



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

February 1, 2012

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

GEHRING FARMS, FERD GEHRING & SON INC
3648 GEHRING RD
AMERICAN FALLS, ID 83211

RE: Transfer No. 77726
Water Right No(s). 35-8163, 35-7179, 35-2854, 35-14025, 35-14027

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 February 8 and 15, 2012. 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,

Sharla Cox
Administrative Assistant



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

February 01, 2012

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

JAMES CEFALO
WATER DISTRICT 120
900 N SKYLINE DR STE A
IDAHO FALLS, ID 83402

RE: Application for Transfer 77726
Water Right Number(s) 35-2854

Dear Watermaster:

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

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 during regional review. 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.

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

Sincerely,

Sharla Cox
Administrative Assistant

Enclosure(s)

Cox, Sharla

From: Cox, Sharla
Sent: Wednesday, February 01, 2012 8:55 AM
To: 'press1@dcdi.net'
Subject: Power Co Press - Legal Ad for your paper
Attachments: Power County Press E-Mail.doc

Contacts: Power County Press

Sharla

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

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 77726

GEHRING FARMS, FERD GEHRING & SON INC, 3648 GEHRING RD, AMERICAN FALLS, ID 83211 has filed Application No. 77726 for changes to the following water rights within POWER County(s): Right No(s). 35-8163, 35-7179, 35-2854, 35-14025, 35-14027; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. 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 to add a point of diversion and change the place of use. The points of diversion are in the SENENW and the NWSWNW Sec 12 T7S R29E for 10.87 from ground water. The place of use is within Sec 11 and 12 T7S R29E and Sec 7 T7S R30E for 643 acres.

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 February 27, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on February 8 and 15, 2012

Mathews, Kerrie

From: Mathews, Kerrie
Sent: Tuesday, January 31, 2012 1:19 PM
To: 'Jared Gehring'
Subject: RE: Gehring Farms

Hi Jared,

Sorry to keep bothering you, I was just finishing up the transfer for Gehring Farms and noticed that all of the water rights have:

AXA EQUITABLE LIFE INSURANCE CO
C/O RABO AGRIFINANCE INC
10100 TRINITY PARKWAY STE 400
STOCKTON, CA 95219

As a security interest until July 1, 2024.

In order to finish processing this transfer request, I need a notarized statement from the holder agreeing to the proposed changes.

I can process the application, advertise etc. but it cannot be approved until the documentation is received.

Thank you,

Kerrie Mathews

Idaho Department of Water Resources
208.525.7161

"It is not length of life, but depth of life."
-Ralph Waldo Emerson

From: Jared Gehring [mailto:jared@gehringag.com]
Sent: Tuesday, January 31, 2012 9:10 AM
To: Mathews, Kerrie
Subject: RE: Gehring Farms

Kerrie,

Your clarification below is correct. Water rights 35-14024 and 35-14026 will cover the existing points of diversion north of the fields at 07S29E Sec 2 SWNW.

Thank you,
Jared Gehring

From: Mathews, Kerrie [mailto:Kerrie.Mathews@idwr.idaho.gov]
Sent: Friday, January 27, 2012 4:58 PM
To: Jared Gehring
Subject: RE: Gehring Farms

Mr. Gehring;

I received your application today.. I have one more questions for you please..

Mathews, Kerrie

From: Jared Gehring [jared@gehringag.com]
Sent: Tuesday, January 31, 2012 9:10 AM
To: Mathews, Kerrie
Subject: RE: Gehring Farms

Kerrie,

Your clarification below is correct. Water rights 35-14024 and 35-14026 will cover the existing points of diversion north of the fields at 07S29E Sec 2 SWNW.

Thank you,
Jared Gehring

From: Mathews, Kerrie [mailto:Kerrie.Mathews@idwr.idaho.gov]
Sent: Friday, January 27, 2012 4:58 PM
To: Jared Gehring
Subject: RE: Gehring Farms

Mr. Gehring;

I received your application today.. I have one more questions for you please..

Would you please clarify the POD change request?

If I understand correctly;

You want all of the water rights to come out of two wells, one located at 07S 29E Sec 12 NENW & one located at 07S 29E Sec 12 SWNW.

The existing points of diversion North of the fields at 07S29E Sec 2 SWNW will be removed from the rights.

Is this correct?

Thank you,

Kerrie Mathews

Idaho Department of Water Resources
208.525.7161

"It is not length of life, but depth of life."
-Ralph Waldo Emerson

From: Jared Gehring [mailto:jared@gehringag.com]
Sent: Thursday, January 26, 2012 3:26 PM
To: Mathews, Kerrie
Cc: 'Randy Budge'
Subject: RE: Gehring Farms

Kerrie,

WMIS

Water Management Information System

**Quick Search:**
[For assistance, email WMIS Info](#)

Search Method:

WMIS Number

WMIS Number

600566

Search

You are logged in as WMURPHY

[Point Of Diversion](#) [PCC](#) ▶ [Flow Meter](#) ▶ [Time Clock](#) [Alternate](#) [Contacts](#) [Data Summary](#) [Other](#) ▶ [Logout](#)
Data Summary

AF-YEAR

You are viewing 600566; A0006665

Combined totals

986
909
945.02
894.94
780.47
751.18

Report Year	Alternate	FM	PCC	Time Clock
2011				
2010			539.00	
2009			407.00	
2008			519.22	
2007			449.65	
2006			470.19	
2005			440.90	
2004			440.90	
2003			599.30	
2002			596.60	
2001			568.00	
2000			523.50	
1999			473.20	
1998			464.40	
1997			408.90	

POD
35-8163
35-2854
35-7179

075 29E 12 SE NENW

Col id: 95
Row id: 87
Adjacent cell

WMIS
Water Management Information System**Quick Search:**[For assistance, email WMIS Info](#)

Search Method:

WMIS Number

WMIS Number

600568

You are logged in as WMURPHY

[Point Of Diversion](#) [PCC](#) [Flow Meter](#) [Time Clock](#) [Alternate](#) [Contacts](#) [Data Summary](#) [Other](#) [Logout](#)**Data Summary**

AF- YEAR

You are viewing 600568; A0006664

Report Year	Alternate	FM	PCC	Time Clock
2011				
2010			447.00	
2009			502.00	
2008			425.80	
2007			445.27	
2006			310.28	
2005			310.28	
2004			324.00	
2003			468.00	
2002			417.70	
2001			389.90	
2000			429.80	
1999			400.50	
1998			249.80	
1997			311.80	

POD
35-8163
35-2854
35-7179

07S 29E 12 NWSW NW

Colid: 94
Rowid: 87
Adjacent Cell

Idaho Department of Water Resources

WMIS

Water Management Information System

**Quick Search:**For assistance, email [WMIS Info](#)

Search Method:

WMIS Number

WMIS Number

600568

Search

You are logged in as BJORDAN

[Point Of Diversion](#) [PCC](#) ► [Flow Meter](#) ► [Time Clock](#) [Alternate](#) [Contacts](#) [Data Summary](#) [Other](#) ► [Logout](#)
PCC Conditions

You are viewing 600568; A0006664

18e9228a-3477-4f0b-875a-6f8ff6c9c6b0	Year: 2008		Date: 7/1/2008 12:00:00 AM		Total PCC: 679.47		Total Percentage: 100		
	#	785	Condition Date:*	07/01/2008	ConditionPCC:	641.46	Percentage:	80	
	KW:	225.00	Boost On:	Yes					
	GPM:	1905.0	Description:	10 WHEEL LINES					
	PSI:*								
	Meter:								
	Utility:	Idaho Power	Serial Number:	04466751					
	Main HP*:	200	Boost HP:	50.00					
	Pole Number:	07S29E1203	Multiplier:	40.00					
	Manufacturer:	ABB	Disk Constant:	1.20					
	#	1895	Condition Date:*	01/01/2008	ConditionPCC:	1023.06	Percentage:	20	
	KW:	158.80	Boost On:	Yes					
	GPM:	843.0	Description:	7/20/05					
	PSI:*								
	Meter:								
	Utility:	Idaho Power	Serial Number:	04466751					
	Main HP*:	200	Boost HP:	50.00					
	Pole Number:	07S29E1203	Multiplier:	40.00					
	Manufacturer:	ABB	Disk Constant:	1.20					
	dabd2dac-fd45-4579-969d-c16914559ab5	Year: 2007		Date: 1/1/2007 12:00:00 AM		Total PCC: 700.07		Total Percentage: 100	
		#	3486	Condition Date:*	01/01/2007	ConditionPCC:	700.07	Percentage:	100
		KW:	223.00	Boost On:	No				
		GPM:	1730.0	Description:	6/19/97				
PSI:*									
Meter:									
Utility:		Idaho Power	Serial Number:	04466751					
Main HP*:		1	Boost HP:						
Pole Number:		07S29E1203	Multiplier:	40.00					

	Manufacturer: ABB		Disk Constant: 1.20						
7b5fd7fd-c54d-424b-bf7f-c4be996ac945	Year: 2005		Date: 7/20/2005 12:00:00 AM		Total PCC: 1023.06		Total Percentage: 100		
	#	6051	Condition Date:* 07/20/2005		ConditionPCC: 1023.06		Percentage: 100		
	KW: 158.80		Boost On: Yes						
	GPM: 843.0		Description: 6 wheel lines						
	PSI:* 82								
	Meter:								
	Utility: Idaho Power		Serial Number: 04466751						
	Main HP*: 200		Boost HP: 50.00						
	Pole Number: 07S29E1203		Multiplier: 40.00						
	Manufacturer: ABB		Disk Constant: 1.20						
	e827e026-f499-4945-8cef-545d9a45f2b8	Year: 2002		Date: 6/14/2002 12:00:00 AM		Total PCC: 858.73		Total Percentage: 100	
		#	11913	Condition Date:* 06/14/2002		ConditionPCC: 858.73		Percentage: 100	
KW: 206.50		Boost On: No							
GPM: 1306.0		Description: WL							
PSI:* 72									
Meter:									
Utility: Idaho Power		Serial Number: 34032663							
Main HP*: 0		Boost HP:							
Pole Number: 07S29E1203		Multiplier: 40.00							
Manufacturer: Sangamo		Disk Constant: 4.80							
0e779587-8ae4-48ac-b987-b7c998f4a49e		Year: 1997		Date: 6/19/1997 12:00:00 AM		Total PCC: 726.35		Total Percentage: 100	
		#	18350	Condition Date:* 06/19/1997		ConditionPCC: 700.07		Percentage: 60	
	KW: 223.00		Boost On: No						
	GPM: 1730.0		Description: 11 WL						
	PSI:* 32								
	Meter:								
	Utility: Idaho Power		Serial Number: 34032663						
	Main HP*: 250		Boost HP: 0.00						
	Pole Number: T 12 3		Multiplier: 40.00						
	Manufacturer: Sangamo		Disk Constant: 4.80						
	#	18534	Condition Date:* 06/19/1997		ConditionPCC: 789.50		Percentage: 40		
	KW: 157.00		Boost On: No						
	GPM: 1080.0		Description: 6 WL						
	PSI:* 73								
	Meter:								
	Utility: Idaho Power		Serial Number: 34032663						
Main HP*: 250		Boost HP: 0.00							
Pole Number: T 12 3		Multiplier: 40.00							
Manufacturer: Sangamo		Disk Constant: 4.80							

Idaho Department of Water Resources

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PCC Conditions

You are viewing 600566; A0006665

9cf480df-c7b3-4492-ba17-9bed2f8a591a	Year: 2008		Date: 1/1/2008 12:00:00 AM		Total PCC: 782.71		Total Percentage: 100	
	#	1563	Condition Date:*	01/01/2008	ConditionPCC:	771.44	Percentage:	80
	KW:	324.00	Boost On:	No				
	GPM:	2281.0	Description:	6/22/07				
	PSI:*							
	Meter:							
	Utility:				Serial Number:			
	Main HP*:	250	Boost HP:					
	Pole Number:				Multiplier:			
	Manufacturer:				Disk Constant:			
	#	2066	Condition Date:*	01/01/2008	ConditionPCC:	831.94	Percentage:	20
	KW:	320.00	Boost On:	No				
	GPM:	2089.0	Description:	6/14/02				
	PSI:*							
	Meter:							
	Utility:				Serial Number:			
	Main HP*:	250	Boost HP:					
Pole Number:				Multiplier:				
Manufacturer:				Disk Constant:				
9d6079fb-f76f-474a-899f-ed759f46e7ca	Year: 2007		Date: 6/22/2007 12:00:00 AM		Total PCC: 771.44		Total Percentage: 100	
	#	3043	Condition Date:*	06/22/2007	ConditionPCC:	771.44	Percentage:	100
	KW:	324.00	Boost On:	No				
	GPM:	2281.0	Description:					
	PSI:*							
	Meter:							
	Utility:	Idaho Power	Serial Number:	05627333				
	Main HP*:	250	Boost HP:	150.00				
	Pole Number:	07S29E1204	Multiplier:	80.00				

	Manufacturer: Elster		Disk Constant: 1.20	
aa4f1a57-01dd-46c4-9c10-38a42daa605d	Year: 2002	Date: 6/14/2002 12:00:00 AM	Total PCC: 831.94	Total Percentage: 100
	# 11908	Condition Date:* 06/14/2002	ConditionPCC: 831.94	Percentage: 100
	KW:	320.00	Boost On:	No
	GPM:	2089.0	Description:	WL
	PSI:*	94		
	Meter:			
	Utility:	Idaho Power	Serial Number:	02628348
	Main HP*:	0	Boost HP:	
	Pole Number:	07S29E1204	Multiplier:	80.00
	Manufacturer:	ABB	Disk Constant:	1.20
4ffa898c-be11-4e27-ba15-cea8b3357e21	Year: 1997	Date: 6/19/1997 12:00:00 AM	Total PCC: 749.00	Total Percentage: 100
	# 18358	Condition Date:* 06/19/1997	ConditionPCC: 749.00	Percentage: 100
	KW:	326.00	Boost On:	No
	GPM:	2364.0	Description:	15 WL, 15 B
	PSI:*	98		
	Meter:			
	Utility:	Idaho Power	Serial Number:	02628348
	Main HP*:	350	Boost HP:	
	Pole Number:	T 12 4	Multiplier:	80.00
	Manufacturer:	ABB	Disk Constant:	4.80

Mathews, Kerrie

From: Mathews, Kerrie
Sent: Thursday, January 26, 2012 9:10 AM
To: 'Jared Gehring'
Cc: 'Randy Budge'
Subject: RE: Gehring Farms

Good Morning;

The submitted responses clarify all the identified issues to date, in order to move forward with the transfer please submit an amended application for transfer and the \$1300.00 transfer fee (the original check was refunded).

We can then move forward and get the changes completed for you. If you have any additional questions or would like help with the application please let me know.

Sincerely,

Kerrie Mathews

Idaho Department of Water Resources
208.525.7161

"It is not length of life, but depth of life."
-Ralph Waldo Emerson

From: Jared Gehring [mailto:jared@gehringag.com]
Sent: Wednesday, January 25, 2012 1:54 PM
To: Mathews, Kerrie
Cc: 'Randy Budge'
Subject: RE: Gehring Farms

Kerrie,

It has taken a long time for me to get with the water right owner's regarding the areas of non-use. I apologize for this. The water right owner's are in agreement with IDWR regarding the acres mentioned as not being irrigated for a period of 5 or more years. I understand the forfeiture issue now, thank you for the clarification. With that in mind, the water right owner's would like to keep as much cfs and volume as possible regarding this application.

One issue brought to our attention regarding the original application was – There is an existing place of use for #35-14027 & 35-1402 establishing the irrigation of 35 acres located in the NWNW of Twn. 07S, Rng. 29E, Sec. 11. This place of use was left off of the transfer application. Was this intentional, and the applicant intends on drying up this 35 acres?

RESPONSE: There is not intent to dry up any acres so the omission of this place of use was inadvertent. Please made this addition; or, we will do so in a revised application.

To get this application completed -do you need the water right owner's to reissue a check for the application? Are there any other issues not previous clarified to complete the application?

Again I apologize for the delays.

Mathews, Kerrie

From: Jared Gehring [jared@gehringag.com]
Sent: Wednesday, January 25, 2012 1:54 PM
To: Mathews, Kerrie
Cc: 'Randy Budge'
Subject: RE: Gehring Farms

Kerrie,

It has taken a long time for me to get with the water right owner's regarding the areas of non-use. I apologize for this. The water right owner's are in agreement with IDWR regarding the acres mentioned as not being irrigated for a period of 5 or more years. I understand the forfeiture issue now, thank you for the clarification. With that in mind, the water right owner's would like to keep as much cfs and volume as possible regarding this application.

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RESPONSE: There is not intent to dry up any acres so the omission of this place of use was inadvertent. Please made this addition; or, we will do so in a revised application.

To get this application completed -do you need the water right owner's to reissue a check for the application? Are there any other issues not previous clarified to complete the application?

Again I apologize for the delays.

Thank you for your assistance,

Jared A. Gehring

From: Mathews, Kerrie [mailto:Kerrie.Mathews@idwr.idaho.gov]
Sent: Thursday, December 08, 2011 4:47 PM
To: Jared Gehring
Cc: Randy Budge
Subject: RE: Gehring Farms

Mr. Gehring;

I determined the acreage as follows:

The allowable irrigated acres for 07S30E7, NWNW quarter is 35 acres. When I calculated that actual acres being irrigated I came up with approximately 17.2 acres. $35 - 17.2 = 17.8$ acres not being irrigated.

The allowable irrigated acres for 07S30E7, NENW quarter is 36 acres. When I calculated that actual acres being irrigated I came up with approximately 27.2 acres. $36 - 27.2 = 8.8$ acres not being irrigated.

Mathews, Kerrie

From: Mathews, Kerrie
Sent: Thursday, December 08, 2011 4:47 PM
To: 'Jared Gehring'
Cc: 'Randy Budge'
Subject: RE: Gehring Farms

Mr. Gehring;

I determined the acreage as follows:

The allowable irrigated acres for 07S30E7, NWNW quarter is 35 acres. When I calculated that actual acres being irrigated I came up with approximately 17.2 acres. $35 - 17.2 = 17.8$ acres not being irrigated.

The allowable irrigated acres for 07S30E7, NENW quarter is 36 acres. When I calculated that actual acres being irrigated I came up with approximately 27.2 acres. $36 - 27.2 = 8.8$ acres not being irrigated.

This ends up being the figure that you see, the actual mapped area is larger but there was not 40 acres authorized to irrigate in those quarters. So, the correct figure is the 26.6 acres..

I hope this answers your questions.. Please let me know if you need anything else.

Thank you,

Kerrie Mathews

Idaho Department of Water Resources
208.525.7161

"Life is a succession of lessons which must be lived to be understood."
-Helen Keller

From: Jared Gehring [mailto:jared@gehringag.com]
Sent: Thursday, December 08, 2011 1:55 PM
To: Mathews, Kerrie; 'Randy Budge'
Subject: RE: Gehring Farms

Hello Kerrie,

My name is Jared Gehring. I am requesting a water transfer with the help of our attorney - Mr. Budge. I have reviewed the maps we requested. I agree that water right #35-7179 & 35-2854 in 07S 29 E Sec.12, NWNE consisting of 2.1 acres is an area which has undergone a five year (or more) period of non-use.

However, I am still confused on the following water right:

<u># 35-8163</u>	
07S 29E Sec. 7 NWNW	17.8 acres
07S 29E Sec. 7 NENW	8.8 acres

The acreage above totals 26.6 acres. According to the map forfeiture key, the "remaining area" consists of 34.9 acres. Which acreage is correct? Am I looking at the correct area?

Thank you for your assistance,

Jared Gehring

From: Mathews, Kerrie [<mailto:Kerrie.Mathews@idwr.idaho.gov>]
Sent: Monday, December 05, 2011 8:53 AM
To: Randy Budge
Cc: jared@gehringag.com
Subject: RE: Gehring Farms

Good Morning Mr. Budge;

Here are the maps you requested. If you have any questions please let me know.

Thank you,

Kerrie Mathews

Idaho Department of Water Resources
208.525.7161

"Life is a succession of lessons which must be lived to be understood."
-Helen Keller

From: Randy Budge [<mailto:rcb@racinelaw.net>]
Sent: Saturday, December 03, 2011 11:25 AM
To: Mathews, Kerrie
Cc: Randy Budge; Jared Gehring
Subject: RE: Gehring Farms

Hi Kerrie,

My apologies for the delay in getting back to you with additional information on this matter. The Gehrings are fully engaged during fall harvest and with that complete they now can turn to other business,

Can you please provide copies of the latest aerial maps and all prior maps of the land in question that you thought had been tried up so they can better review and evaluate this matter?

If you wish to reply to this email with your response so Jared Gehring and I will both have the information it will expedite review and response.

Thanks!

Randy

Randall C. Budge
Racine, Olson, Nye, Budge & Bailey, Chtd.
201 E. Center Street
P. O. Box 1391
Pocatello, ID 83204
(208) 232-6101 Ext. 340

Mathews, Kerrie

From: Mathews, Kerrie
Sent: Monday, December 05, 2011 8:53 AM
To: 'Randy Budge'
Cc: 'jared@gehringag.com'
Subject: RE: Gehring Farms
Attachments: Aerial Photography.pdf

Good Morning Mr. Budge;

Here are the maps you requested. If you have any questions please let me know.

Thank you,

Kerrie Mathews

Idaho Department of Water Resources
208.525.7161

"Life is a succession of lessons which must be lived to be understood."
-Helen Keller

From: Randy Budge [<mailto:rcb@racinelaw.net>]
Sent: Saturday, December 03, 2011 11:25 AM
To: Mathews, Kerrie
Cc: Randy Budge; Jared Gehring
Subject: RE: Gehring Farms

Hi Kerrie,

My apologies for the delay in getting back to you with additional information on this matter. The Gehrings are fully engaged during fall harvest and with that complete they now can turn to other business,

Can you please provide copies of the latest aerial maps and all prior maps of the land in question that you thought had been tried up so they can better review and evaluate this matter?

If you wish to reply to this email with your response so Jared Gehring and I will both have the information it will expedite review and response.

Thanks!

Randy

Randall C. Budge
Racine, Olson, Nye, Budge & Bailey, Chtd.
201 E. Center Street
P. O. Box 1391
Pocatello, ID 83204
(208) 232-6101 Ext. 340
(208) 232-6109 Facsimile
rcb@racinelaw.net

Mathews, Kerrie

From: Mathews, Kerrie
Sent: Tuesday, September 20, 2011 2:16 PM
To: 'Robin Roebuck'
Subject: RE: Gehring Farms Water Rights

I will return the check.

Thanks,

Kerrie Mathews

Idaho Department of Water Resources
208.525.7161

"Life is a succession of lessons which must be lived to be understood."
-Helen Keller

From: Robin Roebuck [<mailto:rlr@racinelaw.net>]
Sent: Tuesday, September 20, 2011 1:43 PM
To: Mathews, Kerrie
Cc: Randy Budge
Subject: Gehring Farms Water Rights

Kerrie: We will be resubmitting the Transfer Application with revisions as soon as Randy is able to talk to the Gehrings. Will you be returning our \$2260 check? We will send the correct filing fee of \$1300 with the revised Application.

Thanks

*Robin Roebuck, Assistant to
Randall C. Budge*
RACINE, OLSON, NYE, BUDGE &
BAILEY, CHARTERED
P.O. Box 1391
Pocatello, Idaho 83204-1391
Phone: 208-232-6101
Fax: 208-232-6109

*Returned
check 9-20-2011. KR*

Mathews, Kerrie

From: Randy Budge [rcb@racinelaw.net]
Sent: Tuesday, September 20, 2011 11:41 AM
To: Mathews, Kerrie
Cc: Randy Budge; Becky Budge; Robin Roebuck
Subject: RE: Gehring Farms

Kerrie,

Thanks for your review and identified issues, each of which I will address below.

Randall C. Budge
Racine, Olson, Nye, Budge & Bailey, Chtd.
201 E. Center Street
P. O. Box 1391
Pocatello, ID 83204
(208) 232-6101 Ext. 340
(208) 232-6109 Facsimile
rcb@racinelaw.net

From: Mathews, Kerrie [<mailto:Kerrie.Mathews@idwr.idaho.gov>]
Sent: Tuesday, September 20, 2011 11:07 AM
To: Randy Budge
Subject: Gehring Farms

Mr. Budge;

The Department has received the application for transfer submitted for Gehring Farms. In the process of reviewing the application several issues were identified. I have listed them for your review;

1. There is an existing place of use for #35-14027 & 35-1402 establishing the irrigation of 35 acres located in the NWNW of Twn. 07S, Rng. 29E, Sec. 11. This place of use was left off of the transfer application. Was this intentional, and the applicant intends on drying up this 35 acres?

RESPONSE: There is not intent to dry up any acres so the omission of this place of use was inadvertent. Please made this addition; or, we will do so in a revised application.

2. Water Right 35-14027 has an existing period of use as 04/01 to 11/01, however the application lists the period of use as 04/01 to 10/31, and no source is listed. Does the applicant intend on reducing his period of use by one day?

RESPONSE: The period of use should remain unchanged.

3. There may be an issue with forfeiture for this applicant. I have been through all the aerial photography from 1987 forward and it appears that several areas have undergone a five year (or more) period of non-use.

35-8163

07S 29E Sec. 7 NWNW	17.8 acres
07S 29E Sec. 7 NENW	8.8 acres

35-7179 & 35-2854

07S 29E Sec. 12 NWNE	2.1 acres
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RESPONSE: We are unaware of any periods of non-use on any of the property and will confirm that with Gehrigs.

4. The transfer application included a check in the amount of \$2,260.00, according to the new fees established by the IDWR the fee is based on the total cfs or ac-ft. In this case the cfs is 10.87, which requires a total fee of \$1,300.00.

RESPONSE: Fine. I believe we obtained the fee estimate from Eastern region. Please advise if you wish to have us reissue a check or send a refund, either of which is fine.

If you have any questions please let me know.

Sincerely,

Kerrie A Mathews
Water Resources Agent
Idaho Department of Water Resources
208.525.7161

"No culture can live, if it attempts to be exclusive."
-Mahatma Gandhi

RECEIVED

SEP 08 2011

Department of Water Resources
Eastern Region

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LOUIS F. RACINE (1917-2005)
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JOHN J. BULGER
BRETT R. CAHOON

September 7, 2011

IDWR/Eastern Region
Attn: James Cefalo
900 N. Skyline Drive, Suite A
Idaho Falls, ID 83402

*Re: Gehring Farms, Ferd Gehring & Son, Inc. - Application for Transfer
Water Right Nos. 35-2854, 35-7179, 35-8163, 35-14025, 35-14027*

Dear James:

Enclosed please find the original and two extra copies of the Minimum Requirements Checklist and Application for Transfer of Water Right pertaining to the above-referenced water rights submitted on behalf of Gehring Farms, Ferd Gehring & Son, Inc., together with our check in the amount of \$2,260 for filing fee. Please advise if our calculation of the filing fee is incorrect and we will promptly remit whatever balance may be due.

This is submitted per our prior communications and your last email of July 20 for the purpose of changing two points of diversion, adding a point of diversion, and combining all of the water rights into a common place of use. Please kindly review this and let me know if you have any questions. If the same meets with your approval, please file and begin processing the original, conform stamp and return one copy to me and the other to Gehring Farms in the stamped and addressed envelopes enclosed.

September 7, 2011

Page 2

Thank you for your cooperation and assistance.

Sincerely,



RANDALL C. BUDGE

RR

RCB:rr

Enclosures

cc: Jared Gehring (w/encl.)

Cefalo, James

From: Randy Budge [rcb@racinelaw.net]
Sent: Wednesday, July 13, 2011 10:31 PM
To: Cefalo, James
Cc: Randy Budge; Robin Roebuck
Subject: Gehring Farms, Water Right Nos. 35-14027, 35-14025
Attachments: 20110713 Original Water Right.pdf; 20110713 New Water Right.pdf; 2002 10 31 Quitclaim Deed.pdf

Dear James:

I'd like to pose a question to you whether the proper procedure is a Notice of Change of Water Right Ownership or a Transfer Application. The Gehring family are large farmers that operate primarily in Power County under various entities. The entities in question are Gehring Investments, LLC, which owns Water Rights 35-14027 and 35-14025. Included in the place of use is approximately 35 irrigated acres in the NW1/4 NW1/4, Section 11, T.7S., R.39E.

Back in 2002 Gehrings discovered some title problems and that this 40-acre parcel actually belonged to Gehring Farms, Ferd Gehring & Son, Inc. To correct the title problem, the attached quitclaim deed was recorded to transfer ownership of the NW1/4 NW1/4 of Section 11 to Gehring Farms, Ferd Gehring & Son, Inc., which owned Water Rights 35-7971 and 35-08163, used to irrigate adjacent land in Sections 11 and 12 of T. 7 S., R. 29 E. Because they farm together all of the described water rights are utilized via an interconnected irrigation system.

As it now stands, the NW1/4 NW1/4 of Section 11 owned by Gehring Farms, Ferd Gehring & Son, Inc., is shown as being irrigated by Gehring Investment, LLC, Water Rights 35-14027 and 35-14025. Since the 40-acre parcel has been transferred some time ago to Gehring Farms, Ferd Gehring & Son, Inc., the current owner, they would like to transfer 0.5 cfs from 35-14027 and 0.17 cfs from 35-14025, a total of 0.67 from Gehring Investment, LLC's rights to Gehring Farms, Ferd Gehring & Son, Inc., with the place of use changed to the same place of use as 35-7971 and 35-08163. I assume this will result in a split of Water Right Nos. 35-14027 and 35-14025.

While the place of use remains unchanged as we're simply changing ownership of the property and the pertinent water rights from Gehring Investments, LLC to Gehring Farms, Ferd Gehring & Son, Inc., which could be handled by a Notice of Change of Ownership, it appears that the change in the point of diversion will require a Transfer Application. If that's the case, would we have to use the transfer tool where the two wells are this close to each other?

Attached are copies of the Quitclaim Deed correcting the ownership problem back in 2002, and also sketches showing "original water right" and proposed "new water right".

I would appreciate it if you would give this some thought and drop me a note back on the best way to straighten this out. I am out of the office this week but will be in most of next if you wish to discuss by phone.

Thanks,

Randall C. Budge

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