

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 77726JAN 27 2012
Department of Water Resources
Eastern Region**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1****AMENDED**Name of Applicant(s) Gehring Farms, Ferd Gehring & Son, Inc. Phone 208-226-5031Mailing address 3656 Gehring Road, American Falls, ID 83211 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☒ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No RepresentativeName of Representative Randall C. Budge Phone 208-232-⁶101Mailing address PO Box 1391, Pocatello, ID 83201 Email rcb@racinelaw.net

- ☐ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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.

Gary W. Gehring
Signature of Applicant or Authorized Representative

Gary Gehring, President
Print Name and Title if applicable

1/23/2012
Date

Signature of Applicant or Authorized Representative

Randall C. Budge, Attorney for Applicant
Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
☐ Change nature of use
 ☒ Add diversion point(s)
☐ Change period of use
 ☒ Change place of use
☐ Other _____
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**. Transfer is required to change two points of diversion, add a point of diversion and combine all of the associated water rights into one common place of use.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	35-2854	3.77/924	Irrigation	04/01 to 10/31	Ground Water
☒ ☐	35-7179	4.52/904	Irrigation	04/01 to 10/31	Ground Water
☒ ☐	35-8163	3.02/604	Irrigation	04/01 to 10/31	Ground Water
☒ ☐	35-14025	0.17 cfs	Irrigation	04/01 to 10/31	Ground Water
☒ ☐	35-14027	0.5 cfs	Irrigation	04/01 to 11/01	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 10.87 cfs and/or 2572 ac-ft

2. Total amount of water proposed to be transferred or changed 10.87 cubic feet per second and/or 2572 acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
		SE	NE	NW	12	7S	29E	Power	Ground Water	
		NW	SW	NW	12	7S	29E	Power	Ground Water	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7S	29E	11	38	39		39	39	35											190
7S	29E	12	40	33	40	40	32	39	39	39									302
7S	30E	7					36	35	40	40									151

Total Acres (for irrigation use) 643

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. 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 wells with 250-300 HP pumps to a 10" pipe to 150 HP booster to underground mainline to wheeled sprinklers. All 6 gpm flow central nozzles. Department has previously required a lockable controlling device through the licensing process.

- b. Who owns the property at the point(s) of diversion? Applicants
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
The diversion system is designed to be able to handle interconnection. The transfer will correction the points of diversion for all water rights and also allow a permissible place of use for all places of use for these water rights to be used within it.

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
All water rights are for irrigation purposes.

- f. 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 leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by Km Date 1/27/2012 Prelim. Check by Km Date 1/27/2012

Fee Paid \$1300.00 Date 1/27/2012 Received by Km Receipt # E037279

Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 35-14027

Current Owner: GEHRING FARMS, FERD GEHRING & SON INC
Priority Date: 3/16/1979
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	0.5 CFS	
	<u>Total Diversion</u>	0.5 CFS	

Location of Point(s) of Diversion

GROUND WATER SW1/4SE1/4NW1/4 Sec. 2, Twp 07S, Rge 29E B.M.
POWER County

Place of Use

IRRIGATION Within POWER County

T07S R29E S11 NWNW 35.00
Total Acres: 35

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. USE OF THIS RIGHT WITH RIGHT NO. 35-14025 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 35 ACRES IN A SINGLE IRRIGATION SEASON.
3. RIGHT NO. 35-14024, 35-14025 & 35-14026 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
4. USE OF THIS RIGHT WITH RIGHT NO. 35-14025 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 140 AF.

Decreed Date: 1/31/2002

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 35-14025

Current Owner: GEHRING FARMS, FERD GEHRING & SON INC
Priority Date: 6/17/1983
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.17 CFS	
	<u>Total Diversion</u>	0.17 CFS	

Location of Point(s) of Diversion

GROUND WATER
POWER County SW1/4SE1/4NW1/4 Sec. 2, Twp 07S, Rge 29E B.M.

Place of Use

IRRIGATION Within POWER County

T07S R29E S11 NWNW 35.00
Total Acres: 35

Conditions of Approval:

1. RIGHT NO. 35-14024, 35-14026 & 35-14027 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
2. USE OF THIS RIGHT WITH RIGHT NO. 35-14027 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 140 AF.
3. 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.
4. USE OF THIS RIGHT WITH RIGHT NO. 35-14027 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 35 ACRES IN A SINGLE IRRIGATION SEASON.

Decreed Date: 1/31/2002

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 35-8163

Current Owner: GEHRING FARMS, FERD GEHRING & SON INC
Priority Date: 6/17/1983
Origin: Water Right
Status: Active
Basis: License

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	3.02 CFS	604 AF
	<u>Total Diversion</u>	3.02 CFS	604 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NW1/4	Sec. 12,	Twp 07S,	Rge 29E B.M.
POWER County				
GROUND WATER	SW1/4NW1/4	Sec. 12,	Twp 07S,	Rge 29E B.M.
POWER County				

Place of Use

IRRIGATION Within POWER County

T07S R29E S11	NENE	38.00	T07S R29E S11	NWNE	39.00
T07S R29E S11	SENE	39.00	T07S R29E S11	NENW	39.00
T07S R29E S12	NENE	40.00	T07S R29E S12	NWNE	33.00
T07S R29E S12	SWNE	40.00	T07S R29E S12	SENE	40.00
T07S R29E S12	NENW	32.00	T07S R29E S12	NWNW	39.00
T07S R29E S12	SWNW	39.00	T07S R29E S12	SENW	39.00
T07S R30E S7	NENW	36.00	T07S R30E S7	NWNW	35.00
T07S R30E S7	SWNW	40.00	T07S R30E S7	SENW	40.00

Total Acres: 608

Conditions of Approval:

1. X36 Rights 35-2854 and 35-7179 are also diverted through the points of diversion described above.
2. X35 Rights 35-2854, 35-7179 and 35-8163 when combined shall not exceed a total diversion rate of 10.20 cfs and the irrigation of 608 acres.
3. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
4. X27 This right is limited to the irrigation of 151 acres within the place of use described above in a single irrigation season.

Page _____ of _____

Decreed Date: 1/31/2002

77726

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 35-7179

Current Owner: GEHRING FARMS, FERD GEHRING & SON INC
Priority Date: 7/6/1971
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	4.52 CFS	904 AF
	<u>Total Diversion</u>	4.52 CFS	904 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SW1/4NW1/4	Sec. 12,	Twp 07S,	Rge 29E B.M.
POWER County				
GROUND WATER	SE1/4NE1/4NW1/4	Sec. 12,	Twp 07S,	Rge 29E B.M.
POWER County				

Place of Use

IRRIGATION Within POWER County

T07S R29E S11	NENE	38.00	T07S R29E S11	NWNE	39.00
T07S R29E S11	SENE	39.00	T07S R29E S11	NENW	39.00
T07S R29E S12	NENE	40.00	T07S R29E S12	NWNE	33.00
T07S R29E S12	SWNE	40.00	T07S R29E S12	SENE	40.00
T07S R29E S12	NENW	32.00	T07S R29E S12	NWNW	39.00
T07S R29E S12	SWNW	39.00	T07S R29E S12	SENW	39.00

Total Acres: 457

Page _____ of _____

Conditions of Approval:

1. M01 A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE MAINTAINED AS A PART OF THE DIVERTING WORKS.
2. USE OF THIS RIGHT WITH RIGHT NO. 35-02854 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 8.29 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1828 AF.
3. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 226 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. RIGHT NO. 35-02854 IS ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.
5. 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.
6. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
7. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Decreed Date: 1/31/2002

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 35-2854

Current Owner: GEHRING FARMS, FERD GEHRING & SON INC

Priority Date: 11/30/1966

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	3.77 CFS	924 AF
	<u>Total Diversion</u>	3.77 CFS	924 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SW1/4NW1/4	Sec. 12,	Twp 07S,	Rge 29E B.M.
POWER County				
GROUND WATER	SE1/4NE1/4NW1/4	Sec. 12,	Twp 07S,	Rge 29E B.M.
POWER County				

Place of Use

IRRIGATION Within POWER County

T07S R29E S11	NENE	38.00	T07S R29E S11	NWNE	39.00
T07S R29E S11	SENE	39.00	T07S R29E S11	NENW	39.00
T07S R29E S12	NENE	40.00	T07S R29E S12	NWNE	33.00
T07S R29E S12	SWNE	40.00	T07S R29E S12	SENE	40.00
T07S R29E S12	NENW	32.00	T07S R29E S12	NWNW	39.00
T07S R29E S12	SWNW	39.00	T07S R29E S12	SENE	39.00

Total Acres: 457

Page _____ of _____

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. RIGHT NO. 35-07179 IS ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.
3. USE OF THIS RIGHT WITH RIGHT NO. 35-07179 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 8.29 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1828 AF.
4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. 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.
6. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 231 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Decreed Date: 1/31/2002

No. C 50582	Due no later than Dec 31, 2010 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 3648 GEHRING ROAD AMERICAN FALLS ID 83211		GARY GEHRING 3648 GEHRING ROAD AMERICAN FALLS ID 83211			
			3. New 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	3648 GEHRING RD.	AMERICAN FALLS	ID	USA	83211
PRESIDENT	GARY W GEHRING	3648 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: 10/11/2010 Title: President				
Processed 10/11/2010		* Electronically provided signatures are accepted as original signatures.				

Transfer Application Att. #1

181124

INSTRUMENT #	
TIME	2:46 PM
REQ. OF	Racine, Olson, nys, Budge & Bailey
DEC 12 2002	
POWER COUNTY AIA FALLS	
CHRISTINE STEINLICHT	
BY	Margaret Schelske
DEPUTY	RD 3:00

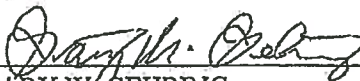
QUITCLAIM DEED

FOR VALUE RECEIVED, GARY W. GEHRING AND DONNA M. GEHRING, husband and wife, whose address is 3648 Gehring Road, American Falls, Idaho 83211 (hereinafter "Grantor"), does hereby convey, release, remise and forever quit claim unto GEHRING FARMS, FERD GEHRING & SON, INC., (hereinafter "Grantee"), whose address is 3648 Gehring Road, American Falls, Idaho 83211, the following described premises, located in Power County, Idaho, to wit:

Township 7 South, Range 29 East, B.M.
Section 11: NW1/4 NW1/4

together with its appurtenances.

DATED this 31st day of October, 2002.



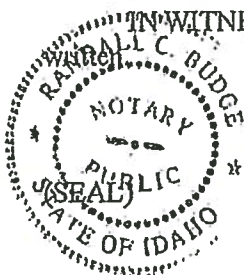
GARY W. GEHRING



DONNA M. GEHRING

STATE OF IDAHO)
 : SS
County of Bannock)

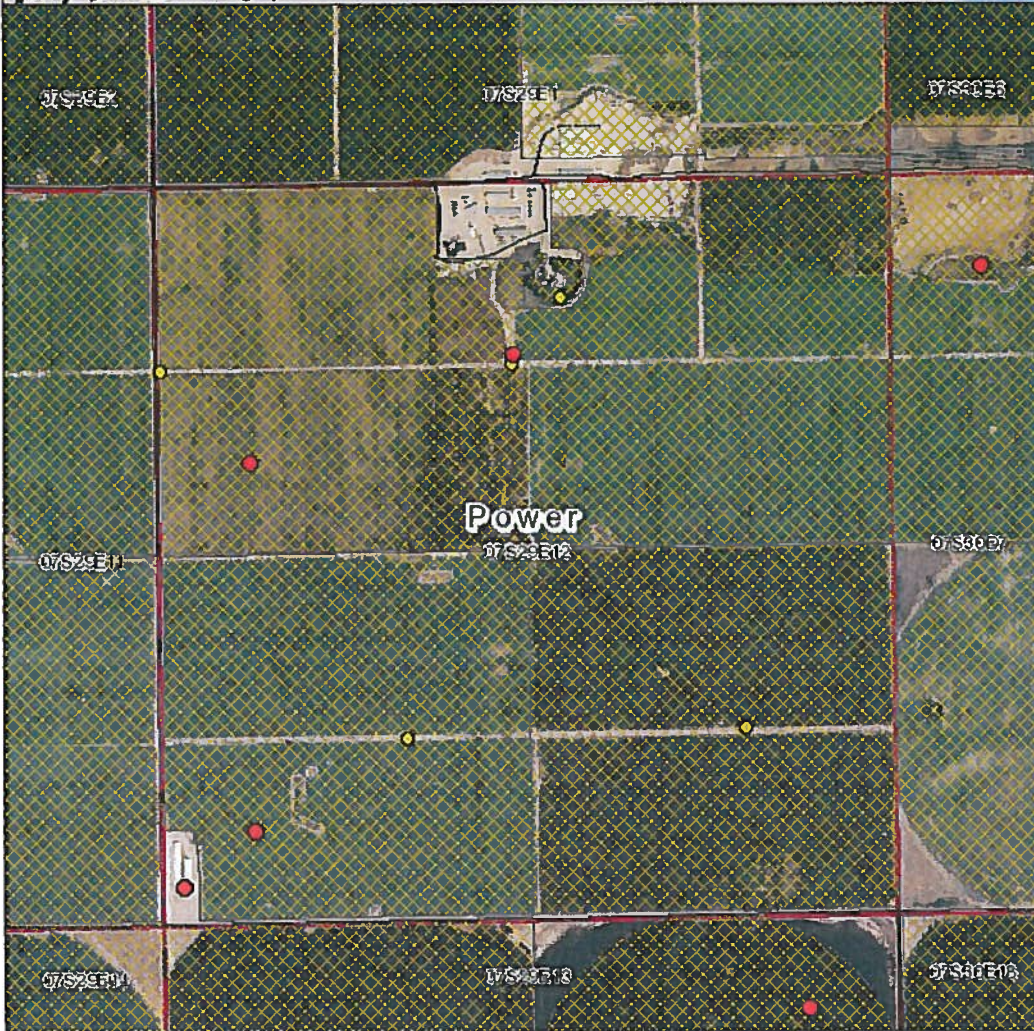
On this 31st day of October, 2002, before me the undersigned Notary Public in and for said State, personally appeared Gary W. Gehring and Donna M. Gehring, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they subscribed the same.



IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above



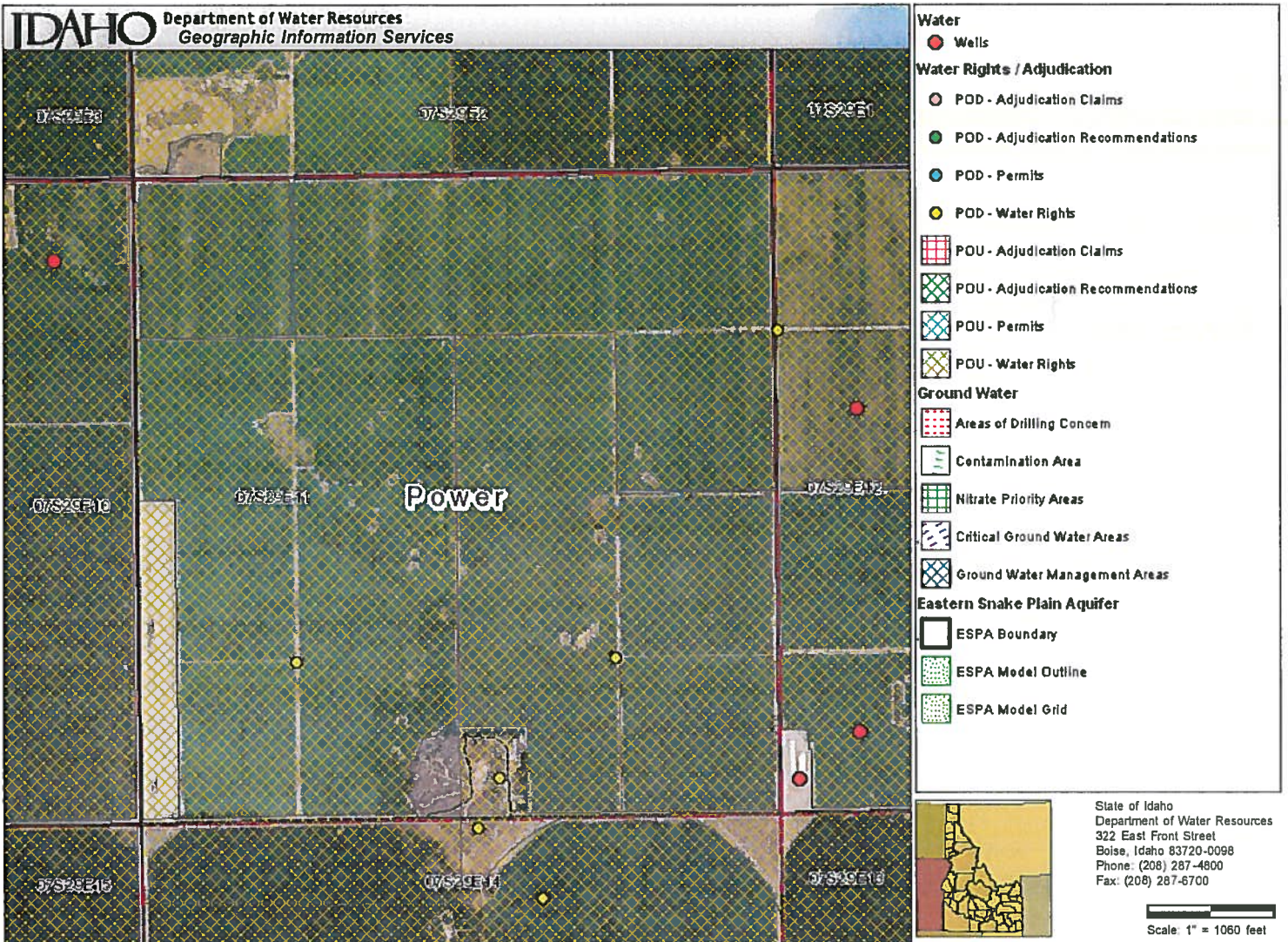
NOTARY PUBLIC FOR IDAHO
Residing at Pocatello
My Commission expires 10/11/2006



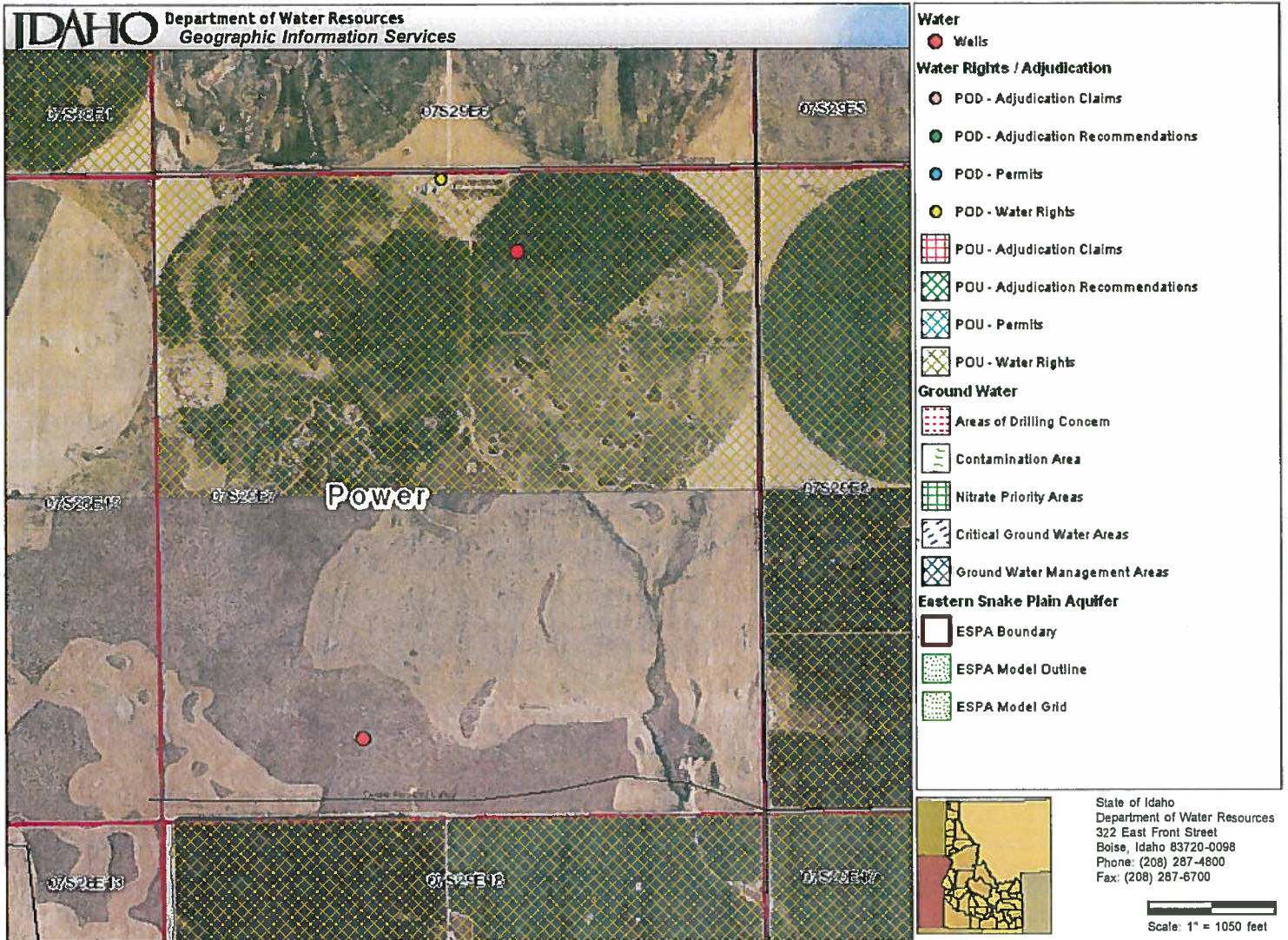
State of Idaho
Department of Water Resources
322 East Front Street
Boise, Idaho 83720-0098
Phone: (208) 287-4800
Fax: (208) 287-6700

Scale: 1" = 1060 feet

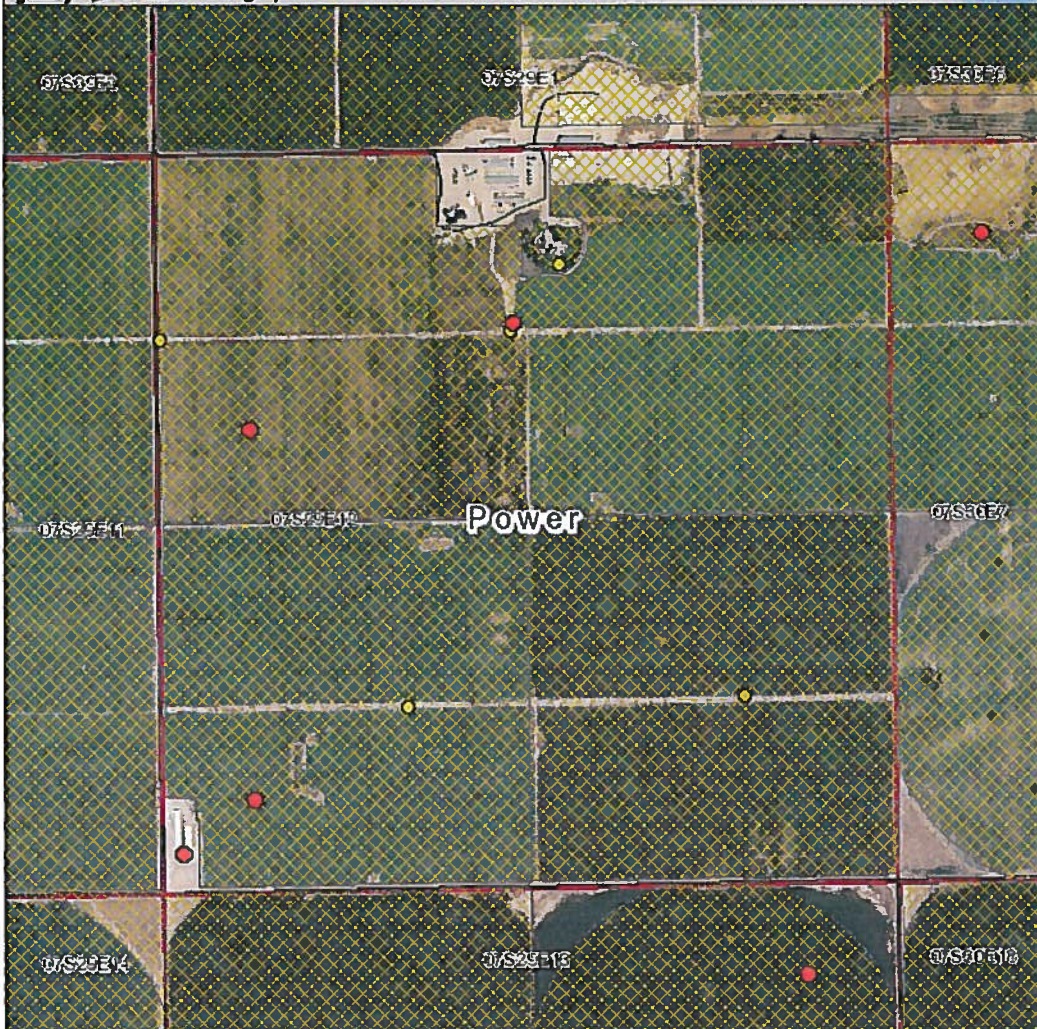
Created: Tuesday, August 02, 2011 -- Persons using information from this site for official purposes, or other purposes, for which accuracy and completeness are required, are hereby notified that they should first verify the information with the public records or other primary sources from which the information was obtained.



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- Water**
- Wells
- Water Rights / Adjudication**
- POD - Adjudication Claims
 - POD - Adjudication Recommendations
 - POD - Permits
 - POD - Water Rights
 - POU - Adjudication Claims
 - POU - Adjudication Recommendations
 - POU - Permits
 - POU - Water Rights
- Ground Water**
- Areas of Drilling Concern
 - Contamination Area
 - Nitrate Priority Areas
 - Critical Ground Water Areas
 - Ground Water Management Areas
- Eastern Snake Plain Aquifer**
- ESPA Boundary
 - ESPA Model Outline
 - ESPA Model Grid



State of Idaho
Department of Water Resources
322 East Front Street
Boise, Idaho 83720-0098
Phone: (208) 287-4800
Fax: (208) 287-6700

Scale: 1" = 1060 feet

Created: Tuesday, August 02, 2011 -- Persons using information from this site for official purposes, or other purposes, for which accuracy and completeness are required, are hereby notified that they should first verify the information with the public records or other primary sources from which the information was obtained.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

MINIMUM REQUIREMENTS CHECKLIST TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

- | Yes | N/A | |
|-------------------------------------|-------------------------------------|--|
| ☒ | ☐ | * Means the item is <u>always required</u> and must be included with the application. |
| ☒ | ☐ | * Completed Application for Transfer of Water Right form, Part 1. |
| ☒ | ☐ | * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative. |
| ☒ | ☐ | * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded. |
| ☐ | ☒ | Complete and attach an Application for Transfer Part 2B <u>for each water right</u> for which <u>only a portion</u> is proposed to be changed through this transfer application. |
| ☒ | ☐ | * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s). |
| ☒ | ☐ | * Correct fee submitted with transfer application form. (<u>Fee schedule</u> is on website and instructions for application for transfer.) |

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- | | | |
|-------------------------------------|-------------------------------------|--|
| ☐ | ☒ | #1 If the applicant is a business, partnership, organization, or association, and <u>not</u> currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.) |
| ☐ | ☐ | #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner. Additional fee(s) required for water right ownership changes; see fee schedule. |
| ☐ | ☒ | #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Additional fee(s) required for water right ownership changes; see fee schedule. |
| ☐ | ☒ | #3 Documentation of authority to make the change if the applicant is not the water right owner. |
| ☒ | ☐ | #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.) |
| ☐ | ☒ | #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm . |
| ☐ | ☒ | #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.) |
| ☒ | ☐ | * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.) |
| ☒ | ☐ | #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. |
| ☐ | ☒ | #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule. |
| ☐ | ☒ | #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.) |
| ☐ | ☐ | #9 Other. Please describe: _____ |

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Rev. 07/11

Page 1 of 5

SEP 08 2011

Department of Water Resources
Eastern Region
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

SUPERCEDED

Name of Applicant(s) Gehring Farms, Ferd Gehring & Son, Inc.Phone 208-226-5031Mailing address 3648 Gehring Rd, American Falls, ID 83211

Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☒ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No RepresentativeName of Representative Randall C. BudgePhone 208-232-3101Mailing address PO Box 1391, Pocatello, ID 83201Email rcb@racinelaw.net

- ☐ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 or Authorized Representative

Gary Gehring, President

Print Name and Title if applicable

Date

Randall C. Budge

Signature of Applicant or Authorized Representative

Randall C. Budge, Attorney for Applicant

Print Name and Title if applicable

Date

9/17/11

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**. Transfer is required to change two points of diversion, add a point of diversion and combine all of the associated water rights into one common place of use.

77726

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	35-2854	3.77/924	Irrigation	4/1 to 10/31	Ground Water
☒ ☐	35-7179	4.52/904	Irrigation	4/1 to 10/31	Ground Water
☒ ☐	35-8163	3.02/604	Irrigation	4/1 to 10/31	Ground Water
☒ ☐	35-14025	0.17 cfs	Irrigation	4/1 to 10/31	Ground Water
☒ ☐	35-14027	0.5 cfs	Irrigation	4/1 to 10/31	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 10.87 cfs and/or 2572 ac-ft

2. Total amount of water proposed to be transferred or changed 10.87 cubic feet per second and/or 2572 acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
Label it **Attachment #5**. N/A

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Yes		SE	NE	NW	12	7S	29E	Power	Groundwater	new as to 35-14025
Yes		NW	SW	NW	12	7S	29E	Power	Groundwater	and 35-14027

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7S	29E	11	38	39		39	39												155
7S	29E	12	40	33	40	40	32	39	39	39									302
7S	30E	7					36	35	40	40									151

Total Acres (for irrigation use) 608

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

5. 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 wells with 250-300 HP pumps to a 10" pipe to 150 HP booster to underground mainline to wheeled sprinklers. All 6 gpm flow central nozzles. Department has previously required a lockable controlling device through the licensing process.

- b. Who owns the property at the point(s) of diversion? Applicants

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

The diversion system is designed to be able to handle interconnection. The transfer will correction the points of diversion for all water rights and also allow a permissible place of use for all places of use for these water rights to be used within it.

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

All water rights are for irrigation purposes.

- f. 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 leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

No. C 50582	Due no later than Dec 31, 2010 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 3648 GEHRING ROAD AMERICAN FALLS ID 83211		GARY GEHRING 3648 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	3648 GEHRING RD.	AMERICAN FALLS	ID	USA	83211
PRESIDENT	GARY W GEHRING	3648 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: 10/11/2010 Title: President				
Processed 10/11/2010		* Electronically provided signatures are accepted as original signatures.				

Transfer Application Att. #1

181124

INSTRUMENT #	
TIME	2:46 PM
REQ. OF	Racine, Olson nys, Budge & Bailey
DEC 12 2002	
POWER COUNTY AM. FALLS CHRISTINE STEINLICH	
BY	Margaret Schelske DEPUTY REC. CLERK

QUITCLAIM DEED

FOR VALUE RECEIVED, GARY W. GEHRING AND DONNA M. GEHRING, husband and wife, whose address is 3648 Gehring Road, American Falls, Idaho 83211 (hereinafter "Grantor"), does hereby convey, release, remise and forever quit claim unto GEHRING FARMS, FERD GEHRING & SON, INC., (hereinafter "Grantee"), whose address is 3648 Gehring Road, American Falls, Idaho 83211, the following described premises, located in Power County, Idaho, to wit:

Township 7 South, Range 29 East, B.M.
Section 11: NW1/4 NW1/4

together with its appurtenances.

DATED this 31st day of October, 2002.

Gary W. Gehring
GARY W. GEHRING

Donna M. Gehring
DONNA M. GEHRING

STATE OF IDAHO)
): ss
County of Bannock)

On this 31st day of October, 2002, before me the undersigned Notary Public in and for said State, personally appeared Gary W. Gehring and Donna M. Gehring, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they subscribed the same.



IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above

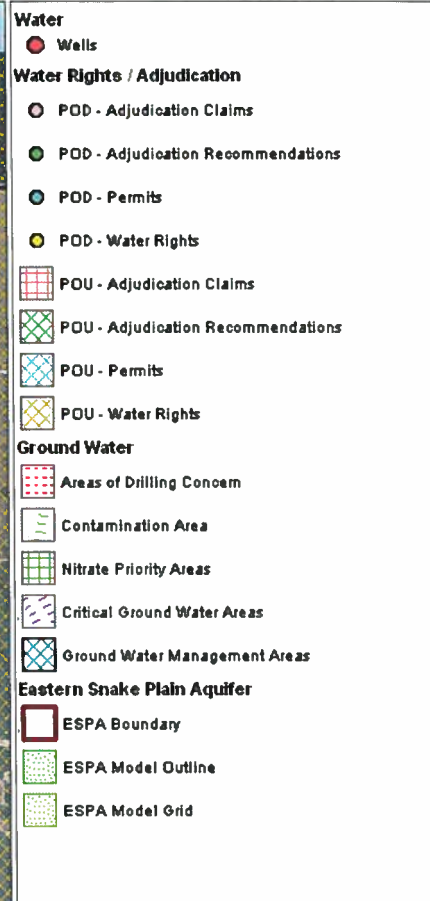
Randall C. Budge
NOTARY PUBLIC FOR IDAHO
Residing at Pocatello
My Commission expires 10/11/2006



State of Idaho
Department of Water Resources
322 East Front Street
Boise, Idaho 83720-0098
Phone: (208) 287-4800
Fax: (208) 287-6700

Scale: 1" = 1060 feet

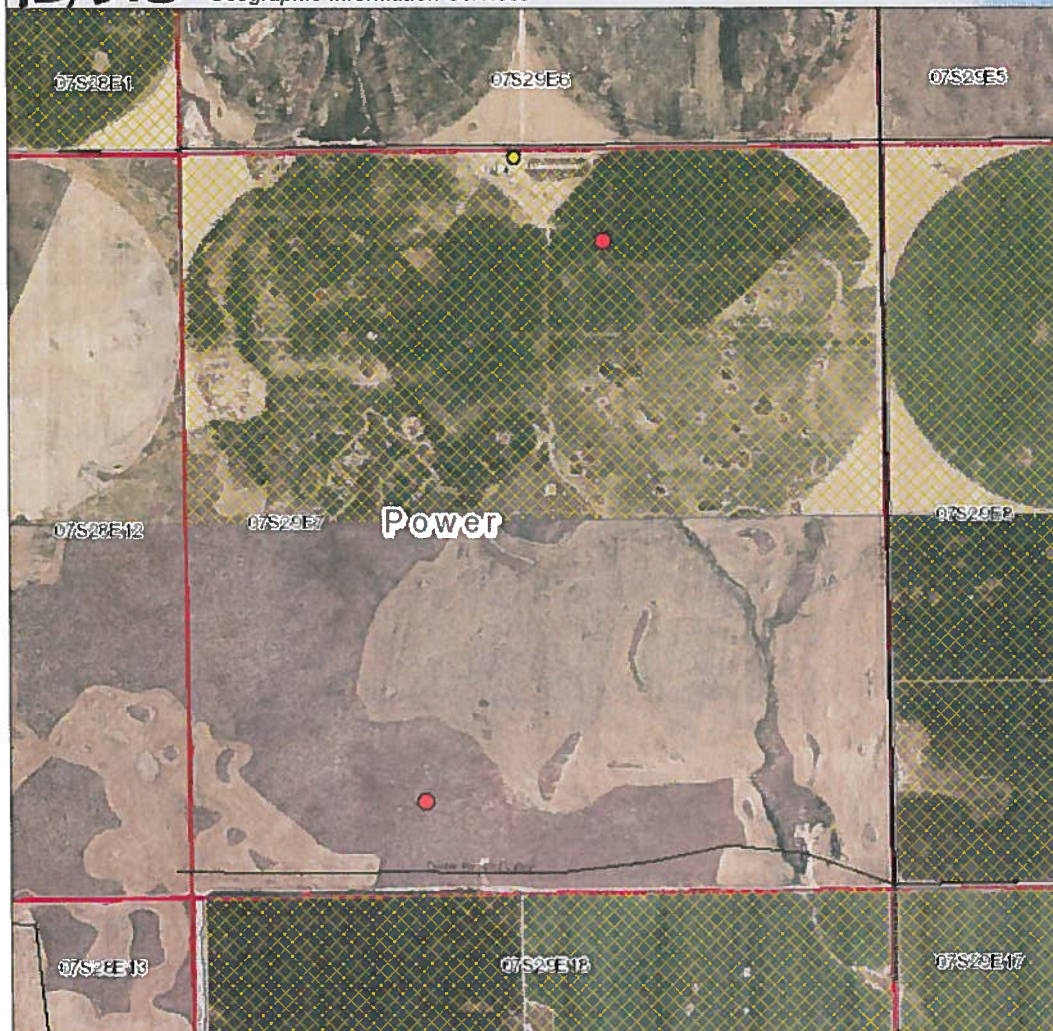
Created: Tuesday, August 02, 2011 -- Persons using information from this site for official purposes, or other purposes, for which accuracy and completeness are required, are hereby notified that they should first verify the information with the public records or other primary sources from which the information was obtained.



State of Idaho
Department of Water Resources
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Boise, Idaho 83720-0098
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Water

- Wells

Water Rights / Adjudication

- POD - Adjudication Claims
- POD - Adjudication Recommendations
- POD - Permits
- POD - Water Rights

- POU - Adjudication Claims
- POU - Adjudication Recommendations
- POU - Permits
- POU - Water Rights

Ground Water

- Areas of Drilling Concern
- Contamination Area
- Nitrate Priority Areas
- Critical Ground Water Areas
- Ground Water Management Areas

Eastern Snake Plain Aquifer

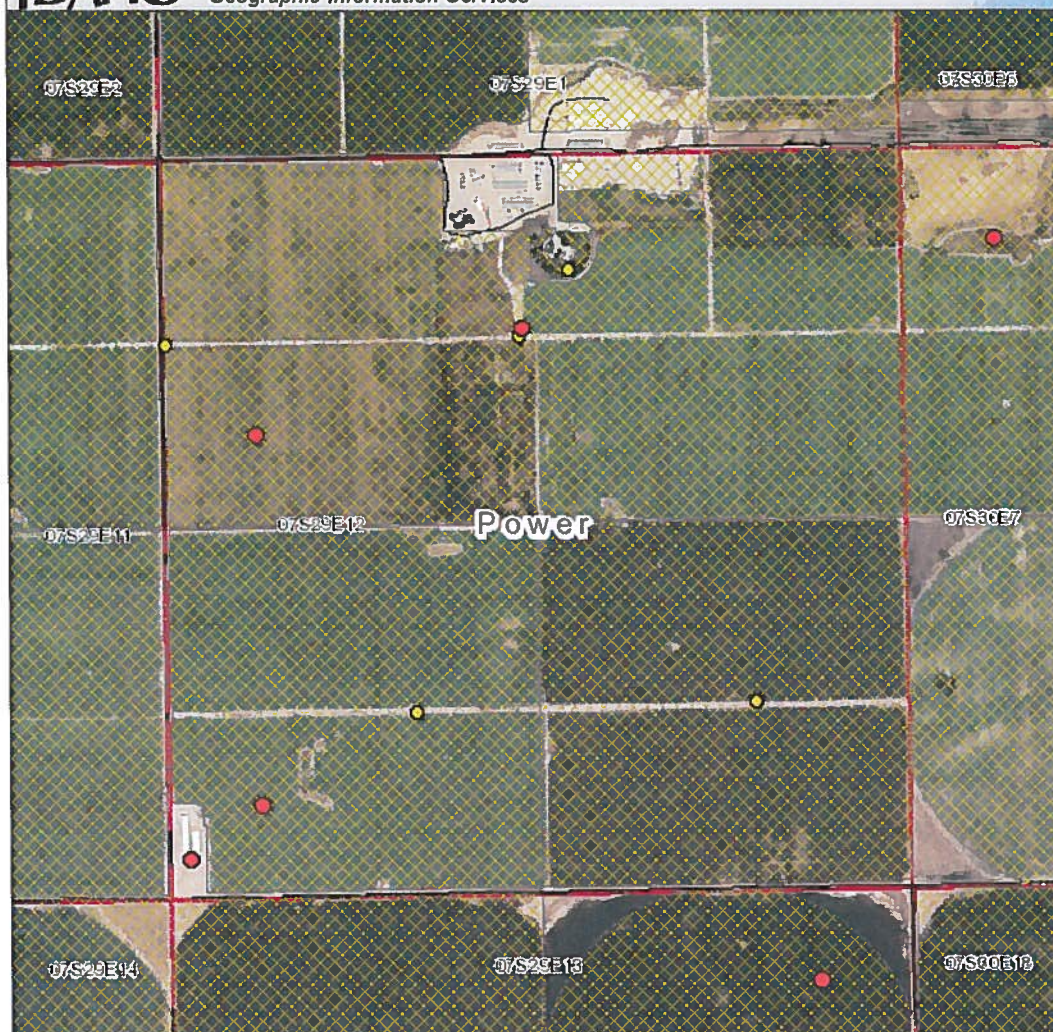
- ESPA Boundary
- ESPA Model Outline
- ESPA Model Grid



State of Idaho
Department of Water Resources
322 East Front Street
Boise, Idaho 83720-0098
Phone: (208) 287-4800
Fax: (208) 287-6700

Scale: 1" = 1050 feet

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Water

Wells

Water Rights / Adjudication

POD - Adjudication Claims

POD - Adjudication Recommendations

POD - Permits

POD - Water Rights

POU - Adjudication Claims

POU - Adjudication Recommendations

POU - Permits

POU - Water Rights

Ground Water

Areas of Drilling Concern

Contamination Area

Nitrate Priority Areas

Critical Ground Water Areas

Ground Water Management Areas

Eastern Snake Plain Aquifer

ESPA Boundary

ESPA Model Outline

ESPA Model Grid



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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

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Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * **Correct fee** submitted with transfer application form. ([Fee schedule](#) is on website and instructions for application for transfer.)

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- ☒ * **#7a** **Attach a map identifying the proposed** point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
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- ☐ ☒ **#8b** If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☐ **#9** Other. Please describe: _____

Gehring Farms																				
Forfeiture Issue & New POU																				
TWN	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acres Total	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
07S	29E	11	38	39		39	39	35											190	
07S	29E	12	40	30.9	40	40	32	39	39	39									299.9	
07S	30E	7					27.2	17.2	40	40									124.4	
																			614.3	
cfs/acre POU acres						Acres lost						Proportionate share				cfs lost				
35-7179	4.52 cfs	904 af	226 acre limit			0.02	457	2.1			2.1	0.4945		1.039		0.021				
35-2854	3.77 cfs	924 af	231 acre limit			0.016	457	2.1			2.1	0.51		1.061		0.017				
35-8163	3.02 cfs	604 af	151 acre limit			0.02	608	17.80	8.8		26.60			26.6		0.532				
35-14025	0.5 cfs		35 acre limit			0.0143		New amounts:												
35-14027	.17 cfs		35 acre limit			0.0049		cfs		af		acres		combined						
							35-7179	4.50	899.84		224.96	8.25	1819	2457.2	614.3					
Combined Limits 35-7179 & 35-2854							8.29 cfs	1828 af	35-2854	3.75	919.76		229.94	8.25	1819	2457.2	614.3			
35-7179, 2854, 8163							10.2 cfs	608 acres	35-8163	2.49	497.6		124.40			2457.2	614.3			
35-14025 & 35-14027								140 af	35-14025	0.50			35.00		140	2457.2	614.3			
									35-14027	0.17			35.00		140	2457.2	614.3			
							7179, 2854, 8163 = 9.72 cfs & 579.3 acres													
Possible overlapping rights - No issue identified																				
35-7848	split into 35-14026 & 35-14027						35-14026 place of use moved to 07S 29E 2 - no overlapping issues													
35-8165	split into 35-14024 & 35-14025						35-14024 place of use moved to 07S 29E 2 - no overlapping issues													

92226