

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 87701
ppu + 13.0

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 idwr.idaho.gov.

Name of Applicant(s) Gardner Farms

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.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☒ ☐ #1 If the applicant is a business, partnership, organization, or association, and not 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 applicant as the current water right owner. **
- ☐ ☒ #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 <https://idwr.idaho.gov/water-rights/transfers/resources/>.
- ☒ ☐ #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. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☒ ☐ #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 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☐ ☒ #10 Other. Please describe: _____

MAR 23 2023

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDepartment of Water Resources
Eastern RegionAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Gardner Farms Phone 2086042292
 Mailing address 578 N 100 W BLACKFOOT, ID 83221 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 Representative

Name of Representative Greg Sullivan Phone 208-736-8543
 Mailing address 2016 N Washington St Ste 4 Twin Falls, Idaho 83301 Email greg.sullivan@brockwayeng.com

- ☐ 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]
 Signature of Applicant or Authorized Representative

David Cooper
 Print Name and Title if applicable

2-6-23
 Date

David Cooper
 Signature of Applicant or Authorized Representative

David Cooper
 Print Name and Title if applicable

2-6-23
 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 _____
- Is this a transfer for changes pursuant to Idaho Code § 42-221.0.8?
 If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.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.3**.
This transfer will create a 320.0 acres permissible place of use and move 13.0 acres of irrigation from
35-14407 and 35-14408 into the the PPU.

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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	35-2765	0.95/224	Irrigation	5/15 to 9/15	Ground Water
☐ ☒	35-14407	0.20/39.7	Irrigation	4/01 to 10/31	Ground Water
☐ ☒	35-14408	0.06/12.3	Irrigation	4/01 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 3.96 cfs and/or 823 acre-feet.

2. Total amount of water proposed to be transferred or changed 3.96 cubic feet per second and/or 823 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 #
		NW	SW	SW	1	1S	34E	Bingham	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	
01S	34E	1									40	40	40	40					160.0
01S	34E	2													40	40	40	40	160.0
Total Acres (for irrigation use)																			320.0*

*69.0 acres will be irrigated within the 320.0 acre PPU

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:
Existing POD, mainlines and delivery system.
- b. Who owns the property at the point(s) of diversion? The 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: Rabo Agrifinance
- 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:
The land now irrigated will be dried up and no longer 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:
None
- 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:**
A portion of water right 35-14407 and 35-14408 will be leased into the Water Supply Bank for 2023.

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

Current Water Right No.: 35-14407

Current Owner: GARDNER FARMS

Priority Date: 6/4/1954

Origin: Water Right

Status: Active

Basis: Decreed

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	2.27 CFS	
	<u>Total Diversion</u>	2.27 CFS	

Location of Point(s) of Diversion

GROUND WATER

SW1/4SE1/4NE1/4

Sec. 31, Twp 01N, Rge 36E B.M.

BINGHAM County

Place of UseIRRIGATION Within BINGHAM County

T01N R36E S31	NENE	4.50	T01N R36E S31	SENE	8.20
T01N R36E S31	NESE	19.50	T01N R36E S31	SESE	16.50
T01N R36E S32	NWNW	12.00	T01N R36E S32	SWNW	30.00
T01N R36E S32	NESW	3.00	T01N R36E S32	NWSW	24.00
T01N R36E S32	SWSW	7.00	T01S R36E S5	Lot 2 NWNE	2.00
T01S R36E S5	SWNE	12.00	T01S R36E S5	SENE	7.00
T01S R36E S5	NWSE	4.00			

Total Acres: 149.7

Conditions of Approval:

1. C05 Right includes accomplished change in place of use pursuant to Idaho Code § 42-1425.
2. X35 Rights 35-14407 and 35-14408 when combined shall not exceed a total diversion rate of 2.32 cfs, a total annual maximum diversion volume of 599 af at the field headgate, and the irrigation of 149.7 acres.
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. Idaho Code § 42-1412(6).
4. X27 This right is limited to the irrigation of 114.3 acres within the authorized place of use in a single irrigation season.

Decreed Date: 1/31/2002

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

Current Water Right No.: 35-14408

Current Owner: GARDNER FARMS

Priority Date: 3/5/1982

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	0.74 CFS	142 AF
	<u>Total Diversion</u>	0.74 CFS	

Location of Point(s) of Diversion

GROUND WATER SW1/4SE1/4NE1/4 Sec. 31, Twp 01N, Rge 36E B.M.
BINGHAM County

Place of Use

IRRIGATION Within BINGHAM County

T01N R36E S31	NENE	4.50	T01N R36E S31	SENE	8.20	
T01N R36E S31	NESE	19.50	T01N R36E S31	SESE	16.50	
T01N R36E S32	NWNW	12.00	T01N R36E S32	SWNW	30.00	
T01N R36E S32	NESW	3.00	T01N R36E S32	NWSW	24.00	
T01N R36E S32	SWSW	7.00	T01S R36E S5	Lot 2	NWNE	2.00
T01S R36E S5	SWNE	12.00	T01S R36E S5	SENE	7.00	
T01S R36E S5	NWSE	4.00				

Total Acres: 149.7

Conditions of Approval:

- | | | |
|----|-----|--|
| 1. | C05 | Right includes accomplished change in place of use pursuant to Idaho Code § 42-1425. |
| 2. | X27 | This right is limited to the irrigation of 35.4 acres within the authorized place of use in a single irrigation season. |
| 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. Idaho Code § 42-1412(6). |
| 4. | X35 | Rights 35-14407 and 35-14408 when combined shall not exceed a total diversion rate of 2.32 cfs, a total annual maximum diversion volume of 599 af at the field headgate, and the irrigation of 149.7 acres. |

Decreed Date: 1/31/2002

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APR 12 2023

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

Current Water Right No.: 35-2765

Current Owner: GARDNER FARMS
Priority Date: 3/9/1965
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	05/15 to 09/15	0.95 CFS	224 AF
	<u>Total Diversion</u>	0.95 CFS	224 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SW1/4SW1/4	Sec. 1,	Twp 01S,	Rge 34E B.M.
BINGHAM County				

Place of Use

IRRIGATION Within BINGHAM County

T01S R34E S2	NESE	21.30	T01S R34E S2	SESE	34.70
Total Acres: 56					

Conditions of Approval:

1. T19 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.
2. R05 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. 120.
3. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of April 1 and an ending date of October 31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before May 15 and after September 15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 3/6/2002.
5. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
6. 214 Prior to the diversion and use of water under Transfer approval 86992, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
7. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Decreed Date: 3/6/2002

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This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slight shadow on the right side, suggesting it's resting on a surface.

State of Idaho
Department of Water Resources
Water Right

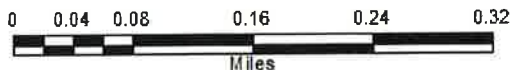
35-2765

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Date created: 2/2/2023



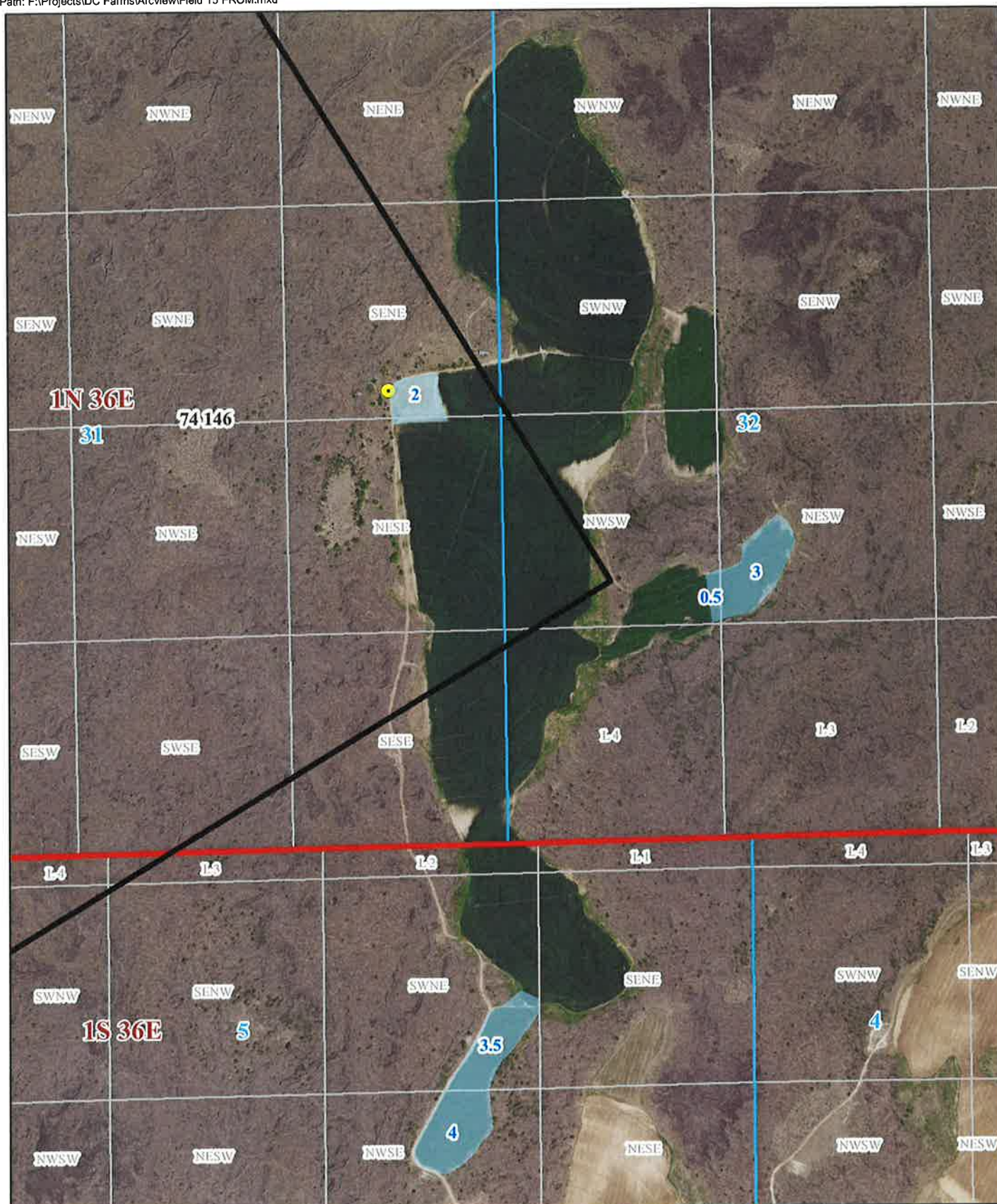
Legend

- Point of Diversion
- Place of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters



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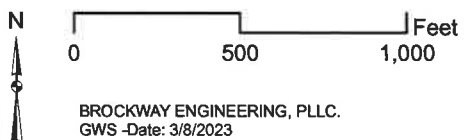


N
0 500 1,000 Feet
BROCKWAY ENGINEERING, PLLC.
GWS - Date: 2/1/2023

GARDNER FARMS
WATER RIGHT 35-14407 & 35-14408
2021 NAIP AERIAL

Legend
35-14407_35-14408 FROM
Irrigation Well
ESPA Cells

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GARDNER FARMS
FARM 13

2021 NAIP AERIAL

- Legend
- Well
 - PPU
 - 35-14407_35-14408 Transfer
 - Farm 13 POU

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Mitigation Analysis Period

Trimester

Gardner Farms Transfer of 13.0 Acres

One-Way Analysis of Independent Transfers

New Water Right (GModelo):

WR No.	Div. Rate (CFS)	Con. Vol. (AFA)	No. of Irr. Acres	Priority Date	POD Location	Dedicated Vol. AFA/ AFT	Model Node
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Transfer 1: Proposed Steady State Impacts following Transfer

Transfer 1: Worst Case Transient State Impacts following Transfer

Pre-SS	100.00%	13.0	Acres
Post-SS	100.00%	13.0	Acres

Impact by Reach (AF/Trimester)

Ashton to Rexburg	Heise to Shelley	Shelley to Nr Bickft	Nr Bickft To Neeley	Neeley to Minidoka	Dev. Wbl. To Buhl	Buhl to Kspr	Kspr	Kspr to Malad	Malad	Malad to Bancroft
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Pre-SS	0.44	1.11	5.05	6.05	0.08	0.09	0.07	0.03	0.03	0.00
Post-SS	0.40	0.76	3.44	7.95	0.11	0.11	0.09	0.04	0.04	0.01
Pre-TS	0.44	1.11	5.05	6.05	0.08	0.09	0.07	0.03	0.03	0.00
Post-TS	0.43	1.10	4.54	7.98	0.11	0.11	0.09	0.04	0.04	0.01

Steady State Analysis

Mitigation Check 1 - >10% of Historical:	-9.7%	-32.1%	-31.9%	31.5%	30.6%	29.7%	29.7%	29.7%	29.7%	29.6%
Mitigation Check 2: > 2 AF/T:	0.0	-0.4	-1.6	1.91	0.03	0.0	0.02	0.0	0.0	0.0
Mitigation Check 3 - >10% of Total:	3.1%	5.8%	26.5%	61.2%	0.8%	0.9%	0.7%	0.3%	0.3%	0.0%
Mitigation Required?:	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Mitigation Vol. Req'd (ac-ft):	0.0	-0.4	-1.6	1.91	0.0	0.0	0.0	0.0	0.0	0.0

Transient State Analysis

Mitigation Check 1 - >10% of Historical:	-1.1%	-1.3%	-10.0%	32.0%	30.6%	29.7%	29.7%	29.7%	29.7%	29.6%
Mitigation Check 2: > 2.01 AF/T:	0.0	0.0	-0.5	1.93	0.03	0.03	0.02	0.0	0.0	0.0
Mitigation Required?:	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Mitigation Vol. Req'd (ac-ft):	0.0	0.0	-0.5	1.93	0.0	0.0	0.0	0.0	0.0	0.0

Read Me

Pre-SS	0%	0.0	acre feet
Post-SS	0%	0.0	acre feet

Impact by Reach (AF/Trimester)

Ashton to Rexburg	Heise to Shelley	Shelley to Nr Bickft	Nr Bickft To Neeley	Neeley to Minidoka	Dev. Wbl. To Buhl	Buhl to Kspr	Kspr	Kspr to Malad	Malad	Malad to Bancroft
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Pre-SS	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Post-SS	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Pre-TS	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Post-TS	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

WR No.	Div. Rate (CFS)	Con. Vol. (AFA)	No. of Irr. Acres	Priority Date	POD Location	Dedicated Vol. AFA/ AFT	Model Node
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Transfer: Proposed Steady State Impacts following Transfer

Transfer 1: Worst Case Transient State Impacts following Transfer

0	0	0	0	1/0/1900	0	0.0	0	0
0	0	0	0	1/0/1900	0	0.0	0	0

Steady State Analysis

Mitigation Check 1 - >10% of Historical:	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Mitigation Check 2: > 2 AF/T:	0.0	0.0	0.0	0.0	0.00	0.0	0.00	0.0	0.0	0.0
Mitigation Check 3 - >10% of Total:	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Mitigation Required?:	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Mitigation Vol. Req'd (ac-ft):	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Transient State Analysis

Mitigation Check 1 - >10% of Historical:	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Mitigation Check 2: > 2.01 AF/T:	0.0	0.0	0.0	0.0	0.00	0.00	0.00	0.0	0.0	0.0
Mitigation Required?:	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Mitigation Vol. Req'd (ac-ft):	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

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ENHANCED GROUND-WATER RIGHTS TRANSFER

UNIVERSITY OF IDAHO - IDAHO WATER RESOURCES RESEARCH INSTITUTE

IDAHO DEPARTMENT OF AGRICULTURE

Cells this color are
set up for user entries

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

TRANSFER NO:

0

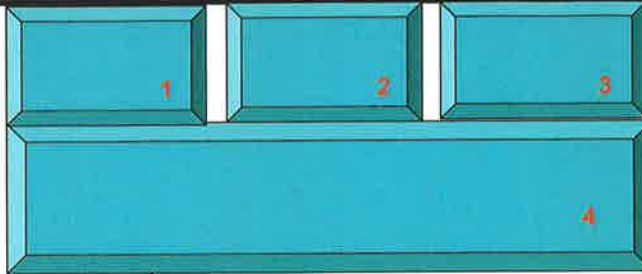
YEAR

1949

TRANSFER NAME:

SEASON

SPRING



ENTER CELL LOCATIONS:

	'TO' CELL	'FROM1' CELL	'FROM2' CELL	'FROM3' CELL
ROW	71	74	0	0
COLUMN	139	146	0	0

13

TRIMESTER OF ACTIVITY	TO WELL	FROM1 WELL		FROM2 WELL		FROM3 WELL	
	Projected Use AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER	With Transfer AF/TRIMESTER	Without Transfer AF/TRIMESTER
SPR 1949	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 1949	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 1949	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 1950	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 1950	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 1950	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 1951	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 1951	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 1951	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 1952	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 1952	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 1952	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 1953	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SUM 1953	0.0	0.0	0.0	0.0	0.0	0.0	0.0
WIN 1953	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SPR 1954	0.0	9.9	9.9	0.0	0.0	0.0	0.0
SUM 1954	0.0	9.9	9.9	0.0	0.0	0.0	0.0
WIN 1954	0.0	9.9	9.9	0.0	0.0	0.0	0.0
SPR 1955	0.0	9.9	9.9	0.0	0.0	0.0	0.0
SUM 1955	0.0	9.9	9.9	0.0	0.0	0.0	0.0
WIN 1955	0.0	9.9	9.9	0.0	0.0	0.0	0.0
SPR 1956	0.0	9.9	9.9	0.0	0.0	0.0	0.0
SUM 1956	0.0	9.9	9.9	0.0	0.0	0.0	0.0
WIN 1956	0.0	9.9	9.9	0.0	0.0	0.0	0.0
SPR 1957	0.0	9.9	9.9	0.0	0.0	0.0	0.0
SUM 1957	0.0	9.9	9.9	0.0	0.0	0.0	0.0
WIN 1957	0.0	9.9	9.9	0.0	0.0	0.0	0.0
SPR 1958	0.0	9.9	9.9	0.0	0.0	0.0	0.0
SUM 1958	0.0	9.9	9.9	0.0	0.0	0.0	0.0
WIN 1958	0.0	9.9	9.9	0.0	0.0	0.0	0.0
SPR 1959	0.0	9.9	9.9	0.0	0.0	0.0	0.0
SUM 1959	0.0	9.9	9.9	0.0	0.0	0.0	0.0
WIN 1959	0.0	9.9	9.9	0.0	0.0	0.0	0.0
SPR 1960	0.0	9.9	9.9	0.0	0.0	0.0	0.0
SUM 1960	0.0	9.9	9.9	0.0	0.0	0.0	0.0
WIN 1960	0.0	9.9	9.9	0.0	0.0	0.0	0.0
SPR 1961	0.0	9.9	9.9	0.0	0.0	0.0	0.0
SUM 1961	0.0	9.9	9.9	0.0	0.0	0.0	0.0
WIN 1961	0.0	9.9	9.9	0.0	0.0	0.0	0.0
SPR 1962	0.0	9.9	9.9	0.0	0.0	0.0	0.0
SUM 1962	0.0	9.9	9.9	0.0	0.0	0.0	0.0
WIN 1962	0.0	9.9	9.9	0.0	0.0	0.0	0.0

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APR 12 2023

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SPR 2088	13.0	0.0	13.0	0.0	0.0	0.0	0.0
SUM 2088	13.0	0.0	13.0	0.0	0.0	0.0	0.0
WIN 2088	13.0	0.0	13.0	0.0	0.0	0.0	0.0
SPR 2089	13.0	0.0	13.0	0.0	0.0	0.0	0.0
SUM 2089	13.0	0.0	13.0	0.0	0.0	0.0	0.0
WIN 2089	13.0	0.0	13.0	0.0	0.0	0.0	0.0
SPR 2090	13.0	0.0	13.0	0.0	0.0	0.0	0.0
SUM 2090	13.0	0.0	13.0	0.0	0.0	0.0	0.0
WIN 2090	13.0	0.0	13.0	0.0	0.0	0.0	0.0
SPR 2091	13.0	0.0	13.0	0.0	0.0	0.0	0.0
SUM 2091	13.0	0.0	13.0	0.0	0.0	0.0	0.0
WIN 2091	13.0	0.0	13.0	0.0	0.0	0.0	0.0
SPR 2092	13.0	0.0	13.0	0.0	0.0	0.0	0.0
SUM 2092	13.0	0.0	13.0	0.0	0.0	0.0	0.0
WIN 2092	13.0	0.0	13.0	0.0	0.0	0.0	0.0
SPR 2093	13.0	0.0	13.0	0.0	0.0	0.0	0.0
SUM 2093	13.0	0.0	13.0	0.0	0.0	0.0	0.0
WIN 2093	13.0	0.0	13.0	0.0	0.0	0.0	0.0
SPR 2094	13.0	0.0	13.0	0.0	0.0	0.0	0.0
SUM 2094	13.0	0.0	13.0	0.0	0.0	0.0	0.0
WIN 2094	13.0	0.0	13.0	0.0	0.0	0.0	0.0
SPR 2095	13.0	0.0	13.0	0.0	0.0	0.0	0.0
SUM 2095	13.0	0.0	13.0	0.0	0.0	0.0	0.0
WIN 2095	13.0	0.0	13.0	0.0	0.0	0.0	0.0
SPR 2096	13.0	0.0	13.0	0.0	0.0	0.0	0.0
SUM 2096	13.0	0.0	13.0	0.0	0.0	0.0	0.0
WIN 2096	13.0	0.0	13.0	0.0	0.0	0.0	0.0
SPR 2097	13.0	0.0	13.0	0.0	0.0	0.0	0.0
SUM 2097	13.0	0.0	13.0	0.0	0.0	0.0	0.0
WIN 2097	13.0	0.0	13.0	0.0	0.0	0.0	0.0
SPR 2098	13.0	0.0	13.0	0.0	0.0	0.0	0.0
SUM 2098	13.0	0.0	13.0	0.0	0.0	0.0	0.0
WIN 2098	13.0	0.0	13.0	0.0	0.0	0.0	0.0

RE-RECORDING TO CORRECT PARCEL 23 LEGAL DESCRIPTION

AFTER RECORDING MAIL TO:

Gardner Farms
589 North 150 West
Blackfoot, ID 83221

Instrument # 744933

BINGHAM COUNTY, IDAHO
2022-04-27 08:21:01 AM No. of Pages: 7
Recorded for: FIRST AMERICAN TITLE - BLACKFO
PAMELA W. ECKHARDT Fee: \$15.00
Ex-Officio Recorder Deputy JPulley
Index To: QUIT CLAIM DEED
Electronically Recorded by Simplifile

Instrument # 744753

BINGHAM COUNTY, IDAHO
2022-04-21 02:18:20 PM No. of Pages: 5
Recorded for: FIRST AMERICAN TITLE - BLACKFO
PAMELA W. ECKHARDT Fee: \$15.00
Ex-Officio Recorder Deputy JPulley
Index To: QUIT CLAIM DEED
Electronically Recorded by Simplifile

QUITCLAIM DEED

File No.: **988886-B (tr)**

Date: **April 20, 2022**

For Value Received, **D. Cooper, LLC, an Idaho limited liability company and D. Case, LLC, an Idaho limited liability company**, do(es) hereby convey, release, remise, and forever quit claim unto **Gardner Farms, an Idaho general partnership**, whose address is **589 North 150 West Blackfoot, ID 83221**, herein after called the Grantee, the following described premises situated in **Bingham County, Idaho**, to-wit: **Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.**

together with its appurtenances.

SCANNED

APR 12 2023

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RE-RECORDING TO CORRECT PARCEL 23 LEGAL DESCRIPTION

AFTER RECORDING MAIL TO:

Gardner Farms
589 North 150 West
Blackfoot, ID 83221

E-RECORDED simplifile

ID: 744753
County: Bingham
Date: 4/21/22 Time: 2:18pm

QUITCLAIM DEED

File No.: **988886-B (tr)**

Date: **April 20, 2022**

For Value Received, **D. Cooper, LLC, an Idaho limited liability company and D. Case, LLC, an Idaho limited liability company**, do(es) hereby convey, release, remise, and forever quit claim unto **Gardner Farms, an Idaho general partnership**, whose address is **589 North 150 West Blackfoot, ID 83221**, herein after called the Grantee, the following described premises situated in **Bingham County, Idaho**, to-wit: **Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.**

together with its appurtenances.

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APR 12 2023

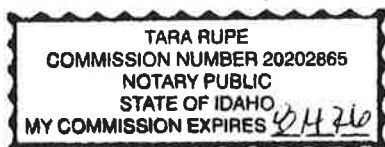
Dated: 4-20-22

David Cooper
David Cooper, manager

Doug Case
Doug Case, manager

STATE OF Idaho)
SS.
COUNTY OF Bingham)

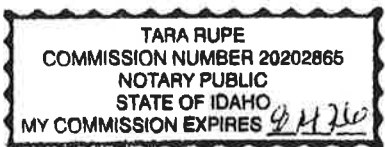
On this **Twentieth day of April, 2022**, before me, a Notary Public in and for said State, personally appeared **David Cooper**, known or identified to me to be the person whose name is subscribed to the within Instrument as one of the Managers/Members of the **D. Cooper, LLC, an Idaho limited liability company**, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that he executed the same in said Limited Liability Company's name.



Tara Rupe
Notary Public of Idaho
Residing at: Blackfoot, ID
Commission Expires: 08/04/2026

STATE OF Idaho)
SS.
COUNTY OF Bingham)

On this **Twentieth day of April, 2022**, before me, a Notary Public in and for said State, personally appeared **Doug Case**, known or identified to me to be the person whose name is subscribed to the within Instrument as one of the Managers/Members of the **D. Case, LLC, an Idaho limited liability company**, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that he executed the same in said Limited Liability Company's name.



Tara Rupe
Notary Public of Idaho
Residing at: Blackfoot, ID
Commission Expires: 08/04/2026

744933

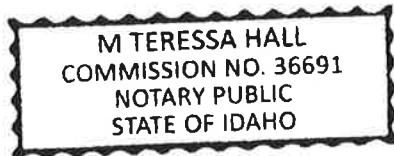
SCANNED
APR 12 2023

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ACKNOWLEDGEMENT/LIMITED LIABILITY COMPANY

STATE OF Idaho)
) ss.
 COUNTY OF Bingham)

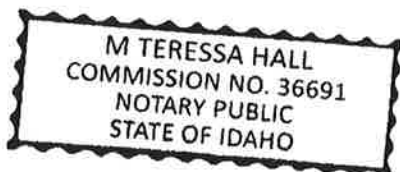
On this 24 day of April, 2022, before me, a Notary Public in and for said State, personally appeared **David Cooper**, known or identified to me to be the person whose name is subscribed to the within Instrument as one of the Managers/Members of the **D. Cooper, LLC**, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that he executed the same in said Limited Liability Company's name.



M. Teresa Hall
 Notary Public of Idaho
 Residing at: Blackfoot, ID
 Commission Expires: 8/24/2025

STATE OF Idaho)
) ss.
 COUNTY OF Bingham)

On this 24 day of April, 2022, before me, a Notary Public in and for said State, personally appeared **Doug Case**, known or identified to me to be the person whose name is subscribed to the within Instrument as one of the Managers/Members of the **D. Case, LLC**, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that he executed the same in said Limited Liability Company's name.



M. Teresa Hall
 Notary Public of Idaho
 Residing at: Blackfoot, ID
 Commission Expires: 8/24/2025

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APR 12 2023

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Date: April 20, 2022

EXHIBIT 'A'**LEGAL DESCRIPTION:****PARCEL 22:****TRACT 1:**

Part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2, Township 2 South, Range 35 E.B.M., Bingham County, Idaho, described as:

Beginning at a point that is N. 90°00'00" W. 65.73 feet along the North Section line and S. 00°00'00" E. 25.00 feet along the West right-of-way line of a county road from the N $\frac{1}{4}$ corner of said Section 2; and running thence S. 00°00'00" E. 148.30 feet; thence N. 90°00'00" W. 362.27 feet; thence N. 00°00'00" W. 148.30 feet; thence S. 90°00'00" E. 362.27 feet to the point of beginning.

TRACT 2:

Part of NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2, Township 2 South, Range 35 E.B.M., Bingham County, Idaho, described as:

Commencing as the N $\frac{1}{4}$ corner of Section 2, thence N. 90°00'00" W. 65.73 feet along the section line; thence S. 0°00'00" W. 173.30 feet along the Westerly right-of-way of a County Road to the Point of Beginning; thence S. 0°00'00" West 148.25 feet along said right-of-way; thence N. 90°00'00" W. 362.27 feet; thence N. 0°00'00" E. 148.25 feet; thence S. 90°00'00" E. 362.27 feet to the Point of Beginning.

TRACT 3:

A portion of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2, Township 2 South, Range 35 E.B.M., Bingham County, Idaho, described as follows:

Commencing at the N $\frac{1}{4}$ corner of said Section 2, thence N. 90°00'00" W. 65.73 feet along the section line, thence S. 0°00'00" W. 321.55 feet along the westerly right-of-way of a county road to the true point of beginning; thence S. 0°00'00" W. 156.75 feet along said right-of-way; thence N. 90°00'00" W. 362.27 feet; thence N. 0°00'00" E. 156.75 feet; thence S. 90°00'00" E. 362.27 feet to the point of beginning.

~~**PARCEL 23:**~~

SEE CORRECTED PARCEL 23

Part of Government Lot 1, Section 2, Township 2 South, Range 35 East, B.M., Bingham County, Idaho described as:

Commencing at the NE corner of Section 2; thence N 89°53'22" W 962.03 feet along the section line to the point of beginning. Thence S 08°34'22" E 139.09 feet; thence S 10°41'07" E 185.94 feet; thence S 54°07'00" W 60.06 feet; thence S 89°51'43" W 136.00 feet; thence N 15°02'55" W 86.39 feet; thence N 01°40'36" E 272.75 feet to a point on the north line of section 2; thence S 89°53'22" E 143.90 feet along the section line to the point of beginning.

And except a Septic Replacement area easement described as: Commencing at the NE corner of Section 2; thence N. 89°53'22" W. 1105.94 feet along the section line; thence S. 01°40'36" W. 272.75 feet; thence S. 15°02'55" E. 86.39 feet; thence N. 89°51'43" E. 20.48 feet to the point of beginning. Thence N. 89° 51'43" E. 50.91 feet; thence S. 10°41'39" W. 126.07 feet; thence S. 89°51'43" W. 50.91 feet; thence N. 10°41'39" E. 126.07 feet to the point of beginning.

PARCEL 24:

Part of the NW $\frac{1}{4}$ of Section 6, Township 2 South, Range 36 E.B.M., and part of the SW $\frac{1}{4}$ of Section 31, Township 1 South, Range 36 E.B.M., Bingham County, Idaho, described as: Beginning at a point on the left bank of a canal that flows southerly, that is S. 00°11'00" W. along the Section line 23.00 feet and S. 89°30'20" E. 268.96 feet; and S. 89°04'50" E. 174.78 feet from the NW corner of said Section 6; and running thence S. 41°24'30" W. along said left bank 305.33 feet; thence S. 28°04'39" W. 518.35 feet to a point on the Section line; thence leaving said left bank, S. 00°11'00" W. along the Section line 47.19 feet; thence N. 65°03'41" E. 832.45 feet; thence S. 76°59'19" E. 483.51 feet; thence N. 35°21'06" E. 396.30 feet to the left bank of previously described canal; thence N.

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60°46'50" W. along said left bank 265.70 feet; thence N. 65°23'40" W. 269.57 feet; thence N. 66°57'50" W. 282.00 feet; thence S. 80°48'30" W. 130.54 feet; thence S. 41°22'20" W. 217.56 feet to the point of beginning.

CORRECTED PARCEL 23:

Township 2 South, Range 35 E.B.M., Bingham County, Idaho
Section 2: Beginning at a point 200 feet East of the NW corner of Lot 1; thence South 400 feet; thence East 250 feet; thence North 400 feet; thence West 250 feet to the Point of Beginning.

Less: Part of Government Lot 1, Section 2, Township 2 South, Range 35 East, B.M., Bingham County, Idaho described as: Commencing at the NE corner of Section 2; thence N 89°53'22" W 962.03 feet along the section line to the point of beginning. Thence S 08°34'22" E 139.09 feet; thence S 10°41'07" E 185.94 feet; thence S 54°07'00" W 60.06 feet; thence S 89°51'43" W 136.00 feet; thence N 15°02'55" W 86.39 feet; thence N 01°40'36" E 272.75 feet to a point on the north line of Section 2; thence S 89°53'22" E 143.90 feet along the section line to the point of beginning.

And except a Septic Replacement area easement described as: Commencing at the NE corner of Section 2; thence N. 89°53'22" W. 1105.94 feet along the section line; thence S. 01°40'36" W. 272.75 feet; thence S. 15°02'55" E. 86.39 feet; thence N. 89°51'43" E. 20.48 feet to the point of beginning. Thence N. 89° 51'43" E. 50.91 feet; thence S. 10°41'39" W. 126.07 feet; thence S. 89°51'43" W. 50.91 feet; thence N. 10°41'39" E. 126.07 feet to the point of beginning.

EXHIBIT A

PARCEL 27:

Township 1 South, Range 34 E.B.M., Bingham County, Idaho

Section 1: SW $\frac{1}{4}$

Section 2: SE $\frac{1}{4}$

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APR 12 2023

RE-RECORDING TO CORRECT PARCEL 23 LEGAL DESCRIPTION

AFTER RECORDING MAIL TO:

Gardner Farms
589 North 150 West
Blackfoot, ID 83221

Instrument # 744933

BINGHAM COUNTY, IDAHO
2022-04-27 08:21:01 AM No. of Pages: 7
Recorded for: FIRST AMERICAN TITLE - BLACKFO
PAMELA W. ECKHARDT Fee: \$15.00
Ex-Officio Recorder Deputy JPulley
Index To: QUIT CLAIM DEED
Electronically Recorded by Simplifile

Instrument # 744753

BINGHAM COUNTY, IDAHO
2022-04-21 02:18:20 PM No. of Pages: 5
Recorded for: FIRST AMERICAN TITLE - BLACKFO
PAMELA W. ECKHARDT Fee: \$15.00
Ex-Officio Recorder Deputy JPulley
Index To: QUIT CLAIM DEED
Electronically Recorded by Simplifile

QUITCLAIM DEED

File No.: **988886-B (tr)**

Date: **April 20, 2022**

For Value Received, **D. Cooper, LLC, an Idaho limited liability company and D. Case, LLC, an Idaho limited liability company**, do(es) hereby convey, release, remise, and forever quit claim unto **Gardner Farms, an Idaho general partnership**, whose address is **589 North 150 West Blackfoot, ID 83221**, herein after called the Grantee, the following described premises situated in **Bingham County, Idaho**, to-wit: **Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.**

together with its appurtenances.

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APR 12 2023

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STATEMENT OF PARTNERSHIP AUTHORITY

(Instructions on back of application)

FILED EFFECTIVE

2018 MAY 14 AM 9:30

SECRETARY OF STATE

The undersigned partnership hereby files a statement of partnership authority, and submits the following information to the Secretary of State pursuant to Idaho Code § 53-3-303.

- The name of the partnership is: Gardner Farms
- The street address of its chief executive office is: 589 North 150 West Blackfoot ID 83221
- The street address of one (1) office in Idaho: 589 North 150 West Blackfoot ID 83221
- The names and mailing addresses of all partners (attached sheets may be added):

Name	Address
<u>D. Case, LLC</u>	<u>589 North 150 West Blackfoot ID 83221</u>
<u>D. Cooper, LLC</u>	<u>589 North 150 West Blackfoot ID 83221</u>
<u>L. Gardner, LLC</u>	<u>589 North 150 West Blackfoot ID 83221</u>

OR the name and address of the agent in Idaho who maintains a list of all partners:

- The names of the partners authorized to execute an instrument transferring real property held in the name of the partnership:

<u>D. Case LLC</u>	<u></u>	<u></u>
<u>D. Cooper LLC</u>	<u></u>	<u></u>
<u>L. Gardner LLC</u>	<u></u>	<u></u>

- Signature of at least 2 partners:

- David Cooper

Typed Name David Cooper/member of D. Cooper LLC
- Douglas Case

Typed Name Douglas Case/member of D. Case LLC
- Typed Name

Secretary of State use only

IDAHO SECRETARY OF STATE

05/14/2018 05:00

CK:5434 CT:357691 BH:1643465

1@ 100.00 = 100.00 PARTN AUT #2

1@ 20.00 = 20.00 EXPEDITE C #3

K1561

g:\coorplforms\partnershipauth.pdf
Revised 08/2002

Web Form

SCANNED
APR 12 2023



Rabo AgriFinance LLC

Whitney Goodwin

VP – Relationship Manager

Office 970 Pier View Drive, Suite B

Address Idaho Falls, ID 83402

Tel 208-552-6304

Fax 855-631-0229

Email Whitney.Goodwin@RaboAg.com

www.raboag.com

March 17, 2023

Idaho Department of Water
Resources
650 Addison Ave W, Suite 500
Twin Falls, ID 83301-5858

RE: Water Right No: 35-2177
Water Right No: 35-14407
Water Right No: 35-14408

To whom it may concern:

This letter is written to advise you that Rabo AgriFinance consents to the above-referenced water rights proposed changes (place of use) on a total of 23 acres requested by Gardner Farms.

Please feel free to contact me if you have any questions or concerns.

Sincerely,

Whitney Goodwin
VP – Relationship Manager

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APR 12 2023



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

MAR 23 2023

Department of Water Resources
Eastern Region

March 20, 2023

James Cefalo
Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

Re: Gardner Farms

Dear Mr. Cefalo:

Gardner Farms desires to create a permissible place of use (PPU) for water right 35-2765 and 13.0 acres of water rights 35-14407 and 35-14408. This transfer would allow the irrigation of 69.0 acres within the 320.0 acre PPU.

The ownership of water rights 35-2765, 35-14407 and 35-14408, beneficial use and period of use will not be changing with this transfer.

The ESPA Model analysis for this transfer calculated that no mitigation is required.

Please copy our office on all correspondence regarding this application.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Doug Case

Enc: Transfer Application, Aerial Maps, Quit Claim Deeds, Statement of Partnership Authority, Rabo AgriFinance Consent Letter, Brockway Engineering Check # 17315 for \$740.00

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

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MAR 17 2023