

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A47-02315B
Date Received: / /
Receipt No: X777777
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: HOOGLAND & HATCH PARTNERSHIP 208-543-8843
Address: C/O REAGON HATCH
1780 E 3800 N
BUHL ID 83316

2. Date of Priority: OCT 8, 1958

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11S	13E	2	SE	SW			TWIN FALLS
			SW	SE			TWIN FALLS

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.570		75.00
COMMERCIAL	01/01	12/31	0.570		40.00

7. Total Quantity Appropriated is:
0.570 C.F.S. (and/or) 115.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	13E	2	SE	SW		STOCK	
			SW	SE		STOCK	

11. Place of use in counties: TWIN FALLS

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

STOCKWATER USE 1800 MILKING COWS AND 300 DRY COWS.
COMMERCIAL USE FOR DAIRY BARN.

15. Basis of Claim: LICENSE

Water Right Number: 27584



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

March 20, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Hoogland & Hatch Partnership
c/o Reagon Hatch
1780 East 3800 North
Buhl, Idaho 83316

RE: Snake River Basin Adjudication
CLaim Number A47-02315B

Dear Claimants:

Enclosed please find a copy of the adjudication claim referenced above. This document is for your records. Please check it for accuracy in all respects. If you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'V. Hancock'.

Vikie Hancock
SRBA Records Clerk

January 30, 1995

Attached is a copy of the **FINAL ORDER** in the matter of Application for Transfer No. 4415 of License No. 47-02315 in the name of Hoogland & Hatch

Copies forwarded to:

IDWR NORTHERN - Bob Haynes

IDWR SOUTHERN - Alan Merritt

IDWR EASTERN - Ron Carlson

IDWR WESTERN - Dave Tuthill

Legal Division - Phil Rassier

Adjudication Bureau - Dave Shaw

Information Officer - Dick Larsen

RECEIVED

FEB 01 1995

Department of Water Resources
Southern Region

Water Allocation Bureau - Glen Saxton

Water Distribution Section - Gary Spackman

Water Allocation Bureau - Jim Johnson

PLEASE ROUTE:

Julie Yarbrough
Darla Block
Brenda Chapman
Robertta Loveall
Sharla Curtis
Shelley Keen
Scott King
Tim Luke

Kris Rhodes
Burke Scholer
Pam Skaggs
Cindy Zimmerman



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 30, 1995

RE: In the Matter of Application for Transfer No. 4415 of License
No. 47-02315 in the name of Hoogland & Hatch

Dear Interested Party:

The accompanying order is a "final order" issued by the
department pursuant to section 67-5246 or 67-5247, Idaho Code.

Section 67-5246 provides as follows:

(1) If the presiding officer is the agency head, the
presiding officer shall issue a final order.

(2) If the presiding officer issued a recommended order, the
agency head shall issue a final order following review of that
recommended order.

(3) If the presiding officer issued a preliminary order, that
order becomes a final order unless it is reviewed as required in
section 67-5245, Idaho Code. If the preliminary order is reviewed,
the agency head shall issue a final order.

(4) Unless otherwise provided by statute or rule, any party
may file a petition for reconsideration of any order issued by the
agency head within fourteen (14) days of the issuance of that
order. The agency head shall issue a written order disposing of
the petition. The petition is deemed denied if the agency head
does not dispose of it within twenty-one (21) days after the filing
of the petition.

(5) Unless a different date is stated in a final order, the
order is effective fourteen (14) days after its issuance if a party
has not filed a petition for reconsideration. If a party has filed

a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

(6) A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of the order. If the order is mailed to the last known address of a party, the service is deemed to be sufficient.

(7) A nonparty shall not be required to comply with a final order unless the agency has made the order available for public inspection or the nonparty has actual knowledge of the order.

(8) The provisions of this section do not preclude an agency from taking immediate action to protect the public interest in accordance with the provisions of section 67-5247, Idaho Code.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a final order within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5246(4) Idaho Code.

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or

- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days a) of the service date of the final order, b) of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,



L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosure

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR TRANSFER NO. 4415 OF)
LICENSE NO. 47-02315 IN THE)
NAME OF HOOGLAND & HATCH)
PARTNERSHIP)

FINAL ORDER

On December 21, 1994, the hearing officer for the department of Water Resources (department) issued a Recommended Order in connection with Application for Transfer No. 4415 of License No. 47-02315 in the name of Hoogland and Hatch Partnership (applicant).

On January 6, 1995, protestants Don Graybeal, Silvia Graybeal, Lola Graybeal, Calvin Graybeal, Lemar Kendall, Ginny Kendall and Marie Inchausti (petitioners) submitted a Petition for Reconsideration (petition) to the hearing officer. On January 23, 1995, the applicant responded to the petition by filing Applicant's Brief Supporting the Recommended Order. On January 25, 1995, the petitioners filed a Reply Memorandum.

The petition was denied by operation of law twenty-one (21) days following its receipt as provided in Section 67-5243(3), Idaho Code, and IDAPA Rule 37.01.01720 (Procedure Rule 720).

Based upon his understanding of the law, the Director makes the following Findings of Fact, Conclusions of Law, Analysis and Final Order:

FINDINGS OF FACT

1. On July 12, 1962, the department issued License No. 47-02315 to Foster J. Sorensen which provided the following:

Source:	Ground water
Rate of div:	1.0 cubic feet per second (cfs)
Priority:	October 8, 1958
Use:	Irrigation
Point of div:	SW1/4SW1/4 Section 8, T10S, R14E, BM.
Place of use:	50 acres in W1/2SW1/4 Section 8, T10S, R14E, BM.

2. On June 17, 1994, Hoogland & Hatch Partnership filed Application for Transfer No. 4415 of License No. 47-02315 with the department. The applicant proposes to change a portion of License No. 47-02315 from irrigation use to stockwater and commercial use for the operation of a dairy as follows:

Ident No.	47-02315B
Amount:	Stockwater

Rate 0.57 cfs
Volume 74.6 AF
Commercial
Rate 0.57 cfs
Volume 40.3 AF
TOTAL 0.57 cfs and 114.9 AF
Point of div: SE1/4SW1/4 Section 2, T11S, R13E, BM.
SW1/4SE1/4 Section 2, T11S, R13E, BM.
Place of use: SE1/4SW1/4, SW1/4SE1/4, Section 2, T11S,
R13E, BM.

3. The department published notice of the application which was protested by the following parties:

Art and Loraine Reese
Tracy Cook and Terry Wyatt
Marie Inchausti
Don and Sylvia Graybeal
Tom and Shirley Barron
Kelly and Suzanne Murphey
Dean and Jeanie Reynolds
Norbert Ruffing
Mike and Luann Nihill
Calvin and Lola Graybeal
LeMar and Jennie Kendall
Michael and Cheryl Graybeal
Jim and Nancy Barron
William and Natalie Kinyon
Chris Reese

4. On November 17, 1994, the department conducted a hearing in the matter in Buhl, Idaho. The applicant was present and was represented by John Lezamiz and Patrick D. Brown. Protestants Don Graybeal, Silvia Graybeal, Lola Graybeal, Calvin Graybeal, Lemar Kendall, Ginny Kendall and Marie Inchausti were represented by Thomas B. High. Protestants Kelley Murphey and Tracy Cook represented themselves. Protestants Tom and Shirley Barron, William and Natalie Kinyon, Mike and LuAnn Nihill and Dean and Jeanie Reynolds appeared as public witnesses. Protestants Art Reese, Loraine Reese, Terry Wyatt, Jim Barron, Nancy Barron and Norbert Ruffing did not appear at the hearing.

5. Issues identified by the protestants include the following:

- a) The proposed changes will injure other water rights.
- b) The proposed changes will constitute an enlargement in use of the original right.
- c) The proposed changes conflict with the local public interest.
- d) The application is not consistent with the conservation of water resources within Idaho.

6. Exhibits offered by the applicant and admitted as a part of the record, except as noted, include the following:

- a. Applicant's Exhibit No. 1 - Dairy Waste System Design prepared by Bob Ohlensehlen - dated October 11, 1994.
- b. Applicant's Exhibit No. 2 - Dairy Herd Water Usage.
- c. Applicant's Exhibit No. 3. - Four (4) graphs and one (1) table showing dairy water usage v. crop water usage.
- d. Applicant's Exhibit No. 4. - NOT ADMITTED.
- e. Applicant's Exhibit No. 5. - Economic Impact and Projections for Hoogland and Hatch Dairy - Castleford, Idaho.
- f. Applicant's Exhibit No. 6. - Potential Well Interference by C.E. Brockway.
- g. Applicant's Exhibit No. 7. - Plot Plan for Hoogland and Hatch proposed dairy, (2 pages of blue prints).
- h. Applicant's Exhibit No. 8. - Dairy Waste Management Plan for Hoogland and Hatch Dairy.
- i. Applicant's Exhibit No. 9. - Paper No. PNW 94-103 titled "Seepage From a Newly Constructed Dairy Lagoon".
- j. Applicant's Exhibit No. 10. - Report titled "Hydrology and Water Quality, Hoogland-Hatch Dairy, Twin Falls County" by C.E. Brockway - dated November 10, 1994.
- k. Applicant's Exhibit No. 11. - U.S. Geological Survey Quadrangle sheets of the vicinity of the applicant's proposed dairy.
- l. Applicant's Exhibit No. 12. - Work sheets of the department used to estimate the rate and volume of water needed for the proposed dairy. (NOT ADMITTED as an exhibit since the hearing officer took official notice of the work sheets).
- m. Applicant's Exhibit No. 13. - Copy of a letter dated August 18, 1994 to Buhl Residents from Merl W. Egbert of the South Central District Health Department.
- n. Applicant's Exhibit No. 14. - Affidavit of Leonard Easterday.
- o. Applicant's Exhibit No. 15. - Affidavit of Rick Rogers.
- p. Applicant's Exhibit No. 16. - Affidavit of Terry Gonterman.
- q. Applicant's Exhibit No. 17. - Inventory & Evaluation of

Land, Water and Related Resources - dated September 27, 1994.

r. Applicant's Exhibit No. 18 - Schematic diagram of the Hoogland and Hatch Dairy prepared by Bob Ohlensehlen.

s. Applicant's Exhibit No. 19. - Bar graph titled "Total Water Usage" together with tables.

t. Applicant's Exhibit No. 20. - Hydrograph titled "Depth to Water - Well 11S14E19AA1 South of Castleford" together with a table of water level measurements.

u. Applicant's Exhibit No. 21. - Tables titled "University of Idaho - Dairy Lagoon Study".

v. Applicant's Exhibit No. 22. - Applicant's Proposed Transfer Conditions.

7. Exhibits offered by the protestants and admitted as a part of the record include the following:

a. Protestant's Exhibit A - Twelve (12) photographs.

b. Protestant's Exhibits B through Y - Newspaper articles published in the Times News - Twin Falls, Idaho.

c. Protestant's Exhibit Z - Locations of Homesites around the Proposed Hoogland/Hatch Dairy.

d. Protestant's Exhibit AA - Location map.

e. Protestant's Exhibit AB - Location map showing dairies and feedlots in the Castleford vicinity.

f. Protestant's Exhibit AC - Schematic map titled "Partial Map of Sinkholes".

g. Protestant's Exhibit AD - Petition of Concerned Citizens of Castleford & the Surrounding Community in Twin Falls County, Idaho (34 pages).

h. Protestant's Exhibit AE - Affidavit of John F. Hurley.

i. Protestant's Exhibit AF - Affidavit of Dar Reynolds.

j. Protestant's Exhibit AG - Affidavit of Kelley A. Murphey (sink holes).

k. Protestant's Exhibit AH - Affidavit of Kelley A. Murphey (water right/water decline).

l. Protestant's Exhibit AI - Affidavit of Mike Bulkley.

m. Protestant's Exhibit AJ - Affidavit of Don Graybeal.

- n. Protestant's Exhibit AK - Affidavit of Don Graybeal.
- o. Protestant's Exhibit AL - Affidavit of Don Graybeal.
- p. Protestant's Exhibit AM - Affidavit of Calvin Graybeal.
- q. Protestant's Exhibit AN - Affidavit of Calvin Graybeal.
- r. Protestant's Exhibit AO - Affidavit of Jack Kinyon.
- s. Protestant's Exhibit AP - Drinking Water Coliform Bacteria Analysis Reports for Dean Reynolds, Calvin Graybeal, Kelly Murphey and Don Graybeal (4 pages).
- t. Protestant's Exhibit AQ - Ground Water Analyses - well of Don Graybeal.
- u. Protestant's Exhibit AR - Report titled "Geology and Hydrology of Western Jerome County, Idaho" by Gillerman and Schiappa - February 25, 1994 (6 pages).
- v. Protestant's Exhibit AS - Letter dated November 8, 1994 to Kelly Murphey from Shannon Jones.
- w. Protestant's Exhibit AT - Affidavit of Don Graybeal.
- x. Protestant's Exhibit AU - Affidavit of Phil Blick.
- y. Protestant's Exhibit AV - Affidavit of Wilbur Hill.
- z. Protestant's Exhibit AW - Affidavit of Shirly Barron.
- aa. Protestant's Exhibit AX - Affidavit of Arthur R. Reese and Lorraine Reese.
- ab. Protestant's Exhibit AY - Affidavit of Dean Reynolds.
- ac. Protestant's Exhibit AZ - Affidavit of James L. Frey.
- ad. Protestant's Exhibit BA - Drinking Water Coliform Bacteria Analysis Report for Tom Barron.
- ae. Protestant's Exhibit BB - Drinking Water Coliform Bacteria Analysis Report for Mike Nihill.
- af. Protestant's Exhibit BC - Drinking Water Coliform Bacteria Analysis Report for Arthur Reese.
- ag. Protestant's Exhibit BD - Affidavit of Gary Reynolds.
- ah. Protestant's Exhibit BE - Memorandum dated November 10, 1994 to Tracy Cook from Dr. Virginia S. Gillerman, Drinking Water Coliform Bacteria Analysis Report - Terry Wyatt/Tracy Cook, Affidavit of Tracy A. Cook.

ai. Protestant's Exhibit BF - Statement of Loraine Reese.

aj. Protestant's Exhibit BG - Statement of Arthur R. Reese.

8. Harry Hoogland presently operates a dairy on an 80 acre tract in the W1/2SW1/4 Section 8, T10S, R14E, BM. with 360 milking cows and 80 dry cows (Hoogland dairy). The dairy occupies about 33 acres of the 80 acre tract. The remaining acreage is irrigated both with Twin Falls Canal Company (TFCC) water and with water diverted from an irrigation well which provides supplemental water. The applicant has operated a dairy at this site since 1984.

9. Reagan Hatch also presently operates a dairy known as the Magic Valley View dairy (Hatch dairy) which is located about seven (7) miles east of the Hoogland dairy. The dairy has about 380 milking cows and 85 dry cows. The intent of Hoogland and Hatch is to combine the two existing dairy herds into a single larger dairy herd at the proposed new site.

10. In 1994, the applicant purchased 160 acres of irrigated farm land which is located approximately five (5) miles southwest of the Hoogland dairy. The applicant plans to construct a new dairy on 60 acres of the newly acquired 160 acre tract. Six (6) acres of the sixty (60) acres is planned as a green belt. The applicant will continue to irrigate the remaining 100 acres. The applicant plans to take about 29 acres of land at the Hoogland dairy site out of production and to transfer the ground water appurtenant to the 29 acres to the new dairy location to be used for commercial and stockwater purposes.

11. The new dairy operation proposes a maximum of 1,800 lactating cows and 300 non-milking cows. The general components of the proposed dairy include a dairy barn, eight (8) 340' x 480' corrals, two dairy waste water lagoons (lagoons) each to be 335' x 290' in size. The applicant plans to plant trees along the eastern and southern boundaries of the dairy for aesthetic purposes. A green belt about 6 acres in size is planned on the southern boundary of the dairy between the barn and the road. The applicant plans to install state-of-the-art dairy equipment which will use some of the water four (4) times before it is discharged to the lagoons.

12. The dairy operation will require a total of about 115 acre feet per year of which 75 acre feet per year is for stockwater use and 40 acre feet is for commercial use associated with operation of the dairy. The amount of irrigated land which would need to be "dried up" to prevent an expansion of use is about 29 acres based on a total annual diversion of 4 acre feet per acre.

13. The proposed lagoons were designed by the Twin Falls extension office of the University of Idaho. The applicant plans to dispose of liquid waste in the lagoons by combining the waste with other irrigation water and applying it to 100 acres of crop land. The solid dairy waste will be disposed of upon lands owned by the applicants and upon other adjacent land. Runoff water from

the 100 acres will be captured by a containment system constructed with berms and will be pumped back upgradient from the northeast corner of the 160 acre tract for additional irrigation use.

14. The planned dairy will generate about \$5 million in annual revenue not counting any multiplier effect in the general vicinity generated by the dairy.

15. The applicant owns approximately 80 shares of water in the Twin Falls Canal Company. The applicant is willing to lease 60 of the shares to other irrigators in the area or to offer the shares for use in connection with a recharge program to benefit the general area if such a program is established.

16. The modeled effect of pumping the applicant's well at a rate of 0.57 cfs shows a drawdown of about 0.4 feet (about 4 inches) in wells which are one-quarter mile away from the applicant's proposed wells.

17. The applicant plans to construct the waste containment facility in accordance with criteria of the Division of Environmental Quality of the Department of Health and Welfare (DEQ) and has applied with Twin Falls County for needed approvals associated with the dairy.

18. The nature and location of the proposed project will not have an effect upon recreation opportunities or fish and wildlife resources in the area.

19. The well at the Hoogland dairy site from which water is sought to be transferred was not pumped during 1990, 1991, 1992 or 1993, but was pumped for irrigation during 1994.

20. The protestants do not want a dairy near them which is of the size proposed by the applicant. The protestants are concerned with potential contamination of ground water, flies, odor, dust, lights, and additional traffic in the vicinity transporting milk and cattle feed.

21. The general location of the applicant's proposed dairy operation with respect to the protestant's property varies from about 500 feet to a mile or more.

22. Some of the protestants have experienced contamination in their domestic wells, but the contamination has not been shown to be associated with the operation of existing dairies or feed lots in the area.

23. Some of the protestants raise range cattle, operate dairies of their own or work in dairies in the vicinity of the proposed dairy.

24. DEQ does not require a permit for disposal of liquid waste water from a lagoon by the land application method but does recommend best management practices.

ANALYSIS

To allow "unstacking" of water rights used for irrigation of a given tract of land generally results in enlargement of water use. To further explain the "unstacking" concept, both surface water provided by the Twin Falls Canal Company (TFCC) and ground water under a portion of License No. 47-02315 have been used in the past for the irrigation of the land from which the applicant seeks to transfer water. The two sources likely have been used at different times during the irrigation season with the ground water source typically being used early or late in the irrigation season when surface water is not available. Each source provides part of the total volume and part of the consumptive volume needed to raise an irrigated crop.

If a transfer proposes to change the place of use of either the primary surface water right or the supplemental ground water right, care must be taken to avoid an increase in use of the supplemental right over that which occurred prior to the transfer. If a right used as a supplemental supply of water becomes the full water supply on either the existing or a new tract of land, the ultimate result is that a larger total volume of water and larger consumptive volume of water will be used than when the two rights were jointly used upon the same tract.

To prevent enlargement in use of the right sought for transfer, the applicant has offered the use of 60 shares of TFCC water previously used on the proposed new dairy site for use in ground water recharge or similar program. Such a recharge program does not presently exist in the vicinity of the new dairy, but the applicant should be required to maintain ownership and control of the 60 shares for future mitigation of other water rights as may be determined by the department. The conditions of approval should prevent enlargement in use of the right.

There was substantial testimony in the hearing relative to "sink holes" and "lava tubes". However, there are no known lava tubes in the vicinity of the proposed dairy. While sinkholes in the Castleford area are not uncommon, potential contamination of the ground water aquifer due to sinkholes has not been shown.

In its review of whether a project will conflict with the local public interest, among other considerations, the department has reviewed the specific evaluation criteria described in the department's Water Appropriation Rules.

CONCLUSIONS OF LAW

1. Section 42-222, Idaho Code, provides in pertinent part as follows:

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change

does not constitute an enlargement in use of the original right, and the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-203A(5), Idaho Code;

2. License 47-02315 represents a supplemental use of ground water for irrigation purposes, since the land from which the water is sought to be transferred is also irrigated with surface water provided by the Twin Falls Canal Company. The transfer will not enlarge the use of water, if the approval is properly conditioned.

3. The proposed change will not injure the rights of the protestants.

4. There are numerous existing dairies in the general vicinity which financially contribute to businesses and residents of the area.

5. Based on the evaluation criteria described in the Water Appropriation Rules and testimony provided at the hearing, the proposed change is not found to conflict with the local public interest. See IDAPA 37.03.08040 (Water Appropriation Rule 40).

6. The applicant proposes to install state-of-the-art dairy equipment and to implement water use measures in the dairy operation to conserve water. Hence, the application is found to be consistent with the conservation of water resources within Idaho.

7. The department should approve the application for transfer with certain conditions and limitations.

ORDER

IT IS THEREFORE, hereby ORDERED that Application for Transfer No. 4415 of License No. 47-02315 in the name of Hoogland & Hatch Partnership is **APPROVED** subject to the following conditions and limitations.

1. The right holder shall not use water under this approval for a dairy operation larger than 1,800 milking cows and 300 dry cows.

2. Prior to the diversion and use of water under this approval, the right holder shall install and maintain a measuring device on the diversion from the Hoogland dairy well located in the SW1/4SW1/4 Section 8, T10S, R14E, BM. The right holder shall obtain approval from the department relative to the type of device and shall annually report the maximum rate of diversion and annual volume diverted to the department. The rate of diversion for irrigation purposes shall not exceed $1.0 \text{ cfs} \text{ minus } 0.57 \text{ cfs} = 0.43 \text{ cfs}$.

3. Prior to the diversion and use of water from wells constructed in connection with the dairy, the right holder shall install and maintain measuring devices on each well to measure the

amount of water diverted from the wells. The right holder shall obtain approval from the department relative to the type of device and shall annually report the maximum rate of diversion and annual volume diverted to the department.

4. The right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

5. Prior to operation of the dairy, the right holder shall plant trees along the entire eastern side of the dairy and along three hundred (300) feet of the southern boundary of the dairy property. The right holder shall plant suitable trees of a fast growing variety and shall maintain the trees during the life of the dairy as was offered by the applicants in the water right hearing.

6. The right holder shall establish and maintain a greenbelt in front of the dairy barn on the south side of the property as offered in the water right hearing.

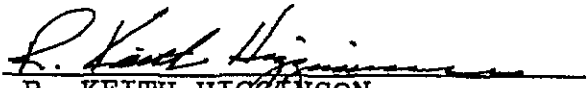
7. The right holder shall at its own expense annually test the wells of the protestants for contamination in compliance with requirements of DEQ, if the protestants agree to the testing. If the dairy operation of the right holder is determined to contaminate the wells of the protestants, the right holder shall mitigate the loss of the protestants as offered in the water right hearing.

8. The right holder shall maintain control of 60 shares of water in the Twin Falls Canal Company for mitigation purposes and shall comply with the terms of mitigation as the terms may be determined in the future by the department.

9. Failure of the right holder to comply with any condition of approval of this transfer is cause for the Director to rescind approval of the transfer.

10. The change authorized by this approval shall be accomplished within two (2) years of the date of this order.

Signed this 30TH day of JANUARY, 1995.


R. KEITH HIGGINSON
Director

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 30th day of January, 1995,
I mailed a true and correct copy, postage prepaid, of the foregoing
FINAL ORDER to the following:

Patrick D. Brown, Esq.
Hepworth & Associates
P.O. Box 389
Twin Falls, ID 83303-0389

Thomas B. High
Benoit, Alexander, Sinclair
Harwood & High
P.O. Box 366
Twin Falls, ID 83303-0366

Kelly & Suzanne Murphey
698 E 3400 N
Castleford, ID 83321

Arthur & Loraine Reese
1051 E 3500 N
Castleford, ID 83321

William & Natalie Kinyon
724 E 3400 N
Castleford, ID 83321

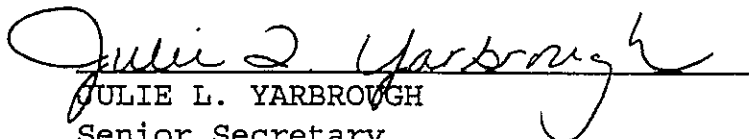
Tom & Shirley Barron
3450 N 800 E Rt 1
Castleford, ID 83321

Tracy Cook & Terry Wyatt
699 E 3400 N
Castleford, ID 83321

Norbert Ruffing
3397 N 800 E
Castleford, ID 83321

Mike & LuAnne Nihill
3358 N 800 E
Castleford, ID 83321

Dean & Jeanie Reynolds
821 E 3400 N
Castleford, ID 83321


JULIE L. YARBROUGH
Senior Secretary

Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4415

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Hoogland & Hatch Partnership Phone 543-8843 Hatch
Post Office address C/o Reagon Hatch, 1780 E. 2800 N., Buhl, ID 83316

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☒ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Convert irrigation right to dairy use.
Build dairy with new PID & P/U.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|------------------|------------------|-----------------------|-------------------|----------------------------|
| <u>49-02315B</u> | <u>10-8-1958</u> | <u>0.57 cfs</u> | <u>Stockwater</u> | <u>1-1</u> to <u>12-31</u> |
| | | <u>0.57 cfs</u> | <u>Commercial</u> | <u>"</u> to <u>"</u> |
| | | | | to |
| | | | | to |
2. Total amount of water being transferred 0.57 cubic feet per second and/or 114.9 acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SW	2	11S	13E	Twin Falls	
		SW	SE	"	"	"	"	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
11S	13E	2												S ₂ C			S ₂ C		

Total acres _____

PART 1.

6. General Information:

- a. Description of diversion system ~~One main well & pump & one back up~~
Two connected wells & pumps, lines to barn & corrals.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? ☒ Yes ☐ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
~~Land will no longer be irrigated.~~ Will continue to be irrigated with canal shares (well is supplemental but is used every year). The proposed dairy site also has canal shares, about 60 acres at this site will be dried up to build the dairy. Overall, the actual number
- d. Remarks: of irrigated acres will probably decrease as a result of this transfer.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 47-02315 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority 10-8-1958

5. Water is used for the following purpose:

amount 1.0 cfs for Irrig. purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 1.0 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SW	8	10S	14E	Twin Falls	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals.
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
10S	14E	8									40	10							50

Total acres 50

9. Describe any other water rights used for the same purpose as described above TFCC shares

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.57 cfs for Irrig. purposes from 4-1 to 10-31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion: Same

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
10S	14E	8									28.7								28.7

*Subject to
 Amendment if
 forfeiture is
 confirmed - See
 Memo and spirit tree*

Total acres _____

C. DESCRIPTION OF UNCHA

(if there is no change)

1. amount 0.43 cfs for Irrig. purposes from 4-1 to 10-31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion: Same

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

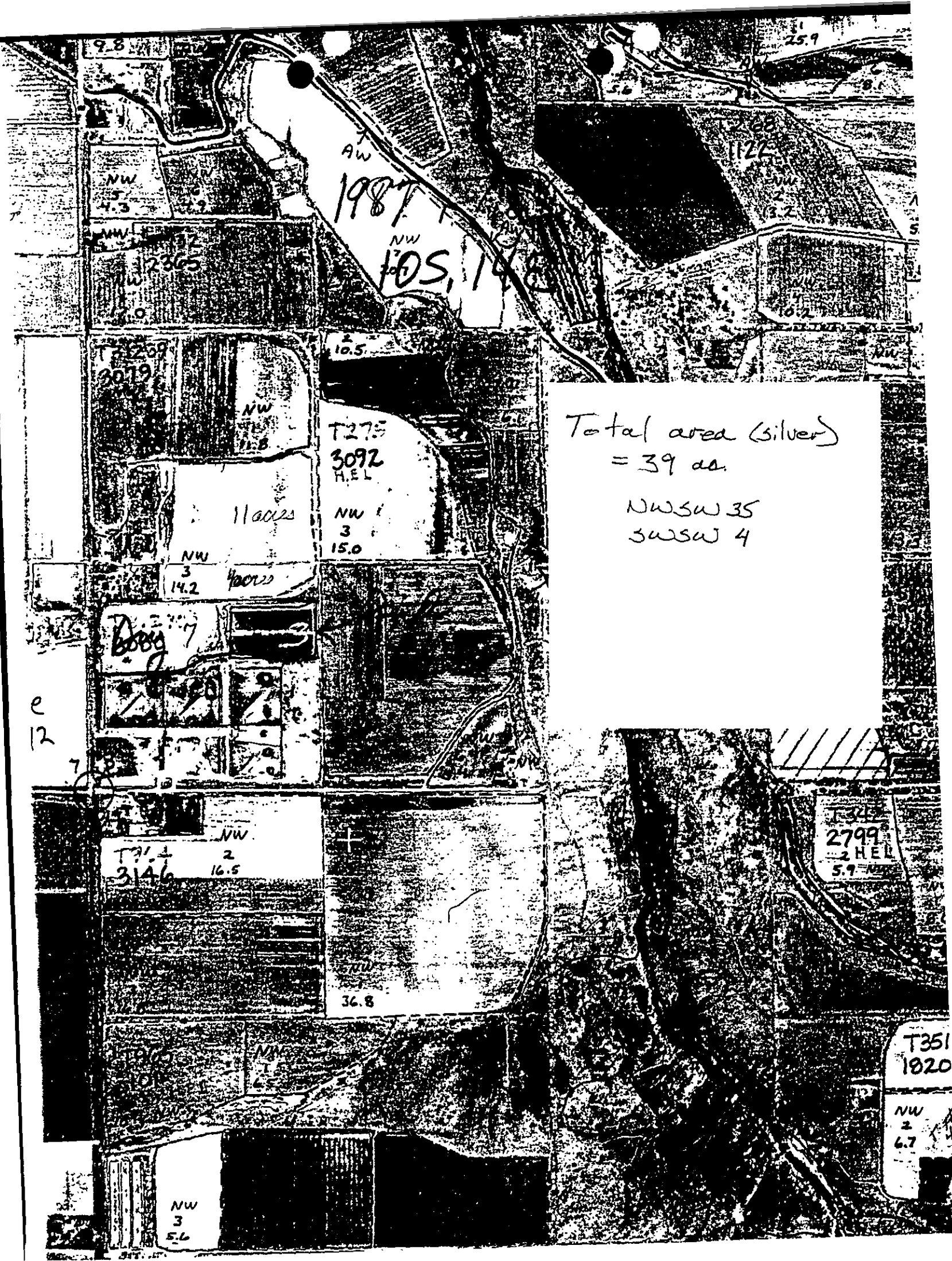
3. Lands irrigated or place of use:

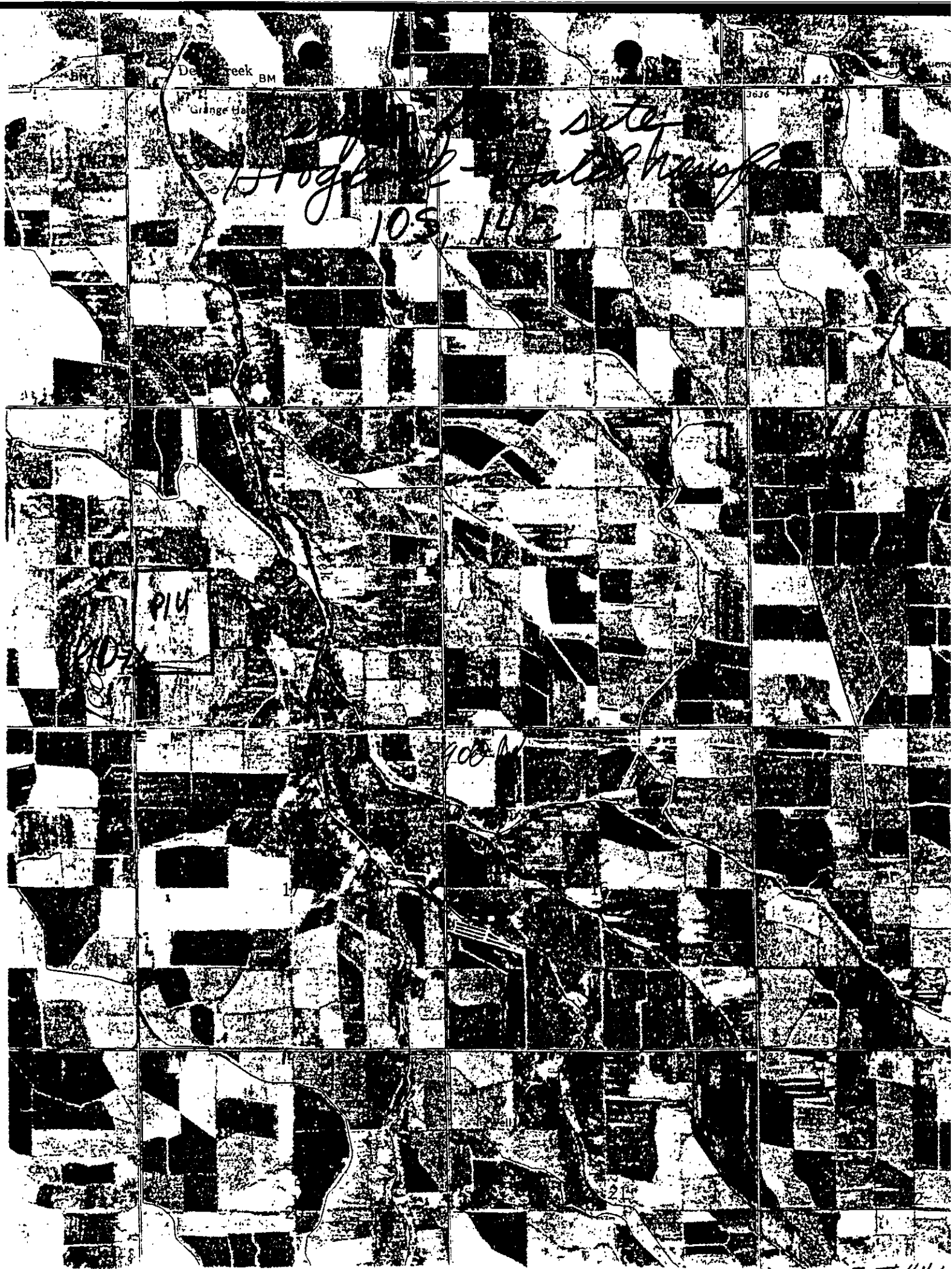
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
10S	14E	8									21.3								21.3

Total acres 21.3



T-# 4415





Deer Creek BM

Grange Hall

Hoghead - water pump
10S, 14E

PIU
10S

100 ft

T # 441

1. The first step is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

15-00000
15-00000

at, at, at
at, at, at
at, at, at

丁巳年

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	Stockwater	14.6 AFA	365 days/ann.	1-1 to 12-31
	Commercial	40.3 "	"	" to "

2. Quantity and quality of return flows and location of discharge:

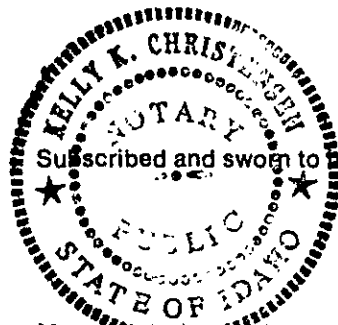
Solids will be separated out prior to land application of liquid waste.

3. Describe effects on other water uses resulting from the proposed change:

Should not affect other users.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.



My commission expires

3-2-98

Harry J. Hoagland
(Signature of Applicant)
17th day of June, 19 94

Kelly K. Christensen
(Notary Public)

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 3 attachmentsReceived by J.F. Stanton Date 6-17-94 Protest filed by _____Prelim. check by MTS Fee \$50.00 5017021Receipted by JA Date 6-17-94Published in Times News Copies of protest forwarded by _____Pub. dates 8/18 + 8/25/94 Hearing held by _____ Date _____Watermaster recommendation requested on N/A Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

RECEIVED

JUN 17 1994
Department of Water Resources
Southern Region Office

PROPOSED SPLIT TREE--47-02315

47-02315

DIV. RATE: 1.0 CFS
P/D: 10S, 14E, S8, SWSW
P/U: 10S, 14E, S8, NWSW-40 ACRES
SWSW-10 "

47-02315A

DIV. RATE: .08 CFS
P/D: 10S, 14E, S8, SWSW
P/U: 10S, 14E, S8, NWSW-4 ACRES

47-02315B

DIV. RATE: .57 CFS--STOCKWATER VOLUME: STOCKWATER-74.6 AFA
.57 CFS--COMMERCIAL COMMERCIAL-40.3 AFA

P/D: 11S, 13E, S2, SESW
SWSE
P/U: 11S, 13E, S2, SESW--STOCKWATER & COMMERCIAL
SWSE--STOCKWATER & COMMERCIAL

MEMORANDUM TO FILE

HOOGLAND & HATCH TRANSFER
WATER RIGHT #47-02315

1. THE APPLICATION PROPOSES TO CHANGE THE NATURE OF USE FROM IRRIGATION TO DAIRY USE, CHANGE THE P/D, CHANGE THE P/U AND SPLIT THE RIGHT.
2. A FIELD EXAM WAS CONDUCTED 7-15-1994 FOR BOTH THE TRANSFERRED FROM AND TRANSFERRED TO SITES.
3. THE APPLICANTS PROPOSE TO CONTINUE TO IRRIGATE THE ACRES TO BE DRIED UP FROM GROUNDWATER WITH CANAL WATER AT THE TRANSFERRED FROM SITE BECAUSE ABOUT 60 ACRES WILL BE DRIED UP AT THE TRANSFERRED TO SITE WHEN THE NEW DAIRY IS CONSTRUCTED. THE NET RESULT WOULD APPEAR TO BE A REDUCTION OF ABOUT 31 ACRES OF IRRIGATION IF SOME CONTROL MEASURES WERE IN PLACE TO INSURE THE REDUCTION IS ACCOMPLISHED.
4. THE 10 ACRE PORTION OF THE RIGHT IN THE SWSW PARCEL HAS NOT BEEN IRRIGATED FOR 10 YEARS ACCORDING TO MR. HOOGLAND. THE WATER APPURTENANT TO THAT LAND SHOULD BE FORFEITED DUE TO NON-USE. THE NWSW PARCEL DOES NOT HAVE 40 ACRES OF IRRIGABLE LAND BUT CLOSER TO 33 ACRES. THE PROPOSED SPLIT TREE ATTACHED TO THIS MEMO ACCOUNTS FOR THE POSSIBLE FORFEITURE OF A PRORATA SHARE OF THE WATER AND THE REDUCED ACRES IN THE NWSW PARCEL.

AJ0743NP
(00-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

03/18/98 13:24:42
Page 1

Water Right Number - A47-02315B

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number - 27584

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

HOOGLAND & HATCH PARTNERSHIP

1 - C/O REAGON HATCH
2 - 1780 E 3800 W
3 -
City- BUHL
Phone - 208-543-8843

State- ID Zip- 83316

*** O - ORIGINAL OWNER ***

SORENSEN

FOSTER J

1 - RT 2 BOX 81
2 -
3 -
City- BUHL
Phone - 208-000-0000

State- ID Zip- 83316

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
10/08/1958 17 SOUTHERN L - LICENSE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

11S 13E 2 SE SW (83) TWIN FALLS
SW SE (83) TWIN FALLS

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
04 - STOCKWATER		01/01	12/31	0.570	75.00
10 - COMMERCIAL		01/01	12/31	0.570	40.00

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.570 115.00 0.0

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
11S	13E	2	SE SW			04	STOCKWATER	(83) TWIN FALLS
11S	13E	2	SW SE			04	STOCKWATER	(83) TWIN FALLS

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

AJ0743WP
(00-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

03/18/98 13:24:43
Page 2

Water right number - A47-02315B

Prefix Translation: ADJUDICATION CLAIM

+ - - - - Remarks - - - - - +

EXP STOCKWATER USE 1800 MILKING COWS AND 300 DRY COWS.
COMMERCIAL USE FOR DAIRY BARN.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found

+ - - - - Conditions of Approval - - - - - +
M01 - A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
- MAINTAINED AS A PART OF THE DIVERTING WORKS.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - Comments - - - - - +
Date: 08/09/1994 User Id: MBALDWIN Subject: TRANSFER NO. 4415
T# 4415 filed on 6/17/94 to change point of diversion, place of use, nature of use, period of use and split the water
right into parts A & B. APPROVED BY FINAL ORDER DATED 01-30-95.

+ - - Audit Fields - - +
03/18/98 DJONES

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 00/00/0000	Last Amended Date	- 03/18/1998	Temporary Right	- P
		Receipt Number	- X777777	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-