

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 81590**

This is to certify that: **BIG J FARMS LLC AND
JAG FARMS LLC
3656 GEHRING RD
AMERICAN FALLS, ID 83211
AND
GEHRING INVESTMENTS LLC
3648 GEHRING RD
AMERICAN FALLS, ID 83211**

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>
35-2491	WR/DECREED	1/24/1957	2.520 cfs	N/A	N/A	286.0	GROUND WATER
35-7005	WR/DECREED	12/14/1967	0.880 cfs	N/A	N/A	286.0	GROUND WATER
35-7648	WR/DECREED	11/24/1976	1.630 cfs	N/A	N/A	286.0	GROUND WATER

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>
35-2491	NO	YES	YES	YES	NO	YES
35-7005	NO	YES	YES	YES	NO	YES
35-7648	NO	YES	YES	YES	NO	YES

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>
35-2491	35-2491	2.520 cfs	N/A	N/A	286.0	N/A	N/A	N/A	N/A	N/A
35-7005	35-7005	0.880 cfs	N/A	N/A	286.0	N/A	N/A	N/A	N/A	N/A
35-7648	35-7648	1.630 cfs	N/A	N/A	286.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		5.030 cfs	1144.0 af	286.0	286.0		N/A	N/A	N/A	N/A

SUPPORT DATA

Transfer No. 81590

IN FILE # 35-2491

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 81590

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 14th day of August, 2017.


for Chief, Water Allocation Bureau



WATER RIGHT NO. 35-2491**As Modified by Transfer No. 81590**

In accordance with the approval of Transfer No. 81590, Water Right No. 35-2491 is now described as follows:

Right Holder: JAG FARMS LLC AND
BIG J FARMS LLC
3656 GEHRING RD
AMERICAN FALLS, ID 83211

Priority Date: 1/24/1957

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MITIGATION BY NON-USE	4/01	to 10/31	2.520 cfs
			2.520 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSSEW	Sec 17 Twp 06S Rge 30E	BINGHAM County
GROUND WATER	NENW	Sec 18 Twp 06S Rge 30E	BINGHAM County
GROUND WATER	SESE	Sec 18 Twp 06S Rge 30E	BINGHAM County
GROUND WATER	NWNW	Sec 20 Twp 06S Rge 30E	BINGHAM County
GROUND WATER	SWNE	Sec 29 Twp 06S Rge 30E	BINGHAM County

PLACE OF USE: MITIGATION BY NON-USE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	30E	17									X	X	X	X					
06S	30E	18					X	X	X	X	X	X	X	X	X	X	X	X	
06S	30E	20					X	X	X	X	X	X	X	X					
06S	30E	29	X	X	X	X													

CONDITIONS OF APPROVAL

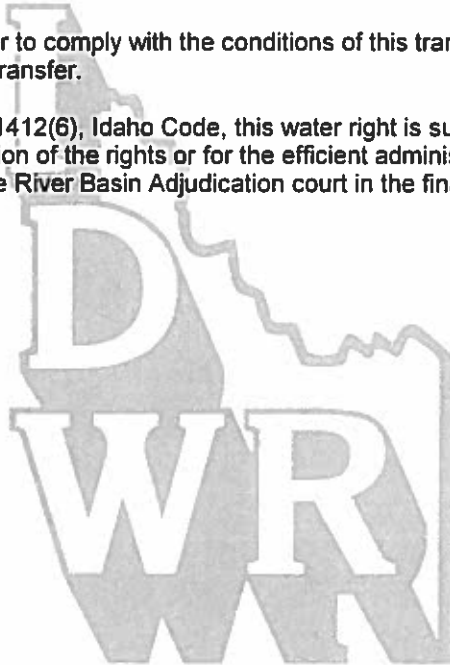
1. Rights 35-2491, 35-7005 and 35-7648 when combined shall not exceed a total diversion rate of 5.03 cfs, a total annual maximum diversion volume of 1,144 af at the field headgate, and the irrigation of 286 acres.
2. Mitigation by Non-Use is intended to meet diversion reduction obligations under the SWC-IGWA Settlement Agreement as confirmed by the Director's May 2, 2016 Final Order Approving Stipulated Mitigation Plan.
3. Approval of Transfer 81590 does not constitute a quantification of or recognition of mitigation credit.
4. As long as the beneficial use for this right remains designated as mitigation by non-use, this right is not combined with and remains separate from the irrigation rights at the place of use described above.

Transfer No. 81590

WATER RIGHT NO. 35-2491
As Modified by Transfer No. 81590

CONDITIONS OF APPROVAL

5. 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. 120.
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. 35-7005**As Modified by Transfer No. 81590**

In accordance with the approval of Transfer No. 81590, Water Right No. 35-7005 is now described as follows:

Right Holder: BIG J FARMS LLC AND
JAG FARMS LLC
3656 GEHRING RD
AMERICAN FALLS, ID 83211

Priority Date: 12/14/1967

Source: GROUND WATER

BENEFICIAL USE
MITIGATION BY NON-USE

From 05/01 **To** 10/31

Diversion Rate
0.880 cfs
0.880 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSESW	Sec 17 Twp 06S Rge 30E	BINGHAM County
GROUND WATER	NENW	Sec 18 Twp 06S Rge 30E	BINGHAM County
GROUND WATER	SESE	Sec 18 Twp 06S Rge 30E	BINGHAM County
GROUND WATER	NWNW	Sec 20 Twp 06S Rge 30E	BINGHAM County
GROUND WATER	SWNENE	Sec 29 Twp 06S Rge 30E	BINGHAM County

PLACE OF USE: MITIGATION BY NON-USE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	30E	17									X	X	X	X					
06S	30E	18					X	X	X	X	X	X	X	X	X	X	X	X	
06S	30E	20					X	X	X	X	X	X	X	X					
06S	30E	29	X	X	X	X													

CONDITIONS OF APPROVAL

1. Rights 35-2491, 35-7005 and 35-7648 when combined shall not exceed a total diversion rate of 5.03 cfs, a total annual maximum diversion volume of 1,144 af at the field headgate, and the irrigation of 286 acres.
2. Mitigation by Non-Use is intended to meet diversion reduction obligations under the SWC-IGWA Settlement Agreement as confirmed by the Director's May 2, 2016 Final Order Approving Stipulated Mitigation Plan.
3. Approval of Transfer 81590 does not constitute a quantification of or recognition of mitigation credit.
4. As long as the beneficial use for this right remains designated as mitigation by non-use, this right is not combined with and remains separate from the irrigation rights at the place of use described above.

Transfer No. 81590

WATER RIGHT NO. 35-7005
As Modified by Transfer No. 81590

CONDITIONS OF APPROVAL

5. 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. 120.
6. The use of water for irrigation under this right may begin as early as April 1, provided other elements of the right are not exceeded. The use of water before April 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than January 31, 2002.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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. 35-7648**As Modified by Transfer No. 81590**

In accordance with the approval of Transfer No. 81590, Water Right No. 35-7648 is now described as follows:

Right Holder: JAG FARMS LLC AND
BIG J FARMS LLC
3656 GEHRING RD
AMERICAN FALLS, ID 83211

Priority Date: 11/24/1976

Source: GROUND WATER

BENEFICIAL USE

MITIGATION BY NON-USE

From
4/01

To
to 11/01

Diversion Rate

1.630 cfs
1.630 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSESW	Sec 17 Twp 06S Rge 30E	BINGHAM County
GROUND WATER	NENW	Sec 18 Twp 06S Rge 30E	BINGHAM County
GROUND WATER	SESE	Sec 18 Twp 06S Rge 30E	BINGHAM County
GROUND WATER	NWNW	Sec 20 Twp 06S Rge 30E	BINGHAM County
GROUND WATER	SWNENE	Sec 29 Twp 06S Rge 30E	BINGHAM County

PLACE OF USE: MITIGATION BY NON-USE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	30E	17									X	X	X	X					
06S	30E	18					X	X	X	X	X	X	X	X	X	X	X	X	
06S	30E	20					X	X	X	X	X	X	X	X					
06S	30E	29	X	X	X	X													

CONDITIONS OF APPROVAL

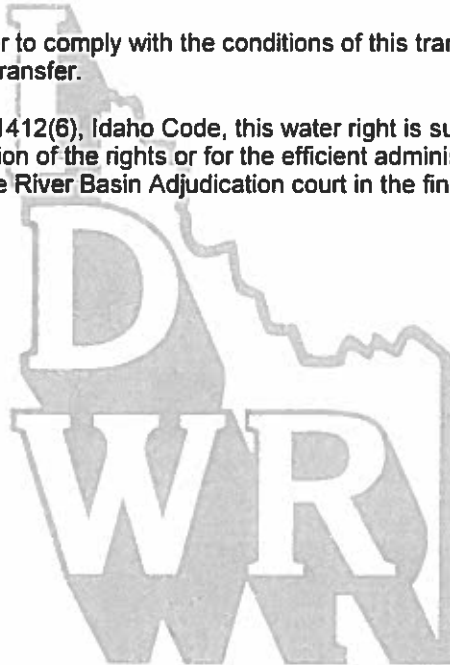
1. Rights 35-2491, 35-7005 and 35-7648 when combined shall not exceed a total diversion rate of 5.03 cfs, a total annual maximum diversion volume of 1,144 af at the field headgate, and the irrigation of 286 acres.
2. Mitigation by Non-Use is intended to meet diversion reduction obligations under the SWC-IGWA Settlement Agreement as confirmed by the Director's May 2, 2016 Final Order Approving Stipulated Mitigation Plan.
3. Approval of Transfer 81590 does not constitute a quantification of or recognition of mitigation credit.
4. As long as the beneficial use for this right remains designated as mitigation by non-use, this right is not combined with and remains separate from the irrigation rights at the place of use described above.

Transfer No. 81590

WATER RIGHT NO. 35-7648
As Modified by Transfer No. 81590

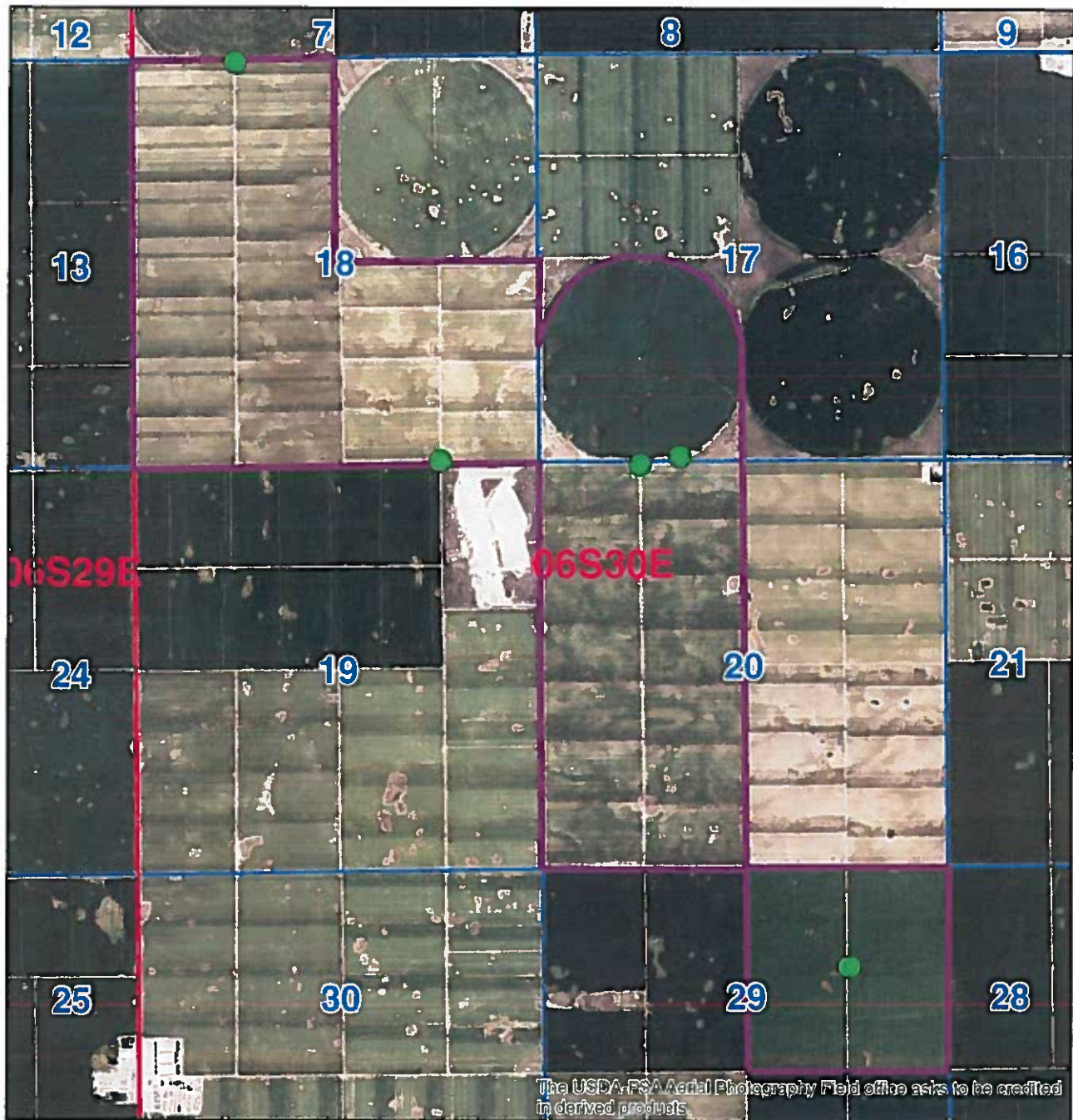
CONDITIONS OF APPROVAL

5. 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. 120.
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.



Transfer Approval 81590

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



Legend

- Water Right POD
- Water Right POU
- Township/Range
- Sections

0 900 1,800 3,600 Feet

1 inch = 2,078 feet

