

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 82522

RECEIVED

JUL 13 2018

Department of Water Resources
Eastern Region

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 www.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 www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #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 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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Nest Egg Investments LLC Phone 208-521-6032

Mailing address 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.

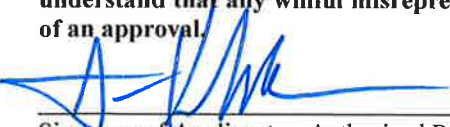
☐ No Representative

Name of Representative Rocky Mountain Environmental Associates, Inc Phone 208-524-2353

Mailing address 482 Consitution 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

7/12/18
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 _____
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.2**.
Applicant is moving the existing nursery to a new location less than one mile east of the existing location. The water right is proposed to be transferred to the new site. The new location also receives and will continue to use water from Progressive Irrigation District. A deed will be provided upon approval of transfer and ownership will be updated.

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. <u>Right Number</u>	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	25-7320	0.06 cfs	Commercial	01/01 to 12/31	Ground water
☐ ☐		5.9 afa		to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.06 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.06 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 #
Y			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:

A new well to pump to spigots throughout 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:

The existing place of use for the commercial right will continue to have shares of Idaho Irrigation District.

However, the greenhouses will no longer be present to be irrigated through this commercial right.

- 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:

Existing POU also had Idaho Irrigation District shares that supported irrigated areas outside of greenhouses.

Proposed POU has shares of Progressive Irrigation District that will be used in a similar manner.

- 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:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

5/22/2018

WATER RIGHT NO. 25-7320

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	R & K RENTALS 2366 E SUNNYSIDE IDAHO FALLS, ID 83401

Priority Date: 05/21/1983

Basis: Decreed

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>
COMMERCIAL	01/01	12/31	0.06 CFS	5.9 AFA
Total Diversion			0.06 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NENE|Sec. 33|Township 02N|Range 38E|BONNEVILLE County

Place(s) of use:

Place of Use Legal Description: COMMERCIAL BONNEVILLE 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>
02N	38E	33		NENE										

Conditions of Approval:

- This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
1. C18
 2. E30 Use of this right is combined with water from Idaho Irrigation District.

Dates:

Licensed Date:

Decreed Date: 09/30/2005

Permit Proof Due Date: 6/1/1986

Permit Proof Made Date: 6/5/1985

Permit Approved Date: 5/15/1985

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 05/05/1983

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 120

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

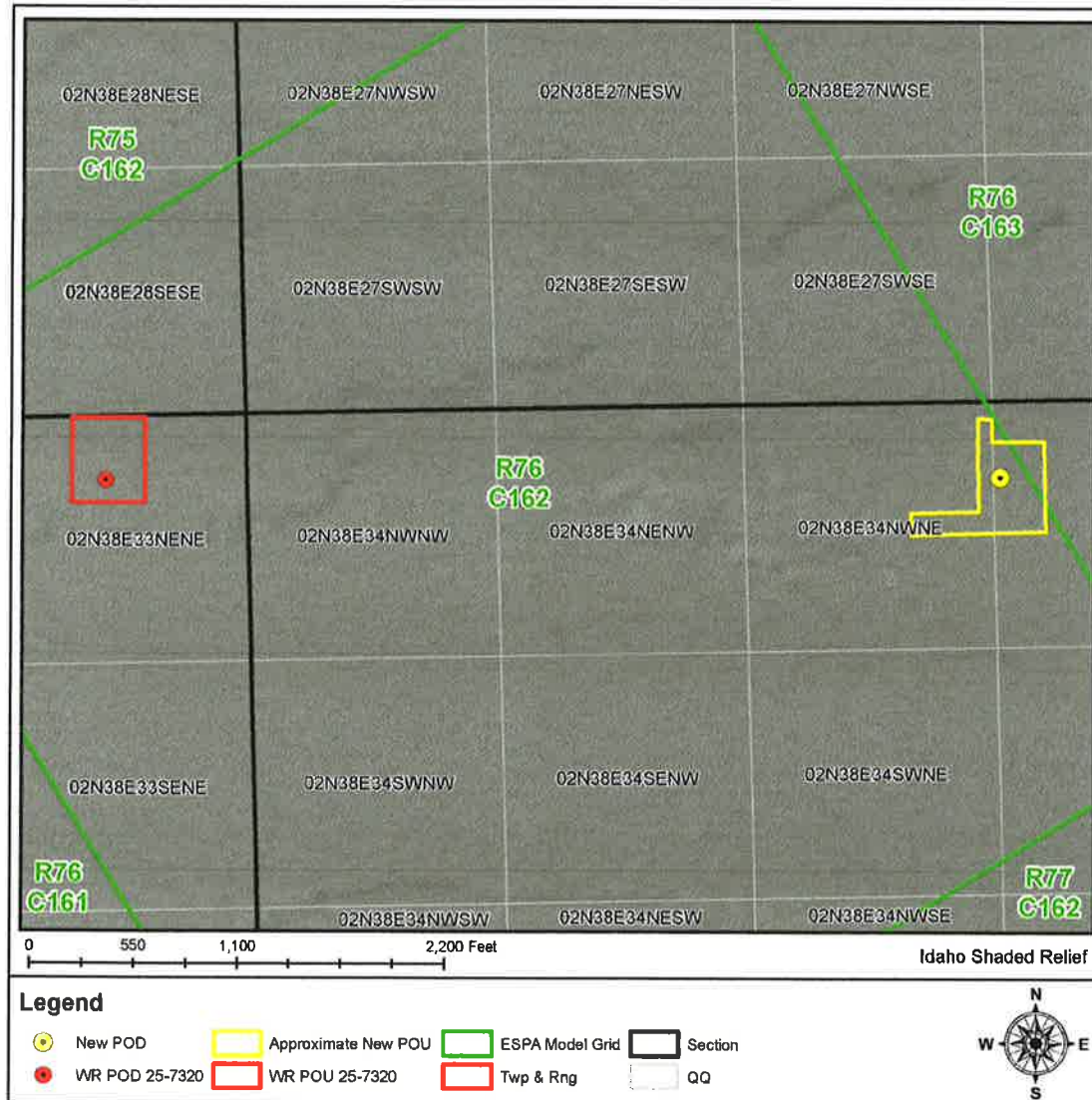
Mitigation Plan: False

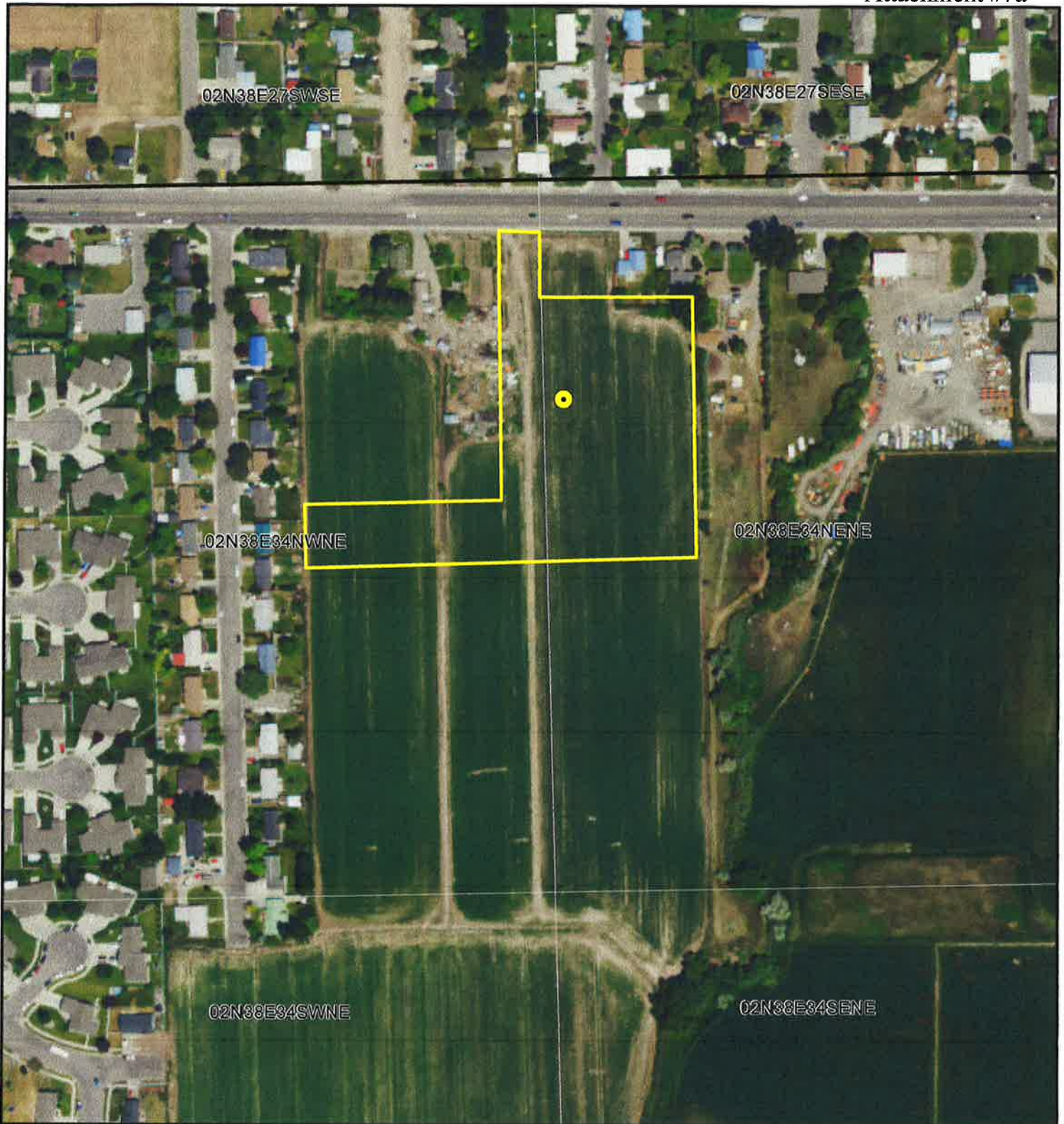
82522

Eastern Snake Plain Aquifer Modeling Analysis

The Applicant proposes to transfer commercial water right 25-7320 to a new well located in NENE Section 34, T2N R38E. The existing point of diversion is within the same cell as the proposed point of diversion. See Figure 1. No modeling is required.

Figure 1. ESPAM Model Grids



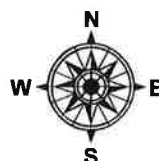


0 200 400 800 Feet

2017 Aerial Photography

Legend

- New POD
- Approximate New POU
- Twp & Rng
- Section
- QQ



Proposed Location

Nest Egg Investments LLC

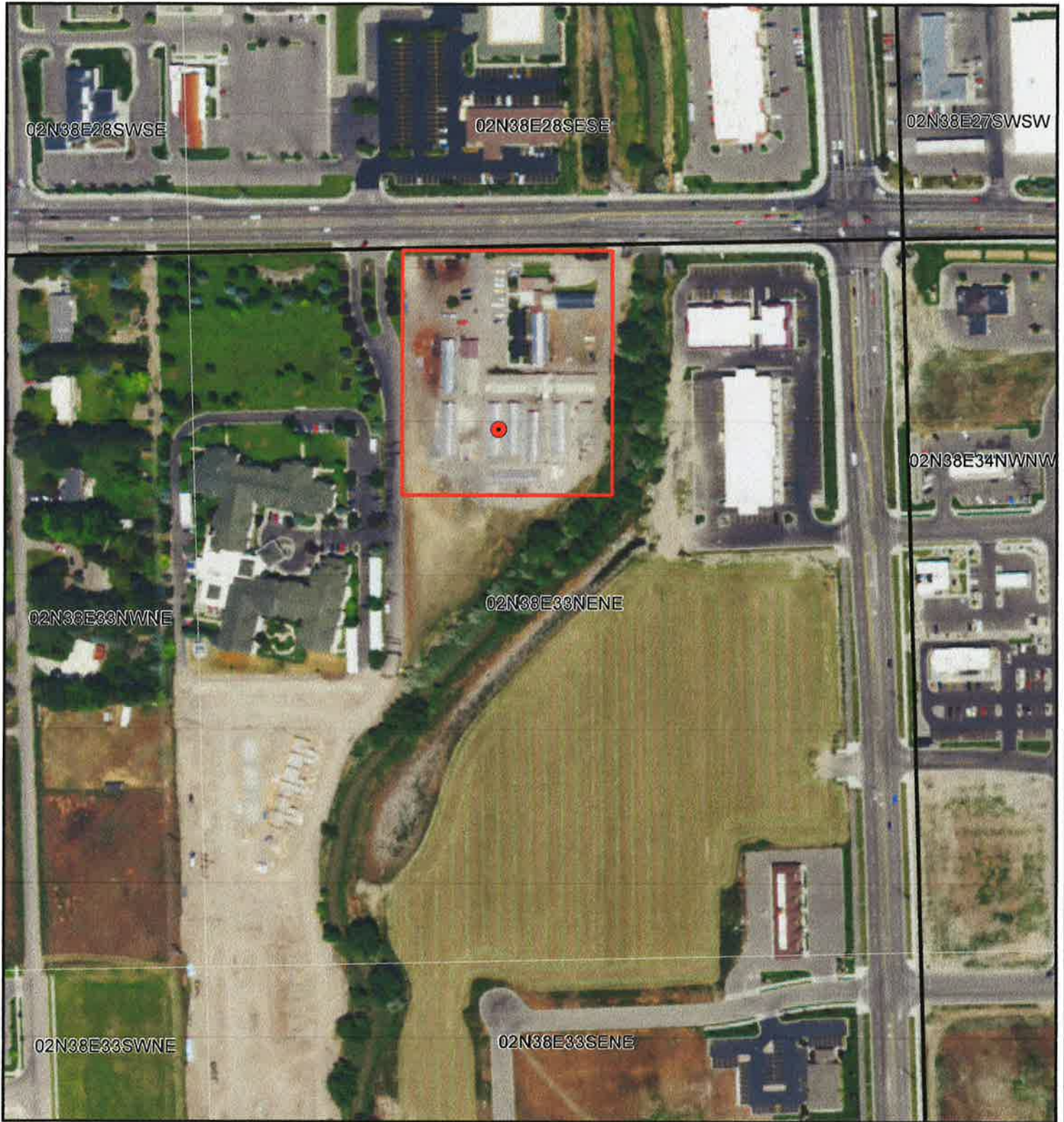
RMEA #18-0083

by: KM

Date: 5/22/2018



82522

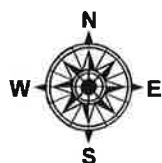


0 225 450 900 Feet

2017 Aerial Photography

Legend

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



Existing Location

Nest Egg Investments LLC

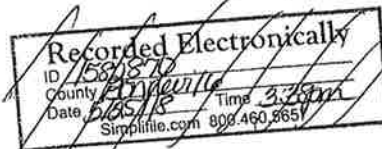
RMEA #18-0083

by: KM

Date: 5/22/2018



825 2 2



Instrument # 1582921
Bonneville County, Idaho Falls, Idaho
05/29/2018 09:07:12 AM No. of Pages: 1
Recorded for: TITLEONE BOISE
Penny Manning Fee: \$15.00
Ex-Officio Recorder Deputy Dwolf
Index to: DEED, WARRANTY

Order Number: 18312241

★ rerecord to correct legal description
Warranty Deed

For value received,

Katherine K Baldwin, or her successors, as trustee of the Family Trust created under and governed by the Living Trust Agreement for the Hazen T Olsen & Guila V Olsen Family Trust

the grantor, does hereby grant, bargain, sell, and convey unto

Nest Egg Investments, LLC

whose current address is 1665 Delmar Dr Idaho Falls, ID 83404

the grantee, the following described premises, in Bonneville County, Idaho, to wit:

Lot 2 & 1 of Block 1 of Hazen's Dream, an Addition to the City of Ammon, Bonneville County, Idaho, according to the recorded plat thereof.

To have and to hold the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

Dated: May 25, 2018

Hazen T Olsen & Guila V Olsen Family Trust

By: Katherine K Baldwin, Trustee
Katherine K Baldwin, Trustee

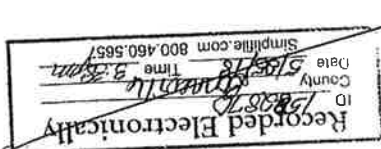
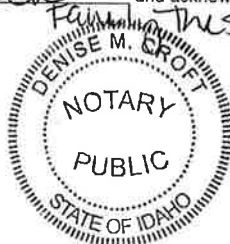
State of IDAHO, County of Bonneville, ss.

On this 25th day of May in the year of 2018, before me, the undersigned, a notary public in and for said state personally appeared Katherine K Baldwin known or identified to me to be the person whose name is subscribed to the within instrument, as trustee of Hazen T Olsen & Guila V Olsen Family Trust and acknowledged to me that he/she executed the same as trustee.

Notary Public

Residing In: Shelley, ID

My Commission Expires: 06/29/18
(seal)

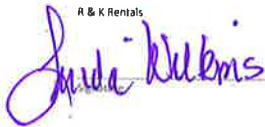


82522

Authorization to Submit Transfer Application

R & K Rentals owns water right 25-7320 for commercial use at Sunnyside Gardens in Idaho Falls. Water right 25-7320 will be conveyed to Nest Egg Investments, LLC, property owner for future location of Sunnyside Gardens, upon a successful transfer to the new property. This letter grants authority to Nest Egg Investments, LLC to file an Application for Transfer of Water Right to change the location described for the Place of Use and Point of Diversion.

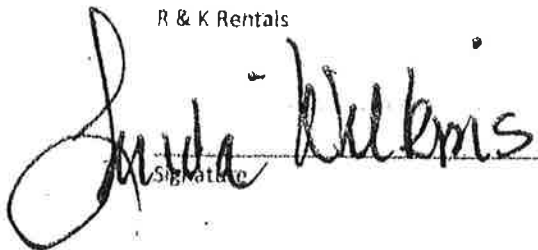
R & K Rentals

 LINDA WILKINS 5/10/18
Printed Name: Date:

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R & K Rentals

 LINDA WILKINS 5/10/18
Signature Printed Name Date



**ARTICLES OF ORGANIZATION
LIMITED LIABILITY COMPANY**

(Instructions on back of application)

FILED EFFECTIVE

00725 7:19:56

1. The name of the limited liability company is:
Nest Egg Investments, LLC
2. The street address of the initial registered office is:
215 Farnsworth, Rigby, ID 83442
- and the name of the initial registered agent at the above address is:
Corbet Miskin
3. The mailing address for future correspondence is:
PO Box 412, Rigby, ID 83442
4. Management of the limited liability company will be vested in:
Manager(s) ☐ or Member(s) ☒ (please check the appropriate box)
5. If management is to be vested in one or more manager(s), list the name(s) and address(es) of at least one initial manager. If management is to be vested in the member(s), list the name(s) and address(es) of at least one initial member.

Name	Address
Aaron McCracken	3798 East 175 North, Rigby, ID 83442
R. Alicia McCracken	3798 East 175 North, Rigby, ID 83442

6. Signature of at least one person responsible for forming the limited liability company:

Signature: 
Typed Name: Aaron McCracken
Capacity: Member

Signature _____
Typed Name: _____
Capacity: _____

Secretary of State use only

100-p forms LLC forms to organization p65
Revised 07/2002

IDAHO SECRETARY OF STATE
10/25/2006 05:00
CK: 1492 CT: 194633 BH: 967071
1 @ 100.00 = 100.00 ORGAN LLC # 2

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