

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

RECEIVED

JUN 10 2019

Department of Water Resources
Eastern Region

Name of Applicant(s) MGR Farms LLC Phone 208-681-2860
Mailing address 3366 S 1400 W, Rexburg, ID 83440 Email ricksfarms@gmail.com

- ☐ 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 _____ Phone _____
Mailing address _____ Email _____

☐ 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

Grant Ricks manager
Print Name and Title if applicable

6/10/2019
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☒ Change period of use ☒ Other Update ownership
2. Is this a transfer for changes pursuant to Idaho Code § 42-221.0.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
3. 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**.
Well at current location caved in. Moving well and cellars to another location nearby. It appears there was a clerical error on the original application that excluded January use. Applicant seeks year round use but no additional volume. Existing well will be abandoned.

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 ☐ ☐	22-7541	0.02 cfs	Commercial	1/1 to 12/31	Ground water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.02 cfs and/or 1.2 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.02 cubic feet per second and/or 1.2 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 #
Y			SW	NW	17	5N	40E	Madison	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	
5N	40E	17							C										
Total Acres (for irrigation use)																			

STATE OF IDAHO
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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:

Well and pump to pressure tank to humidifiers.

- 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:

Not applicable

- 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:

None.

- 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:

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 22-07541

Priority: August 10, 1988

Maximum Diversion Rate:
Maximum Diversion Volume:¹

0.02 CFS
1.2 AF

This is to certify, that MARK G. RICKS
3348 S. 1400 W.
REXBURG, ID 83440

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated August 10, 1988; and
has submitted Proof of Beneficial Use on December 8, 1988. An examination indicates
that the works have a diversion capacity of .020 cfs of water from a GROUNDWATER
source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
COMMERCIAL	02/01 to 12/31	0.02 CFS	1.2 AF

LOCATION OF POINT(S) OF DIVERSION:

SESE, Sec. 7, Township 05N, Range 40E
MADISON County

PLACE OF USE: COMMERCIAL
TWN RGE SEC

05N 40E 7 SESE

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Commercial use is for 2 potato cellar humidifiers.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 22ND
day of FEBRUARY, 1991.

Acting for

R. Keith Higginson
R. Keith Higginson, Director

NOT FILMED

MAR 6 4 1991

83345

State of Idaho
Department of Water Resources
Transfer of Water Right No. 22-7541



Legend

-  Proposed POU
-  Proposed POD
-  Township/Range
-  Sections
-  QQ

0 0.1 0.2 0.4 Miles



83345

MH

State of Idaho } ss269320
County of Madison

I hereby certify that the within instrument was
filed DEC. 02 1997

19 at 10:17 M., and

269320

recorded on Film For

by BETH B. REESE, Recorder

Deputy

At the request of

RECORDED

GRANT DEED

FOR VALUE RECEIVED, Mark G. Ricks and Evelyn T. Ricks, husband and wife, of 3348 S. 1400 West, Rexburg, Idaho 83440 ("Grantors"), do hereby grant, bargain, sell, and convey unto MGR Farms LLC, an Idaho Limited Liability Company, c/o Grant H. Ricks, "registered agent", at 3366 S. 1400 West, Rexburg, Idaho 83440 "registered office" ("Grantee"), the following described real property in Madison County, State of Idaho, to-wit:

Township 5 North, Range 40 East, Boise Mer.:

Sec. 7: Lot 2, less the West 200 feet thereof; Lot 3, less a parcel commencing at the Northwest corner of S $\frac{1}{2}$ of Lot 3, and running thence South 300 feet, thence East 400 feet, thence North 300 feet, thence West 400 feet, to the point of beginning; Lot 4; NE $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$

Sec. 8: S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$

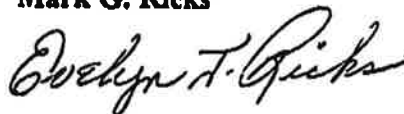
TOGETHER With any and all water rights and improvements and appurtenances thereto; rents, issues and profits thereof; and reversions and remainders.

THIS IS a non-taxable transfer of property by Grantors who receive LLC Units in Grantee in consideration of the transfer.

DATED This 17th day of November, 1997.



Mark G. Ricks



Evelyn T. Ricks

ARTICLES OF ORGANIZATION
LIMITED LIABILITY COMPANY

To the Secretary of State of Idaho
Corporations Division
700 West Jefferson Room 203
P.O. Box 83720 • Boise, ID 83720-0080

97 NOV 17 AM 8:26
SECRETARY OF STATE
STATE OF IDAHO



1. The name of the limited liability company is: MGR Farms LLC
2. The address of the initial registered office is: 3366 S. 1400 West, Rexburg, ID 83440
(not a PO Box) and the name of the initial registered agent at that address is: Grant H. Ricks

Signature of registered agent: Grant H. Ricks

3. The latest date certain on which the limited liability company will dissolve: 12/31/2022
4. Is management of the limited liability company vested in a manager or managers?
☒ Yes ☐ No (check appropriate box)
5. If management is vested in one or more manager(s), list the name(s) and address(es) of at least one initial manager. If management is vested in the members, list the name(s) and address(es) of at least one initial member.

Name:

Address:

Mark G. Ricks

3348 S. 1400 West, Rexburg, ID 83440

Grant H. Ricks

3366 S. 1400 West, Rexburg, ID 83440

6. Signature of at least one person listed in #5 above:

Grant H. Ricks
Mark G. Ricks

IDAHO SECRETARY OF STATE
Secretary of State use only

11/17/1997 09:00
CK: 8427 CT: 2552 BH: 55709

1 @ 100.00 = 100.00 ORGAN LLC

W4981