

RECEIVED**OCT 23 2014**Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

1. Name of applicant(s) Nest Egg Investments, LLC Phone 208-521-6032
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address 145 N 3762 E, c/o Aaron McCracken City Rigby
 State ID Zip 83442 Email _____

2. Source of water supply Ground water which is a tributary of _____

3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
4N	38E	35			SE	NE	JEFFERSON	GROUND WATER	

4. Water will be used for the following purposes:

Amount 0.23 cfs for Irrigation purposes from 4/01 to 10/31 (both dates inclusive)
 (cfs or acre-feet per year)

Amount 0.02 cfs for Domestic purposes from 01/01 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)

5. Total quantity to be appropriated is (a) 0.25 cubic feet per second (cfs) and/or (b) _____ acre feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. New well to pump to water systems.

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11. For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No

c. Proposed well diameter is 6 inches; proposed depth of well is 100-150 feet.

d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No

e. If well is already drilled, when? _____; drilling firm _____;
 well was drilled for (well owner) _____; Drilling Permit No. _____.

7. Description of proposed uses (if irrigation only, go to item 8):

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; complete and attach the Municipal Water Right Application Checklist.

d. Domestic; show number of households 1 office building

e. Other; describe fully. _____

8. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	38E	35				1													1

Total number of acres to be irrigated: 1

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping?

A companion transfer application will move a portion of water right no. 25-14364 for irrigation at the same place of use.

10. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

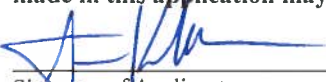
11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.

The domestic portion is for the nursery office building not to exceed 2,500 gal/day. Application proposes to increase the diversion rate for a portion of water right no. 25-14364 that is proposed to be transferred simultaneously. No increase in diversion volume is proposed. See attached narrative for explanations.

12. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

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

AARON K. MCCRACKEN - member
Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

For Department Use:

Received by _____ Date _____ Time _____ Preliminary check by _____
Fee \$ 250 - Received by 50 Receipt No. 6040356 Date 10/23/14

25 - 14419

Narrative for Application for Permit and Application for Transfer for Nest Egg Investments, LLC

Applicant proposes to develop a new nursery located on 3800 E, north of County Line Road, Rigby, Idaho, in the SENE of Section 35, T4N, R38E. The nursery will include 10 greenhouses, a demonstration area, and a nursery lot. To acquire water rights for the new facility, two applications are proposed: an Application for Transfer to move a portion of water right number 25-14364 for irrigation of 1.0 acre and an Application for Permit to obtain water for domestic use and a higher diversion rate for the irrigation right proposed to be transferred.

Water Demands

Applicant has an existing facility with similar water requirements as the proposed facility, each including the same number of greenhouses, a demonstration area, and a nursery lot. The irrigation system includes 14 spigots, each requiring 17.5 gallons per minute for efficient operation. The system operates at 6 spigots simultaneously, requiring 0.23 cfs for peak use. Annual measurements of the existing facility shows a diversion volume of about 1.8 acre-feet annually.

The proposed facility will be constructed in a similar manner and will therefore require a peak diversion rate of 0.23 cfs and about 1.8 acre-feet annually.

Total surface area for irrigation will be approximately 0.7 acres, which will be rounded up to 1.0 acre for simplicity of transfer.

Proposed Transfer Application

To supply an irrigation water right, applicant has contracted to purchase 1.0 acre of water right no. 25-14364 from Kent Merrill. This would provide 1.0 acre and 4.0 acre-feet annually for irrigation, which is more than sufficient for the anticipated

Table 1. Summary of Proposed Applications for Irrigation

Quantities	Anticipated Demand	App. For Permit	App. for Trans
Irrigated Acres	0.7	1	1
Diversion Rate (cfs)	0.23	0.23	0.02
Volume (afa)	1.8	0	4.0

water volume demand as summarized in Table 1. An application for transfer¹ is proposed to move the 1.0 acre portion of the water right to the nursery location. The diversion rate applicable to 1.0 acre of water right is insufficient for the peak demands of the nursery.

Existing Place of Use

Water right no. 25-14364 allows for the irrigation of 14.3 acres within various lots within the Valley Estates Subdivision. Kent Merrill only owns a portion of the acres of this water right with clear title. In creating the maps that accompany the transfer, it appears that the IDWR water right place of use

¹ The Transfer Application is submitted by the current water right owner Kent Merrill. The ownership of the water right will be conveyed to Nest Egg Investments, LLC upon approval of this transfer and closing of the water right sale. A copy of the gift deeds can be found in Attachment #9 to show Merrill's ownership. A copy of the Water Right Sales and Purchase Agreement can also be found in Attachment #9.

AMENDED

shapefile is incorrect. A portion of the water right still remains within Lot 2, Block 1, deeded to Kent and Diane Merrill by Blair and Rhonda Chas; however, the shapefile does not include any of this lot. The gift deed specifies that 1.0 acre of water right was originally granted to Merrills.

Previous transfers have removed portions of the parent right to other lands through water right sales. In specific, Transfer No. 77589 on behalf of Walters Ready Mix transferred 5.0 acres from the parent right no. 25-14361. The acres were transferred from the roadways (4.4 acres) and Lot 2, Block 1 (0.6 acres). This leaves a remaining 0.4 acres within Lot 2, Block 1 to which Merrill's own the water right, which is proposed to be moved via this transfer, along with the other portion shown in Table 2. All acres are located within the SWSW Section 30, T4N, R39E.

Table 2. Acres to be Transferred

Lot Owner Last Name	Lot Owner First Name	Lot #	Block #	Acres Transferred from Lot	Remaining Acres Not Transferred
Chase	Blair	2	1	0.4	0
Polatis	Todd and Tori	10	2	0.6	0.1
Total Acres=				1.0	

ESPA Analysis

Using the ESPAM Transfer Spreadsheet, it is determined that transferring 1.0 acre of water right to the proposed location will have very minimal effects, less than 2.0 af/trimester, to the reaches of the Snake River. No mitigation is required.

Proposed Application for Permit

The proposed application for permit² will accomplish two purposes: to provide for a *de minimus* domestic right needed for the nursery office and to obtain an adequate diversion rate for irrigation to satisfy peak use demand. The domestic component will allow up to 2,500 gpd according to the Domestic Part B definition. The irrigation component is proposed to allow a higher diversion rate of 0.23 cfs for the portion of water right no. 25-14364 proposed in the companion transfer application. A typical diversion rate for 1.0 acre of irrigation is 0.02 cfs. However, the water demands as explained above will require the ability to divert the irrigation water at a higher rate for efficiency and timing.

No additional volume is being requested with this application. All required volume will be provided through the water right proposed to be transferred.

Summary

In combination, the Transfer and Permit Applications will result in water rights to irrigate 1.0 acre at the proposed nursery location with a peak diversion rate of 0.23 cfs. Volume will not exceed 4.0 acre-feet between the two irrigation water rights.

Additionally, a domestic component will provide a *de minimus* quantity not to exceed 2,500 gpd.

² The Permit Application is submitted by Nest Egg Investments, LLC, owner of the proposed nursery.

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The proposed facility will be constructed in a similar manner and will therefore require a peak diversion rate of 0.23 cfs and about 1.8 acre-feet annually.

Total surface area for irrigation will be approximately 0.7 acres, which will be rounded up to 1.0 acre for simplicity of transfer.

Proposed Transfer Application

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Summary

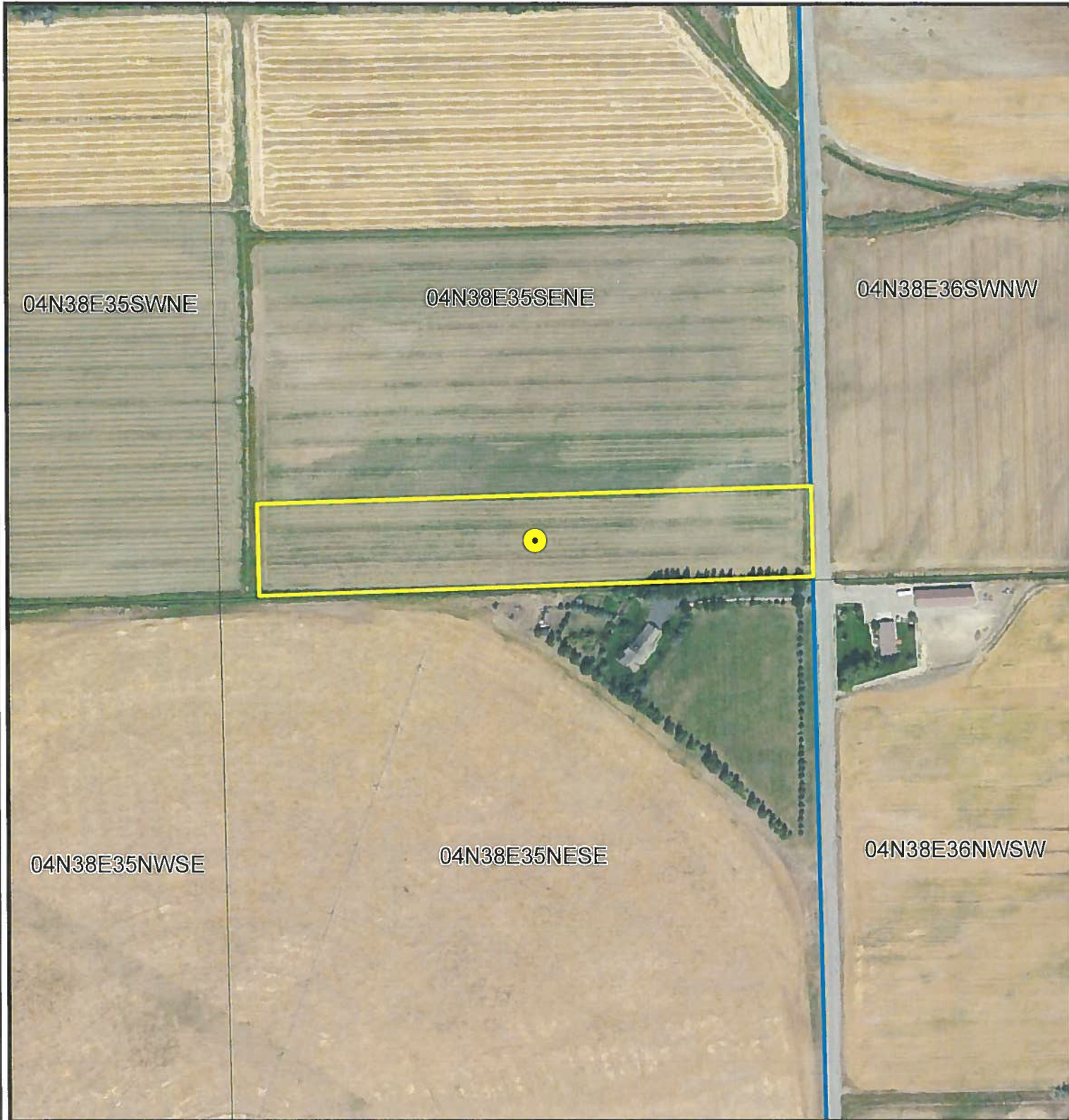
In combination, the Transfer and Permit Applications will result in water rights to irrigate 1.0 acre at the proposed nursery location with a peak diversion rate of 0.23 cfs. Volume will not exceed 3.5 acre-feet between the two irrigation water rights.

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Application for Permit

Nest Egg Investments LLC



- Approx New POD
- Approx New POU
- Township and Range
- Section
- QQ



0 200 400 800 Feet

25-14419

2013 NAIP Photography





RECEIVED
OCT 23 2014
Department of Water Resources
Eastern Region

October 23, 2014

RMEA 14-0082

Idaho Department of Water Resources
900 N Skyline Dr. Suite A
Idaho Falls, ID 83402

Re: New Applications

Dear IDWR,

Our firm has been engaged by Nest Egg Investments, LLC to consult on their water right interests. Please find attached an Application for Permit under the name of Nest Egg Investments, LLC and an Application for Transfer under the name of Kent Merrill. Both applications seek to obtain water rights for a new nursery near County Line Rd, Rigby, Idaho. A check for the total filing fees for each application (\$250 for the Permit and \$200 for the Transfer) is also included.

We are requesting to be added to the contact list for said applications as a consulting representative to receive all notifications relative to these water rights.

Respectfully,

A handwritten signature in blue ink that reads "Kristin Moore".

Kristin Moore
Water Rights Analyst

Attachments: Application for Permit
 Application for Transfer
 Check #17544 for filing fees



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

November 13, 2014

NEST EGG INVESTMENTS LLC
C/O AARON MC CRACKEN
145 N 3762 E
RIGBY, ID 83442

Application For Permit No. 25-14419

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the JEFFERSON STAR on November 19 and 26, 2014. 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 permit.

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Sharla Cox', written over a circular blue ink stamp or seal.

Sharla Cox
Administrative Assistant

Cox, Sharla

From: Cox, Sharla
Sent: Thursday, November 13, 2014 9:09 AM
To: 'Jefferson Star (info@jeffersonstarnews.com)'
Subject: Legal Notice for your paper
Attachments: Jefferson Star E-Mail.doc

Contacts: Jefferson Star

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*

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

25-14419

NEST EGG INVESTMENTS LLC

C/O AARON MC CRACKEN

145 N 3762 E

RIGBY, ID 83442

Point of Diversion

SENE S35 T04N R38E

JEFFERSON County

Source GROUND WATER Tributary

Use: DOMESTIC

01/01 to 12/31 0.02 CFS

Use: IRRIGATION

04/01 to 10/31 0.23 CFS

Total Diversion: 0.25 CFS

Date Filed: 10/23/2014

Place Of Use: IRRIGATION and DOMESTIC

T04N R38E S35 SENE

Total Acres: 1

Permits will be subject to all prior water rights. 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 § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. 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 December 8, 2014. The protestant must also send a copy of the protest to the applicant.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 79646

KENT MERRILL, 532 N 3825 E, RIGBY, ID 83442; has filed Application No. 79646 for changes to the following water rights within JEFFERSON County(s): Right No(s). 25-14364; 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: The applicant proposes to change the point of diversion and to change the place of use. The new point of diversion is in the SENE Sec 35 T4N R38E for 0.019 cfs from ground water. The place of use is in the SENE Sec 35 T4N R38E for 1 acre.

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 December 8, 2014. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on November 19 and 26, 2014