STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 87597

This is to certify that: GENERATION FIVE INC
355 E 2ND S
SODA SPRINGS, ID 83276-1438

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
11-2056	WR/LICENSE	9/12/1913	1.800 cfs	N/A	N/A	90.0	UNNAMED STREAM

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
11-2056	NO	YES	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
11-2056	11-2056	1.640 cfs	N/A	N/A	81.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		**1.640 cfs**	**N/A**	**N/A**	**81.0**		**N/A**	**N/A**	**N/A**	**N/A**

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 24th day of April, 2023.

Regional Manager

SCANNED
APR 25 2023

WATER RIGHT NO. 11-2056

As Modified by Transfer No. 87597

In accordance with the approval of Transfer No. 87597, Water Right No. 11-2056 is now described as follows:

Right Holder: GENERATION FIVE INC
355 E 2ND S
SODA SPRINGS, ID 83276-1438

Priority Date: 9/12/1913

Source: UNNAMED STREAM **Tributary:** BEAR RIVER

BENEFICIAL USE	From		To	Diversion Rate
DOMESTIC	01/01	to	12/31	0.020 cfs
IRRIGATION	04/15	to	10/31	1.620 cfs
				1.640 cfs

LOCATION OF POINT(S) OF DIVERSION

UNNAMED STREAM SENE Sec 13 Twp 09S Rge 42E CARIBOU County

PLACE OF USE: DOMESTIC

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
09S	42E	14				X													

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
09S	42E	14										10	36						46
09S	42E	15													5.0			23.0	28.0
09S	42E	22	2.0																2.0
09S	42E	23						5.0											5.0

POU Total Acres: 81.0

CONDITIONS OF APPROVAL

1. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.

2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

SCANNED
APR 25 2023

WATER RIGHT NO. 11-2056

As Modified by Transfer No. 87597

CONDITIONS OF APPROVAL

3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 11.

4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

5. Domestic use is for herbicide application up to 8,000 gallons per day.

6. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Bear River Basin Adjudication.

7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

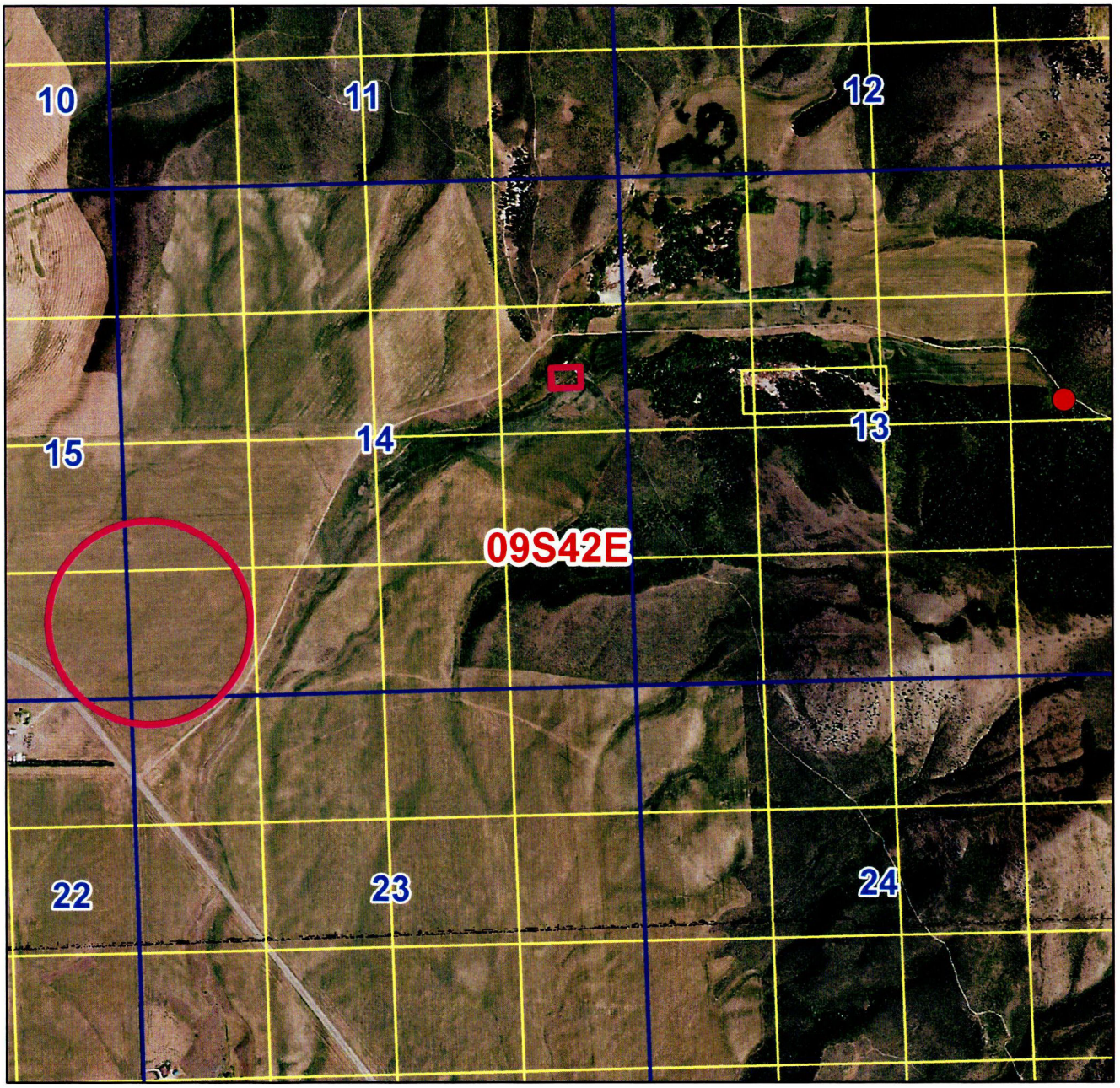
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

9. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

SCANNED
APR 25 2023

Attachment to Transfer Approval 87597

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



Legend

- WR POD
- WR POU
- Township/Range
- Sections
- QQ

0 750 1,500 3,000 Feet

N
W E
S

SCANNED
APR 25 2023

Date: 4/24/2023

Rev. 07/18

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
MAR 03 2023
Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Generation Five Inc Phone 208.221.4546

Mailing address 355 E 2nd S, Soda Springs, ID 83276-1438 Email dow@dangerboyracing.net

☐ 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 Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

☐ 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	Print Name and Title if applicable	Date
Dow Barker	Dow Barker	2-9-23

Signature of Applicant or Authorized Representative | Print Name and Title if applicable | Date

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. Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?
   If yes, ☐ attach an explanation and any supporting documentation labeled as **Part1A.2**.

3. 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 **Part1A.3**.

   This transfer seeks to change point of diversion and place of use in order to convert from flood irrigation to a pipeline and pivot system. The transfer will also clarify the location and nature of the domestic use.

SCANNED
MAR 07 2023

87597

Rev. 07/18

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. All	Part	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
☑	☐	11-2056	1.62 cfs	Irrigation	4/15 to 10/31	Unnamed Stream/Bear R.
☐	☐		0.02 cfs	Domestic	1/1 to 12/31	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	

Total authorized under rights 1.64 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 1.64 cubic feet per second and/or _____ acre-feet per year.

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	13	9S	42E	Caribou	Unnamed Stream	

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	
9S	42E	14				D						10	36						46
9S	42E	15													5			23	28
9S	42E	22	2																2
9S	42E	23						5											5

Total Acres (for irrigation use) 81

SCANNED
MAR 07 2023

87597

Rev. 07/18

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:
- All of the water in ditches will be converted into pipe.
- If required in the future a meter can be placed at the end of the pipe to meter all of the water

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

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:

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. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
Current place of use will no longer be irrigated.

f. 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:
- Water will be used to irrigate under low pressure pivot
- There will be one 2 inch valve placed a existing cistern for domestic use.

g. 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:
The right was licensed for 90 acres, but we've historically irrigated just over 80.

SCANNED
MAR 07 2023

87597

IDAHO DEPARTMENT OF WATER RESOURCES **2/8/2023**
Proof Report

Water Right 11-2056

Owner Type	**Name and Address**
Current Owner	GENERATION FIVE INC 355 E 2ND S SODA SPRINGS, ID 83276-1438 (208) 221-4546

Priority Date: 9/12/1913
Basis: License
Status: Active

Source	**Tributary**
UNNAMED STREAM	SOUTH FORK SULPHUR CANYON CREEK

Beneficial Use	**From**	**To**	**Diversion Rate**	**Volume**
IRRIGATION	/	/	1.800 CFS	
DOMESTIC	/	/		
		Total Diversion	1.800 CFS	

Source and Point(s) of Diversion:
UNNAMED STREAM NESE Sec. 18, Twp 09S, Rge 43E, CARIBOU County

Place Of Use:
IRRIGATION within CARIBOU County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
09S	42E	13		30.0	40.0		20.0												90.0

POU Total Acres: 90.0

DOMESTIC Same as IRRIGATION

Conditions of Approval:

Dates and Other Information:
Licensed Date: 7/14/1917
Water District Number: 11
Mitigation Plan: False

87597

SCANNED
MAR 07 2023

Rev. 07/18

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.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

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_____ Date_____ Preliminary check by_____ Date_____

Fee paid $580.00 Date 3/3/23 Receipted by CH Receipt # E048948

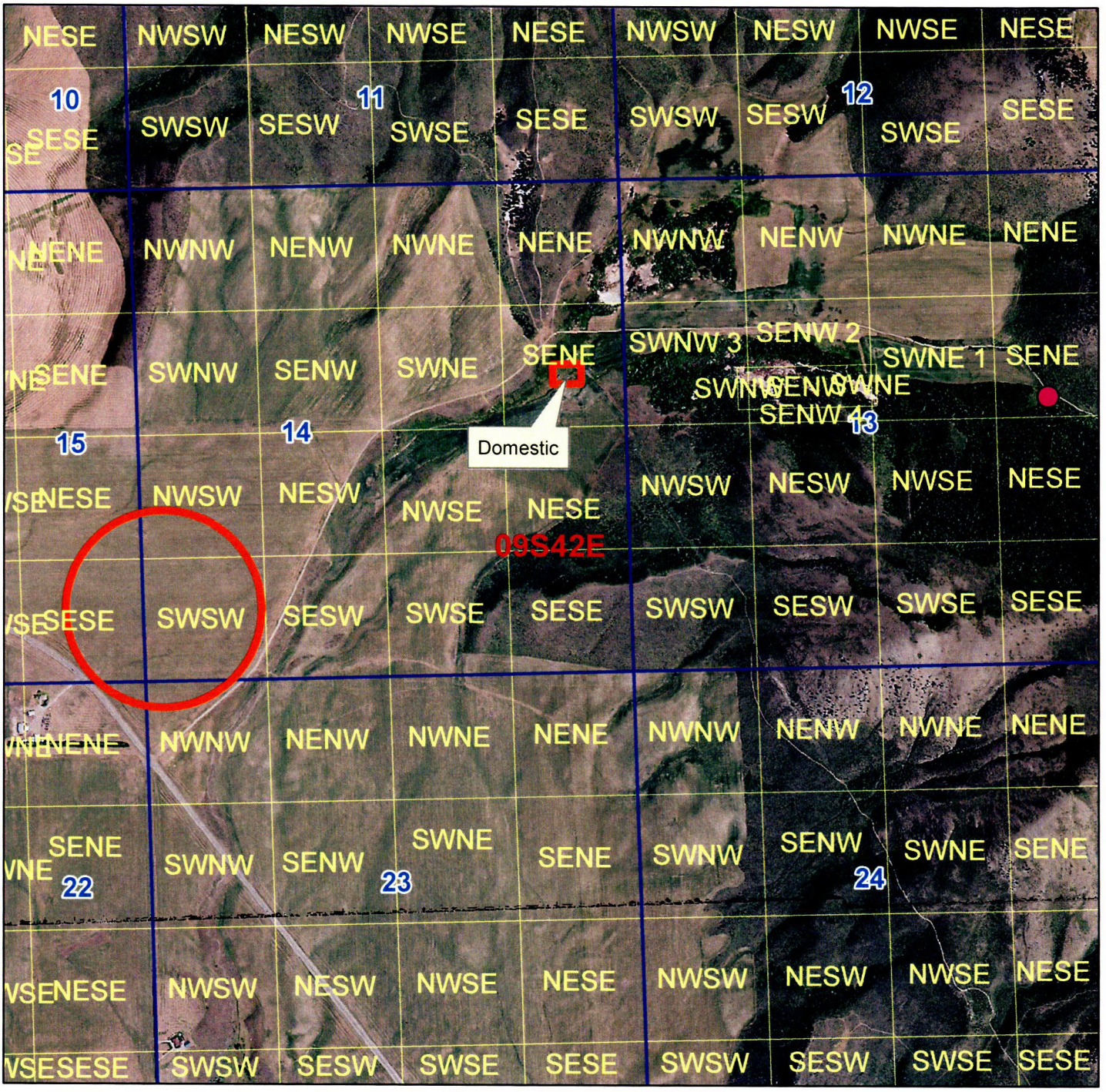
Add'l fee paid_____ Date_____ Receipted by_____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

SCANNED
MAR 07 2023

87597

Generation Five Transfer



Legend

- Proposed POD
- Proposed POU
- Township/Range
- Sections
- QQ

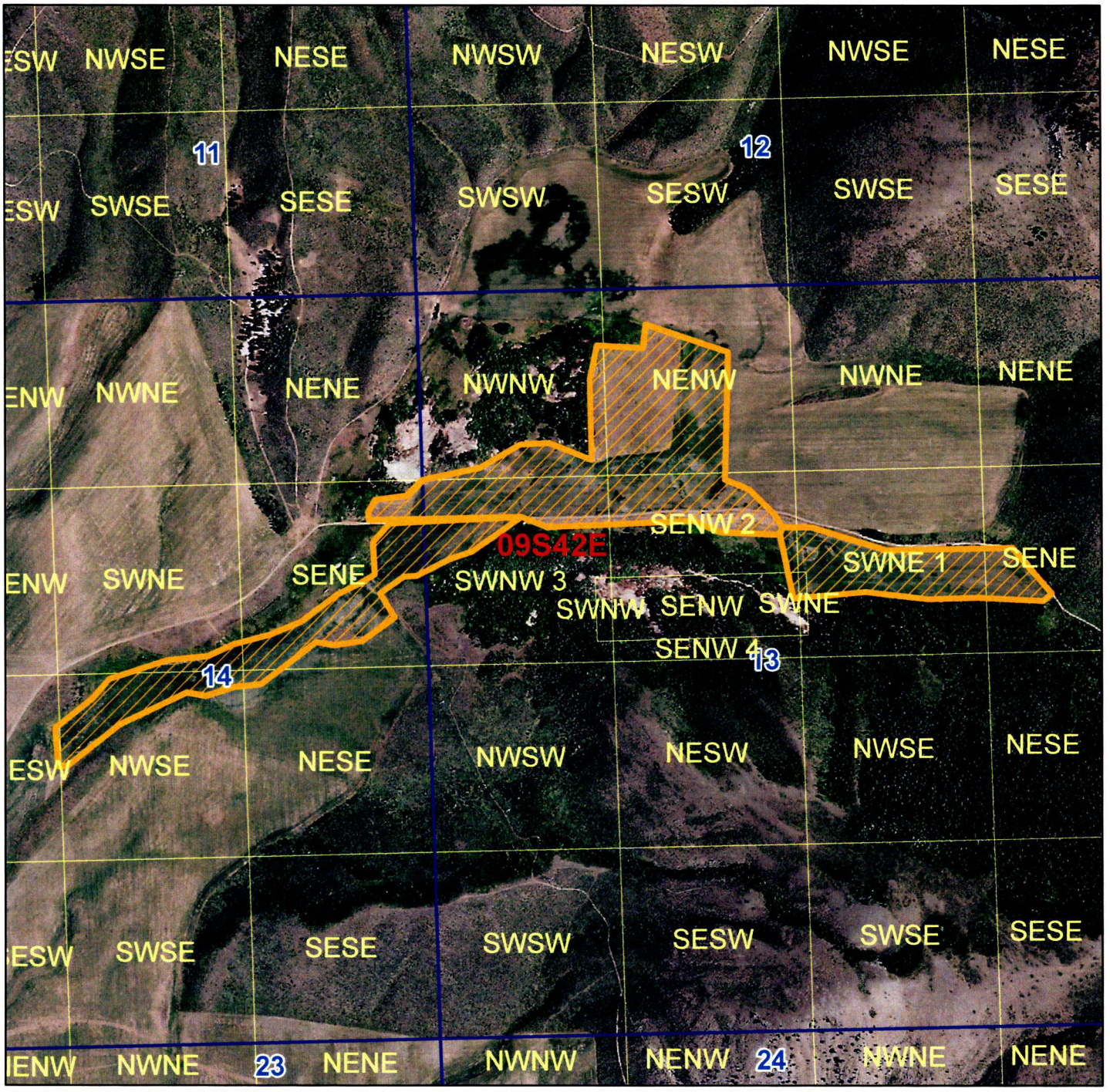
0 1,800 3,600 7,200 Feet

N

87597

SCANNED
MH
MAR 07 2023

Generation Five Transfer -- Acres Currently Irrigated



Legend

- Current irrigation
- Township/Range
- Sections
- QQ

0 1,200 2,400 4,800 Feet

N

87597

MH

SCANNED
MAR 07 2023

CACHE VALLEY BANK

RECEIVED

MAR 0 3 2023

Department of Water Resources
Eastern Region

February 25, 2023

To Whom it May Concern,

RE: GENERATION FIVE LIEN HOLDER STATEMENT

This letter is being written as an acknowledgement of real estate liens associated with the Barkers of Generation Five Inc. Cache Valley Bank maintains 3 mortgages filed to support various loans to the Barkers and their entities, Generation Five, Barker Ag, and Barker Brothers.

It is our understanding that the Barkers are requesting a transfer of water rights associated with these properties that Cache Valley Bank maintains mortgages on. We agree to the changes being proposed that will allow the Barkers to improve the use of the water rights on their farm properties.

The lienholder information involved is as follows:

Entity Name: Cache Valley Bank
Type of Lien: Mortgages

If you have any questions regarding this letter, feel free to contact at 435-753-3020 ext. 4108.

Sincerely,

Darren Cole

Darren Cole
Senior Vice President
Cache Valley Bank

ASHLEY N NAT... NOTARY PUBLIC ... STATE OF IDAHO

Notary Acknowledgement:

State of Idaho)
) ss
County of Franklin)

This record was acknowledged before me on February 25th, 2023 by **Darren Cole** of **Cache Valley Bank** who has title of **Senior Vice President**.

Ashley N. Nate

Notary Public in and for the State of Idaho

My Commission Expires 2/2/29

87597

SCANNED
MAR 07 2023

Form 42-248/42-1409(6) Rev. 6/22

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
FEB 07 2023
Department of Water Resources
Eastern Region

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "*Yes*" in the "*Split?*" column. If the water right is leased to the Water Supply Bank, check "*Yes*". If you are not sure if the water right is leased to the Water Supply Bank, see #7 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
11-2041A OK	Yes ☐	Yes ☐		Yes ☐	Yes ☐
11-2041B OK	Yes ☐	Yes ☐		Yes ☐	Yes ☐
11-2056 OK	Yes ☐	Yes ☐		Yes ☐	Yes ☐
11-4308 OK	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Barker Ag A Partnership
   Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Generation Five Inc
   New owner(s) as listed on the conveyance document Name connector ☐ **and** ☐ **or**

   355 E 2ND S — Mailing address
   Soda Springs — City
   ID — State
   83276-1438 — Zip
   208.221.4546 — Telephone
   dow@dangerboyracing.~~com~~ net — Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
   ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
   ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: July 1, 2021.

6. Do you own the land identified as the water right place of use? Yes ▪ No ☐
   - If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.

7. This form must be signed and submitted with the following **REQUIRED** items:
   ▪ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
   ☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
   ▪ Filing fee (see instructions for further explanation):
     - $25 per *undivided* water right.
     - $100 per *split* water right.
     - No fee is required for pending adjudication claims.
   ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
   ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: Dow Barker — Signature of new owner/claimant
   Treasurer — Title, if applicable
   2/7/2023 — Date
   Dow Barker — Print name

   Signature: _____ — Signature of new owner/claimant
   _____ — Title, if applicable
   _____ — Date
   _____ — Print name

For IDWR Office Use Only:

Receipted by JB Date 2/8/2023 Receipt No. E048888 Receipt Amt. $100.00

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

Name on W-9 _____ Approved by JB Processed by IMPORT DATA JB Date 2/8/2023

IN FILE # 11-2041A FEB 08 2023

Form 42-248/42-1409(6) Rev. 1/15

RECEIVED
NOV 27 2017
Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "*Yes*" in the "*Split?*" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
11-2054 already complete	Yes ☐	Yes ☐		Yes ☐	Yes ☐
11-4398 OK	Yes ☐	Yes ☐		Yes ☐	Yes ☐
11-2041 B OK	Yes ☐	Yes ☐		Yes ☐	Yes ☐
11-2041 A OK	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Charles F. Call, Albert G. Kugler, Barker Brothers Partnership,
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Barker Ag a partnership
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or

355 E 2nd S — Mailing address
Soda Springs — City
Id — State
83276 — ZIP

208-221-4546 — Telephone
dow@dangerboyracing.net — Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
   ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
   ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: _____.

6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).

7. This form must be signed and submitted with the following **REQUIRED** items:
   ☐ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
   ☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
   ☐ Filing fee (see instructions for further explanation):
      - $25 per *undivided* water right.
      - $100 per *split* water right.
      - No fee is required for pending adjudication claims.

   SUPPORT DATA IN FILE # 11-2041A
   ☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
   ☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: Dow Barker — Signature of new owner/claimant
Partner — Title, if applicable
12-27-17 — Date

Signature: _____ — Signature of new owner/claimant
Title, if applicable
Date

For IDWR Office Use Only: Refund 25.-
Receipted by JB Date 11/27/2017 Receipt No. E0435580 Receipt Amt. $100.-
Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐
Name on W-9 _____ Approved by JB Processed by JB Date 11/28/2017

IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718
Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

April 24, 2023

GENERATION FIVE INC
355 E 2ND S
SODA SPRINGS ID 83276-1438

Re: Transfer No: 87597
Water Right No(s).: 11-2056

Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

SCANNED
APR 25 2023

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a $100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 525-7161.

Sincerely,

Christina Henman
Administrative Assistant

Enclosure
CC:

SCANNED
APR 25 2023

CERTIFICATE OF SERVICE

I hereby certify that on April 24, 2023 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 87597
Water Right No(s).: 11-2056

GENERATION FIVE INC
355 E 2ND S
SODA SPRINGS ID 83276-1438

Christina Henman
Administrative Assistant

SCANNED
APR 25 2023

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

SCANNED
APR 25 2023

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) The petition for reconsideration is disposed of; or
> (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

SCANNED
APR 25 2023

MEMORANDUM

Date: April 12, 2023

To: Transfer 87597

From: Michael Holliday

Re: Review & Evaluation of Sufficiency of Information

In this transfer the applicant proposes to convert from flood irrigation to a pipeline and pivot system. The conversion requires a change in point of diversion and place of use. The transfer also clarifies the water source and the extent of both the irrigation and domestic uses. The licensed source is "unnamed stream, tributary of the South Fork of Sulphur Canyon." The source will be updated to unnamed stream tributary to Bear River, based on the USGS quad map standard. The Bear River is the first named stream that the source enters.

Authority to File:
The applicant is the current water right owner of record and Caribou County parcel data show the applicant as owner of the proposed point of diversion and the current and proposed places of use. Dow Barker, secretary of the company, is authorized to sign the application. The applicant provided a letter from the mortgage holder giving the Bank's assent to the transfer.

Water Right Validity:
Right 11-2056 was licensed in 1917, but it was not included in the 1920 Dietrich Decree. It is not clear if this right had to be included in the Dietrich Decree in order to be a valid water right. Some nearby streams (Ledger, Bailey, and Eightmile Creeks) were included in the Dietrich Decree. However, there are only licensed rights and statutory claims located in the immediate vicinity of Sulphur Canyon. A conclusive determination of validity of the right may not be possible without further analysis in the Bear River Basin Adjudication. Aerial photos show consistent evidence of 81 acres of irrigation, although the location of the irrigated acres has changed since the time of licensing. The number of acres authorized for use under right 11-2056 will be reduced to 81 acres in the transfer to reflect historical use.

Injury to Other Water Rights:
Other water rights should not be impacted by the transfer. There are no points of diversion located between the current and proposed points of diversion. The application was advertised, and no protests were filed. The Water District 11 Watermaster was notified of the transfer but did not provide comment.

Enlargement of Use:
The quantity authorized to be diverted under the right will not increase, and the number of acres authorized to be irrigated will be reduced from 90 to 81 acres. Also, the domestic use will be clearly defined based on historical use. The applicant said the domestic use is limited to herbicide application, which does not exceed 8000 gallons per day. A condition will be added to the right to quantify the daily volume associated with the domestic use. Enlargement is not an issue.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

SCANNED
APR 25 2023

Affidavit of Publication

County of Caribou } ss.
State of Idaho

MARK STEELE

being first duly sworn on his oath, states:

That he is PUBLISHER of the Caribou County Sun, a newspaper of general circulation in Caribou County, Idaho, published weekly at Soda Springs in said County that said newspaper has been published in said County uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement.

That the annexed notice was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for TWO successive weekly issues thereof, the date of the first publication being the

16TH day of

MARCH, 2023

The date of the last publication being the 23RD day of

MARCH, 2023

On this 27TH day of MARCH in the year of 2023, before me, a Notary Public, personally appeared

known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that he executed the same.

Notary Public for Idaho
Residing in Soda Springs, Idaho
My commission expires:
March 11, 2024

WENDY N STEELE
NOTARY PUBLIC
MY COMMISSION EXPIRES 3-11-2024
STATE OF IDAHO
COMMISSION NUMBER 11396

SCANNED
APR 07 2023

PUBLIC NOTICE

First Time Published

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

11-7941

STEVEN HOOPER, 2112 N 800 E, OGDEN, UT 84414-3079

Point of Diversion NWSE S33 T09S R42E CARIBOU County

Source GROUND WATER Tributary

Use: DOMESTIC

01/01 to 12/31

0.04 CFS

Total Diversion:

0.04 CFS

Date Filed: 02-08-2023

Place Of Use: DOMESTIC

T09S R42E S33

NWSE

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Eastern office at (208)525-7161; or for a full description of the right(s), please see https://idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/. 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 83402-1718 together with a protest fee of $25.00 for each application on or before 4/3/2023. The protestant must also send a copy of the protest to the applicant.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 87597

GENERATION FIVE INC, 355 E 2ND S, SODA SPRINGS, ID 83276-1438 has filed Application No. 87597 for changes to the following water rights within CARIBOU County(s): Right No(s). 11-2056; to see a full description of these rights and the proposed transfer, please see https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion and place of use. Proposed point of diversion is in SENE Sec 13 T09S R42E for 1.64 cfs from an unnamed stream tributary to Bear River. Proposed place of use is in SENE Sec 14 T09S R42E for domestic use, and in Sec 14, 15, 22, and 23 T09S R42E for the irrigation of 81 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 83402-1718 together with a protest fee of $25.00 for each application on or before 4/3/2023. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published March 16 and 23, 2023 in the Caribou County Sun.

RECEIVED
MAR 29 2023
Department of Water Resources
Eastern Region

Henman, Christina

From: Henman, Christina
Sent: Wednesday, March 8, 2023 4:43 PM
To: watermasterdist11@gmail.com
Subject: Application for Transfer No. 87597
Attachments: tmp5A06.docx

Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at: https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers. 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.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR 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. 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.

SCANNED
APR 07 2023

IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718
Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little **Director Gary Spackman**

March 8, 2023

GENERATION FIVE INC
355 E 2ND S
SODA SPRINGS, ID 83276-1438

RE: Transfer No. 87597
Water Right No(s). 11-2056

Dear Applicant:

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 CARIBOU COUNTY SUN on 3/16/2023 and 3/23/2023. 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,

Christina Henman
Administrative Assistant

SCANNED
MAR 07 2023

Henman, Christina

From: Henman, Christina
Sent: Wednesday, March 8, 2023 3:33 PM
To: ccsun10@aol.com
Subject: Legal Notice for Caribou County Sun
Attachments: 11-7941, 87597 Caribou County Sun.docx

LEGAL NOTICE DEPARTMENT
CARIBOU COUNTY SUN
PO BOX 815
SODA SPRINGS, ID 83276

RE: Application for Permit No. 11-7941, 87597

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 4/3/2023. Your cooperation is appreciated.

Thank You,

IDAHO DEPARTMENT OF WATER RESOURCES

Christina Henman
Administrative Assistant
IDWR, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 525-7161

SCANNED
MAR 07 2023

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
11-7941
STEVEN HOOPER, 2112 N 800 E, OGDEN, UT 84414-3079
Point of Diversion NWSE S33 T09S R42E CARIBOU County
Source GROUND WATER Tributary
Use: DOMESTIC
01/01 to 12/31
0.04 CFS
Total Diversion:
0.04 CFS
Date Filed: 02-08-2023
Place Of Use: DOMESTIC
T09S R42E S33
NWSE
Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Eastern office at (208)525-7161; or for a full description of the right(s), please see https://idwr.idaho.gov/apps/ExtSearch/WRApplicationResults/. 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 83402-1718 together with a protest fee of $25.00 for each application on or before 4/3/2023. The protestant must also send a copy of the protest to the applicant.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 87597

GENERATION FIVE INC, 355 E 2ND S, SODA SPRINGS, ID 83276-1438 has filed Application No. 87597 for changes to the following water rights within CARIBOU County(s): Right No(s). 11-2056; to see a full description of these rights and the proposed transfer, please see https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion and place of use. Proposed point of diversion is in SENE Sec 13 T09S R42E for 1.64 cfs from an unnamed stream tributary to Bear River. Proposed place of use is in SENE Sec 14 T09S R42E for domestic use, and in Sec 14, 15, 22, and 23 T09S R42E for the irrigation of 81 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 83402-1718 together with a protest fee of $25.00 for each application on or before 4/3/2023. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 3/16/2023 and 3/23/2023

SCANNED
MAR 07 2023