



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

April 2, 2002

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

HORIZON ORGANIC DAIRY IDAHO FARM INC
6311 HORIZON LN
LONGMONT CO 80503

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim to a Water Right #36-7591D, 36-7591E,
36-14595A and 36-14595B
Water Right #36-14597

RECEIVED

APR 04 2002

Department of Water Resources
Southern Region

Dear Claimants:

Thank you for notifying us that you are the new owner of the rights referenced above. Before we can modify our records to reflect your ownership, we require the enclosed Notice of Change of Water Right Ownership form be submitted.

Please note Item #8 in the instructions of the ownership change form. Four claims are still pending in the SRBA; as such, there is no fee to change the ownership on those four. However, water right #36-14597 was partially-decreed in 1996 and therefore requires the \$25.00 fee.

Please call me toll-free at 1-800/451-4129 if you have any questions.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

Enclosure:

Form 42-248/42-1409(6)

cc: Horizon Organic Dairy (Paul, ID)

Mail this postcard to businesses and people who send you mail.

Kohntopp Farm
Please send mail to new address beginning: 10/10/10/2
Month Day Year

Horizon Organic Dairy
My Name (Last name, first name, middle)
2709 E. 800 S.
OLD Complete Street Address or PO Box or Rural Route and RR Box
Haselton ID 83335
City or Post Office State ZIP or ZIP +4 Code
2539 E. 500 S.
NEW Complete Street Address or PO Box or Rural Route and RR Box
Paul ID 83347
City or Post Office State ZIP or ZIP +4 Code
NEW Telephone Number (Optional)
Account Number (If applicable)
Order of Kyle FEB 28 2002
Signature Today's Date: Month Day Year
10/22/02

PS FORM 3576, May 1999 See <http://www.usps.gov/moversnet> for more information.

TIP: If you need more postcards, every post office has a supply. Ask for "PS Form 3576." Mail will arrive sooner at your new home if it does not have to be forwarded.

Don't Delay In Notifying Friends, Family & Businesses Of Your Move!

CHANGE OF OWNERSHIP
LETTER SENT 4-2-02

Horizon's Colorado Office
303-530-2711

3/11/02 UP per TIC to above number, Horizon Organic owns a farm at the Paul, ID address. Kohntopp's phone number was no longer valid. Res Don it's ok to collapse the 4 CID's for Kohntopp into 1 & put it c/o Horizon Organic Dairy - However, a change of ownership letter still needs to be sent.
The ⁽³⁶⁾water right numbers for Horizon Organic Dairy do not apply to Kohntopp Farms.
Don did connect Kohntopp to Horizon as a representative.

Kohntopp:
36-14597 PD
36-7591 D+E
36-14595 A+B

CID'S 77842 - updated
52168
52169
55428

Mail this postcard to businesses and people who send you mail.

Kobustopp Farm Invest Group
Please send mail to new address beginning: 01/01/02
Month Day Year

Horizon Organic Dairy
My Name (Last name, first name, middle)

OLD Address
2589 E. 500 S.
Apt./Suite #
Paul ID 83347
City or Post Office State ZIP or ZIP +4 Code

NEW Address
2589 E. 500 S.
Apt./Suite #
Paul ID 83347
City or Post Office State ZIP or ZIP +4 Code

NEW Telephone Number (Optional)

Account Number (If applicable) APR 1 2002

Audrey Kayle 03/29/02
Signature Today's Date: Month Day Year

PS FORM 3576, May 1999

See <http://www.usps.gov/moversnet> for more information.

Send this address change card
(PS form 3576) to businesses and
people who send you mail.
(Additional cards are available at your post office)

CHANGE OF OWNERSHIP
LETTER SENT 4-02-02

35-14597 P.P. '96
✓ - 7591E
✓ - 14595B

14597 TO 14595

Mail this postcard to businesses and people who send you mail.

Kobintopp Farm Invest Group
Please send mail to new address beginning: 10/10/02
Month Day Year

Horizon Organic Dairy
My Name (Last name, first name, middle)

OLD Address
2589 E. 500 S.
Apt./Suite #
Paul ID 83347
City or Post Office State ZIP or ZIP +4 Code

NEW Address
2589 E. 500 S.
Apt./Suite #
Paul ID 83347
City or Post Office State ZIP or ZIP +4 Code

NEW Telephone Number (Optional)

Account Number (If applicable) APR 1 2002

Signature Audrey Kayle 10/32/02
Today's Date: Month Day Year

PS FORM 3576, May 1999 See <http://www.usps.gov/moversnet> for more information.

Send this address change card
(PS form 3576) to businesses and
people who send you mail.
(Additional cards are available at your post office)

CHANGE OF OWNERSHIP
LETTER SENT 4-02-02

35-14597 P.P. '96
✓ - 7591E
✓ - 14595B

MAILED TO ORDER

1998 APR -7 PM 2:33

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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

In Re SRBA

Case No. 39576

**NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDINGS**

**SUB CASE NO. 36-07591, 36-07591E,
36-07591D**

IDWR has completed the following Administrative proceeding: I.C. § 42-222 TRANSFER

An Administrative Proceeding pursuant to I.C. § 42-222 has been completed. The following changes have been made to the water right(s):

☒ Change in Ownership	☒ Split of Water Right
☒ Point of Diversion	☐ Place of Use
☒ Period of Use	☒ Nature of Use

FROM: Claimant/Seller(s):

Name and Address of Claimant/Seller(s):
Kohntopp Farm Investment Group
2709 E 800 S
Hazelton ID 83335
Phone: (208) 438-5437

TO: Claimant/Purchaser(s):

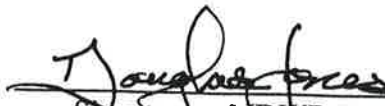
Name and Address of Claimant/Purchaser(s):
Kohntopp Farm Investment Group
2709 E 800 S
Hazelton ID 83335
Phone: (208) 438-5437

Douglas M Benson
Joni L Benson
2343 E 3100 S
Jerome ID 83338
Phone: (208) 324-5691

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

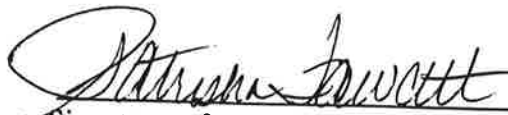
DATED: 4/1/98


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 4-7, 1998, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Kohntopp Farm Investment Group
2709 E 800 S
Hazelton ID 83335
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
Douglas M Benson
Joni L Benson
2343 E 3100 S
Jerome ID 83338
4. One Copy to:
Each party in the subcase or attorney of record:
5. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

AJ5859NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: MAR-26-1998
PAGE: A-1

RIGHT NUMBER: 36-07591

SPLIT RIGHT: SEE RIGHTS 36-07591D 36-07591E.

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: APR-7-1998
PAGE: A-1

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-07591D

NAME & ADDRESS: KOHNTOPP FARM INVESTMENT GROUP
2709 E 800 S
HAZELTON ID 83335

SOURCE: GROUNDWATER

QUANTITY: 5.54 CFS
1258.0 AFY

USE OF THIS RIGHT WITH RIGHT NO. 36-14595A IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 5.54 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 1659.2 AF.

PRIORITY DATE: 12/29/1975

POINT OF DIVERSION: T07S R16E S22 SWSWNE Within JEROME County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	5.54 CFS
			1258.0 AFY

PLACE OF USE:	IRRIGATION	Within JEROME County		
	T07S R16E S14	SWSW 20	SESW 2	
	S15	SWSE 36	SESE 29	
	S22	NENE 39.4	NWNE 40	SWNE 22.6
		NENW 39	NWNW 38	SENE 19.8
	S23	NENW 4	NWNW 34	SWNW 38
				SENE 19.8
	414.8 ACRES TOTAL			SWNW 14

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 314.5 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
MAINTAINED AS A PART OF THE DIVERTING WORKS.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

USE OF THIS RIGHT IS COMBINED WITH WATER FROM
NORTH SIDE CANAL CO. LTD.

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: APR-7-1998
PAGE: A-2

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-07591D (CONT)

EXPLANATORY MATERIAL: (CONT)

RIGHT NO. 36-14595A IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

RIGHT NO. 36-14595A IS AN EXPANSION OF THIS RIGHT PURSUANT TO
IDAHO CODE 42-1426.

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: APR-7-1998
PAGE: A-1

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 36-07591E

NAME & ADDRESS: DOUGLAS M BENSON
JONI L BENSON
2343 E 3100 S
JEROME ID 83338

SOURCE: GROUNDWATER

QUANTITY: 0.52 CFS
118.0 AFYUSE OF THIS RIGHT WITH RIGHT NO. 36-14595B IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.52 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 132.8 AF.

PRIORITY DATE: 12/29/1975

POINT OF DIVERSION: T07S R16E S22 SENE Within JEROME County

TWO POINTS OF DIVERSION LOCATED IN T07S, R16E, S22, SENE.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01-01 12-31	0.51 CFS
COMMERCIAL	01-01 12-31	114.6 AFY
		0.01 CFS
		3.4 AFY

PLACE OF USE:	STOCKWATER	Within JEROME County			
	T07S R16E S22	NENE	NWNE	SWNE	SENE
	COMMERCIAL	Within JEROME County			
	T07S R16E S22	SENE			

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
MAINTAINED AS A PART OF THE DIVERTING WORKS.

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

RIGHT NO. 36-14595B IS AN ENLARGEMENT OF THIS RIGHT PURSUANT
TO SECTION 42-1426, IDAHO CODE.RIGHT NO. 36-14595B IS ALSO DIVERTED THROUGH POINTS OF
DIVERSION DESCRIBED ABOVE.



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

April 7, 1998

**PHILIP E. BATT
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

KOHNTOPP FARM INVESTMENT GRP
2709 E 800 S
HAZELTON ID 83335

RE: SRBA Claim(s) 36-07591, 36-14595

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf

cc: Douglas and Joni Benson

Southern AJ

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5157
WATER RIGHT NO(S) . 36-07591E/36-14595B

RECEIVED

JAN 15 1998

Department of Water Resources
Southern Region

This is to certify that: DOUGLAS M BENSON
JONI L BENSON
2343 E 3100 S
JEROME ID 83338

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 36-07591E :			
STOCKWATER	01/01 to 12/31	0.51 CFS	114.0 AF
COMMERCIAL	01/01 to 12/31	0.01 CFS	3.4 AF
Priority: 12/29/1975			
SUBTOTAL:		0.52 CFS	118.0 AF
Right No. 36-14595B :			
STOCKWATER	01/01 to 12/31	0.09 CFS	14.4 AF
COMMERCIAL	01/01 to 12/31	0.01 CFS	0.4 AF
Priority: 05/01/1978			
SUBTOTAL:		0.10 CFS	14.8 AF
TOTAL:		* 0.52 CFS	* 132.8 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 22, Township 07S, Range 16E
JEROME County

PLACE OF USE: STOCKWATER

TWN RGE SEC

07S 16E 22

NENE
SENE

NWNE

SWNE

PLACE OF USE: COMMERCIAL

TWN RGE SEC

07S 16E 22

SENE

**TRANSFER NO. 5157
WATER RIGHT NO(8). 36-07591E/36-14595B**

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
3. The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
4. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
5. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- * 6. The total instantaneous diversion of water from all points of diversion under Transfer 5157, or combined Rights 36-07591E and 36-14595B, shall not exceed 0.52 cfs, nor total combined annual volume of 132.8 af.
7. Two (2) points of diversion are located within SENE, S22, T07S, R16E.
8. Approval of Transfer 5157 does not confirm claimed Right 36-14595B.
9. Right 36-14595B is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
10. The remainder of Rights 36-07591C identified as 36-07591D and 36-14595 identified as 36-14595A are limited to a total combined diversion rate of 5.54 cfs, a total combined annual diversion volume of 1659.2 af, and irrigation of 414.8 acres each year.
11. Prior to use of water for irrigation purposes under Rights 36-07591D and 36-14595A, the right holder shall comply with measuring and annual reporting requirements as required by Section 42-701, Idaho Code.
12. The acres which are no longer authorized for irrigation under Rights 36-07591D and 36-14595A are specifically described as follows: 0.6 acres in NENE, 16.4 acres in SWNE, and 16.2 acres in SENE, S22, T07S, R16E.

MØI ✓

QNT E25 ✓

POD FØ2 ✓

Enlargement
CIT

QNT/POD1

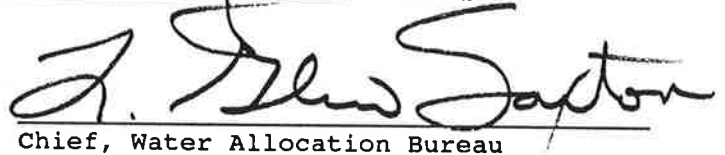
MØI

TRANSFER NO. 5157
WATER RIGHT NO(S). 36-07591E/36-14595B

CONDITIONS OF APPROVAL AND REMARKS

13. The right holder shall for mitigation purposes maintain control of shares of water from the North Side Canal Co. Ltd. that were previously used in connection with irrigation of the 33.2 acres at the dairy site that are no longer authorized for irrigation, and shall comply with the terms of mitigation as the terms may be determined in the future by the department.
14. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Dated this 13th day of January, 1998.


Chief, Water Allocation Bureau

MEMORANDUM

TO: FILES X36-07591C & R36-14595

FROM: PAM SKAGGS/²⁸STATE OFFICE

SUBJECT: TRANSFER 5157

DATE: January 9, 1998

OK 

=====

Transfer 5175 changes and adds points of diversion, changes the nature, season and place of use under a portion of Rights X36-07591C (Parts D & E) and R36-14595 (Parts A & B), splitting each right. The applicant is building a dairy on a portion of his property that was previously irrigated under these rights.

Right X36-07591C is based on the right as recommended in the SRBA Basin 36 Director's Report that has been previously transferred. The approved transfer was withdrawn and the two split portions recombined under Part C reflecting the original recommendation. Right R36-14595 represents the beneficial use claim as reformatted to identify it as an enlargement of Right 36-07591 under Section 42-1426, Idaho Code. The second right includes additional acres and volume, but no additional diversion rate.

The diversion rate under 36-14595B was adjusted from 0.05 cfs to 0.10 cfs to reflect the reformatted record.

$1.41 \text{ cfs}/448 \text{ acres} = 0.00314 \text{ cfs/acre} \times 33.2 \text{ acres} = 0.10 \text{ cfs}$
The total transferred amount remains limited to the same 0.52 cfs identified under 36-07591E.

Recommended conditions include drilling permit requirements, measuring & annual reporting, water quality, zoning, multiple points of diversion & measuring devices, non-confirmation of claim, enlargement right, remaining irrigation & measuring, mitigation with surface shares and standard transfer conditions.

(See attached Change In Nature of Use Evaluation.)

TRANSFER 5157
Change in Nature of Use Evaluation
Pam Skaggs 01-09-98

Original			Div.Vol./C.U.Vol.
X36-07591C	6.06 cfs	344.0 acres	1376.0 afa/1032.0 afa
R36-14595	1.41 "	448.0 "	(416.0 " / 312.0 ")
	6.06 cfs	448.0 acres	1792.0 afa/1344.0 afa
Remaining			
Irrigation			
X36-07591D	5.54 cfs	314.5 acres	1258.0 afa/ 943.5 afa
X36-14595A	1.31 "	414.8 "	(401.2 " / 300.9 ")
	5.54 cfs	414.8 acres	1659.2 afa/1244.4 afa
Dairy			
X36-07591E	0.52 cfs	(29.5 acres)	118.0 afa/ 19.4 afa
X36-14595B	0.10 "	(33.2 ")	14.8 " / 1.8 "
	0.52 cfs	(33.2 acres)	132.8 afa/ 21.2 afa
Total of Uses			
After Transfer	6.06 cfs	414.8 acres	1792.0 afa/1265.6 afa

Transfer results in reduced acres and consumptive use volume.