

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

GENERAL INFORMATION AND INSTRUCTIONS

Pursuant to Section 42-222(1), *Idaho Code*, a transfer application may be filed to change the point of diversion, place of use, period of use, or nature of use of all or part of an established water right. Any person proposing to make such a change is required to file a transfer application with the Department. "Such application shall be upon forms furnished by the department and shall describe the [water right] to be changed and the changes which are proposed and shall be accompanied by the statutory filing fee." *Idaho Code* § 42-222(1).

The Department has developed this application form to assist applicants in satisfying the requirements of Section 42-222(1). This application form requests information about the applicant's authority to file (Part 1), information about the current elements of the water right(s) to be changed (Part 2), information about the proposed changes (Part 3), information about the validity of the water right(s) and the effects of the proposed changes (Part 4), and confirmation that the information provided is truthful (Part 5).

The applicant or their representative must provide a response for all applicable questions, any additional information required, and the proper filing fee before this application will be considered complete. If an application is incomplete or more information is required, the Department will notify the applicant or representative and allow time for the application to be completed. An application that remains incomplete will be returned to the applicant and the filing fee will be refunded.

An application for transfer is limited to the changes proposed for a single water distribution system. A proposal to change two or more separate water distribution systems, that will remain separate after the transfer, must be filed as separate applications. Applicants may provide additional pages to supplement their responses to the questions posed on this application form. Supplemental forms for listing additional water rights, points of diversion, or places of use can be found on the Department's website (idwr.idaho.gov). If you need assistance understanding the questions on this form, generating current water right reports, determining legal descriptions, or accessing water measurement records feel free to contact the nearest regional office of the Department.

PART 1 – CONTACT INFORMATION, OWNERSHIP RECORDS, AUTHORITY TO FILE

Name(s) of Applicant(s) Dusty Farms LLC

Mailing Address 301 SCOTT AVE STE 4 Rupert, Idaho 83350

Email* ryan@mossfarms.com Phone 208-300-0010

Name of Representative (if any) Greg Sullivan

Mailing Address 2016 N Washington St Ste 4 Twin Falls, Idaho 83301

Email* greg.sullivan@brockwayeng.com Phone 208-736-8543

*If an email address is provided, Department staff will use email as the primary method for corresponding with the applicant and representative about the application.

A. Representative. If the representative is authorized to sign or amend the application on behalf of the applicant, attach documents confirming that authority. Label documents as Attachment 1A.

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SOUTHERN REGION

B. Current Owner. If the applicant is not the current owner of record for all water rights included in this application, attach documents showing that the applicant has the authority to make the proposed changes. Label documents as Attachment 1B.

C. Updating Ownership Records. Applicants needing to update the ownership records for any of the water rights included in this application must attach documents supporting the ownership change. Such documents must trace ownership of the subject water rights or the current place of use for the subject water rights from the current owner of record for the water rights to the applicant. Label documents as Attachment 1C.

D. Business Entities. If the applicant is a business entity (corporation, LLC, partnership, trust, etc.), is the entity currently registered with the Idaho Secretary of State?

☒ Yes. If this application is signed by someone other than a person listed on the most recent annual report filed with the Idaho Secretary of State, attach documents confirming the authority of the signer to sign on behalf of the business entity. Label documents as Attachment 1D.

☐ No. Attach documents confirming the authority of the signer to sign on behalf of the business entity. Label documents as Attachment 1D.

E. Approval of Irrigation Delivery Entity. Section 42-108, *Idaho Code*, states that a transfer application proposing to change water rights held by an irrigation company or district requires the consent of the irrigation entity. If this application proposes to change water rights held by an irrigation entity, attach a letter of consent from the entity (labeled as Attachment 1E) or have an authorized representative of the entity co-sign the application.

F. Encumbered Properties. If the current place of use for the water rights included in this application is subject to a lien, deed of trust, mortgage, or contract and the application proposes to change the nature of use of the water rights or to move water rights off the current place of use, attach a statement of consent for the change signed by the lien holder, trustee, mortgagor or contract holder. Label documents as Attachment 1F.

G. Legal Access. If the applicant is not the current owner of the proposed point(s) of diversion, conveyance system, or place(s) of use, provide evidence of legal access to the land or infrastructure not owned by the applicant. Label documents as Attachment 1G. For example, an applicant may provide a letter of consent from the owner of the land or conveyance system or may have the owner co-sign the application. For applications proposing to divert water on or convey water across federal land, an applicant is not required to demonstrate legal access to the federal land prior to approval. Instead, if the transfer application is approved, the applicant must obtain access authorization from the relevant federal agency prior to diverting water under the subject water rights.

PART 2 – WATER RIGHTS BEFORE PROPOSED CHANGES

A. Current Water Rights. For each water right proposed to be changed, attach a current water right report obtained from any Department office or from the Department's website (idwr.idaho.gov). Label water right reports as Attachment 2A.

B. Map of Current System. Attach a map of the current point(s) of diversion and place(s) of use for the water rights to be changed. The map should clearly depict the elements of the water rights to be changed. For example, if the application proposes to change the point of diversion for a water right, the map should display the current location of the point of diversion. For irrigation water rights, the map should also identify the location of the irrigated acres to be changed. Label map as Attachment 2B.

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

Current Water Right No.: 43-2486

Current Owner: DUSTY FARMS LLC
Priority Date: 1/22/1960
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	3.36 CFS	1424 AF
	<u>Total Diversion</u>	3.36 CFS	1424 AF

Location of Point(s) of Diversion

GROUND WATER SE1/4SE1/4NE1/4 Sec. 3, Twp 13S, Rge 28E B.M.
CASSIA County

Place of Use

IRRIGATION Within CASSIA County

T12S R28E S33	NENW	40.00	T12S R28E S33	NWNW	40.00
T12S R28E S33	SWNW	40.00	T12S R28E S33	SENE	40.00
T12S R28E S33	NESE	39.00	T12S R28E S33	NWSE	40.00
T12S R28E S33	SWSE	39.00	T12S R28E S33	SESE	38.00
T13S R28E S3 Lot 2	NWNE	5.00	T13S R28E S3	SWNE	39.00
T13S R28E S3	SENE	27.00	T13S R28E S3 Lot 3	NENW	39.00
T13S R28E S3 Lot 4	NWNW	38.00	T13S R28E S3	SWNW	39.00
T13S R28E S3	SENE	39.00			

Total Acres: 542

Conditions of Approval:

1. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 384 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. E60 USE OF THIS RIGHT WITH RIGHT NO. 43-10334 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.36 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1424 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. K03 RIGHT NO. 43-10334 IS AN EXPANSION OF THIS RIGHT PURSUANT TO SECTION 42-1416B, IDAHO CODE.

Page _____ of _____

Decreed Date: 6/28/2002

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

Current Water Right No.: 43-10334

Current Owner: DUSTY FARMS LLC
Priority Date: 6/30/1985
Origin: Water Right
Status: Active
Basis: Decreed

Source

GROUND WATER

Tributary

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Diversion Rate

0.98 CFS

Annual Volume

Total Diversion

0.98 CFS

Location of Point(s) of Diversion

GROUND WATER

SE1/4SE1/4NE1/4

Sec. 3, Twp 13S, Rge 28E B.M.

CASSIA County

Place of Use

IRRIGATION Within CASSIA County

T12S R28E S33		NENW	40.00	T12S R28E S33		NWNW	40.00
T12S R28E S33		SWNW	40.00	T12S R28E S33		SENE	40.00
T12S R28E S33		NESE	39.00	T12S R28E S33		NWSE	40.00
T12S R28E S33		SWSE	39.00	T12S R28E S33		SESE	38.00
T13S R28E S3	Lot 2	NWNE	5.00	T13S R28E S3		SWNE	39.00
T13S R28E S3		SENE	27.00	T13S R28E S3	Lot 3	NENW	39.00
T13S R28E S3	Lot 4	NWNW	38.00	T13S R28E S3		SWNW	39.00
T13S R28E S3		SENE	39.00				

Total Acres: 542

Page _____ of _____

Conditions of Approval:

1. E60 USE OF THIS RIGHT WITH RIGHT NO. 43-02486 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.36 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1424 AF.
2. K09 THIS RIGHT IS FOR AN ENLARGEMENT OF 158 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.
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. K04 THIS RIGHT IS AN EXPANSION OF RIGHT NO. 43-02486 PURSUANT TO SECTION 42-1416B, IDAHO CODE.
5. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 158 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Decreed Date: 6/28/2002

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

Current Water Right No.: 43-2432

Current Owner: DUSTY FARMS LLC
Priority Date: 9/21/1955
Origin: Water Right
Status: Active
Basis: Decreed

Source

GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/05 to 11/15	2.5 CFS	640 AF
	<u>Total Diversion</u>	2.5 CFS	640 AF

Location of Point(s) of Diversion

GROUND WATER SE1/4SE1/4SW1/4 Sec. 33, Twp 12S, Rge 28E B.M.
CASSIA County

Place of Use

IRRIGATION Within CASSIA County

T12S R28E S33	NESW	33.00	T12S R28E S33	NWSW	33.00
T12S R28E S33	SWSW	33.00	T12S R28E S33	SESW	33.00
T13S R28E S4 Lot 3	NENW	32.00	T13S R28E S4 Lot 4	NWNW	32.00
T13S R28E S4	SWNW	35.00	T13S R28E S4	SENW	35.00

Total Acres: 266

Conditions of Approval:

1. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. 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.
3. E60 USE OF THIS RIGHT WITH RIGHT NO. 43-10826 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.50 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 640.0 AF.
4. K03 RIGHT NO. 43-10826 IS AN EXPANSION OF THIS RIGHT PURSUANT TO SECTION 42-1416B, IDAHO CODE.
5. E55 USE OF THIS RIGHT WITH RIGHT NO. 43-10826 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 248.0 ACRES IN A SINGLE IRRIGATION SEASON.

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Decreed Date: 6/28/2002

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

Current Water Right No.: 43-10826

Current Owner: DUSTY FARMS LLC
Priority Date: 6/30/1985
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	03/15 to 11/15	0.88 CFS	
	<u>Total Diversion</u>	0.88 CFS	

Location of Point(s) of Diversion

GROUND WATER SE1/4SE1/4SW1/4 Sec. 33, Twp 12S, Rge 28E B.M.
CASSIA County

Place of Use

IRRIGATION Within CASSIA County

T12S R28E S33	NESW	33.00	T12S R28E S33	NWSW	33.00
T12S R28E S33	SWSW	33.00	T12S R28E S33	SESW	33.00
T13S R28E S4 Lot 3	NENW	32.00	T13S R28E S4 Lot 4	NWNW	32.00
T13S R28E S4	SWNW	35.00	T13S R28E S4	SENW	35.00

Total Acres: 266

Conditions of Approval:

1. K09 THIS RIGHT IS FOR AN ENLARGEMENT OF 88.0 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.
2. E60 USE OF THIS RIGHT WITH RIGHT NO. 43-2432 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.50 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 640.0 AF.
3. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 88.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. E55 USE OF THIS RIGHT WITH RIGHT NO. 43-2432 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 248.0 ACRES IN A SINGLE IRRIGATION SEASON.
5. K04 THIS RIGHT IS AN EXPANSION OF RIGHT NO. 43-2432 PURSUANT TO SECTION 42-1416B, IDAHO CODE.
6. 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.

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Decreed Date: 6/28/2002

State of Idaho
Department of Water Resources

Water Right

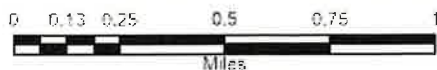
43-10334, 43-2486

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: 12/2/2024



Legend

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



State of Idaho
Department of Water Resources

Water Right

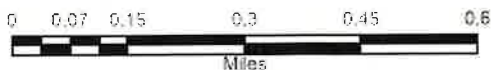
43-2432, 43-10826

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: 12/2/2024



Legend

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



C. Current Location of Irrigated Acres. If this application proposes to change the place of use or nature of use for only a portion of an irrigation water right, use the following table to identify the current location of the irrigated acres to be changed. If additional pages are required, label additional pages as Attachment 2C. If this application proposes to change or rearrange the entire place of use for irrigation water right(s), skip to Part 3.

☒ **N/A.** This application does not propose to change the place of use or nature of use of an irrigation water right or this application proposes to change the place of use or nature of use for an entire irrigation right.

Current Location of Irrigated Acres to be Changed

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	

Total Irrigated Acres to be Changed: _____

PART 3 – DESCRIPTION OF PROPOSED CHANGES

A. Purpose of Transfer. Section 42-222(1), *Idaho Code*, states that transfer applications may only be filed to change the point of diversion, place of use, period of use, or nature of use of an established water right. Section 42-248(3), *Idaho Code*, authorizes water right ownership changes to be described on a transfer application. Identify the changes proposed in this application:

- ☒ Change point(s) of diversion ☒ Change place of use
☒ Add point(s) of diversion ☐ Change period of use
☐ Change nature of use ☐ Update water right ownership records

B. Proposed Changes. Describe the proposed changes in narrative form:

This transfer proposed to create a 1066.7 acre permissible place of use with an irrigation place of use of 790.0 acres. Water right 43-2486 will provide 384 acres of irrigation water. Water right 43-2432 will provide 160 acres of irrigation water. Water right 43-10334 is an expansion water right for 158 acres and will remain non-irrigated. Water right 43-10826 is an expansion water right for 88 acres and will remain non-irrigated.

C. Summary of Proposed Changes.

1. Water Rights. Use the following table to list all water rights, or portions thereof, that are proposed to be changed as they would appear after the proposed changes. In the Amount column, list the volume in acre-feet (af) for storage uses or the rate in cubic feet per second (cfs) for all other uses.

All or Part	Right Number	Amount (cfs/af)	Nature of Use	Period of Use	Source
☒ ☒	43-2486	3.36/1424	Irrigation	4/01 to 10/31	Ground Water
☒ ☒	43-10334	0.98/	Irrigation	4/01 to 10/31	Ground Water
☒ ☐	43-2432	2.5/640	Irrigation	4/01 to 10/31	Ground Water
☒ ☐	43-10826	0.88/	Irrigation	4/01 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

2. Total Amounts. Calculate the total quantity, in cfs or af, of water rights that are proposed to be changed through this application. For an application proposing to only change the place of use for irrigation rights, the total quantity of water is calculated by comparing the current place of use to the proposed place of use, summing the number of acres increased in each legal subdivision, and quantifying the proportional amount of diversion rate for the increased acres. For an application proposing to change or add points of diversion for irrigation or any other beneficial use, the total amount is the total diversion rate for the changed portion of the right.

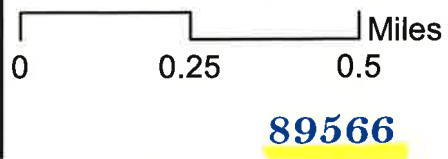
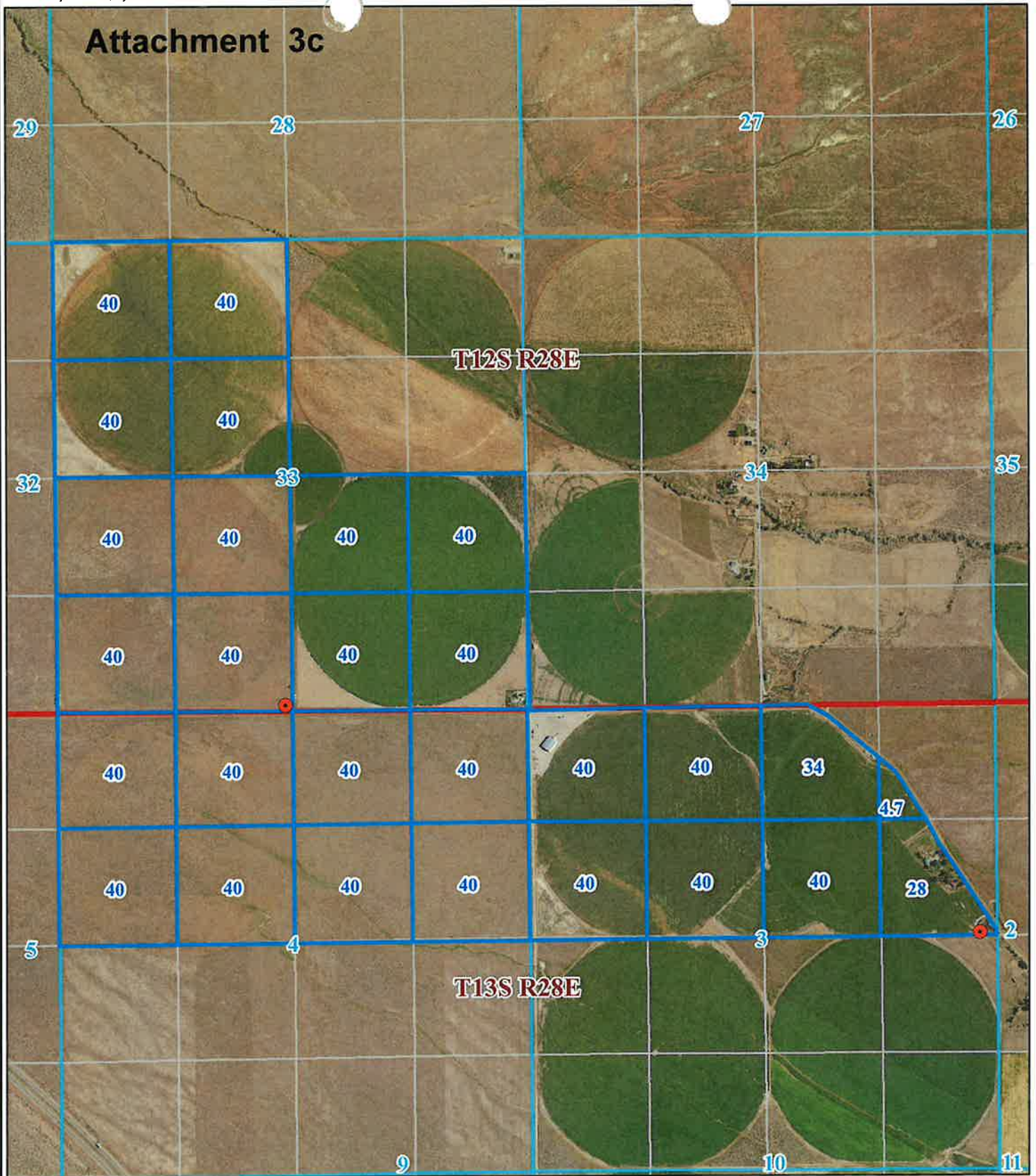
Total Amount of Water Rights Proposed to be Changed: 5.86 cfs and/or 2064 af.

3. Point(s) of Diversion. Use the following table to list all the proposed points of diversion for the water rights to be changed, including any current points of diversion that will continue to be used as part of the proposed water distribution system.

The legal description for the proposed point(s) of diversion must be to the nearest 40-acre subdivision (QQ) or U.S. Government Lot of the Public Land Survey System (PLSS). PLSS information is typically available from USGS topo maps, property deeds, tax bills or various mapping tools on the Department's website.

For points of diversion within platted subdivisions, list the lot and block number in the "Diversion Name/Number" column. An application proposing an injection into a stream and a re-diversion from that stream must list the source for the original diversion as the source for the injection and re-diversion points. If this application proposes construction of a new diversion structure (for example, a new ground water well or a new pump station on a creek), please indicate the status in the appropriate column.

Attachment 3c



DUSTY FARMS LLC

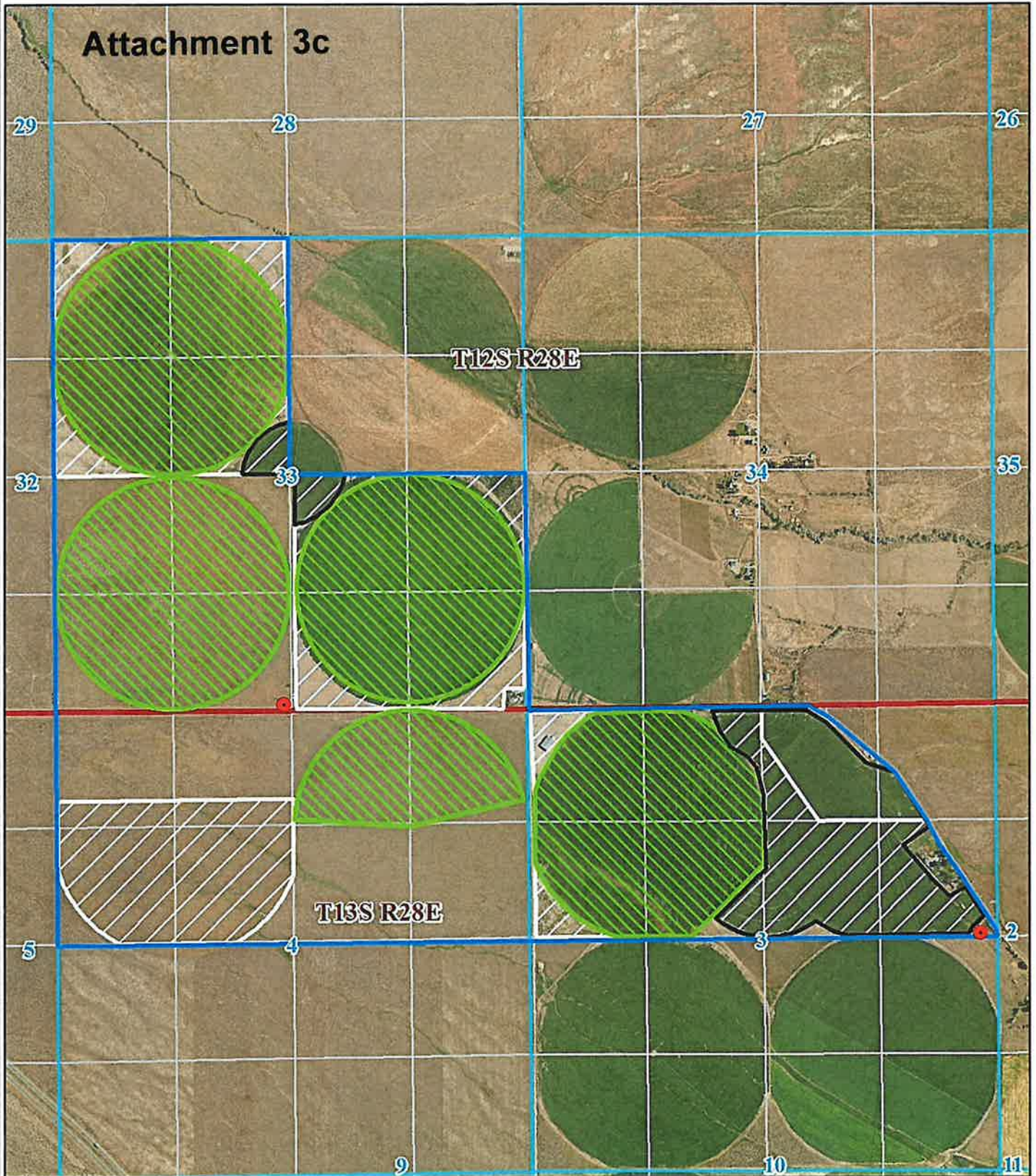
790.0 ACRE POU
544.0 IRRIGATION ACRES
246.0 EXPANSION ACRES
NAIP 2023 AERIAL

Legend

- POD
- QQ PPU



Attachment 3c



0 0.25 0.5 Miles

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DUSTY FARMS LLC

790.0 ACRE POU
544.0 IRRIGATION ACRES
246.0 EXPANSION ACRES
NAIP 2023 AERIAL

Legend

- POD
- PPU
- Sublet Water
- Irrigation POU
- Expansion Acres



☐ N/A. This application does not propose to add or change any points of diversion.

Proposed Points of Diversion

New?	Twp	Rge	Sec	Lot	1/4	1/4	1/4	County	Source	Diversion Name/Number
	12S	28E	33			SE	SW	Cassia	Ground Water	WMIS # 1002779
	13S	28E	3			SE	NE	Cassia	Ground Water	WMIS # 1002782

4. Place of Use. The proposed place of use must be described to the nearest 40-acre subdivision (QQ) or U.S. Government Lot of the Public Land Survey System. Government lot numbers can be noted in parenthesis below the approximate quarter-quarter location of the government lot. For water rights held by irrigation districts, municipal providers or irrigation companies, the proposed place of use may be generally described as authorized by Sections 42-202B, 42-219 and 42-222B, *Idaho Code*.

☐ N/A. This application does not propose to change the place of use.

Proposed Place of Use

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	
12S	28E	33					40	40	40	40	40	40	40	40	40	40	40	40	480
13S	28E	3	4.7	34	40	28	40	40	40	40									266.7
13S	28E	4	40	40	40	40	40	40	40	40									320

*Irrigation place of use will be limited to 790.0 acres within the 1066.7 acre PPU.

Total Irrigated Acres: 1066.7*

5. Map of Proposed System. Attach a map showing the location of the points of diversion, reservoirs, dams, canals, ditches, pipelines and other works proposed to divert and convey water. Also show the location of the place of use, including any lands to be irrigated. The map should delineate the legal subdivisions including townships, ranges, sections, quarter-quarters and government lots. Label map as Attachment 3C.

PART 4 – ADDITIONAL INFORMATION

Section 42-222(1), *Idaho Code*, establishes the criteria used to evaluate transfer applications. An applicant bears the burden of demonstrating that the water right to be changed is a valid right, that the proposed use is a beneficial use, and that the proposed changes will not injure other water rights, will not enlarge the use of the original rights, are in the local public interest, and are consistent with the conservation of water resources within the state of Idaho. To satisfy this burden, an applicant must provide sufficient data and information for the

Department to evaluate the effects of the proposed change. The Department may deny an application if the applicant fails to provide sufficient data and information to determine whether the criteria from Section 42-222(1) are satisfied. In addition to the information requested in Parts 1-3 of this application, the following information must be provided for an application to be considered complete. Department staff may request additional information or clarification as the application is processed.

A. Validity of Water Rights

1. If one or more of the water rights proposed to be changed is a statutory claim, established pursuant to Section 42-248, *Idaho Code*, attach evidence supporting the priority date claimed. Label documents as Attachment 4A-1. For statutory claims, the Department may conduct a field inspection as part of the application review process to evaluate the water right elements listed on the statutory claim.

2. Has any portion of the water right(s) proposed to be changed undergone a period of five or more consecutive years of non-use?

☒ Yes. Attach a statement describing the portion of the right(s) that were not used and the length of time of the non-use. In addition, identify any exception or defense to forfeiture and provide a detailed description as to why the water rights have not been lost and forfeited for non-use. Label documents as Attachment 4A-2. Statutory exceptions or defenses to forfeiture are set forth in Section 42-223, *Idaho Code*.

☐ No.

B. Injury to Other Water Rights

1. Identify any other water right(s) diverted at the current point(s) of diversion.
43-2486, 43-10334, 43-2432 and 43-10826

2. Identify any other water right(s) diverted at the proposed point(s) of diversion.

3. Is the proposed point of diversion within a state water district? ☒ Yes. Water District # 43A. ☐ No.

4. If already constructed and in use, are the proposed points of diversion equipped with Department-approved measuring devices? ☒ Yes. ☐ No.

5. If this application proposes to divert a surface water right from a ground water well, attach a technical analysis evaluating the hydraulic connection between the proposed ground water point of diversion and the source of water listed on the right to be changed. Label technical analysis as Attachment 4B-5.

6. If this application proposes changing the point of diversion for a ground water right in the Eastern Snake Plain Aquifer (ESPA), attach a technical analysis of the anticipated depletions to reaches of the Snake River that are hydraulically connected to the ESPA using the Department's current ground water model for the ESPA. The technical analysis must evaluate depletion impacts in a time-series format at transient and steady state time steps. To assist applicants in preparing the required technical analysis, the Department has developed a transfer tool interface for the ESPA model. The transfer tool and user instructions can be downloaded from the Department's website (idwr.idaho.gov). If the proposed and current points of diversion are in the same or adjacent model cells, no technical analysis is required, unless specifically requested by the Department. Label technical analysis as Attachment 4B-6.

C. Enlargement in Use

1. Identify any other water rights used at the current place of use, including the number of shares in a canal company or acres assessed by an irrigation district.

43-2486, 43-10334, 43-2432 and 43-10826

2. Identify any other water rights used at the proposed place of use, including the number of shares in a canal company or acres assessed by an irrigation district.

3. If this application proposes changing the place of use or nature of use for irrigation water rights, will the current place of use, for the portion of the right to be changed, continue to be irrigated?

☒ Yes. Identify the water right(s) to be used for the continued irrigation.

43-2486, 43-10334, 43-2432 and 43-10826

☐ No. The place of use for the portion to be changed will no longer be irrigated.

☐ N/A. The application does not propose to change the place of use for irrigation rights.

4. Unstacking Water Rights for Irrigation. If this application proposes to change the place of use for an irrigation water right that is combined with other irrigation rights at the current place of use but does not propose to change the place of use for all the stacked irrigation rights, attach evidence of the historical consumptive use occurring under all water rights at the current place of use. For irrigation rights, this should include at least five years of diversion data and/or crop data and estimates of evapotranspiration. Label the information as Attachment 4C-4. Evapotranspiration data may be available on the Department's website (<http://et-idwr.idaho.gov>)

5. If the application proposes to change the nature of use for a water right, attach evidence of the historical consumptive use occurring under the portion of the water right to be changed. For irrigation rights, this should include diversion data, crop data and estimates of evapotranspiration. Label the information as Attachment 4C-5. Evapotranspiration data may be available on the Department's website (<http://et-idwr.idaho.gov>)

6. If the application proposes to change the nature of use of a water right to municipal use for reasonably anticipated future needs, complete the form titled "Municipal Water Right Application Checklist" found on the Department's website (idwr.idaho.gov). Label the form as Attachment 4C-6.

7. To your knowledge, are any portions of the water rights proposed to be changed:

Yes

No

☐

☒

currently leased to the Water Supply Bank?

If yes, complete the form titled "Application for Transfer of Water Right Attachment WSB" found on the Department's website (idwr.idaho.gov).

Label the Form as Attachment 4C-7.

☐

☒

currently used in a mitigation plan limiting the use of water under the right?

☐

☒

subject to an agreement not to divert (CREP)?

☐

☒

currently enrolled in a federal set-aside program (CRP)?

D. Local Public Interest

The department must consider whether the proposed changes are in the local public interest as defined in Section 42-202B(3), *Idaho Code*. Some of the local public interest factors that may be considered in conjunction with a transfer application are (1) Recreation, fish, and wildlife impacts, (2) Water quality or contamination concerns, (3) Local and state ordinances, regulations, or policies related to water use, (4) Goals, requirements and limits set forth in the State Water Plan. If you choose to provide information about local public interest factors, label the information as Attachment 4D.

E. Conservation of Water Resources

Describe the diversion works and water delivery system. This may include sizes and dimensions of pumps, pipelines, headgates, ditches, dams, impoundments and irrigation equipment.

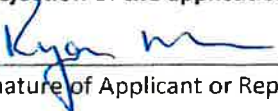
There is an existing well. New mainline will be installed and a new pivot irrigation system will be installed.

PART 5 – FILING FEE AND SIGNATURE

A. Filing Fee. Filing fees for transfer applications are set forth in Section 42-221.O, *Idaho Code*. A table summarizing the filing fees for transfer applications is also found on the Department's website (idwr.idaho.gov). Any application proposing to change the nature of use for one or more rights requires an additional filing fee of \$250. Applications proposing to update the ownership records for water rights must also include the appropriate filing fee to update the ownership records. For any application relying on the filing fee set forth in Section 42-221.O.8, *Idaho Code*, attach a statement describing how the application qualifies under Section 42-221.O.8. Label documents as Attachment 5A.

B. Affidavit of Applicant or Representative:

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.

	<u>Ryan Moss - Manager</u>	<u>12/13/2024</u>
Signature of Applicant or Representative*	Print Name and Title, if applicable	Date
 Signature of Applicant or Representative*	 Print Name and Title, if applicable	 Date

*If water rights included in this application are owned by multiple people or entities, each owner must sign the application form.

FOR DEPARTMENT USE ONLY

Fee Paid: \$ <u>1,480.00</u>	Receipt #: <u>5040505</u>	Date: <u>1-29-2025</u>	Received by: <u>SG</u>
Add'l Paid: \$ _____	Receipt #: _____	Date: _____	Received by: _____



0005583925

**STATE OF IDAHO***Office of the secretary of state, Phil McGrane***ANNUAL REPORT**

Idaho Secretary of State

PO Box 83720

Boise, ID 83720-0080

(208) 334-2301

Filing Fee: \$0.00

*For Office Use Only***-FILED-**

File #: 0005583925

Date Filed: 2/5/2024 8:31:00 AM

Entity Name and Mailing Address:		
Entity Name:	DUSTY FARMS, LLC	
The file number of this entity on the records of the Idaho Secretary of State is:	0000281578	
Address	301 SCOTT AVE STE 4 RUPERT, ID 83350-5100	
Entity Details:		
Entity Status	Active-Existing	
This entity is organized under the laws of:	IDAHO	
If applicable, the old file number of this entity on the records of the Idaho Secretary of State was:	W90652	
The registered agent on record is:		
Registered Agent	RYAN MOSS Registered Agent Physical Address 2450 EAST 600 SOUTH DELCO, ID 83323 Mailing Address	
The new physical (street) address of the existing agent in Idaho is:		
Physical Address	301 SCOTT AVE. STE.#4 RUPERT, ID 83350	
The new mailing address of the existing agent in Idaho is:		
Mailing Address	301 SCOTT AVE. STE.#4 RUPERT, ID 83350	
Limited Liability Company Managers and Members		
Name	Title	Business Address
Ryan Moss	Member	301 SCOTT AVE. STE. 4 RUPERT, ID 83350
The annual report must be signed by an authorized signer of the entity.		
Job Title: Administrative Assistant		
<i>Lori Anderson</i>		<i>02/05/2024</i>
Sign Here		Date

B0878-8365 02/05/2024 8:31 AM Received by Office of the Idaho Secretary of State

Attachment 4A-2

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1734

This Lease Contract ("Lease") is between the Idaho Water Resource Board ("Board"), and

LESSOR: CARDENE ENTERPRISES
555 N 500 E
BRIGHAM CITY, UT 84302-1924

RECEIVED
OCT 13 2023
DEPARTMENT OF
WATER RESOURCES

RECITALS

1. The Board is authorized under chapter 17, title 42, Idaho Code to operate a water supply bank and to contract with lessors to act as an intermediary in facilitating the rental of water.
2. The Lessor has filed a completed application to lease water rights described below into the Water Supply Bank on forms supplied by the Idaho Department of Water Resources and received by the Department on April 19, 2023.
3. The Director of the Idaho Department of Water Resources has reviewed the application for compliance with the Water Supply Bank rules and has approved the Lease subject to conditions listed below.

NOW, THEREFORE, in consideration of the mutual covenants and contracts herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. **WATER RIGHTS:** The Lessor shall lease and the Board shall accept into the Bank the Applicant's water rights described as follows:

Summary of Water Rights or Portions Leased to the Bank

Water Right No.	Priority Date	Source	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (AC)
43-2432	9/21/1955	GROUND WATER	2.50	640	160
43-10826	6/30/1985	GROUND WATER	0.88	Not Stated	88
Combined Lease Totals			2.50	640	248

Summary of Water Rights Elements Rentable From the Bank

Water Right	Diversion Rate (CFS)	Diversion Volume (AF)	Acres (Limited) (AC)	Rate Per Acre (CFS/AC)	Volume Per Acre (AF/AC)
43-2432	2.50	640	160	0.016	4.00
43-10826	0.88	352	88	0.010	4.00
Combined Limit Totals	2.50	640	248	0.010	2.58

** The water right elements rentable have been changed from the water right elements leased to account for the inclusion of diversion volume.*

2. **COMPENSATION:** The Lessor shall accept and the Board shall pay compensation determined by the amount of water rented under the following rental rate during such times as the water is rented from the Bank over the term of this Lease.

Minimum Payment Acceptable: Current Rental Rate

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1734

3. **TERM OF LEASE:** The term of this lease shall be January 1, 2023 to December 31, 2024. This Lease shall bind the parties and take effect when both parties have signed it.
4. **WATER SUPPLY BANK CONDITIONS OF ACCEPTANCE:** The Lessor shall abide by all terms and conditions contained in the Water Supply Bank Conditions of Acceptance, attached hereto as "Attachment A" and incorporated herein by this reference.
5. **CHANGE OF WATER RIGHT:** This lease specifies water right elements including but not limited to: diversion rates; diversion volumes; number of acres authorized to be irrigated; places of use; points of diversion; beneficial uses; and seasons of use. During the term of this lease, if a water right is administratively changed due to a water right split and renumbering, this lease may be reduced by an equal amount to reflect the water right elements as legally defined under the water right. If a lease contract cannot be reduced sufficient to reflect the legal definition of a water right as amended through a water right split and/or water right transfer, the Board may release the water right from the Water Supply Bank.
6. **ASSIGNMENT OF CONTRACT:** This lease is between the Board and the Lessor, who is the recognized owner or designated representative of the recognized owners of water rights described herein. Should ownership of any part of a water right herein described change during the term of this lease, either through a water right split, a water right transfer, sale of property to which the water right is appurtenant, or through any other recognized water right reassignment, the lease benefits and obligations to the conditions of acceptance for any such water rights will be assigned to the new owners.
7. **DUPLICATE ORIGINAL:** This Lease is executed in duplicate. Each of the documents with an original signature of each party shall be an original.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER SUPPLY BANK LEASE CONTRACT No. 1734

IN WITNESS WHEREOF, the parties have executed this Contract on the date following their respective signatures.

LESSOR: CARDENE ENTERPRISES

555 N 500 E

BRIGHAM CITY, UT 84302-1924

By Brian Compton 

Title Partner

Date 10 oct 2023

IDAHO WATER RESOURCE BOARD

322 East Front Street

P.O. Box 83720

Boise, ID 83720-0098

By 
Brian Patton, Acting Administrator
Idaho Water Resource Board

Date 10/18/23

Lease approved by IDWR 

Date 10/18/23

MEMORANDUM FOR WSB LEASE APPLICATION # 2645

To: Water Right #'s: 43-2432, 43-10826

From: Skyler Cheever, Water Resource Agent

Date: 9/11/2023

Re: Review & Analysis of Application to Lease Water to the State Water Supply Bank

PURPOSE/NARRATIVE:

Application 2645 was submitted by Cardene Enterprises with Brian Compton as co-owner and was received on April 19th, 2023, with the correct fee payment received the same date. The applicant proposes to lease the entirety of water rights 43-2432 and 43-10826 into the Water Supply Bank for 2023. An email was sent to the applicant on September 11th, 2023, regarding if they want to extend the lease period through 2024. The applicant responded on September 22nd, 2023, indicating they agreed with the proposal. The processing of this application is beyond the standard 2023 lease processing timeline. The point of diversion is located within the Snake River Moratorium, Raft River Critical Groundwater Management Area, Trust Water Area, Raft River Groundwater District. This is the first time these water rights have been leased into the Water Supply Bank.

AUTHORITY TO FILE:

The application was signed by Brian Campton. Mr. Campton has the authority to file this agreement because he is a registered agent with the company according to the Utah Secretary of States Office. Cardene Enterprises is the current owners of water rights 43-2432 and 43-10826 as of 2018 according to Department records.

WATER RIGHT VALIDITY:

Water rights 43-2432 and 43-10826 were decreed in 2002. Any water right enrolled in a federal cropland set-aside program are within a valid defense to being lost to forfeiture under Idaho Code § 42-223(1). Therefore, enough evidence is available to the board to determine water rights 43-2432 and 43-10826 are likely not lost to forfeiture and can be leased into the water supply bank.

ENLARGEMENT OF USE:

Water rights 43-2432 and 43-10826 are combined limited to 2.5 cfs, 640 af and the irrigation of 248 acres combined. Water right 43-10826 is an enlargement of 43-2432 adding 88 additional acres of irrigation. If the water rights were leased and made rentable separately there could be an increase in the rate and volume of water compared to historic use, leading to enlargement. Therefore, these water rights should be leased and made rentable together. There are no other water rights that overlap the place of use or divert from the same point of diversion. There are no other enlargement concerns.

LOCAL PUBLIC INTEREST:

Review staff have no information to suggest this application is inconsistent with the local public interest.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES:

The lease appears consistent with the conservation of water resources in Idaho.



322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

April 12, 2024

CARDENE ENTERPRISES
555 N 500 E
BRIGHAM CITY UT 84302

**RE: LEASED WATER RIGHT NO(S). 43-2432 & 43-10826 RELEASED FROM THE
WATER SUPPLY BANK**

Dear Lessor,

On April 4, 2024, the Idaho Department of Water Resources (Department) received your request to cancel the existing Water Supply Bank (Bank) Lease Contract executed on October 18, 2023 and release water right(s) 43-2432 & 43-10826 from the Bank. **At this time the Department acknowledges that the Bank Lease Contract for 248 acres of water right(s) 43-2432 & 43-10826 has been canceled releasing the right(s) from the Bank as of April 12, 2024.**

The five (5) year period of nonuse related to forfeiture of a water right shall begin to accrue upon release of the right from the bank or shall continue to accrue if a period of nonuse occurred prior to the lease date of the right to the bank.

You can reapply to lease the water right(s) in the future by submitting new application form(s) from the Department's website at www.idwr.idaho.gov along with applicable fees.

If you have any questions, please contact me at (208) 287-4936.

Sincerely,

Mary Condon
Water Supply Bank Program Coordinator

c: IDWR Southern Regional Manager
WD 143 Watermaster

STATE OF IDAHO
WATER RESOURCE BOARD
WATER SUPPLY BANK
REQUEST TO RELEASE A WATER RIGHT FROM THE BANK
ONE FORM PER WATER RIGHT

All water rights leased into the Water Supply Bank shall remain unused by the water right holder for the duration of the Lease Contract. The water right will not be released from the Water Supply Bank until the conclusion of the Lease Contract unless otherwise authorized by the Idaho Water Resource Board. Water right holders may use this form to petition for early termination of their Water Supply Bank Lease Contract.

Water right holders seeking an early termination of a Lease Contract must demonstrate justifiable need for the release. Water rights under Lease Contract that are eligible for early termination can be released from the Water Supply Bank if the release will not impair administration of the Water Supply Bank. **If a water right is currently rented, it cannot be considered for release until the Rental Agreement concludes.** A water right is not released from the Water Supply Bank until written release confirmation is issued by the Water Supply Bank.

Water Right No: 43-2432
Name(s) of Lessor(s): Cardene Enterprises
Mailing Address: 555 North 500 East
City: Brigham City State: Utah Zip: 84302
Telephone No: 435-720-0097 Email Address: anvil08@comcast.net

Lease Contract Expiration Date: 12/31/2024
Requested Release Date: 4/4/2024

Reason for Early Release:

We placed our Water Right into the IDWR Water Bank for the 2024 year. In checking with you it has not been leased for the year 2024. We have made the decision to sell this property and the new buyer/owner would like to put this water right to use for this season. So we are requesting a release of this water right.


Signature of Lessor

Brian Compton / Partner
Printed Name and Title*

4/4/2024
Date

Signature of Lessor

Printed Name and Title*

Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney.

Mail to:
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED
Apr 04, 2024
DEPARTMENT OF
WATER RESOURCES

**WATER SUPPLY BANK
REQUEST TO RELEASE A WATER RIGHT FROM THE BANK**

ONE FORM PER WATER RIGHT

All water rights leased into the Water Supply Bank shall remain unused by the water right holder for the duration of the Lease Contract. The water right will not be released from the Water Supply Bank until the conclusion of the Lease Contract unless otherwise authorized by the Idaho Water Resource Board. Water right holders may use this form to petition for early termination of their Water Supply Bank Lease Contract.

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Water Right No: 43-10826
Name(s) of Lessor(s): Cardene Enterprises
Mailing Address: 555 North 500 East
City: Brigham City State: Utah Zip: 84302
Telephone No: 435-720-0097 Email Address: anvil08@comcast.net

Lease Contract Expiration Date: 12/31/2024
Requested Release Date: 4/4/2024

Reason for Early Release:

We placed our Water Right into the IDWR Water Bank for the 2024 year. In checking with you it has not been leased for the year 2024. We have made the decision to sell this property and the new buyer/owner would like to put this water right to use for this season. So we are requesting a release of this water right.


Signature of Lessor

Brian Compton / Partner
Printed Name and Title*

4/4/2024
Date

Signature of Lessor

Printed Name and Title*

Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney.

Mail to:
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

RE-RECORDED TO CORRECT SCRIVNER'S ERROR
ON PARCEL 1

ERROR
ELECTRONICALLY RECORDED
DO NOT REMOVE
THE COUNTY STAMPED
FIRST PAGE AS IT IS NOW
INCORPORATED AS PART OF
THE ORIGINAL DOCUMENT

CASSIA COUNTY
RECORDED FOR:
FLYING S TITLE AND ESCROW-BURL
09:41:26 AM 05-17-2024
2024-001726
NO. PAGES: 5 FEE: \$15.00
JOSEPH W. LARSEN
COUNTY CLERK
DEPUTY: EV
Electronically Recorded by Simplifile

AFTER RECORDING MAIL TO:

Dusty Farms, LLC
301 Scott Ave., Ste. 4
Rupert, ID 83350

CASSIA COUNTY
RECORDED FOR:
FLYING S TITLE AND ESCROW-BURL
11:22:32 AM 06-03-2024
2024-001980
NO. PAGES: 6 FEE: \$15.00
JOSEPH W. LARSEN
COUNTY CLERK
DEPUTY: EV
Electronically Recorded by Simplifile

WARRANTY DEED

File No.: 1136261BU (tm)

Date: **May 10, 2024**

For Value Received, **Cardene Enterprises, a general partnership**, hereinafter referred to as Grantor, does hereby grant, bargain, sell and convey unto **Dusty Farms, LLC, an Idaho limited liability company**, hereinafter referred to as Grantee, whose current address is **301 Scott Ave., Ste. 4, Rupert, ID 83350**, the following described premises, situated in **Cassia County, Idaho**, to wit:

LEGAL DESCRIPTION: Real property in the County of Cassia, State of Idaho, described as follows:

Parcel No. 1 Township 12 South, Range 28 East of the Boise Meridian,
Cassia County, State of Idaho.

Section 33: Part of the SE $\frac{1}{4}$, SW $\frac{1}{4}$ and NW $\frac{1}{4}$, more particularly described as follows:

Beginning at the Southwest Corner of Section 33, said corner marked by a 5/8-inch rebar with a 3-inch aluminum cap on top which shall be the POINT OF BEGINNING;
Thence North 00°34'11" West along the west line of Section 33 for a distance of 2666.42 feet to a 5/8-inch rebar at the West $\frac{1}{4}$ Corner;
Thence South 89°53'16" East for a distance of 2634.51 feet to a $\frac{1}{2}$ inch rebar on the east line of the NW $\frac{1}{4}$;
Thence South 00°38'58" East along said $\frac{1}{4}$ section line for a distance of 6.54 feet to a 5/8-inch rebar at the Center $\frac{1}{4}$ Corner;
Thence South 89°44'44" East along the north line of the SE $\frac{1}{4}$ for a distance of 49.84 feet to a $\frac{1}{2}$ inch rebar;
Thence South 00°06'03" West for a distance of 2604.89 feet to a $\frac{1}{2}$ inch rebar;
Thence South 00°06'03" West for a distance of 60.00 feet to the south line of Section 33;
Thence North 89°46'22" West along said section line for a distance of 14.93 feet to a 5/8-inch rebar at the South $\frac{1}{4}$ Corner;
Thence North 89°46'23" West along said section line for a distance of 2638.30 feet to the POINT OF BEGINNING.

Parcel No. 2
Part of the E $\frac{1}{2}$ of Section 5 in Township 13 South, Range 28 East of the Boise Meridian,
Cassia County, State of Idaho.

Commencing at the Northeast Corner of Section 5 in T. 13 S., R. 28 E., B. M. said corner

RE-RECORDED TO CORRECT
ON PARCEL 1

RIVNER'S

ERROR
ELECTRONICALLY RECORDED
DO NOT REMOVE
THE COUNTY STAMPED
FIRST PAGE AS IT IS NOW
INCORPORATED AS PART OF
THE ORIGINAL DOCUMENT

CASSIA COUNTY
RECORDED FOR:
FLYING S TITLE AND ESCROW-BURL
09:41:26 AM 05-17-2024
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NO. PAGES: 5 FEE: \$15.00
JOSEPH W. LARSEN
COUNTY CLERK
DEPUTY: EV
Electronically Recorded by Simplifile

AFTER RECORDING MAIL TO:

Dusty Farms, LLC
301 Scott Ave., Ste. 4
Rupert, ID 83350

WARRANTY DEED

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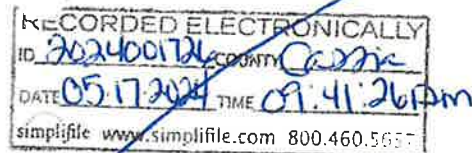
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Beginning at the Southwest Corner of Section 33, said corner marked by a 5/8-inch rebar with a 3-inch aluminum cap on top which shall be the POINT OF BEGINNING;
Thence North 00°34'11" West along the west line of Section 33 for a distance of 2666.42 feet to a 5/8-inch rebar at the West $\frac{1}{4}$ Corner;
Thence South 89°53'16" East for a distance of 2634.51 feet to a $\frac{1}{2}$ inch rebar on the east line of the NW $\frac{1}{4}$;
Thence South 00°38'58" East along said $\frac{1}{4}$ section line for a distance of 6.54 feet to a 5/8-inch rebar at the Center $\frac{1}{4}$ Corner;
Thence South 89°44'44" East along the north line of the SE $\frac{1}{4}$ for a distance of 49.84 feet to a $\frac{1}{2}$ inch rebar;
Thence South 00°06'03" West for a distance of 2604.89 feet to a $\frac{1}{2}$ inch rebar;
Thence South 00°06'03" West for a distance of 60.00 feet to the south line of Section 33;
Thence North 89°46'22" West along said section line for a distance of 14.93 feet to a 5/8-inch rebar at the South $\frac{1}{4}$ Corner;
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Parcel No. 2
Part of the E $\frac{1}{2}$ of Section 5 in Township 13 South, Range 28 East of the Boise Meridian,
Cassia County, State of Idaho.

Commencing at the Northeast Corner of Section 5 in T.13 S., R. 28 E., B. M. said corner

RE-RECORDED TO CORRECT SCRIVNER'S ERROR
IN PARCEL No. 1



AFTER RECORDING MAIL TO:

Dusty Farms, LLC
301 Scott Ave., Ste. 4
Rupert, ID 83350



WARRANTY DEED

File No.: 1136261BU (tm)

Date: May 10, 2024

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Section 33: Part of the SE $\frac{1}{4}$, SW $\frac{1}{4}$ and NW $\frac{1}{4}$, more particularly described as follows:

Beginning at the Southwest Corner of Section 33, said corner marked by a 5/8-inch rebar with a 3-inch aluminum cap on top which shall be the **POINT OF BEGINNING**;
Thence North 00°34'11" West along the west line of Section 33 for a distance of 2666.42 feet to a 5/8-inch rebar at the West $\frac{1}{4}$ Corner;
Thence South 89°53'16" East for a distance of 2634.51 feet to a $\frac{1}{2}$ inch rebar on the east line of the NW $\frac{1}{4}$;
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Thence North 89°46'23" West along said section line for a distance of 2638.30 feet to the **POINT OF BEGINNING**.

Parcel No. 2

Part of the E $\frac{1}{2}$ of Section 5 in Township 13 South, Range 28 East of the Boise Meridian, Cassia County, State of Idaho.

Commencing at the Northeast Corner of Section 5 in T.13 S., R. 28 E., B. M. said corner

marked by a 5/8" rebar with 3" aluminum cap on top which shall be the Point of Beginning;

THENCE South 00 degrees 13 minutes 59 seconds West along the east line of Section 5 for a distance of 2611.61 feet to a 5/8" rebar with 2" aluminum cap at the East ¼ Corner;
THENCE South 00 degrees 13 minutes 59 seconds West along the east line of Section 5 for a distance of 1736.00 feet to the northeasterly right of way of Interstate 84;
THENCE North 46 degrees 26 minutes 14 seconds West along said right of way for a distance of 3631.36 feet to a ½" rebar on the west line of the E½ of Section 5;
THENCE North 00 degrees 17 minutes 34 seconds East along said ¼ section line for a distance of 1863.35 feet to a 5/8" rebar with 3" aluminum cap at the North ¼ Corner;
THENCE South 89 degrees 36 minutes 11 seconds East along the north line of Section 5 for a distance of 2639.59 feet to the Point of Beginning.

Parcel No. 3

Part of Section 4 in Township 13 South, Range 28 East of the Boise Meridian, Cassia County, State of Idaho.

Commencing at the Northeast Corner of Section 4 in T. 13 S., R. 28 E. M. said corner marked by a 5/8" rebar which shall be the Point of Beginning;

THENCE South 00 degrees 06 minutes 08 seconds West along the east line of Section 4 for a distance of 2564.79 feet to a U.S. GLO iron pipe with brass cap at the East ¼ Corner;
THENCE South 00 degrees 04 minutes 21 seconds West along the east line of Section 4 for a distance of 2622.39 feet to a U.S. GLO iron pipe with brass cap at the Southeast Corner of Section 4;
THENCE South 89 degrees 44 minutes 40 seconds West along the south line of Section 4 for a distance of 2651.42 feet to a U.S. GLO iron pipe with brass cap at the South ¼ Corner;
THENCE South 89 degrees 43 minutes 43 seconds West along the south line of Section 4 for a distance of 1776.38 feet to a ½" rebar on the northeasterly right of way of Interstate 84;
THENCE along a non-tangent curve to the left along said right of way for a distance of 1041.25 feet to a concrete right of way marker at Station PC 1384+63.16 - 150' LT, said curve having a radius of 11609.16 feet, a delta angle of 05 degrees 08 minutes 20 seconds, and a long chord bearing of North 43 degrees 52 minutes 22 seconds West for a distance of 1040.90 feet;
THENCE North 46 degrees 26 minutes 14 seconds West along said right of way for a distance of 189.18 feet to the west line of Section 4;
THENCE North 00 degrees 13 minutes 59 seconds East along said section line for a distance of 1736.00 feet to a 5/8" rebar with 2" aluminum cap at the West ¼ Corner;
THENCE North 00 degrees 13 minutes 59 seconds East along the west line of Section 4 for a distance of 2611.61 feet to a 5/8" rebar with 3" aluminum cap at the Northwest Corner of Section 4;
THENCE South 89 degrees 46 minutes 20 seconds East along the north line of Section 4 for a distance of 2638.18 feet to a 5/8" rebar at the North Corner;
THENCE South 89 degrees 46 minutes 26 seconds East along the north line of Section 4 for a distance of 2638.31 feet to the Point of Beginning.

Parcel No. 4

Part of the E½ of Section 9 in Township 13 South, Range 28 East of the Boise Meridian,

APN:

Warranty Deed
- continued

File No.: **1136261BU (tm)**
Date: **05/10/2024**

Cassia County, State of Idaho.

Commencing at the Southeast Corner of Section 9 in T. 13 S., R. 28 E., B. M. said corner marked by a 5/8" rebar with 3" aluminum cap on top; Thence North 00 degrees 33 minutes 56 seconds East along the east line of Section 9 for a distance of 472.12 feet to a 1/2" rebar which shall be the Point of Beginning;

THENCE South 45 degrees 51 minutes 32 seconds West for a distance of 601.44 feet to a 1/2" rebar on the northeasterly right of way of Interstate 84;

THENCE North 37 degrees 11 minutes 54 seconds West along said right of way for a distance of 3636.93 feet to a 1/2" rebar on the west line of the E 1/2 of Section 9;

THENCE North 00 degrees 35 minutes 21 seconds East along said section line for a distance of 2268.96 feet to a U.S. GLO iron pipe with brass cap at the North 1/4 Corner;

THENCE North 89 degrees 44 minutes 40 seconds East along the north line of Section 9 for a distance of 2651.42 feet to a U.S. GLO iron pipe with brass cap at the Northeast Corner of Section 9;

THENCE South 00 degrees 30 minutes 27 seconds West along the east line of Section 9 for a distance of 2617.93 feet to a U.S. GLO iron pipe with brass cap at the East 1/4 Corner;

THENCE South 00 degrees 33 minutes 56 seconds West along the east line of Section 9 for a distance of 2141.06 feet to the Point of Beginning.

APN:

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

APN:

Warranty Deed
- continued

File No.: **1136261BU (tm)**
Date: **05/10/2024**

Cardene Enterprises, a general partnership

By: Brian O. Compton
Name: Brian O. Compton
Title: Partner

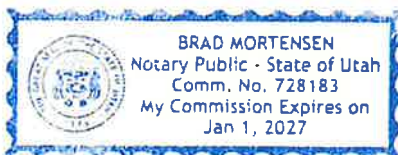
By: Kelly E. Compton
Name: Kelly E. Compton, aka Kelley E. Compton
Title: Partner

By: LuAnn Compton Phippen
Name: LuAnn Compton Phippen
Title: Partner

By: Becky Compton
Name: Becky Compton
Title: Partner

STATE OF UTAH)
COUNTY OF Box Elder)
SS.

On this 15 day of **May, 2024**, before me, a Notary Public in and for said State, personally appeared **Brian O. Compton**, known or identified to me to be one of the partners in the general partnership of **Cardene Enterprises**, and one of the partners who subscribed said general partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said general partnership name.



B. Mortensen
Notary Public for the State of Utah
Residing at: Brigham City, UT
My Commission Expires: 1/1/27

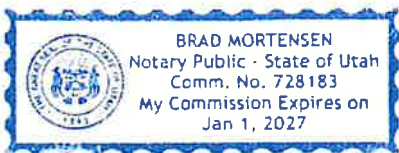
APN:

Warranty Deed
- continued

File No.: **1136261BU (tm)**
Date: **05/10/2024**

STATE OF UTAH)
COUNTY OF Box Elder)
SS.

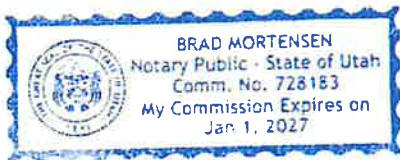
On this 15 day of May, 2024, before me, a Notary Public in and for said State, personally appeared **Kelly E. Compton, aka Kelley E. Compton**, known or identified to me to be one of the partners in the general partnership of **Cardene Enterprises**, and one of the partners who subscribed said general partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said general partnership name.



B. Mortensen
Notary Public for the State of Utah
Residing at: Brigham City, UT
My Commission Expires: 1/1/27

STATE OF UTAH)
COUNTY OF Box Elder)
SS.

On this 15 day of May, 2024, before me, a Notary Public in and for said State, personally appeared **LuAnn Compton Phippen**, known or identified to me to be one of the partners in the general partnership of **Cardene Enterprises**, and one of the partners who subscribed said general partnership name to the foregoing instrument, and acknowledged to me that she executed the same in said general partnership name.



B. Mortensen
Notary Public for the State of Utah
Residing at: Brigham City, UT
My Commission Expires: 1/1/27

STATE OF UTAH)
COUNTY OF Box Elder)
SS.

On this 15 day of May, 2024, before me, a Notary Public in and for said State, personally appeared **Becky Compton**, known or identified to me to be one of the partners in the general partnership of **Cardene Enterprises**, and one of the partners who subscribed said general partnership name to the foregoing instrument, and acknowledged to me that she executed the same in said general partnership name.



B. Mortensen
Notary Public for the State of Utah
Residing at: Brigham City, UT
My Commission Expires: 1/1/27



CASSIA COUNTY
RECORDED FOR:
TITLEONE - BURLEY
11:45:39 AM 01-06-2015
2015-000044
NO. PAGES: 3 FEE: \$16.00
JOSEPH W. LARSEN
COUNTY CLERK
DEPUTY: TAP
Electronically Recorded by Simplifile

Order Number: 14239780

Warranty Deed

For value received,

Sawtooth Mountain Seed Farms LLC, an Idaho limited liability company

the grantor, does hereby grant, bargain, sell, and convey unto

Dusty Farms, LLC, an Idaho limited liability company

whose current address is 301 Scott Avenue Ste #2 Rupert, ID 83350

the grantee, the following described premises, in Cassia County, Idaho, to wit:

PARCEL NO. 1:
TOWNSHIP 12 SOUTH, RANGE 28 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 33: NW¼

PARCEL NO. 2:
TOWNSHIP 12 SOUTH, RANGE 28 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 33: SE¼ SAVE AND EXCEPT the following described tract:

Beginning at the Southeast corner of said Section 33, said corner marked by a 5/8 inch rebar which shall be the Point of Beginning;
Thence North 89°44'00" West along the South line of Section 33 for a distance of 277.37 feet;
Thence North 03°02'58" East for a distance of 46.27 feet to a ½ inch rebar;
Thence North 03°02'58" East for a distance of 189.40 feet to a ½ inch rebar;
Thence South 89°43'42" East for a distance of 224.14 feet to a ½ inch rebar;
Thence South 89°43'42" East for a distance of 39.41 feet to the East line of Section 33;
Thence South 00°18'49" East along the East line of Section 33 for a distance of 235.38 feet to the Point of Beginning

PARCEL NO. 3:
Easement parcel for the benefit of Parcel Nos. 1 and 2 as created by Grant Of Easement executed by Dean Compton and Carol B. Compton, husband and wife to F. James Rigby and Jeanette Rigby, husband and wife, and Rigby Farms, dated October 10, 1983 and recorded October 26, 1983 as Instrument No. 155794 on Film No. 160, records of Cassia County, Idaho, more particularly described as follows:

TOWNSHIP 12 SOUTH, RANGE 28 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 33: Beginning at a point 60 feet South of the Northeast corner of the SW¼ of said Section 33, the True Point of Beginning;
Thence 60 feet North;
Thence 60 feet West;
Thence Southeasterly in a straight line to the True Point of Beginning.

PARCEL NO. 4:
TOWNSHIP 13 SOUTH, RANGE 28 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 3: Lots 3 and 4, S½NW¼, S½NE¼, EXCEPT the following described tracts:

Tract No. 1:
Beginning at the Northeast corner of said SE¼NE¼;
Thence South 1241 feet;

Thence Northwesterly 1502 feet, more or less, to a point which is 837 feet West of the Northeast corner of said SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Thence East 837 feet to the Point of Beginning.

Tract No. 2:

Beginning at the East $\frac{1}{4}$ section corner of said Section 3, said corner marked by a 5/8 inch rebar with a 3 inch cap on top; thence North 00°12'48" East along the East line of Section 3 for a distance of 62.74 feet to the property line common to Rigby and Zollinger, also being the West right of way of the Sublett Road; thence North 33°43'10" West (Northwesterly, rec.) between the Rigby and Zollinger property and along said right of way for a distance of 629.53 feet to the Point of Beginning;

Thence South 62°17'11" West for a distance of 2.94 feet to a $\frac{1}{2}$ inch rebar;
Thence South 62°17'11" West for a distance of 171.34 feet to a $\frac{1}{2}$ inch rebar;
Thence North 62°58'54" West for a distance of 123.83 feet to a $\frac{1}{2}$ inch rebar;
Thence North 36°36'01" West for a distance of 137.88 feet to a $\frac{1}{2}$ inch rebar;
Thence North 69°19'03" East for a distance of 244.84 feet to a $\frac{1}{2}$ inch rebar;
Thence North 69°19'03" East for a distance of 2.30 feet to the property line common to Rigby and Zollinger and the West right of way of Sublett Road;
Thence South 33°43'10" East (Southeasterly, rec.) between the Rigby and Zollinger property and along said right of way for a distance of 208.21 feet to the Point of Beginning.

Tract No. 3:

Beginning at the Northwest corner of Section 3, said corner marked by a 5/8 inch rebar which shall be the Point of Beginning;

Thence South 89°58'02" East along the North line of Section 4 for a distance of 956.75 feet;
Thence South 00°08'36" West for a distance of 25.64 feet to a $\frac{1}{2}$ rebar;
Thence South 00°08'36" West for a distance of 24.92 feet;
Thence along a non-tangent curve to the left for a distance of 1310.09 feet, said curve having a radius of 1305.60 feet and a central angle of 57°29'35" with a long chord bearing of South 43°50'49" West for a distance of 1255.82 feet;
Thence North 89°58'02" West for a distance of 55.75 feet to a $\frac{1}{2}$ inch rebar;
Thence North 89°58'02" West for a distance of 33.32 feet to the West line of Section 3;
Thence North 00°08'36" East along the West line of Section 3 for a distance of 956.75 feet to the Point of Beginning.

Tract No. 4:

Beginning at the Northeast corner of Section 3, said corner marked by a 5/8 inch rebar; Thence South 00°12'48" West along the east line of Section 3 for a distance of 1303.74 feet to the Northeast corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3; Thence North 89°34'41" West (West, rec.) along the north line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3 for a distance of 837.00 feet; Thence South 33°43'10" East (Southeasterly, rec.) for a distance of 96.59 feet to the Point of Beginning;
Thence South 33°43'10" East (Southeasterly, rec.) for a distance of 565.07 feet;
Thence South 69°19'03" West for a distance of 2.30 feet to a $\frac{1}{2}$ inch rebar;
Thence South 69°19'03" West for a distance of 269.90 feet to a $\frac{1}{2}$ inch rebar;
Thence North 40°19'31" West for a distance of 507.03 feet to a $\frac{1}{2}$ inch rebar;
Thence North 56°16'50" East for a distance of 323.52 feet to the Point of Beginning.

PARCEL NO. 5:

TOWNSHIP 13 SOUTH, RANGE 28 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 3: That portion of Lots 1 and 2 lying South and West of Sublett Road,

EXCEPTING THEREFROM, the following described:

Beginning at the Northeast section corner of said Section 3, said corner marked by a 5/8 inch rebar; Thence North 89°58'08" West (West rec.) along the North section line for a distance of 1483.00 feet; Thence South 00°01'52" West (South rec.) for a distance of 425.00 feet to the centerline of Sublett Road; Thence South 50°58'08" East along said centerline for a distance of 32.67 feet to the Point of Beginning;
Thence South 50°58'08" East along the centerline for a distance of 329.21 feet;
Thence South 39°01'52" West for a distance of 25.33 feet to a $\frac{1}{2}$ inch rebar;
Thence South 68°13'28" West for a distance of 53.09 feet to a $\frac{1}{2}$ inch rebar;
Thence North 64°57'11" West for a distance of 161.09 feet to a $\frac{1}{2}$ inch rebar;
Thence North 41°46'22" West for a distance of 148.90 feet to a $\frac{1}{2}$ inch rebar;
Thence North 39°01'52" East for a distance of 61.48 feet to a $\frac{1}{2}$ inch rebar;
Thence North 39°01'52" East for a distance of 25.33 feet to the Point of Beginning.

PARCEL NO. 6:
TOWNSHIP 13 SOUTH, RANGE 28 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 3: Part of the NW1/4NW1/4, more particularly described as follows:

Beginning at the Northwest corner of Section 3, said corner marked by a 5/8 inch rebar which shall be the Point of Beginning;

Thence South 89°58'02" East along the north line of Section 3 for a distance of 956.75 feet;

Thence South 00°08'36" West for a distance of 25.64 feet to a 1/2 inch rebar;

Thence South 00°08'36" West for a distance of 24.92 feet;

Thence along a non-tangent curve to the left for a distance of 1310.09 feet, said curve having a radius of 1305.60 feet and a central angle of 57°29'35" with a long chord bearing of South 43°50'49" West for a distance of 1255.82 feet;

Thence North 89°58'02" West for a distance of 55.75 feet to a 1/2 inch rebar;

Thence North 89°58'02" West for a distance of 33.32 feet to the west line of Section 3;

Thence North 00°08'36" East along the west line of Section 3 for a distance of 956.75 feet to the Point of Beginning.

To have and to hold the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

Sawtooth Mountain Seed Farms LLC

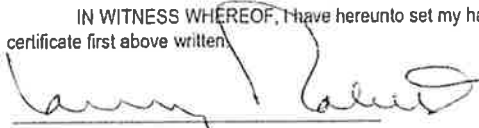
By: 
E. Garth Steed, Member

By: 
Jewelee Steed, Member

State of Idaho, County of Cassia, ss.

On this 6th day of January 2015, before me, the undersigned, a Notary Public in and for said State, personally appeared E. Garth Steed and Jewelee Steed, known or identified to me to be a Member of the limited liability company that executed the within instrument and acknowledged to me that they executed the same for and on behalf of said limited liability company and that such limited liability company executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


Notary Public for Idaho
My Commission Expires: 6-30-15

Larry Roberts
Notary Public
State of Idaho

2015-000044



1408 Pomerelle Ave Ste B Burley, ID 83318-2068
P. 208 678 6650 | F. 208 678 6653
AgWestFC.com

To Whom It May Concern:

Ag West Farm Credit is aware of the water right transfer under the name of Dusty Farms LLC. It is understood by Farm Credit that the water right transfer will change the nature of use, place of use, period of use, and points of diversion of a portion of irrigation right 43-2486, 43-10334, 43-2432 and 43-10826. It is also understood that the transfer will increase the water right by 5.86 cfs and/or 2064 af. All 4 water rights along with the transfer will be used to create a 1066.7 acre permissible place of use. Ag West Farm Credit Services is supportive of the change.

Please feel free to contact me with any further questions. Thanks.

Sincerely,

Travis R. Lammers
Branch Manager / Relationship Manager
Burley, Id
(208)678-6650
travis.lammers@agwestfc.com



Printed Name Megan Payne
Notary Public for the State of Idaho
Residing at Cashia
My commission expires 10-11-2026

Maline, Denise

From: Maline, Denise
Sent: Friday, February 28, 2025 12:28 PM
To: Ragan, Brian
Subject: Comment Letter for transfer 89566 - Dusty Farms LLC
Attachments: Comment letter to WD143 for 89566.docx; Transfer 89566 Dusty Farms.pdf

Good afternoon Brian,

Attached is an application for transfer located within WD143 currently being processed by the department. Please review the application and provide any necessary comments within 21 days.

If you have any questions regarding this information, please feel free to contact Kent Aasa at our office.

Thank you in advance & have a good weekend,

Denise @ IDWR Twin Falls



Denise Maline, Administrative Assistant I
Idaho Dept. of Water Resources, Southern Region
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

February 28, 2025

BRIAN RAGAN
WATER DISTRICT 143
PO BOX 83720
BOISE ID 83720-0098

Re: Transfer No. 89566 (Dusty Farms LLC)
Water Right No(s). 43-10334, 43-10826, 43-2432, 43-2486

Dear Brian:

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://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. 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 passed. 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.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)



OFFICIAL AD PROOF

This is the proof of your ad scheduled to run in **Magic Valley Times-News** on the dates indicated below. If changes are needed, please contact us prior to deadline at help@column.us

Notice ID: XV6RmAB5JbdMEYypLitQ | **Proof Updated: Feb. 27, 2025 at 02:15pm MST**
Notice Name: Legal Notice - Transfer 89566 | Publisher ID: COL-NV-1534

See Proof on Next Page

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

FILER

ID DEPARTMENT OF WATER
RESOURCES Southern Region
denise.maline@idwr.idaho.gov
(208) 736-3033

FILING FOR

Magic Valley
Times-News

Columns Wide: 2

Ad
Class: Legals

03/06/2025: General Legal Notice	46.56
03/13/2025: General Legal Notice	40.74
Affidavit Fee	9.00

Total \$96.30

Proof of legal notice from Times News 2/27/2025 (2 pgs)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 89566**

DUSTY FARMS LLC, 301 SCOTT AVE STE 4, RUPERT, ID 83350-5100 has filed Application No. 89566 for changes to the following water rights within CASSIA County(s): Right No(s). 43-10334, 43-10826, 43-2432, 43-2486; 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: Application proposes combining two ground-water rights totaling 2.5 cfs & 248 acres with two groundwater rights totaling 3.36 cfs and 542 acres on two adjacent farms to allow for the irrigation of 790 acres within a 1006.7-acre permissible place of use (PPU). The application will allow for a total diversion of 5.86 cfs from either of two existing wells on the two farms. The wells and proposed PPU are located approximately 9.0 to 10.9 miles east and 0.8 to 2.2 miles north of the center of Malta.

For additional information concerning the property location, contact Southern Region office at (208)736-3033. 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, Southern Region, 650 ADDISON AVE W STE 500, TWIN FALLS ID 83301-5858 together with a protest fee of \$25.00 for each application on or before March 24, 2025. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director
Publish: March 6, 13, 2025
COL-NV-1534

✓ Dm



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

February 27, 2025

DUSTY FARMS LLC
301 SCOTT AVE STE 4
RUPERT, ID 83350-5100

RE: Transfer No. 89566
Water Right No(s). 43-10334, 43-10826, 43-2432, 43-2486

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS on 3/6/2025 and 3/13/2025**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **March 24, 2025**.

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,

Denise Maline
Administrative Assistant

c: Brockway Engineering PLLC



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

February 27, 2025

LEGAL NOTICE DEPARTMENT
TIMES NEWS
PO BOX 548
TWIN FALLS, ID 83303-0548

Submitted online via Column.us

RE: Transfer No. 89566
Water Right No(s). 43-10334, 43-10826, 43-2432, 43-2486

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 March 24, 2025. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 89566**

DUSTY FARMS LLC, 301 SCOTT AVE STE 4, RUPERT, ID 83350-5100 has filed Application No. 89566 for changes to the following water rights within CASSIA County(s): Right No(s). 43-10334, 43-10826, 43-2432, 43-2486; 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: Application proposes combining two groundwater rights totaling 2.5 cfs & 248 acres with two groundwater rights totaling 3.36 cfs and 542 acres on two adjacent farms to allow for the irrigation of 790 acres within a 1006.7-acre permissible place of use (PPU). The application will allow for a total diversion of 5.86 cfs from either of two existing wells on the two farms. The wells and proposed PPU are located approximately 9.0 to 10.9 miles east and 0.8 to 2.2 miles north of the center of Malta.

For additional information concerning the property location, contact Southern Region office at (208)736-3033. 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, Southern Region, 650 ADDISON AVE W STE 500, TWIN FALLS ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **March 24, 2025**. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director
Published on March 6th & 13th, 2025

MEMORANDUM

Date: February 14, 2025

To: Transfer 89566

From: Kent Aasa

Re: Fee Memo

Fee Memo

2/14/2025

Filing fee of \$900.00 charged for transfer application # 89566 is based on the current transfer fee schedule for 5.86 cfs being transferred (Receipt No. S040505). The fee was paid by Brockway Engineering PLLC.

MEMORANDUM

Date: February 13, 2025

To: Transfer 89566

From: Kent Aasa

Re: Synopsis Memo

Synopsis Memo

2/13/2025

Application proposes combining two groundwater rights totaling 2.5 cfs & 248 acres with two groundwater rights totaling 3.36 cfs an 542 acres on two adjacent farms to allow for the irrigation of 790 acres within a 1006.7 acre permissible place of use (PPU). The application will allow for a total diversion of 5.86 cfs from either of two existing wells on the two farms. The wells and proposed PPU are located approximately 9.0 - 10.9 miles east and 0.8 to 2.2 miles north of the center of Malta. The proposed transfer is in Water District 143 so Water Master comments will be solicited.



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

JAN 29 2025

DEPT. OF WATER RESOURCES
SOUTHERN REGION

January 29, 2025

Corey Skinner
Idaho Department of Water Resources
650 Addison Ave. W., Ste. 500
Twin Falls, ID 83301

Re: Dusty Farms LLC and Raft River Valley Farms LLC

Dear Mr. Skinner:

Dusty Farms LLC desires to create a 1066.7 acre permissible place of use with ground water rights located in Cassia County, Idaho. The irrigation place of use will be 790.0 acres. Water right 43-2486 will provide 384 acres of irrigation. Water right 43-2432 will provide 160 acres of irrigation. Water right 43-10334 is an expansion water right for 158 acres and will remain non-irrigated. Water right 43-10826 is an expansion water right for 88 acres and will remain non-irrigated. These water rights will have the same authorized PODs after the transfer is approved.

The ownership, beneficial use, period of use of these water rights will not be changing with this transfer.

Raft River Valley Farms LLC desires to transfer 67.0 acres of 43-13268 into the 1066.7 acre PPU owned by Dusty Farms LLC. The 67.0 acres on the Raft River Valley Farms ground will no longer be irrigated. Ownership of the 67.0 acres will remain unchanged until this transfer is approved.

The beneficial use and period of use of 43-13268 will not be changing with this transfer.

Please contact me if you have any questions.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Ryan Moss

Enc: Dusty Farms LLC Transfer, Raft River Valley Farms LLC Transfer, Aerial Maps, Lease Contract 1734, Lease Release Form, Warranty Deeds, AgWest Consent Letters, Contract of Agreement, Brockway Engineering Check # 18378 for \$1,480.00.

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

CHARLES G.
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