

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
FEB 18 2016

Department of Water Resources
Basin 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)** Gehring Farms, Ferd Gehring & Son, Inc. Phone 208.226.5031
2. **MAILING ADDRESS** 3656 Gehring Rd City American Falls
State Idaho Zip 83211 Email jared@gehringag.com

- ☐ 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)** 35-8186, 35-8899

- ☐ 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 2.74 cubic feet per second and/or _____ 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 #
		NW	NE	NE	3	7 S	29 E	Power	Deep Well	

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/25/2016

Water Right 35-8186

Owner Type **Name and Address**
Current Owner GEHRING FARMS FERD GEHRING & SON INC
3656 GEHRING RD
AMERICAN FALLS, ID 83211
(208)226-5031

Priority Date: 6/17/1983

Basis: Decreed

Status: Active

Source **Tributary**
GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	10/31	1.480 CFS	296.0 AF
	Total Diversion		1.480 CFS	296.0 AF

Source and Point(s) of Diversion

GROUND WATER	NWNE	Sec. 15, Twp 07S, Rge 29E,	POWER County
GROUND WATER	SWNE	Sec. 10, Twp 07S, Rge 29E,	POWER County

Place Of Use

IRRIGATION within POWER County

T07S R29E S3	NESE	37.0
T07S R29E S3	SESE	37.0
POU Total Acres:		74.0

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. RIGHT NO. 35-02261 IS ALSO DIVERTED THROUGH THE POINTS OF DIVERSION DESCRIBED ABOVE.

Combined Use Limits

Rate	Volume	Acres
9.330		
35-8899 ,35-8186 ,35-2261		

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

3/25/2016

Water Right 35-8899

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GEHRING FARMS FERD GEHRING & SON INC 3656 GEHRING RD AMERICAN FALLS, ID 83211 (208)226-5031

Priority Date: 3/19/1990

Basis: License

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>
IRRIGATION	4/01	10/31	1.260 CFS	252.0 AF
	<u>Total Diversion</u>		1.260 CFS	252.0 AF

Source and Point(s) of Diversion

GROUND WATER	NWNE	Sec. 15, Twp 07S, Rge 29E,	POWER County
GROUND WATER	SWNE	Sec. 10, Twp 07S, Rge 29E,	POWER County

Place Of Use

IRRIGATION within POWER County

T07S R29E S3 L1	NENE	29.0
T07S R29E S3	SENE	34.0
POU Total Acres:		63.0

Conditions of Approval:

1. R55 This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
2. R56 Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
3. Rights 35-02261, 35-08186, and 35-08899 when combined shall not exceed a total diversion rate of 9.33 cfs.
Rights 35-02261 and 35-08186 are also diverted through the point(s) of diversion described above.
4. R31 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.

Water Supply Bank:

N/A

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:
300 hp deep well with 7 wheel lines. Measuring device required by Groundwater and Surface Water Term Sheet - installed by 2018 or sooner.

b. Who owns the property at the point(s) of diversion? Gehring Farms, Ferd Gehring & Son, Inc.
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

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 $\frac{1}{4}$ $\frac{1}{4}$ 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.

Gehring Farms, Ferd Gehring & Son, Inc.

BY: Jared A. Gehring
Signature of applicant or authorized agent

Jared A. Gehring vice-president
Print name and title if applicable

02/18/16
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 _____ Date _____

Fee paid \$660 Date 2-18-2016

Received by [Signature] Receipt # ED 418.31

Preliminary review by MH

Date 4/1/16

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)

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:
300 hp deep well with 7 wheel lines. Measuring device required by Groundwater and Surface water term sheet - installed by spring 2018 or sooner

b. Who owns the property at the point(s) of diversion? Gehring Farms, Ferd Gehring & Son, Inc.
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

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 $\frac{1}{4}$ $\frac{1}{4}$ 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.

Gehring Farms: Ferd Gehring & Son Inc.

by: [Signature]
Signature of applicant or authorized agent

Gary W. Gehring President
Print name and title if applicable

3/15/2016
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/WaterRightTransfers, Step 4 and in the Application for Transfer Instructions.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments. Received by _____ Date _____

Fee paid _____ Date _____ Received by _____ Receipt # _____

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)

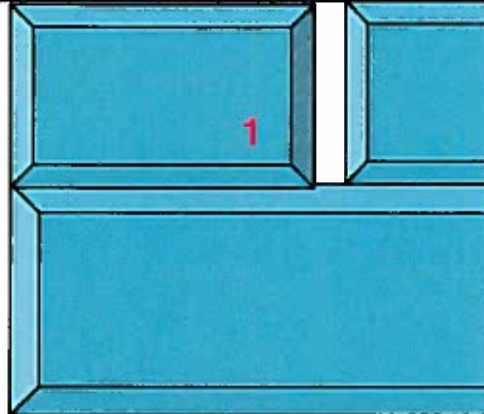
No. C 50582	Due no later than Dec 31, 2015 Annual Report Form		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. GEHRING FARMS, FERD GEHRING AND SON, INC. GARY GEHRING 3656 GEHRING ROAD AMERICAN FALLS ID 83211	GARY GEHRING 3656 GEHRING ROAD AMERICAN FALLS ID 83211				
		3. <u>New</u> Registered Agent Signature:*				
4. Corporations: Enter Names and Business Addresses of President, Secretary, and Directors. Treasurer (optional).						
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
SECRETARY	DONNA M GEHRING	3656 GEHRING RD.	AMERICAN FALLS	ID	USA	83211
PRESIDENT	GARY W GEHRING	3656 GEHRING RD.	AMERICAN FALLS	ID	USA	83211
5. Organized Under the Laws of: ID C 50582		6. Annual Report must be signed.* Signature: Gary W. Gehring Name (type or print): Gary W. Gehring Date: 10/29/2015 Title: President				
Processed 10/29/2015		* Electronically provided signatures are accepted as original signatures.				

80751

ENHANCED GROUND-W

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEA

Cells this color are
set up for user entries



ENTER STARTING DATE FOR
SIMULATION. THEN PUSH
"UPDATE DATES" BUTTON

TRANSFER NO:

YEAR

1983

TRANSFER NAME:

SEASON

SPRING

Gehring

ENTER CELL LOCATIONS:

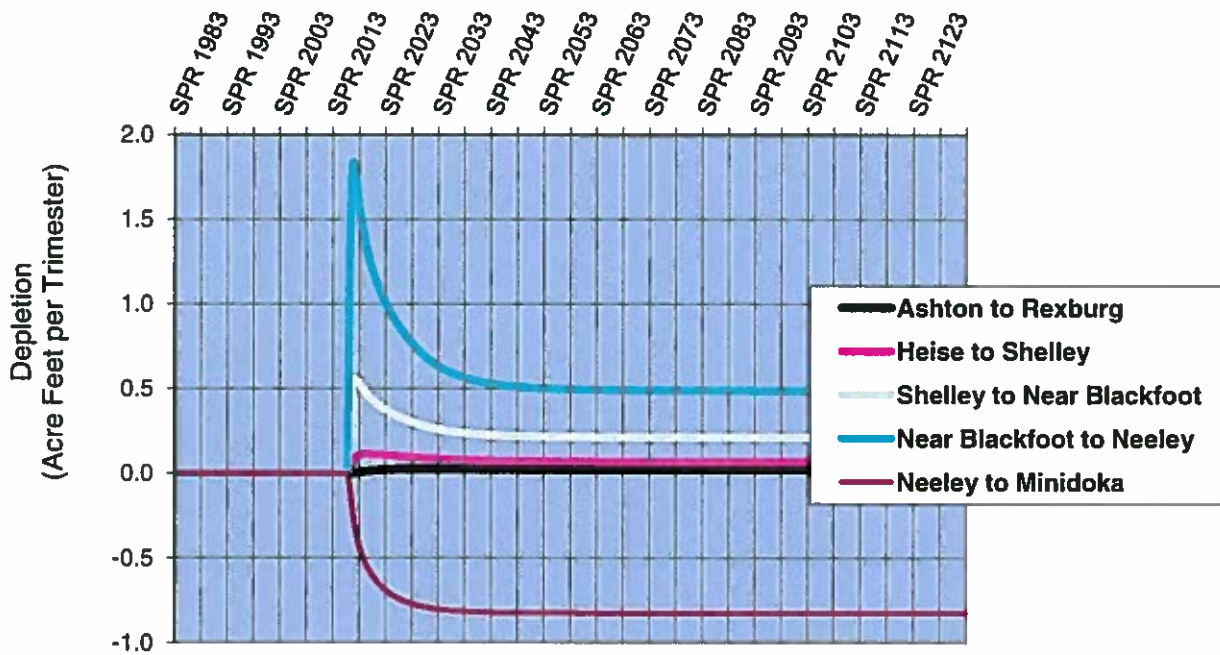
	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL
ROW	85	87		
COLUMN	94	93		

TRIMESTER OF ACTIVITY	TO WELL	FROM1 WELL		FROM2 W
	Projected Use AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER
SPR 1983	0	97	97	0
SUM 1983	0	97	97	0
WIN 1983	0	97	97	0
SPR 1984	0	97	97	0
SUM 1984	0	97	97	0
WIN 1984	0	97	97	0
SPR 1985	0	97	97	0
SUM 1985	0	97	97	0
WIN 1985	0	97	97	0
SPR 1986	0	97	97	0
SUM 1986	0	97	97	0
WIN 1986	0	97	97	0
SPR 1987	0	97	97	0
SUM 1987	0	97	97	0
WIN 1987	0	97	97	0
SPR 1988	0	97	97	0
SUM 1988	0	97	97	0
WIN 1988	0	97	97	0
SPR 1989	0	97	97	0

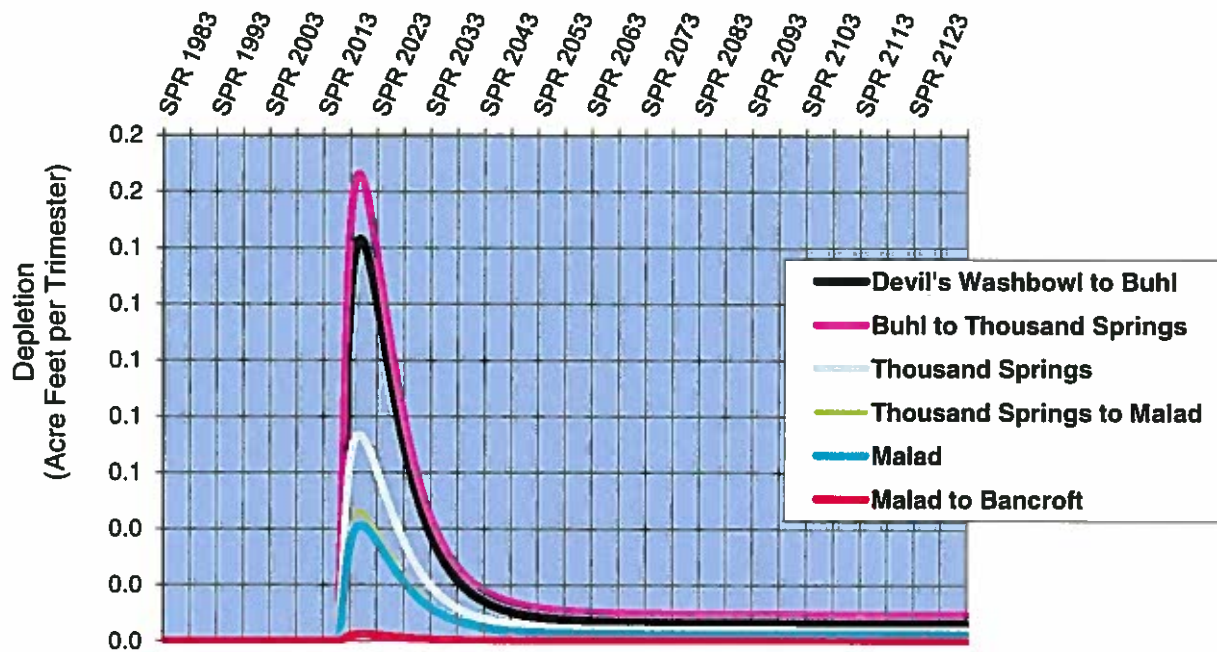
SUM 1989	0	97	97	0
WIN 1989	0	97	97	0
SPR 1990	0	183	183	0
SUM 1990	0	183	183	0
WIN 1990	0	183	183	0
SPR 1991	0	183	183	0
SUM 1991	0	183	183	0
WIN 1991	0	183	183	0
SPR 1992	0	183	183	0
SUM 1992	0	183	183	0
WIN 1992	0	183	183	0
SPR 1993	0	183	183	0
SUM 1993	0	183	183	0
WIN 1993	0	183	183	0
SPR 1994	0	183	183	0
SUM 1994	0	183	183	0
WIN 1994	0	183	183	0
SPR 1995	0	183	183	0
SUM 1995	0	183	183	0
WIN 1995	0	183	183	0
SPR 1996	0	183	183	0
SUM 1996	0	183	183	0
WIN 1996	0	183	183	0
SPR 1997	0	183	183	0
SUM 1997	0	183	183	0
WIN 1997	0	183	183	0
SPR 1998	0	183	183	0
SUM 1998	0	183	183	0
WIN 1998	0	183	183	0
SPR 1999	0	183	183	0
SUM 1999	0	183	183	0
WIN 1999	0	183	183	0
SPR 2000	0	183	183	0
SUM 2000	0	183	183	0
WIN 2000	0	183	183	0
SPR 2001	0	183	183	0
SUM 2001	0	183	183	0
WIN 2001	0	183	183	0
SPR 2002	0	183	183	0
SUM 2002	0	183	183	0
WIN 2002	0	183	183	0
SPR 2003	0	183	183	0
SUM 2003	0	183	183	0
WIN 2003	0	183	183	0
SPR 2004	0	183	183	0

SUM 2004	0	183	183	0
WIN 2004	0	183	183	0
SPR 2005	0	183	183	0
SUM 2005	0	183	183	0
WIN 2005	0	183	183	0
SPR 2006	0	183	183	0
SUM 2006	0	183	183	0
WIN 2006	0	183	183	0
SPR 2007	0	183	183	0
SUM 2007	0	183	183	0
WIN 2007	0	183	183	0
SPR 2008	0	183	183	0
SUM 2008	0	183	183	0
WIN 2008	0	183	183	0
SPR 2009	0	183	183	0
SUM 2009	0	183	183	0
WIN 2009	0	183	183	0
SPR 2010	0	183	183	0
SUM 2010	0	183	183	0
WIN 2010	0	183	183	0
SPR 2011	0	183	183	0
SUM 2011	0	183	183	0
WIN 2011	0	183	183	0
SPR 2012	0	183	183	0
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SPR 2014	0	183	183	0
SUM 2014	0	183	183	0
WIN 2014	0	183	183	0
SPR 2015	0	183	183	0
SUM 2015	0	183	183	0
WIN 2015	0	183	183	0
SPR 2016	183	0	183	0
SUM 2016	183	0	183	0
WIN 2016	183	0	183	0
SPR 2017	183	0	183	0
SUM 2017	183	0	183	0
WIN 2017	183	0	183	0
SPR 2018	183	0	183	0
SUM 2018	183	0	183	0
WIN 2018	183	0	183	0
SPR 2019	183	0	183	0
SUM 2019	183	0	183	0
WIN 2019	183	0	183	0
SPR 2020	183	0	183	0
SUM 2020	183	0	183	0

Net Transfer Effect Above Milner
(Total Effect With Transfer - Total Effect Without Transfer)



Net Transfer Effect Below Milner **(Total Effect With Transfer - Total Effect Without Transfer)**





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 6, 2016

GEHRING FARMS
FERD GEHRING & SON INC
3656 GEHRING RD
AMERICAN FALLS, ID 83211

RE: Transfer No. 80751
Water Right No(s). 35-8186, 35-8899

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 POWER COUNTY PRESS on 4/13/2016 and 4/20/2016. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

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,

Judea Jones
Administrative Assistant

Cox, Sharla

From: Cox, Sharla
Sent: Wednesday, April 06, 2016 2:18 PM
To: 'Power County Press (press1@press-times.com)'
Subject: Legal Notice for Your Newspaper
Attachments: Power County Press E-Mail.doc

Contacts: Power County Press

Sharla

*Sharla Cox
Administrative Assistant
Idaho Dept of Water Resources
900 N Skyline Dr. Ste A.
Idaho Falls ID 83402
sharla.cox@idwr.idaho.gov
208-525-7161 phone
208-525-7177 fax*

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 80753

STEPHEN H HUNT, 3667 LAKE CHANNEL RD, AMERICAN FALLS, ID 83211; has filed Application No. 80753 for changes to the following water rights within POWER County(s): Right No(s). 35-13888; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows:

Change the point of diversion and change the place of use. The point of diversion is in the NWNW Sec 28 T8S R29E for 0.10 cfs from ground water. The place of use is within Sec 28 T8S R29E for 5 acres.

TRANSFER NO. 80754

STEPHEN H HUNT, 3667 LAKE CHANNEL RD, AMERICAN FALLS, ID 83211; has filed Application No. 80754 for changes to the following water rights within POWER County(s): Right No(s). 35-13888; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows:

Change the point of diversion and change the place of use. The point of diversion is in the SWNWSW Sec 28 T8S R29E for 0.19 cfs from ground water. The place of use is within Sec 28 and 29 T8S R29E for 10 acres.

TRANSFER NO. 80751

GEHRING FARMS FERD GEHRING & SON INC, 3656 GEHRING RD, AMERICAN FALLS, ID 83211; has filed Application No. 80751 for changes to the following water rights within POWER County(s): Right No(s). 35-8186, 35-8899; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows:

Change the point of diversion. The point of diversion is in Lot 1 NWNENE Sec 3 T7S R29E for 2.15 cfs from ground water. The place of use remains the same.

For additional information concerning the property location, contact Eastern Region office at (208) 525-7161. 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, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before 5/2/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 4/13/2016 and 4/20/2016