

AMENDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED

TRANSFER OF WATER RIGHT
TRANSFER NO. 83795

This is to certify that: V & E GINGERICH PROPERTIES LLC
19285 HIGHWAY 51
MOUNTAIN HOME, ID 83647-6378

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
2-10517	WR/DECREED	8/23/1968	0.580 cfs	144.0 af	32.0	245.0	SNAKE RIVER
2-10583	WR/DECREED	11/22/1963	0.160 cfs	40.0 af	8.0	245.0	SNAKE RIVER
2-2091	WR/DECREED	9/2/1956	4.150 cfs	N/A	205.0	245.0	SNAKE RIVER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
2-10517	NO	NO	YES	NO	NO	NO
2-10583	NO	YES	YES	NO	NO	NO
2-2091	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
2-10517	2-10517	0.580 cfs	144.0 af	32.0	245.0	N/A	N/A	N/A	N/A	N/A
2-10583	2-10583	0.160 cfs	40.0 af	8.0	245.0	N/A	N/A	N/A	N/A	N/A
2-2091	2-2091	4.150 cfs	N/A	205.0	245.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		4.890 cfs	N/A	245.0	245.0		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 1st day of July, 2020.



Chief, Water Allocation Bureau

Transfer No. 83795

WATER RIGHT NO. 2-2091
As Modified by Transfer No. 83795

In accordance with the approval of Transfer No. 83795, Water Right No. 2-2091 is now described as follows:

Right Holder: V & E GINGERICH PROPERTIES LLC
19285 HIGHWAY 51
MOUNTAIN HOME, ID 83647-6378

Priority Date: 9/2/1956

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE

IRRIGATION

From

04/01

to 11/01

To

Diversion Rate

4.150 cfs

4.150 cfs

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER

SENE

Sec 30 Twp 05S Rge 06E ELMORE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	06E	29												26.0			12.0	0.1	38.1
05S	06E	32	29.0	39.0	26.0	39.0	40.0			19.0					7.6	0.3			199.9
05S	06E	33						5.0	2.0										7.0

Right Acre Limit: 205.0

POU Total Acres: 245.0

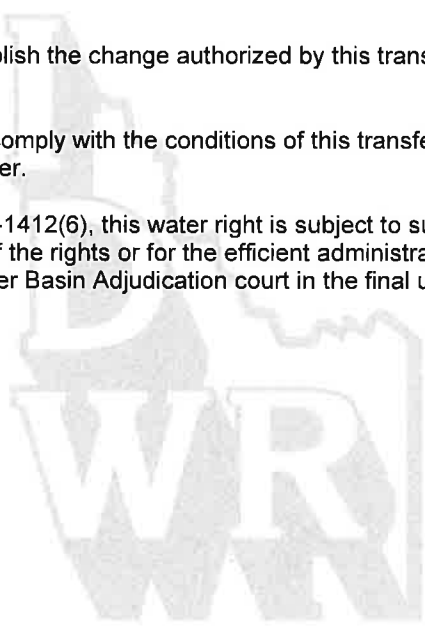
CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 205 acres within the authorized place of use in a single irrigation season.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. 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. 02.

Transfer No. 83795

WATER RIGHT NO. 2-2091
As Modified by Transfer No. 83795

CONDITIONS OF APPROVAL

5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/26/2009.
 6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
 7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
 8. 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.
- 

WATER RIGHT NO. 2-10517
As Modified by Transfer No. 83795

In accordance with the approval of Transfer No. 83795, Water Right No. 2-10517 is now described as follows:

Right Holder: V & E GINGERICH PROPERTIES LLC
 19285 HIGHWAY 51
 MOUNTAIN HOME, ID 83647-6378

Priority Date: 8/23/1968

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE

IRRIGATION

From

04/01

to 11/01

To

Diversion Rate

0.580 cfs

0.580 cfs

Diversion Volume

144.0 af

144.0 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER

SENE

Sec 30 Twp 05S Rge 06E ELMORE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	06E	29												26.0			12.0	0.1	38.1
05S	06E	32	29.0	39.0	26.0	39.0	40.0			19.0					7.6	0.3			199.9
05S	06E	33						5.0	2.0										7.0

Right Acre Limit: 32.0

POU Total Acres: 245.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 32.0 acres within the authorized place of use in a single irrigation season.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. 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. 02.

Transfer No. 83795

WATER RIGHT NO. 2-10517
As Modified by Transfer No. 83795

CONDITIONS OF APPROVAL

5. The period of use for the irrigation described for this right may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/11/2009.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 2-10583
As Modified by Transfer No. 83795

In accordance with the approval of Transfer No. 83795, Water Right No. 2-10583 is now described as follows:

Right Holder: V & E GINGERICH PROPERTIES LLC
19285 HIGHWAY 51
MOUNTAIN HOME, ID 83647-6378

Priority Date: 11/22/1963

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/01	to 12/01	0.160 cfs	40.0 af
			0.160 cfs	40.0 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER SENE Sec 30 Twp 05S Rge 06E ELMORE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	06E	29												26.0			12.0	0.1	38.1
05S	06E	32	29.0	39.0	26.0	39.0	40.0			19.0					7.6	0.3			199.9
05S	06E	33						5.0	2.0										7.0

Right Acre Limit: 8.0
POU Total Acres: 245.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 8.0 acres within the authorized place of use in a single irrigation season.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. 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. 02.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 83795

WATER RIGHT NO. 2-10583
As Modified by Transfer No. 83795

CONDITIONS OF APPROVAL

6. 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. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

July 1, 2020

V & E GINGERICH PROPERTIES LLC
19285 HIGHWAY 51
MOUNTAIN HOME ID 83647-6378

Re: Transfer No: 83795
Water Right No(s): 2-2091, 2-10517, 2-10583

Amended Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed am approved Transfer of Water Rights. Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Rights is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

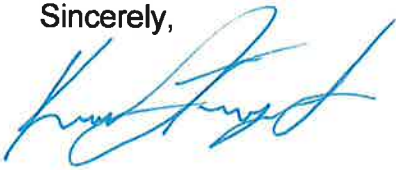
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 334-2190

Sincerely,



Kensie Thorneycroft
For: Nick Miller
Regional Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on July 1, 2020 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 83795
Water Right No(s): 2-2091, 2-10517, 2-10583

V & E GINGERICH PROPERTIES LLC
19285 HIGHWAY 51
MOUNTAIN HOME ID 83647-6378

SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706-6660



Kensie Thorneycroft
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 83795**

This is to certify that: **V & E GINGERICH PROPERTIES LLC**
19285 HIGHWAY 51
MOUNTAIN HOME, ID 83647-6378

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
2-10517	WR/DECREED	8/23/1968	0.580 cfs	144.0 af	N/A	32.0	SNAKE RIVER
2-10583	WR/DECREED	11/22/1963	0.160 cfs	32.0 af	N/A	8.0	SNAKE RIVER
2-2091	WR/DECREED	9/2/1956	4.150 cfs	N/A	N/A	205.0	SNAKE RIVER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
2-10517	NO	NO	YES	NO	NO	NO
2-10583	NO	YES	YES	NO	NO	NO
2-2091	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
2-10517	2-10517	0.580 cfs	144.0 af	32.0	245.0	N/A	N/A	N/A	N/A	N/A
2-10583	2-10583	0.160 cfs	32.0 af	8.0	245.0	N/A	N/A	N/A	N/A	N/A
2-2091	2-2091	4.150 cfs	N/A	205.0	245.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		4.890 cfs	N/A	245.0	245.0		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 24th day of June, 2020.



Chief, Water Allocation Bureau

Transfer No. 83795

WATER RIGHT NO. 2-2091
As Modified by Transfer No. 83795

In accordance with the approval of Transfer No. 83795, Water Right No. 2-2091 is now described as follows:

Right Holder: V & E GINGERICH PROPERTIES LLC
19285 HIGHWAY 51
MOUNTAIN HOME, ID 83647-6378

Priority Date: 9/2/1956

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE
IRRIGATION

From 04/01 **to** 11/01

Diversion Rate
4.150 cfs
4.150 cfs

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER SENE Sec 30 Twp 05S Rge 06E ELMORE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	06E	29												26.0			12.0	0.1	38.1
05S	06E	32	29.0	39.0	26.0	39.0	40.0			19.0					7.6	0.3			199.9
05S	06E	33						5.0	2.0										7.0

Right Acre Limit: 205.0

POU Total Acres: 245.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 205 acres within the authorized place of use in a single irrigation season.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. 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. 02.

Transfer No. 83795

WATER RIGHT NO. 2-2091
As Modified by Transfer No. 83795

CONDITIONS OF APPROVAL

5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10/26/2009.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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.

WATER RIGHT NO. 2-10517**As Modified by Transfer No. 83795**

In accordance with the approval of Transfer No. 83795, Water Right No. 2-10517 is now described as follows:

Right Holder: V & E GINGERICH PROPERTIES LLC
19285 HIGHWAY 51
MOUNTAIN HOME, ID 83647-6378

Priority Date: 8/23/1968

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE

IRRIGATION

From

04/01

to 11/01

To**Diversion Rate**

0.580 cfs

0.580 cfs

Diversion Volume

144.0 af

144.0 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER

SENE

Sec 30 Twp 05S Rge 06E ELMORE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	06E	29												26.0			12.0	0.1	38.1
05S	06E	32	29.0	39.0	26.0	39.0	40.0			19.0					7.6	0.3			199.9
05S	06E	33						5.0	2.0										7.0

Right Acre Limit: 32.0

POU Total Acres: 245.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 32.0 acres within the authorized place of use in a single irrigation season.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. 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. 02.

Transfer No. 83795

WATER RIGHT NO. 2-10517
As Modified by Transfer No. 83795

CONDITIONS OF APPROVAL

5. The period of use for the irrigation described for this right may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 11/1 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 5/11/2009.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 2-10583**As Modified by Transfer No. 83795**

In accordance with the approval of Transfer No. 83795, Water Right No. 2-10583 is now described as follows:

Right Holder: V & E GINGERICH PROPERTIES LLC
19285 HIGHWAY 51
MOUNTAIN HOME, ID 83647-6378

Priority Date: 11/22/1963

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE

IRRIGATION

From

03/01

to

To

12/01

Diversion Rate

0.160 cfs

0.160 cfs

Diversion Volume

32.0 af

32.0 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER

SENE

Sec 30 Twp 05S Rge 06E ELMORE County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	06E	29												26.0			12.0	0.1	38.1
05S	06E	32	29.0	39.0	26.0	39.0	40.0			19.0					7.6	0.3			199.9
05S	06E	33						5.0	2.0										7.0

Right Acre Limit: 8.0

POU Total Acres: 245.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 8.0 acres within the authorized place of use in a single irrigation season.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. 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. 02.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 83795

WATER RIGHT NO. 2-10583

As Modified by Transfer No. 83795

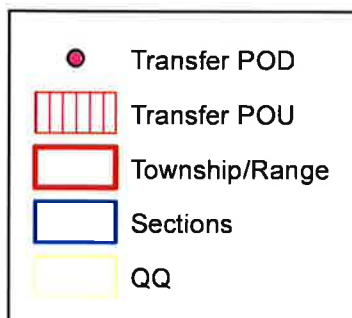
CONDITIONS OF APPROVAL

6. 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. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



State of Idaho
Department of Water Resources
Attachment to Transfer No. 83795
Water Rights: 2-2091, 2-10517, and 2-10583

This map depicts the IRRIGATION place of use boundary for these water rights at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 0.15 0.3 0.6 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

June 24, 2020

V & E GINGERICH PROPERTIES LLC
19285 HIGHWAY 51
MOUNTAIN HOME ID 83647-6378

Re: Transfer No: 83795
Water Right No(s): 2-2091, 2-10517, 2-10583

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Rights. Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Rights is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's home page on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 334-2190

Sincerely,



Kensie Thorneycroft

For: Nick Miller
Regional Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on June 24, 2020 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 83795
Water Right No(s): 2-2091, 2-10517, 2-10583

V & E GINGERICH PROPERTIES LLC
19285 HIGHWAY 51
MOUNTAIN HOME ID 83647-6378

SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706-6660



Kensie Thorneycroft
Administrative Assistant

MEMORANDUM

TO: Transfer No. 83795

FROM: Justin Shearer

DATE: 4/23/2020

RE: Evaluation of Application

The transfer proposes to split right 2-2245B, and provide 0.16 cfs and 40.0 af for irrigation of 8 acres being moved from property south of the Snake River to home property north of the Snake River to more accurately reflect current use at home property.

The site of the proposed point of diversion and place of use is on the north side of CJ Strike Reservoir near the intersection of SW Rio Vista Drive and State Hwy 51. The unchanged portion of the right will remain on land near the intersection of Emigrant Trl and Farm Ln.

Contact person for the applicant is Lori Graves of SPF Water Engineering.

Water right 2-2245B was split and created child right 2-10583 for the 8 acres to be transferred. Ownership change for 2-2245B was updated to reflect ownership by Gingerich Brothers Farms Land Holdings, LLC. Ownership change for child right was processed to reflect ownership by V&E Gingerich Properties, LLC. Parent right 2-2245B was subsequently removed from the transfer and child right was added to be the transferred 8 acres.

Summary of Information Submitted

Authority to File:

Verlin Gingerich of V&E Gingerich Properties, LLC owns the property associated with the proposed transfer and is the active water right owner, thus the applicant has authority to file.

Water Right Validity:

The decree's for Water right no's. 2-2091, 2-2245B, and 2-10517 were issued on 10/26/2009, 9/12/2012, and 5/11/2009 respectively. These rights are presumed to be valid since beneficial use has occurred within the last five years or have been in the water supply bank (2-2245B).

Beneficial use confirmed by department aerial imagery, landsat images, google earth images, or other evidence. Evidence of beneficial use does not need to be added to the file it is an IDWR product available to other staff.

Injury to Other Water Rights:

There is no anticipated reduction in quantity of source water available as a result of this transfer. Mitigation is not necessary to prevent injury because of this transfer, nor did the water rights being transferred require it. Neither the current or proposed Places of Use (POU) for the rights being transferred are within a Groundwater Management Area, Critical Groundwater Area, or other Areas of Concern. The proposed transfer includes rights within Trust Water boundaries; potential injury is not a concern because all changes occur within the Trust Water area. Beneficial

use is remaining consistent and no nature of use change is being proposed by this transfer. A change of source is not being proposed by this transfer. The transfer proposes to move 2-10583 POD 1.3 miles downstream on Snake River. Ace Black Ranches and Roger Young own rights between existing and proposed POD. Because the Snake River is generally (largely) a gaining system, and the applicant is moving the POD downstream, injury should not occur. Subsequently, injury to other water rights is not likely as a result of this transfer.

Enlargement of Use:

The authorized diversion rates, annual volumes, and number of acres authorized for irrigation, as decreed for the water rights, will not be increased by the proposed transfer. The period of use will not be increased by the proposed transfer. Stacked water rights are not an issue for the rights involved in this transfer. The extent of historic beneficial use is not likely to be enlarged as a result of this transfer. Moving the POD 1.3 miles downstream on the Snake River is not considered to be an improvement to the source. For these reasons, enlargement of use is not anticipated as a consequence of this transfer.

Local Public Interest:

This application for transfer was advertised in the Mountain Home News a local publication for Elmore county, no protests from the public were received. Comment was sought from Rob Whitney the Watermaster for Water District 02, no comments were received. No impacts to the source in relation to recreation and fish/wildlife resources are expected as a result of this transfer. The proposed transfer is compatible with the objectives and policies of the State Water Plan pertaining to the local public interest. For these reasons this application proposes a change consistent with the local public interest.

Beneficial Use/Conservation of Water Resources:

Efficiency of the diversion, water delivery, and distribution system for the use proposed by the transfer is consistent with contemporary standards for reasonably efficient use of water. The proposed diversion rate for irrigation is not in excess of 0.02 cfs per acre of land irrigated. The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Summary

Water Right Overlap

POD overlap review of the proposed POD shows that rights 2-2091, 2-10517, 2-10531, and 2-10518 overlap. 2-10518 and 2-10531 are irrigation rights for property west of 2-2091, 2-10517 and should not be added to transfer. 2-2245B does not have any POU overlap, and can be split without adding rights to the transfer. POU overlap review of the proposed POU found no overlap. No other rights should be added or considered.

Mitigation

Mitigation is not required as a result of the proposed transfer.

Water Supply Bank

Right 2-2245B was in the Water supply bank for the last 5 years. However, the lease contract ended 12/31/2019.

Discussion

I updated the POU shape of water right no.s 2-2091, 2-2245B, and 2-10517. If approved the following changes should be made to the conditions of water right no. 2-2091: update condition C18 to T19, remove condition 03A, remove condition C05, add condition x27 to specifically define POU, add condition X35 to specify combined use limits, add condition R64, add condition R05, and add standard transfer conditions T07 and T08. Water right no.'s 2-10517 and 2-10583 have corresponding conditioning. This transfer advertised and no protests were filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

RECEIVED

FEB 14 2020

WATER RESOURCES
WESTERN REGION

NOTICE OF PROPOSED
CHANGE OF WATER
RIGHT
TRANSFER NO. 83795

ELLA GINGERICH,
19285 HWY 51, MOUN-
TAIN HOME, ID 83647;
has filed Application
No. 83795 for changes to
the following water rights
within ELMORE, OWYHEE
County(s): Right No(s).
2-10517, 2-2091, 2-2245B;
to see a full description of
these rights and the pro-
posed transfer, please see
[www.idwr.idaho.gov/apps/
QueryNewTransfers.aspx](http://www.idwr.idaho.gov/apps/QueryNewTransfers.aspx).
The purpose of the transfer
is to change a portion of the
above rights as follows: The
transfer proposes to split
right 2-2245B, and provide
0.16 cfs/40.0 af for irriga-
tion through a new point of
diversion on the north side
of CJ Strike Reservoir near
the intersection of SW Rio
Vista Dr and State Hwy 51.
The unchanged portion of
the right will remain on land
near the intersection Emi-
grant Trl and Farm Ln.

For additional informa-
tion concerning the proper-
ty location, contact Western
Region office at (208) 334-
2190; or for a full descrip-
tion of the right(s) or pro-
posed transfer(s), please
see www.idwr.idaho.gov.
Protests may be submit-
ted based on the criteria of
Idaho Code § 42-222. Any
protest against the pro-
posed change(s) must be
filed with the Director, Dept.
of Water Resources, West-
ern Region, 2735 Airport
Way, Boise, ID 83705 to-
gether with a protest fee of
\$25.00 for each application
on or before 02/24/2020.
The protestant must also
send a copy of the protest
to the applicant.

GARY SPACKMAN,
Director

First Publication:
February 5, 2020
Second Publication:
February 12, 2020

AFFIDAVIT OF PUBLICATION

County of Elmore } ss.
State of Idaho

I, **Joy Martinez**, do solemnly swear that I am the Legal
Clerk of the:

Mountain Home News

A weekly newspaper of general circulation, published once
a week, in Mountain Home, Idaho, that the notice attached
hereto which is a part of publication thereof; was
published in said newspaper for 2 consecutive
weeks, the first publication having been made on the
5 day of Feb, 2020, and the last publication
having been made on the 12 day of Feb, 2020;
every Wednesday issue of the paper during the period and
time of publication and that the notice was published in
the paper proper and not in a supplement thereof.

And I further swear that the said Mountain Home News
has been continuously and uninterruptedly published in
said Elmore County during the period of 78 consecutive
weeks prior to the first publication of the attached notice.

Joy Martinez
Legal Clerk

Subscribed and sworn to me this 12th day of Feb,
2020 . .

Brenda M. Fincher
Notary Public

Residing in Mountain Home, Elmore County, Idaho.

My commission expires **11-16-2022**.



OK ✓
KT
2/25/2020