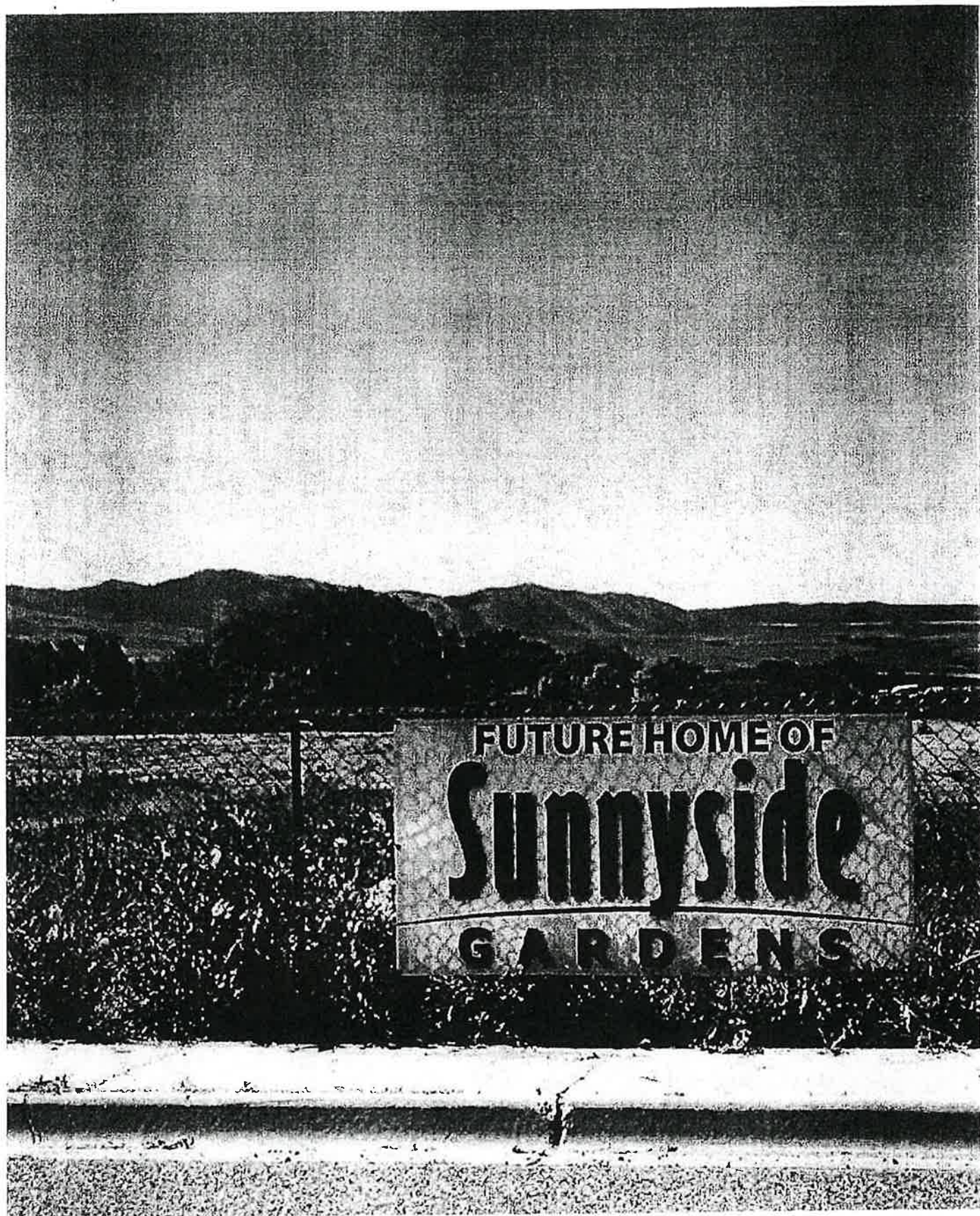
CHECKED BY:

ISSUED: 3.13.18

SITE LAYOUT

C-101

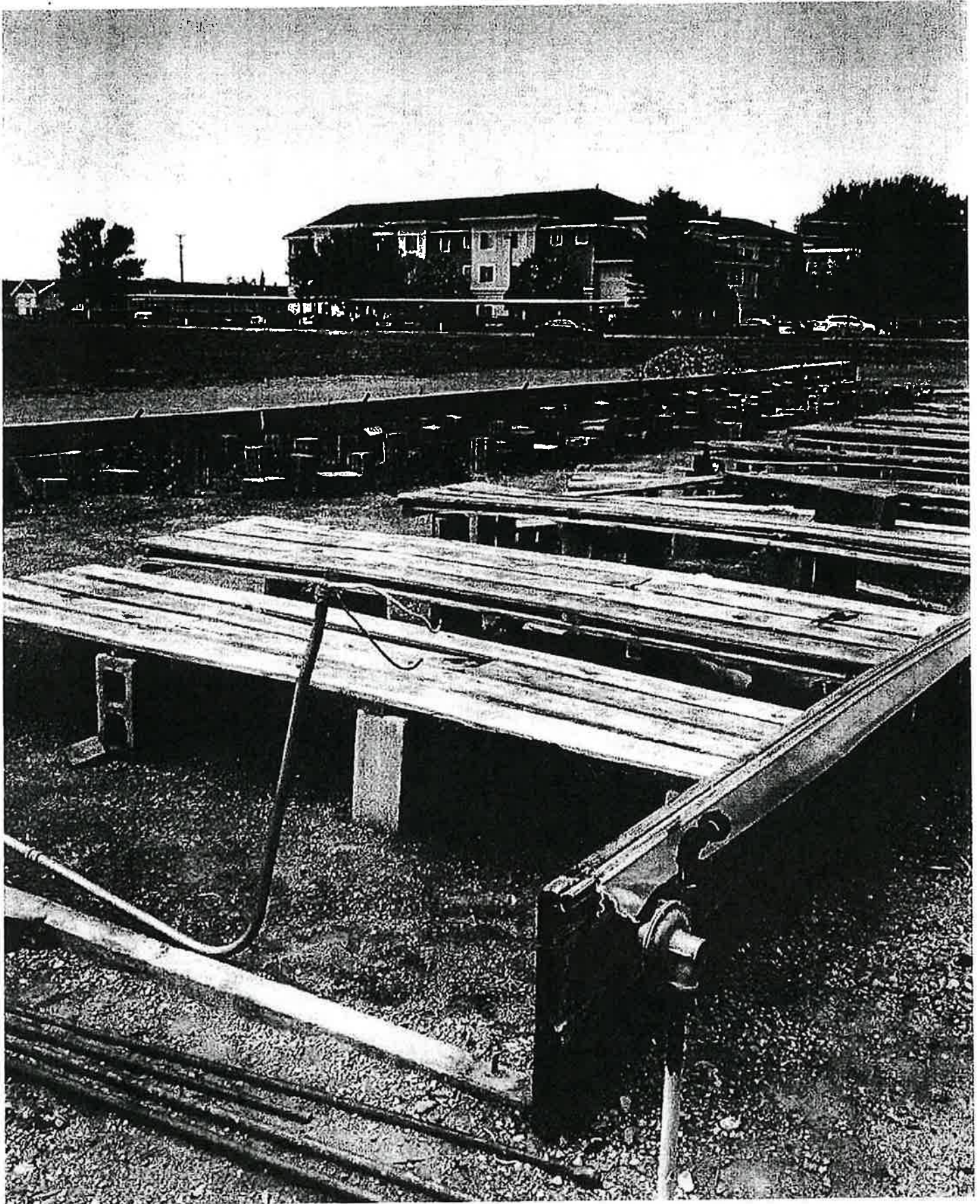
© CONNOR JONES DESIGN GROUP



85019



85019



85019

G

3/5/2020

Expanded View

MLS Number: ZF2118632C (Closed) List Price: \$2,800,000

2366 E Sunnyside Road IDAHO FALLS, ID 83404

Sold Price: \$2,000,000

Sold Date: 5/23/2019

How Sold: Conventional

Selling Office Name: Keller Williams Realty East Idaho (#3046)

Selling Agent Name: Dale Thompson (#9813)

Seller Conc: No

Seller Concession Amount: 0

Sold Type: Arms Length

Co-Selling Listing Office: Keller Williams Realty East Idaho (#3046)

Co-Selling Agent: Mark Liebel (#2309)



Days on Market 47

Original List Price: \$2,800,000

Type: Commercial

Possible Use: Commercial

Lot Size (Apx SqFt):

Apx Acreage: 6.1

Topography/Setting:

Unit #:

County: Bonneville

Sub Area:

Subdivision: NONE

Elementary School:

Middle School:

High School:

Zoning-General: BONNEVILLE

GEN COM

Zoning-Specific: BONNEVILLE-C2-
GENERAL COMMERCIAL

Legal Description: See Exhibit A

Covenants: No

Frontage:

Depth:

Flood Plain: U

Parcel #:

Taxes: 5225.00

Tax Year: 2017

Irrigation Water: No

Irrigation Details: none

Irrigation: None

Enhanced Septic Fee: \$0.00

Location:

Curbs/Gutters:

Sidewalks:

Access Roads:

Soil Type:

Natural Gas: Available

Water: Other

Sewer: Other

Provider/Other Info: Rocky Mountain Power

Amenities:

Landscaping:

View:

Telephone: To Lot

Improvements: Land Only- existing buildings of nominal value

Public Info: Approximately 6.1 acres of prime commercial land with approximately 457 feet of frontage along Sunnyside Rd. Great potential for future commercial development such as medical complexes. All public utility services available to the site.

Private Info:

Driving Directions Beginning At: West on Sunnyside Rd past Hitt Rd to address on the left.

Owner Name: RK Rose Exempt Marital Trust & Sunnyside Gardens INC

Occupant/Contact 1 Name:

Occ/Cntct Phn:

Occ/CntctNm2:

Occ/Cntct Phn2:

CntrType: Exclusive Right to Sell

BA Comp: 3

NAgtOffr: 3

Dual/Var: Yes

AgtBonus:

Min Comm:

Commission Paid on Seller Concessions: No

Sign: Yes

Agent Owned: No

Buyer Exclusions: No

Duplicate Entry: Yes

Other MLS#:

Showing Instructions: Call LO for Appointment, Vacant

Terms: Cash, Conventional, 1031 Exchange

Distressed Property: Not Applicable

Possessn: At Closing

Pndg Dt: 12/22/2018

EstClsgDt: 4/15/2019

VOW AVM: No

VOWCmnt: No

List Date: 11/6/2018

Expire Date: 1/23/2019

Display on Internet: Yes

Display Address: Yes

Co-List Office:

Co-List Agent:

Listing Office: Keller Williams Realty East Idaho (#3046)

Listing Agent: Dale Thompson (#9813)

Main: (208) 529-8888

Agent Email: dale@dalethompson.com

Fax: (208) 529-8893

Contact #: (208) 589-4407

Co-Listing Office: Keller Williams Realty East Idaho (#3046)

Co-Listing Agent: Mark Liebel (#2309)

Co-Main: (208) 529-8888

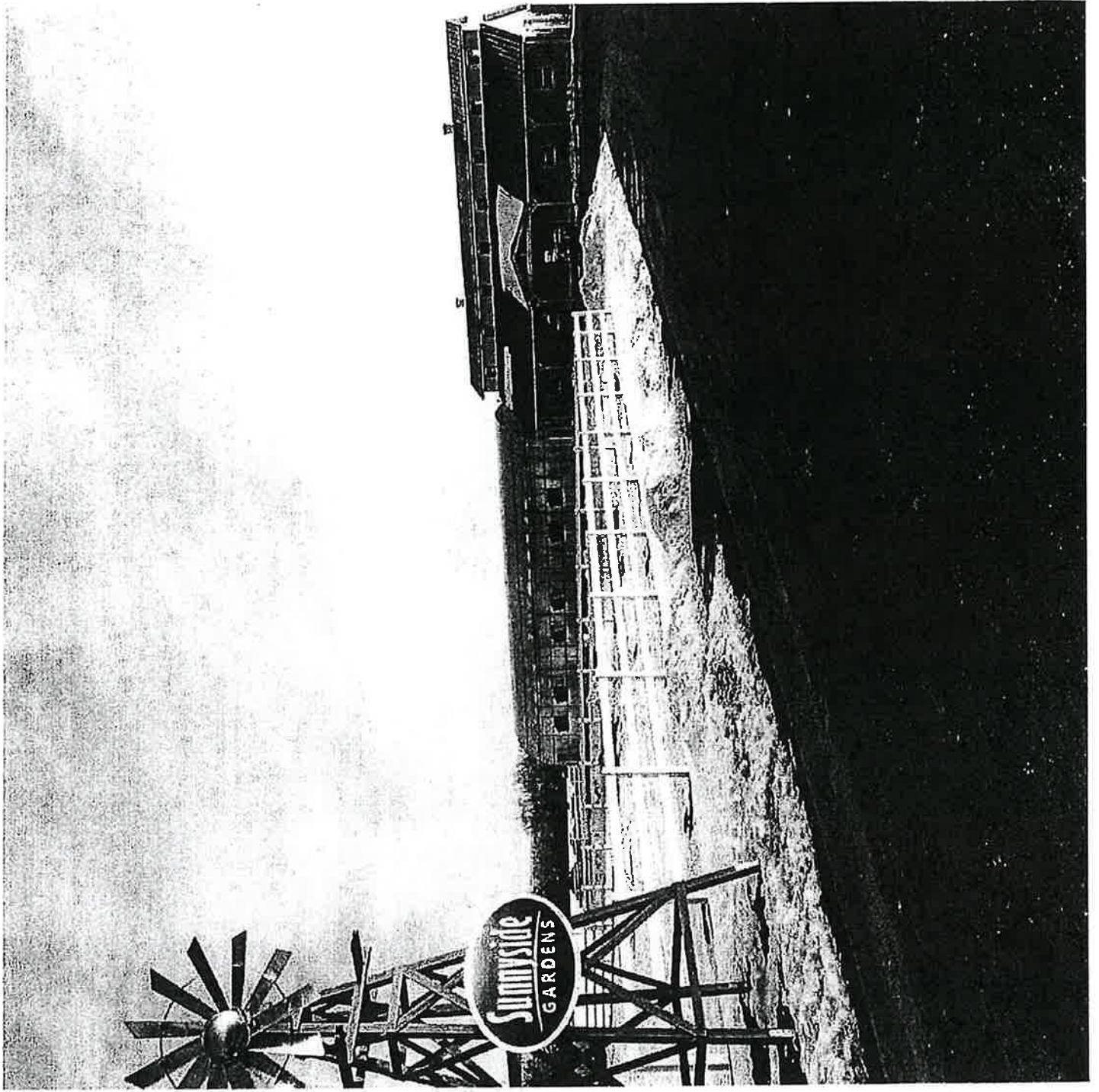
Co-Agent Email: mliebel2@gmail.com

Co-Fax: (208) 529-8893

Co-Contact #: (208) 390-4730

Information Herein Deemed Reliable but Not Guaranteed

MLS Number: ZF2118632C



85019



State of Idaho

DEPARTMENT OF WATER RESOURCES

EASTERN Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718
Phone: (208)525-7161 • Fax: (208)525-7177 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

June 30, 2021

NEST EGG INVESTMENTS LLC
C/O AARON MC CRACKEN
1665 DELMAR DR
IDAHO FALLS, ID 83404

RE: Transfer No. 85019, Amendment of Permit 25-14419

Dear Applicant:

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

A legal notice of the applications has been prepared and is scheduled for publication in the POST REGISTER on 7/8/2021 and 7/15/2021. Protests to these applications may be submitted for a period ending ten (10) days after the second publication.

If the applications are protested, you will be sent a copy of each protest. All protests must be resolved before the applications 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 applications are not protested, the Department will process your applications and notify you of any action taken on them. If your applications are approved, the Department will send you a copy of the approval documents.

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

Sincerely,

Christina Henman
Administrative Assistant

CC:
ROCKY MOUNTAIN ENVIRONMENTAL ASSOC INC
C/O KRISTIN MOORE
482 CONSTITUTION WAY STE 303
IDAHO FALLS, ID 83402-3552

Henman, Christina

From: Henman, Christina
Sent: Wednesday, June 30, 2021 2:23 PM
To: 'legalnotices@postregister.com'
Subject: Legal Notice for Post Register
Attachments: 25-14419, 85019, 85002 Post Register.docx

LEGAL NOTICE DEPARTMENT
POST REGISTER
PO BOX 1800
IDAHO FALLS, ID 83403-1800

RE: 25-14419, 85019, 85002

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 7/26/2021. Your cooperation is appreciated.

Sincerely,

Thank You,

Christina Henman
Administrative Assistant
Idaho Dept. of Water Resources, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 497-3793

NOTICE OF PROPOSED AMENDMENT OF WATER PERMIT**25-14419**

NEST EGG INVESTMENTS, INC, C/O AARON MCCracken, 1665 DELMAR DRIVE, IDAHO FALLS, ID 83404 filed an application to amend permit no. 25-14419 on 05-27-2021. Application filed to change nature of use, point of diversion, and place of use.

New Use: COMMERCIAL

04/01 to 10/31 0.23 CFS and 2.7 AFA

Total Diversion: 0.23 CFS and 2.7 AFA

New Points of Diversion:

NENE S34 T2N R38E

BONNEVILLE County

Source: GROUND WATER

Date Filed: 10/23/2014

New Place of Use: COMMERCIAL

T02N R38E S34 NENE NWNE

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Eastern office at (208)525-7161; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. 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 7/26/2021. The protestant must also send a copy of the protest to the applicant.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT**TRANSFER NO. 85019**

NEST EGG INVESTMENTS LLC, C/O AARON MC CRACKEN

1665 DELMAR DR, IDAHO FALLS, ID 83404 has filed Application No. 85019 for changes to the following water rights within BONNEVILLE County(s): Right No(s). 25-14417; 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, place of use, and nature of use. The proposed point of diversion is in NENE Sec 34 T02N R38E for 0.02 cfs from Ground Water. The proposed place of use is in NENE and NWNE Sec 34 T02N R38E. The proposed nature of use is Commercial.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT**TRANSFER NO. 85002**

U.S. FISH AND WILDLIFE SERVICE, 911 NE 11TH AVENUE, PORTLAND, OR 97232 has filed Application No. 85002 for changes to the following water rights within JEFFERSON County(s): Right No(s). 31-11230, 31-11231, 31-2350, 31-2362, 31-7301; 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 add points of diversion. The proposed points of diversion are in SESW Sec 13 T07N R35E; and SENW Sec 29 and NWNW Sec 20, T07N R36E for 35.54 cfs from Ground water.

For additional information concerning the property locations, 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 7/26/2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 7/8/2021 and 7/15/2021