

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
APR 02 2018
DEPT OF WATER RESOURCES
SOUTHERN REGION

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

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

Check all that apply:

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change ☐ Ownership split

1. **APPLICANT(S)** IDA GOLD Farms LLC Phone 2086784820
2. **MAILING ADDRESS** 246 E 300 S City Burley
State Idaho Zip 83318 Email _____

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

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

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 43-13005 and 43-2540B

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

4. **TOTAL AMOUNT OF WATER** transferred is 0.47 cubic feet per second and/or 105 acre-feet per annum.
(diversion rate) (storage volume)

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

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

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
			SW	SW	25	10S	27E	Cassia	Ground Water	
			SW	SW	25	10S	27E	Cassia	Ground Water	
			NE	SW	25	10S	27E	Cassia	Ground Water	

6. GENERAL INFORMATION

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

Two existing wells and mainlines. It is proposed to add one additional for a total of three wells.

- b. Who owns the property at the point(s) of diversion? ADT FARMS LLC

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
See attached contract of agreement

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

Yes No

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

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** - ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and ¼ ¼ of section information. The *Map Tool*, available at maps.idwr.idaho.gov/TransferApplicationLayouts/ provides a satisfactory template for creating the required map.

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


Signature of applicant or authorized agent

Todd Carroll
Print name and title if applicable

3-29-18
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** - ☐ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by Am

Date 3-16-2018
4-2-2018

Fee paid \$550 - Date 3-16-2018

Received by Am

Receipt # 5036637

Preliminary review by _____

Date _____

Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐

Name on W-9 _____

W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

3/15/2018

WATER RIGHT NO. 43-2540B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	IDA GOLD FARMS GENERAL PARTNERSHIP 246 E 300 S BURLEY, ID 83318-5679 2086784820
Original Owner	LARRY GERRATT DBA IDA GOLD FARMS 246 E 300 S BURLEY, ID 83318 2086782935
Security Interest	METROPOLITAN LIFE INSURANCE COMPANY AGRICULTURAL INVESTMENTS 10801 MASTIN BLVD STE 930 OVERLAND PARK, KS 66210 9132172986

Priority Date: 10/24/1961
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>
STOCKWATER	01/01	12/31	0.19 CFS	42 AFA
COMMERCIAL	01/01	12/31	0.19 CFS	42 AFA
Total Diversion			0.19 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SWSW|Sec. 25|Township 10S|Range 27E|CASSIA County
GROUND WATER|SWSW|Sec. 25|Township 10S|Range 27E|CASSIA County

Place(s) of use:

Place of Use Legal Description: STOCKWATER CASSIA County

Page 4 of 8

<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>
10S	27E	25		NESW			NWSW			SWSW			SESW	
				NWSE			SWSE							

Place of Use Legal Description: COMMERCIAL CASSIA 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>
10S	27E	25		SENE										
				NESE			NWSE			SWSE			SESE	
	28E	18		SWSE			SESE							
		19		NENE			NWNE			SWNE			SENE	
				NENW			SENE							
				NESW			SESW							
				NESE			NWSE			SWSE			SESE	
		20		NWNW			SWNW							
				NWSW										
		30		NENE			NWNE			SWNE			SENE	
				NENW		1	NWNW		2	SWNW			SENE	
				NESW		3	NWSW		4	SWSW			SESW	
				NESE			NWSE			SWSE			SESE	

Conditions of Approval:

1. C18 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.
2. F02 TWO POINTS OF DIVERSION LOCATED IN T10S, R27E, S25, SWSW.

Dates:

Licensed Date:

Decreed Date: 06/28/2002

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: 143

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

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

3/15/2018

WATER RIGHT NO. 43-13005

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	IDA GOLD FARMS GENERAL PARTNERSHIP 246 E 300 S BURLEY, ID 83318-5679 2086784820
Original Owner	LARRY GERRATT DBA IDA GOLD FARMS 246 E 300 S BURLEY, ID 83318 2086782935
Security Interest	METROPOLITAN LIFE INSURANCE COMPANY AGRICULTURAL INVESTMENTS 10801 MASTIN BLVD STE 930 OVERLAND PARK, KS 66210 9132172986

Priority Date: 10/24/1961

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>
STOCKWATER	01/01	12/31	0.28 CFS	63 AFA
COMMERCIAL	01/01	12/31	0.28 CFS	63 AFA
Total Diversion			0.28 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SWSW	Sec. 25	Township 10S	Range 27E	CASSIA County
GROUND WATER	SWSW	Sec. 25	Township 10S	Range 27E	CASSIA County

Place(s) of use:

Place of Use Legal Description: STOCKWATER CASSIA County

Page 7 of 8

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
10S	27E	25		NESW			NWSW			SWSW			SESW	
				NWSE			SWSE							

Place of Use Legal Description: COMMERCIAL CASSIA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
10S	27E	25		SENE										
				NESE			NWSE			SWSE			SESE	
	28E	18		SWSE			SESE							
		19		NENE			NWNE			SWNE			SENE	
				NENW			SENE							
				NESW			SESW							
				NESE			NWSE			SWSE			SESE	
		20		NWNW			SWNW							
				NWSW										
		30		NENE			NWNE			SWNE			SENE	
				NENW	1		NWNW	2		SWNW			SENE	
				NESW	3		NWSW	4		SWSW			SESW	
				NESE			NWSE			SWSE			SESE	

Conditions of Approval:

1. P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 43-2540A.
2. C18 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.
3. F02 TWO POINTS OF DIVERSION LOCATED IN T10S, R27E, S25, SWSW.

Dates:

Licensed Date:

Decreed Date: 06/28/2002

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: 143

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

Close

CONTRACT OF AGREEMENT

To Whom It May Concern,

ADT FARMS LLC understands that a transfer has been submitted to the Idaho Department of Water Resources pertaining to water rights 43-2540B and 43-13005 by IDA Gold Farms LLC. The transfer proposes adding a third well as an authorized POD for water rights 43-2540B and 43-13005.

ADT FARMS LLC gives formal consent to the transfer application to adjust water rights owned by IDA Gold Farms LLC on our property.

Todd Gerratt:



Title: Member

Date: 3-29-18

QUITCLAIM DEED

For value received, IDA Gold Farms General Partnership, as grantor hereby quitclaims unto IDA Gold Farms LLC, the grantee whose current address is 250 East 300 South Burley, Idaho 83318, all of the grantor's right, title, and interest in and to the following described water rights situated in Cassia County, Idaho.

All of water right 43-2540B, priority date 10/24/1961, for 0.19 cfs with 42.0 acre feet annually of stockwater and 0.19 cfs with 42.0 acre feet annually of commercial water for a total diversion rate of 0.19 cfs.

All of water right 43-13005, priority date 10/24/1961, for 0.28 cfs with 63.0 acre feet annually of stockwater and 0.28 cfs with 63.0 acre feet annually of commercial water for a total diversion rate of 0.28 cfs.

Grantor has caused this quitclaim deed to be executed this 29 day of March, 2018.

By: [Signature]
<GRANTOR>

By: _____
<GRANTOR>

Member
<TITLE>

<TITLE>

State of Idaho)
County of Twin Falls) S.S.

On this 29th day of March, in the year of 2018, before me, a Notary Public, personally appeared Todd L. Gerratt, proved to me on The basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.

S
E
A
L



[Signature]
Notary Public
In and for said State and County
8/6/19
My Commission Expires on

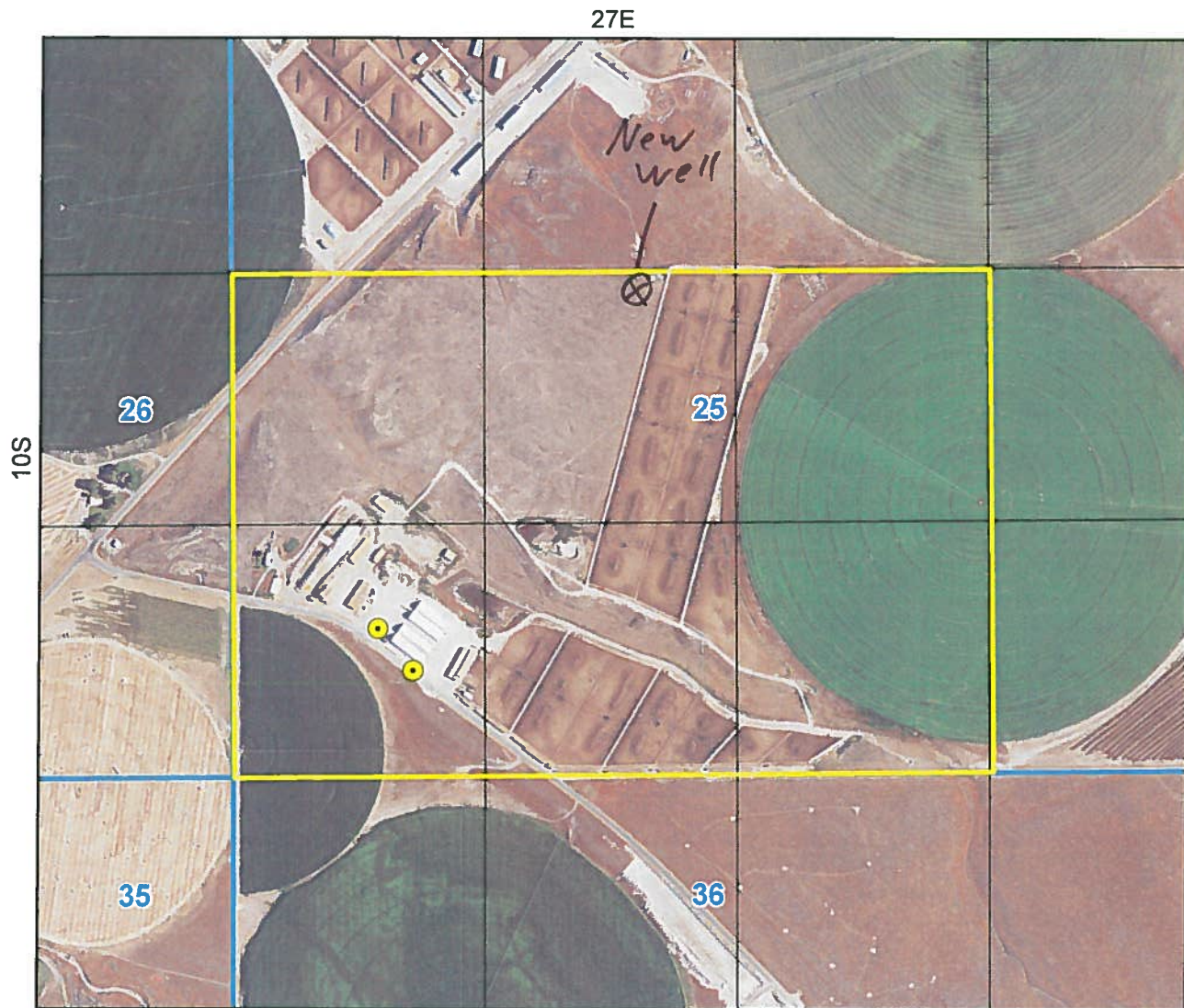
State of Idaho
Department of Water Resources

Water Right

43-13005 and 43-2540B

Stockwater & Commercial

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.1 0.2 0.4 Miles

TRANSFER 82289





CERTIFICATE OF ORGANIZATION LIMITED LIABILITY COMPANY

Title 30, Chapters 21 and 25, Idaho Code

Filing fee: \$100 typed, \$120 not typed

Complete and submit the application in duplicate.

FILED EFFECTIVE

2017 APR 17 AM 9:55

**SECRETARY OF STATE
STATE OF IDAHO**

1. The name of the limited liability company is:

Ida Gold Farms, LLC

(Remember to include the words "Limited Liability Company," "Limited Company," or the abbreviations L.L.C., LLC, or LC)

2. The complete street and mailing addresses of the principal office is:

250 East 300 South Burley, Idaho 83318

(Street Address)

(Mailing Address, if different)

3. The name of the registered agent and street address of the registered agent:

Alan Gerratt

250 East 300 South Burley, Idaho 83318

(Name)

(Address cannot be a post office box or postal mail box)

4. The name and address of at least one governor of the limited liability company:

Alan Gerratt

250 East 300 South Burley, Idaho 83318

(Name)

(Address)

Todd Gerratt

250 East 300 South Burley, Idaho 83318

(Name)

(Address)

(Name)

(Address)

(Name)

(Address)

5. Mailing address for future correspondence (annual report notices):

250 East 300 South Burley, Idaho 83318

(Address)

Signature of organizer(s).

Signature: Alan Gerratt

Printed Name: Alan Gerratt

Signature: Todd Gerratt

Printed Name: Todd Gerratt

Secretary of State use only

IDAHO SECRETARY OF STATE

04/17/2017 05:00

CK:33233 CT:3708 BH:1579607

1@ 100.00 = 100.00 ORGAN LLC #2

W181814



CERTIFICATE OF ASSUMED BUSINESS NAME

Pursuant to Section 53-504, Idaho Code, the undersigned submits for filing a certificate of Assumed Business Name.

Please type or print legibly.

Instructions are included on back of application.

FILED EFFECTIVE
2012 SEP 28 AM 9:40
SECRETARY OF STATE
STATE OF IDAHO

1. The assumed business name which the undersigned use(s) in the transaction of business is:

IDA GOLD FARMS, GENERAL PARTNERSHIP

2. The true name(s) and business address(es) of the entity or individual(s) doing business under the assumed business name:

Name

Complete Address

See attached

246 E. 300 S., Burley, ID 83318

3. The general type of business transacted under the assumed business name is:

- | | |
|--|--|
| ☐ Retail Trade | ☐ Transportation and Public Utilities |
| ☐ Wholesale Trade | ☐ Construction |
| ☐ Services | ☒ Agriculture |
| ☐ Manufacturing | ☐ Mining |
| ☐ Finance, Insurance, and Real Estate | |

Submit Certificate of
Assumed Business
Name and \$25.00 fee to:

Secretary of State
450 North 4th Street
PO Box 83720
Boise ID 83720-0080
208 334-2301

4. The name and address to which future correspondence should be addressed:

ALAN GERRATT

246 E. 300 S.

Burley, ID 83318

5. Name and address for this acknowledgment copy is (if other than # 4 above):

WILLIAM A PARSONS

BOX 910

BURLEY, IDAHO 83318

Signature: *[Signature]*

Printed Name: REX GERRATT

Capacity/Title: Partner

Signature: *[Signature]*

Printed Name: LARRY GERRATT

Capacity/Title: Partner

Secretary of State use only

IDAHO SECRETARY OF STATE
09/28/2012 05:00
CK: 25491 CT: 3788 BH: 1341787
1 @ 25.00 = 25.00 ASSUM NAME # 3

D158403



CERTIFICATE OF ORGANIZATION LIMITED LIABILITY COMPANY

Title 30, Chapters 21 and 25, Idaho Code

Filing fee: \$100 typed, \$120 not typed

Complete and submit the application in duplicate.

FILED EFFECTIVE

2017 APR 17 AM 9:55

SECRETARY OF STATE
STATE OF IDAHO

1. The name of the limited liability company is:

Ida Gold Farms, LLC

(Remember to include the words "Limited Liability Company," "Limited Company," or the abbreviations L.L.C., LLC, or LC)

2. The complete street and mailing addresses of the principal office is:

250 East 300 South Burley, Idaho 83318

(Street Address)

(Mailing Address, if different)

3. The name of the registered agent and street address of the registered agent:

Alan Gerratt

250 East 300 South Burley, Idaho 83318

(Name)

(Address cannot be a post office box or postal mail box)

4. The name and address of at least one governor of the limited liability company:

Alan Gerratt

250 East 300 South Burley, Idaho 83318

(Name)

(Address)

Todd Gerratt

250 East 300 South Burley, Idaho 83318

(Name)

(Address)

(Name)

(Address)

(Name)

(Address)

5. Mailing address for future correspondence (annual report notices):

250 East 300 South Burley, Idaho 83318

(Address)

Signature of organizer(s).

Signature:

Alan Gerratt

Printed Name: Alan Gerratt

Signature:

Todd Gerratt

Printed Name: Todd Gerratt

Secretary of State use only

IDAHO SECRETARY OF STATE

04/17/2017 05:00

CK:33233 CT:3708 BH:1579607

1@ 100.00 = 100.00 ORGAN LLC #2

W181814

CERTIFICATE OF
ASSUMED BUSINESS NAME, cont.
(IDA GOLD FARMS, GENERAL PARTNERSHIP)

Signature: Alan Gerratt
Printed Name: ALAN GERRATT
Capacity/Title: Partner

Signature: Todd Gerratt
Printed Name: TODD GERRATT
Capacity/Title: Partner

Signature: David Gerratt
Printed Name: DAVID GERRATT
Capacity/Title: Partner

Signature: Steve Gerratt
Printed Name: STEVE GERRATT
Capacity/Title: Partner

Signature: Dan H Clayton
Printed Name: DAN H. CLAYTON
Capacity/Title: Partner



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 27, 2018

IDA GOLD FARMS LLC
246 E 300 S
BURLEY, ID 83318

RE: Transfer No. 82289
Water Right No(s). 43-13005, 43-2540B

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS on 5/3/2018 and 5/10/2018**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **May 21, 2018**.

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

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

Sincerely,

Denise Maline
Administrative Assistant

cc: BROCKWAY ENGINEERING PLLC
METROPOLITAN LIFE INSURANCE COMPANY



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 27, 2018

WATER DISTRICT #143
NATHAN ERICKSON
650 ADDISON AVE W, STE 500
TWIN FALLS, ID 83301

via hand delivery

RE: Transfer No. 82289
Water Right No(s). 43-13005, 43-2540B

RE: Transfer No. 82302
Water Right No(s). 43-13031, 43-13041, 43-13691, 43-13693, 43-323B, 43-7048

Dear Nathan:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the water master, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Friday, April 27, 2018 11:29 AM
To: Times News
Subject: LEGAL NOTICES
Attachments: Times News cover letter.docx; Times News ad.doc; TFGWMA Legal Notice 2018.docx

Attached please find (2) legal notice being submitted for publication. **Please note:** the ad labeled "Times News ad" is for publication on the normal dates of May 3rd & 10th, 2018. The ad labeled "TFGWMA legal notice 2018" is for publication on May 3rd, 10th, and 17th, 2018.

Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you again for your flexibility,

Denise

Denise Maline

Administrative Assistant

Idaho Dept of Water Resources, Southern Region

650 Addison Ave W, Ste 500

Twin Falls, ID 83301

(208) 736-3033

denise.maline@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 27, 2018

LEGAL NOTICE DEPARTMENT

TIMES NEWS

PO BOX 548

TWIN FALLS, ID 83303-0548

RE: Transfer No. 81943

Water Right No(s). 45-10107, 45-13611, 45-13661, 45-14464, 45-2075, 45-2176, 45-2220, 45-2236, 45-2270, 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-2408, 45-4032, 45-4074, 45-4120, 45-4142, 45-480, 45-481, 45-482, 45-483, 45-484, 45-487C, 45-488A, 45-489, 45-490, 45-494, 45-497, 45-505, 45-506, 45-533, 45-7565

RE: Transfer No. 82201

Water Right No(s): 47-4107A

RE: Transfer No. 82247

Water Right No(s): 47-7673

RE: Transfer No. 82289

Water Right No(s): 43-13005, 43-2540B

RE: Transfer No. 82302

Water Right No(s): 43-13031, 43-13041, 43-13691, 43-13693, 43-323B, 43-7048

RE: Notice of Moratorium Extension, Twin Falls Groundwater Management Area

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 May 21, 2018. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81943**

DOUBLE EAGLE PROPERTIES LLLP, 3173 N 4900 E, MURTAUGH, ID 83344-5359; has filed Application No. 81943 for changes to the following water rights within CASSIA, TWIN FALLS County(s): Right No(s). 45-10107, 45-13611, 45-13661, 45-14464, 45-2075, 45-2176, 45-2220, 45-2236, 45-2270, 45-2290, 45-2291, 45-2292, 45-2317, 45-2318, 45-2319, 45-2408, 45-4032, 45-4074, 45-4120, 45-4142, 45-480, 45-481, 45-482, 45-483, 45-484, 45-487C, 45-488A, 45-489, 45-490, 45-494, 45-497, 45-505, 45-506, 45-533, 45-7565. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to create a 2277 acre permissible place of use (PPU) for 15 ground water rights, 17 Dry Creek water rights, one waste water right, one Unnamed Stream water right, and one Cold Springs Creek water right on a farm approximately 2.4 to 6.0 miles south and 1.4 miles west to 1.0 miles east of the City of Murtaugh. The application also proposes to add 10 existing wells plus 3 new wells to be drilled as authorized points of diversion for all of the ground water rights. Four ground water rights will retain an additional currently authorized point of diversion. Two of the proposed new wells to be drilled are within the proposed PPU and one new well to be drilled will be on neighboring land adjacent to the proposed PPU. In addition, the application proposes to add three existing Dry Creek points of diversion as authorized points of diversion for all 17 Dry Creek water rights. The application also proposes to add a new point of diversion located approximately 6.6 miles south and 0.3 miles west of the City of Murtaugh as an additional authorized point of diversion for the Cold Springs Creek water right. All water rights allow for the combined total diversion of 44.837 cfs to be used within the proposed 2277 acre PPU.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 82201**

ISE 555 BROADWAY LLC, PO BOX 267, GALENA, MD 21635; has filed Application No. 82201 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-4107A. The purpose of the transfer is to change a portion of the above rights as follows: Applicant proposes changing the point of diversion for 1.2 cfs of groundwater for irrigation from a well located approximately 6.2 miles south and 1.5 miles east of the city center of Hansen to a well to be drilled located approximately 5.9 miles south and 1.4 miles east of the city center of Hansen.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 82247**

IDAHO AGRI INVESTMENTS LLC, PO BOX 418, CHESTERTOWN, MD 21620; has filed Application No. 82247 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-7673. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes adding points of diversion to an 8.02 cfs ground water right used to irrigate 760 acres within a 1505 acre permissible place of use. The transfer proposes adding two additional points of diversion, an existing well and one new well to be drilled. Points of diversion are located approximately 8.3 miles south and 3.4 miles east of the intersection of Center St and Main St in Kimberly.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 82289**

IDA GOLD FARMS LLC, 246 E 300 S, BURLEY, ID 83318; has filed Application No. 82289 for changes to the following water rights within CASSIA County(s): Right No(s). 43-13005, 43-2540B. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to add a new point of diversion for two stockwater and commercial ground water rights associated with a CAFO facility. The two ground water rights allow for the diversion of up to 0.47 cfs. The CAFO is located approximately 13.5 to 14.2 miles east and 3.0 to 3.5 miles south of the intersection of Interstate Highways 84 and 86 east of Burley. The proposed new well to be drilled is located within the CAFO facility.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 82302**

DAWN HIGLEY and HEATH HIGLEY, 1971 S 2350 E, MALTA, ID 83342; has filed Application No. 82302 for changes to the following water rights within CASSIA County(s): Right No(s). 43-13031, 43-13041, 43-13691, 43-13693, 43-323B, 43-7048. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to modify the place of use (POU) for two ground water and three surface water irrigation rights (6.44 cfs total) which currently irrigate 149.0 acres located approximately 1.3 to 2.0 miles south and 0.3 mile west to 0.5 mile east of Malta. The new place of use will irrigate 149.0 acres in the same general area. The transfer also proposes to change the point of diversion (POD) and POU of a 0.19 cfs (19.0 acre) portion of Cassia Creek right 43-323B. The POU of the split portion of 43-323B will be the same as the modified POU noted above and the POD of the split right will be changed to that of the existing Cassia Creek rights in the transfer, which is located approximately 1.9 miles south and 0.7 mile west of Malta, or approximately 0.25 mile downstream of its present location.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and/or the proposed transfers, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx . 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, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **May 21, 2018**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on May 3rd & 10th, 2018

MEMORANDUM

TO: Transfer #82289 File

FROM: Benny Walker

DATE: April 26, 2018

SUBJECT: Filing Fee

The filing fee of, \$500.00, for this transfer is based on the amount of water proposed to be transferred or changed, 0.47 cfs. The transfer fee schedule for a transfer involving 0.21-1.00 cfs indicates that the filing fee is \$500.00. In addition the application proposes to change the ownership of the two water rights involved with the transfer. Therefore an additional fee of \$50.00 is required to change the ownership of the rights (\$25.00 per water right). The applicant's representative submitted a fee of \$550.00 for this transfer. (Receipt S036637).

TRANSFER SYNOPSIS

Date: April 26, 2018
To: Transfer #82289, IDA Gold Farms LLC Transfer file
From: Benny Walker
Re: Summary of transfer

Application for transfer proposes to add a new point of diversion for two stockwater and commercial ground water rights associated with a CAFO facility. The two ground water rights allow for the diversion of up to 0.47 cfs. The CAFO is located approximately 13.5 to 14.2 miles east and 3.0 to 3.5 miles south of the intersection of Interstate Highways 84 and 86 east of Burley. The proposed new well to be drilled is located within the CAFO facility.

The CAFO facility is located within the Raft River Critical Ground Water Area, so the transfer will be advertised. The facility is located within Water District 143, comments will be solicited from the Watermaster.

The rights at the CAFO are 43-2540B (0.19 cfs, stockwater and commercial), 43-13005 (0.28 cfs, stockwater and commercial) for a total of 0.47cfs.

The application also proposes to change the ownership of water rights 43-2540B and 43-13005. A Quitclaim Deed was submitted with this application from IDA Gold Farms Partnership to IDA Gold Farms LLC.



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

APR 02 2018

DEPT OF WATER RESOURCES
SOUTHERN REGION

March 30, 2018

Benny Walker
IDWR Southern Region
650 Addison Avenue West, Suite 500
Twin Falls, ID 83301-5858

Re: 43-13005 and 43-2540B

Dear Mr. Walker:

IDA Gold Farms LLC desires to update the ownership of water rights 43-13005 and 43-2540B and to add a third well as an authorized POD for stockwater and commercial use.

There are two existing wells that are utilized on this facility. A third well is required to maintain an adequate water supply to current facility structure and future expansion.

No other aspects of these water rights will be changing with this transfer.

A check from Brockway Engineering for \$550.00 has already been submitted to IDWR.

Sincerely,

Greg Sullivan, M.S., Engineer

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

Cc: Todd Gerratt
Enc: Transfer of Water Right-Point of Diversion, Aerial Map, Water Right Reports,

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 20, 2018

Greg Sullivan
Brockway Engineering
2016 N Washington St Ste 4
Twin Falls ID 83301

RE: IDA Gold LLC

Dear Mr. Sullivan,

A review of the transfer application you submitted to the Idaho Department of Water Resources (Department) on behalf of IDA Gold LLC, revealed issues and/or incomplete items that are needed for processing. As a result, the Department is returning the application. If the following necessary information is not received within 30 days of the date of this letter, the Department will initiate a refund of the \$550.00 filing fee to Brockway Engineering for check #14563 per IDWR receipt S036637.

- The application proposes to add a point of diversion and change the ownership of water rights 43-13005 and 43-2540B. The water rights' current owner is listed as IDA Gold Farms General Partnership and the application proposes to change the ownership to IDA Gold LLC. However there were no conveyance documents included with the transfer to change the ownership of the water rights from IDA Gold Farms General Partnership to IDA Gold LLC. Therefore, the Department requests copies of deeds or other conveyance documents that demonstrate the ownership change of the water rights or documentation that authorizes the changes on behalf of the current owner. An alternative would be to file the application in the name of the current water right owner, IDA Gold Farms General Partnership.

If you have any questions, or if I can be of any further assistance, feel free to contact me at your convenience.

Sincerely,

Benny Walker
Water Resource Agent

cc: IDA Gold LLC