

RECEIVED

AUG 24 2022

DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

86695

#1

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) True West Beef LLC

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

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

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☒ ☐ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☒ ☐ #10 Other. Please describe: 206 map

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

RECEIVED
AUG 24 2022
DEPT OF WATER RESOURCES
SOUTHERN REGION

Name of Applicant(s) True West Beef LLC Phone 208-338-2500
Mailing address 1555 Shoreline Drive, Suite 320, Boise, ID 83702 Email Dave.Stiner@abfoodsusa.co

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative HDR Inc Phone 208-387-7000
Mailing address 412 E Parkcenter Blvd, Ste 100, Boise, ID 83706 Email lori.graves@hdrinc.com

☐ Send all correspondence for this application to the representative and not to the applicant.

OR

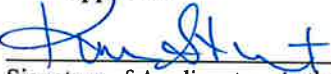
☒ Send original correspondence to the applicant and copies to the representative.

☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.



Signature of Applicant or Authorized Representative

Rm Stuart Authorized Agent

Print Name and Title if applicable

8/19/22

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☒ Change period of use ☐ Other _____
2. Is this a transfer for changes pursuant to Idaho Code § 42-221.0.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part1A.2**.
3. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.
See attached transfer narrative.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part					
☐ ☒	36-2283	0.83/129	Industrial	1/1 to 12/31	Ground Water
☐ ☒	36-14617	0.15/28.5	Industrial	1/1 to 12/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.83 cfs and/or *157.5 acre-feet. **proposed industrial volume*

2. Total amount of water proposed to be transferred or changed 0.83 cubic feet per second and/or *157.5 acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
N			SE	SE	11	8S	17E	Jerome	Ground Water	
N			SE	SE	11	8S	17E	Jerome	Ground Water	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8S	17E	11									I			I	I,X	I	I,X	I,X	
		12				I					I	I	I	I	I				
8S	18E	6															I		
		7		I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	
Total Acres (for irrigation use)																			

x = Industrial plant site place of use

I = Re-use water place of use

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Two existing wells for industrial use. Measuring devices and lockable controlling works are accommodated.

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

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

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

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

An accompanying "backfill" transfer is proposed to allow continued irrigation. Treated wastewater effluent resulting from the industrial use will be land applied.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

Wastewater will be land applied on lands irrigated with the remaining rights and associated rights 36-2386, 36-2608, and 36-16951 as part of an integrated irrigation system.

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

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

Current Water Right No.: 36-2283

Current Owner: TRUE WEST BEEF LLC
Priority Date: 5/10/1955
Origin: Water Right
Status: Active
Basis: Decreed

Source

GROUND WATER

Tributary**Beneficial Use**

IRRIGATION

From To

3/15 to 11/15

Diversion Rate

1.5 CFS

Annual Volume

372 AF

Total Diversion

1.5 CFS

372 AF

Location of Point(s) of Diversion

GROUND WATER

NE1/4SW1/4SW1/4

Sec. 12, Twp 08S, Rge 17E B.M.

JEROME County

GROUND WATER

SW1/4SW1/4NE1/4

Sec. 7, Twp 08S, Rge 18E B.M.

JEROME County

GROUND WATER

SW1/4NW1/4SE1/4

Sec. 7, Twp 08S, Rge 18E B.M.

JEROME County

Place of Use**IRRIGATION Within JEROME County**

T08S R17E S11	NESW	22.00	T08S R17E S11	SESW	32.00
T08S R17E S11	NESE	30.00	T08S R17E S11	NWSE	37.00
T08S R17E S11	SWSE	37.00	T08S R17E S11	SESE	30.00
T08S R17E S12	SENE	2.00	T08S R17E S12	NESW	40.00
T08S R17E S12	NWSW	40.00	T08S R17E S12	SWSW	39.00
T08S R17E S12	SESW	40.00	T08S R17E S12	NESE	9.00
T08S R18E S6	SWSE	40.00	T08S R18E S7	NWNE	39.00
T08S R18E S7	SWNE	40.00	T08S R18E S7	SENE	37.00
T08S R18E S7	NENW	27.00	T08S R18E S7	Lot 1 NWNW	17.00
T08S R18E S7	Lot 2 SWNW	36.00	T08S R18E S7	SENE	40.00
T08S R18E S7	NESW	40.00	T08S R18E S7	Lot 3 NWSW	36.00
T08S R18E S7	Lot 4 SWSW	36.00	T08S R18E S7	SESW	40.00
T08S R18E S7	NESE	40.00	T08S R18E S7	NWSE	40.00
T08S R18E S7	SWSE	40.00	T08S R18E S7	SESE	40.00

Total Acres: 946

Conditions of Approval:

1. T19 Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
2. K01 Right No.36-14617 is an enlargement of this right pursuant to Idaho Code § 42-1426.
3. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
5. X35 Rights 36-2283, 36-2386, 36-2608, 36-14617 and 36-16951 when combined shall not exceed a total diversion rate of 11.68 cfs, a total annual maximum diversion volume of 2754.4 af and the irrigation of 688.6 acres.
6. R05 Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.130.
7. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. X27 This right is limited to the irrigation of 93 acres within the authorized place of use in a single irrigation season.
9. 206 Rights 36-2283, 36-2386, 36-2608, 36-14617 and 36-16951 when combined are limited to the irrigation of a specific 688.6 acres within the 946 acre place of use authorized by these rights in a single irrigation season. The specific 688.6 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 688.6 acres to be irrigated within the 946 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
10. X35 Rights 36-2283 and 36-14617 when combined shall not exceed a total diversion rate of 1.5 cfs, a total annual maximum diversion volume of 453.6 af and the irrigation of 113.4 acres.
11. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.

Decreed Date: 8/27/2001

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

Current Water Right No.: 36-14617

Current Owner: TRUE WEST BEEF LLC

Priority Date: 5/1/1982

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.27 CFS	81.6 AF
	<u>Total Diversion</u>	0.27 CFS	81.6 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4SW1/4SW1/4	Sec. 12,	Twp 08S,	Rge 17E B.M.
JEROME County				
GROUND WATER	SW1/4SW1/4NE1/4	Sec. 7,	Twp 08S,	Rge 18E B.M.
JEROME County				
GROUND WATER	SW1/4NW1/4SE1/4	Sec. 7,	Twp 08S,	Rge 18E B.M.
JEROME County				

Place of Use

IRRIGATION Within JEROME County

T08S R17E S11	NESW	22.00	T08S R17E S11	SESW	32.00
T08S R17E S11	NESE	30.00	T08S R17E S11	NWSE	37.00
T08S R17E S11	SWSE	37.00	T08S R17E S11	SESE	30.00
T08S R17E S12	SENE	2.00	T08S R17E S12	NESW	40.00
T08S R17E S12	NWSW	40.00	T08S R17E S12	SWSW	39.00
T08S R17E S12	SESW	40.00	T08S R17E S12	NESE	9.00
T08S R18E S6	SWSE	40.00	T08S R18E S7	NWNE	39.00
T08S R18E S7	SWNE	40.00	T08S R18E S7	SENE	37.00
T08S R18E S7	NENW	27.00	T08S R18E S7	Lot 1 NWNW	17.00
T08S R18E S7	Lot 2 SWNW	36.00	T08S R18E S7	SENE	40.00
T08S R18E S7	NESW	40.00	T08S R18E S7	Lot 3 NWSW	36.00
T08S R18E S7	Lot 4 SWSW	36.00	T08S R18E S7	SESW	40.00
T08S R18E S7	NESE	40.00	T08S R18E S7	NWSE	40.00
T08S R18E S7	SWSE	40.00	T08S R18E S7	SESE	40.00

Total Acres: 946

Conditions of Approval:

1. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
2. X27 This right is limited to the irrigation of 20.4 acres within the authorized place of use in a single irrigation season.
3. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
4. T19 Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
5. R05 Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
6. 206 Rights 36-2283, 36-2386, 36-2608, 36-14617 and 36-16951 when combined are limited to the irrigation of a specific 688.6 acres within the 946 acre place of use authorized by these rights in a single irrigation season. The specific 688.6 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 688.6 acres to be irrigated within the 946 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
7. X35 Rights 36-2283 and 36-14617 when combined shall not exceed a total diversion rate of 1.5 cfs, a total annual maximum diversion volume of 453.6 af and the irrigation of 113.4 acres.
8. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. C11 This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Idaho Code § 42-1426. As between water rights decreed as enlargements pursuant to Idaho Code § 42-1426, the earlier priority right is the superior right.
10. K02 This right is based upon an enlargement of Right No. 36-2283 pursuant to Idaho Code § 42-1426.
11. X35 Rights 36-2283, 36-2386, 36-2608, 36-14617 and 36-16951 when combined shall not exceed a total diversion rate of 11.68 cfs, a total annual maximum diversion volume of 2754.4 af and the irrigation of 688.6 acres.
12. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Decreed Date: 1/2/2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

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

B. CHANGES IN NATURE OF USE (Water Balance)

- ☒ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

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

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.

Received by CH Date 8.24.2022 Preliminary check by _____ Date _____

Fee paid \$1,740.00 Date 8/24/2022 Received by SG Receipt # 5039407

Add'l fee paid _____ Date 11/1 Received by _____ Receipt # _____

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

Transfer Narrative

True West Beef LLC is currently constructing a meat packing facility near Jerome, Idaho. Transfer No. 84383 was filed and approved in 2020, allowing 3.5 cfs and 661.5 af be converted from irrigation to industrial uses under the ground water rights 36-2283 and 36-14617. As a result, the rights were split with 36-17172 and 36-17173 representing the industrial uses and the remaining 113.4 acres combined irrigation left under the parent rights. To safely meet targeted processing requirements for 600 head of beef cattle, applicants seek an additional 157.5 af of ground water for industrial uses by retiring 63 acres of the remaining irrigation authorized under water rights 36-2283 and 36-14617.

Currently, water rights 36-2283 and 36-14617 are part of a 946-acre integrated irrigation system involving three other water rights per approved Transfer No. 84385. When combined, all five rights are limited to 688.6 acres, 11.68 cfs and 2754.4 af. As with previously approved transfer 84383, both water rights 36-2283 and 36-14617 are proposed for transfer because they are linked to each other and limited to a combined diversion of 1.5 cfs and 453.6 af for seasonal irrigation of 113.4 acres within the 946-acre ppu. To account for combined limits, a 56% portion of each water right is proposed for transfer resulting in an additional 63 acres, 0.83 cfs (273 gpm) and 157.5 af proposed for change to industrial use. The volume amount is based on the same consumptive use rate of 2.50 af/ac that was approved for Transfer 84383 (see Attachment 8A). Season of use will be changed to year-round.

The remaining irrigation under rights 36-2283 and 36-14617 will be limited to 50.4 acres (113.4 acres minus 63 acres), 0.67 cfs (1.5 cfs minus 0.83 cfs) and 201.6 af (453.6 – 252) and, when combined with the three other integrated rights, will be limited to 625.6 acres, 10.85 cfs and 2502.4 af within the 946-acre ppu.

Rather than retire current irrigation, applicants plan to backfill the 63-acre deficit plus add an additional 45 acres irrigation with nearby water rights as proposed on the accompanying transfer application.

LEGEND

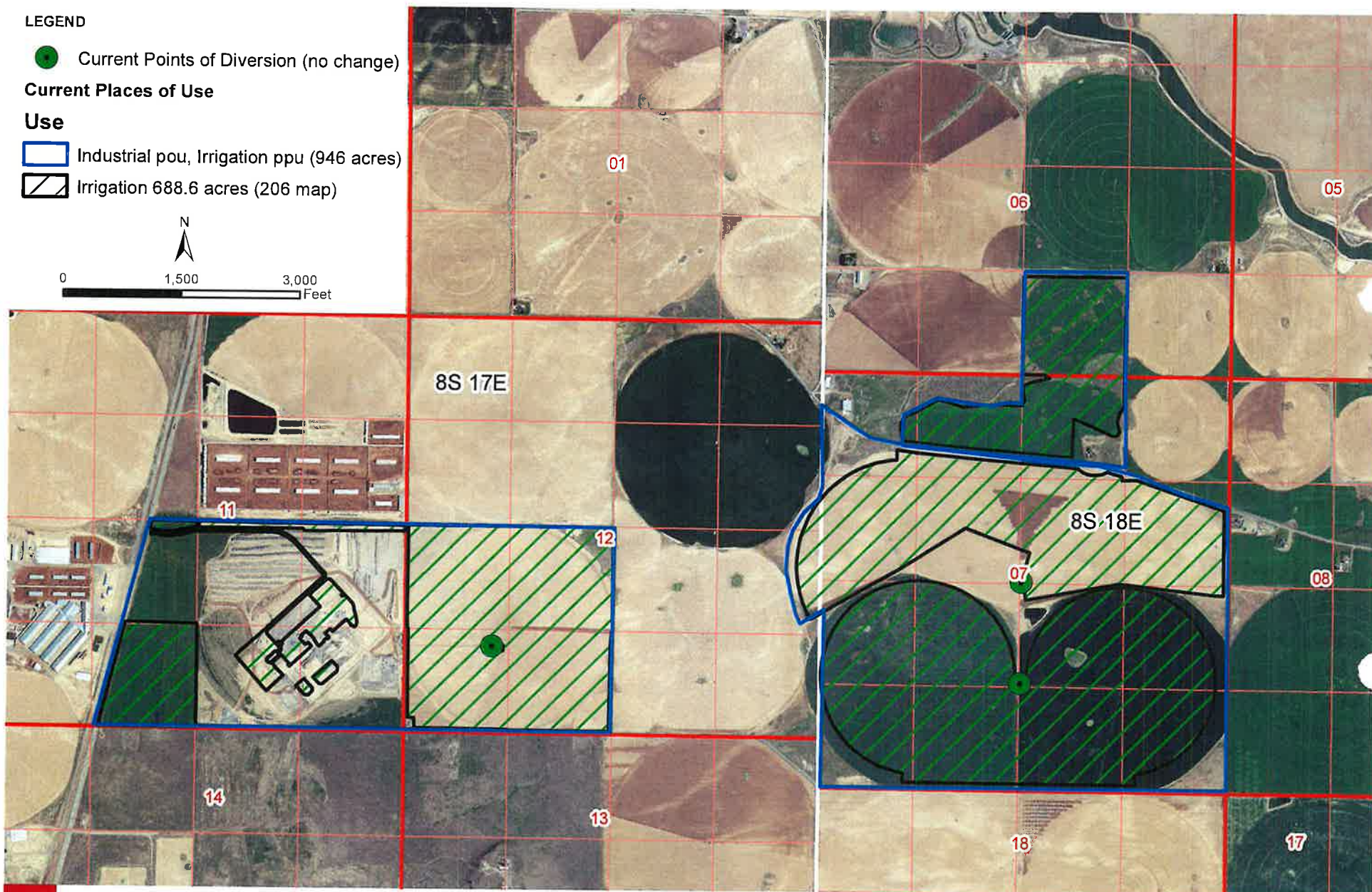
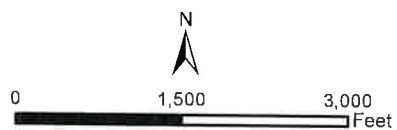
● Current Points of Diversion (no change)

Current Places of Use

Use

Industrial pou, Irrigation ppu (946 acres)

Irrigation 688.6 acres (206 map)



<BOL> DATA SOURCE: Jerome NAIP 2021

86695

ATTACHMENT 7B
CURRENT POU AND PODS

TRUE WEST BEEF

PROECT #10335568

Attachment 8A – Water Balance

Industrial Water Demand Estimate

As approved under Transfer 84383, water rights 36-17172 and 36-17173 allow diversion of 3.5 cfs and 661.5 af for industrial uses associated with a meat packing facility that will process up to 600 cows per day. An additional 157.5 af of industrial water is being proposed to meet newly projected needs for the facility.

Conversion of Water Right from Irrigation to Industrial Use

Additional irrigation water authorized under the same rights used for Transfer 84383 is being proposed for transfer. The water rights' consumptive volume proposed for Transfer 84383 was estimated at 2.5 af/acre based on the following data and analysis accepted by IDWR.

Table 1 provides an estimate of consumptive use on the property irrigated under water rights 36-2283 and 36-14617 from 2015 to 2019. Consumptive use is estimated based on the crops grown on the farm as reported to the USDA FSA, and precipitation deficit (Pdef) for each crop. Pdef values are obtained from the ET Idaho website using the Jerome weather station. Annual groundwater diversion volumes for the property, available from IDWR's WMIS database, are also provided in Table 1.

Table 1. Ford/Roth property consumptive use estimates and diversion volumes

Crop	growing season precipitation deficit			Tract 5852 (Roth/Ford)									
	mm	in	ft	2019		2018		2017		2016		2015	
				acres	Pdef (af)	acres	Pdef (af)	acres	Pdef (af)	acres	Pdef (af)	acres	Pdef (af)
alfalfa (freq)	974	38.4	3.20	205.12	656.0	205.12	656.0	204.76	654.8	204.76	654.8	204.76	654.8
spring grain (wheat)	618	24.3	2.03	144.53	293.3	144.53	293.3	0.00	0.0	142.30	288.7	142.30	288.7
sugar beets	842	33.2	2.76	0.00	0.0	0.00	0.0	142.30	393.4	0.00	0.0	0.00	0.0
Total				349.65	949.2	349.65	949.2	347.06	1048.2	347.06	943.6	347.06	943.6
Pdef over 378 ac (af/ac)				2.51		2.51		2.77		2.50		2.50	
Pdef over reported irrigated area (af/ac)				2.71		2.71		3.02		2.72		2.72	
annual diversion volume from WMIS (af)				677.47		888.29		875.49		888.29		1081.86	
volume over 378 ac irrigated area (af/ac)				1.79		2.35		2.32		2.35		2.86	
volume over reported irrigated area (af/ac)				1.94		2.54		2.52		2.56		3.12	

Inspection of Table 1 shows that the maximum diversion volume occurred in 2015. The calculated Pdef over the irrigated area (2.72 af/ac) and the diversion volume (3.12 af/ac) result in an unrealistic irrigation efficiency of 87%. It is likely that the consumptive use was less than predicted by the Pdef values if the crop was not fully watered. Assuming an irrigation efficiency of 80% for primarily center pivot irrigation on the Ford/Roth farm, and a diversion rate of 3.12 af/ac, a better estimate for actual consumptive use is 2.50 af/ac over the 347.06 irrigated area in 2015.

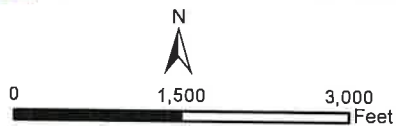
Because irrigation practices and crops have remained consistent since the recent approval of Transfer 84383, 2.5 af/acre is being proposed for this transfer based on the above data. An ESPA Transfer Spreadsheet model analysis and mitigation analysis are not required since all points of diversion are in same or adjacent model cells.

LEGEND

Proposed Places of Use

Use

-  Authorized ppu - 946 acres
-  Specified irrigation - 733.6 acres



True West Beef 206 Irrigation Map

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8S	17E	11									18.6			27.5	5.9	31.7	8.2	3.5	95.4
		12				2					34.4	38.4	33.6	32.1	8				148.5
	18E	6															33.1		33.1
		7						Lt 1 8	Lt 2 35.7			Lt 3 34.9	Lt 4 31						
			26.5	21.3	30.2	24.5			39.2	36.4				36.8	34.8	30.8	36.4	30.1	456.6
TOTAL																			733.6



<BOL> DATA SOURCE: Jerome NAIP 2021

ATTACHMENT 10
206 IRRIGATION MAP
TRUE WEST BEEF
PROJECT #10335568



0004745874



STATE OF IDAHO
Office of the secretary of state, Lawrence Denney
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 #: 0004745874

Date Filed: 5/13/2022 8:48:53 AM

Entity Name and Mailing Address:

Entity Name: True West Beef LLC
The file number of this entity on the records of the Idaho Secretary of State is: 0003900153
Address: KIM STUART
1555 W SHORELINE DR
STE 320
BOISE, ID 83702-9109

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:

The registered agent on record is:

Registered Agent: Kim Stuart
Registered Agent
Physical Address
1555 W SHORELINE DR
STE 320
BOISE, ID 83702
Mailing Address
1555 W SHORELINE DR
STE 320
BOISE, ID 83702-9109

Limited Liability Company Managers and Members

Name	Title	Business Address
Agri Beef Co	Member	KIM STUART 1555 W SHORELINE DR 320 BOISE, ID 83702

The annual report must be signed by an authorized signer of the entity.

Job Title: Member

Kim Stuart

Sign Here

05/13/2022

Date

BU/08-0301 03/13/2022 8:48 AM RECEIVED BY ID SECRETARY OF STATE LAWRENCE DENNEY



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 Gary Spackman

September 8, 2022

TRUE WEST BEEF LLC
1555 W SHORELINE DR STE 320
BOISE, ID 83702-9109

RE: Transfer No. 86695
Water Right No(s). 36-14617, 36-2283

RE: Transfer No. 86696
Water Right No(s). 36-2556

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 9/15/2022 and 9/22/2022**. 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 **October 3, 2022**.

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

Denise Maline
Administrative Assistant 1

c: HDR Inc.

Maline, Denise

From: Maline, Denise
Sent: Thursday, September 8, 2022 4:21 PM
To: Ragan, Brian
Subject: Comment Letter for Transfer applications 86695 & 86696: True West Beef LLC
Attachments: Transfer 86695 True West Beef LLC.pdf; Transfer 86696 True West Beef LLC.pdf; Comment letter to WD130 for 86695 & 86696.docx

Hi Brian,

Attached are (2) applications that are currently being processed by the department, located within WD130. Please review the applications and provide any necessary comments within 21 days.

If you have any questions regarding these applications, please feel free to contact Bill Mills.

Thank you in advance,

Denise @ IDWR Twin Falls

Denise Maline, Administrative Assistant
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
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Governor Brad Little

Director Gary Spackman

September 8, 2022

WATER DISTRICT 130
BRIAN RAGAN
PO BOX 83720
BOISE ID 83720-0098

RE: Application for Transfer No(s): 86695 and 86696 (True West Beef LLC)

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 past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, September 8, 2022 11:23 AM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News cover letter.docx; Times News ad.docx

Attached please find (1) legal notice being submitted for publication on September 15th & 22nd, 2022. Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise @ IDWR Twin Falls

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



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Governor Brad Little

Director Gary Spackman

September 8, 2022

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

RE: Transfer No. 86695
Water Right No(s). 36-14617, 36-2283

RE: Transfer No. 86696
Water Right No(s). 36-2556

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 October 3, 2022. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 86695

TRUE WEST BEEF LLC, 1555 W SHORELINE DR STE 320, BOISE, ID 83702-9109 has filed Application No. 86695 for changes to the following water rights within JEROME County(s): Right No(s). 36-14617, 36-2283. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the points of diversion, place of use, nature of use and period of use for a 63 acre portion (0.83 cfs) of two combined irrigation ground water rights. Current place of use, current points of diversion, proposed place of use and the two existing wells the water will be moved to, are generally located approximately 4.0 to 6.8 miles east and 0.9 to 2.1 miles north of the city center of Jerome. The proposed change of nature of use will be from irrigation to industrial use for a beef processing facility located at the place of use. Application also proposes reuse of the industrial water by land applying in the current industrial permissible place of use (PPU) which overlaps the irrigation PPU to be updated in companion transfer # 86696.

TRANSFER NO. 86696

TRUE WEST BEEF LLC, 1555 W SHORELINE DR STE 320, BOISE, ID 83702-9109 has filed Application No. 86696 for changes to the following water rights within JEROME County(s): Right No(s). 36-2556. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the points of diversion and place of use for a 108 acre portion (1.47 cfs) of an irrigation ground water right. Current place of use and point of diversion are located approximately 6.7 to 7.3 miles east and 0.2 miles south to 0.8 miles north of the city center of Jerome. The portion being transferred is proposed to be added to an existing 946 acre irrigation permissible place of use (PPU) and diverted from three existing wells located approximately 4.0 to 6.8 miles east and 0.9 to 2.1 miles north of the city center of Jerome. The proposed transfer will replace water converted from irrigation to industrial use in companion transfer #86695.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and/or the proposed transfers, please see <https://research.idwr.idaho.gov>. 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 **October 3, 2022**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on September 15th & 22nd, 2022

MEMORANDUM

Date: September 7, 2022
To: Transfer 86695 File
From: Bill Mills
Re: Transfer Proposal

Application proposes changing the points of diversion, place of use, nature of use and period of use for a 63 acre portion (0.83 cfs) of two combined irrigation ground water rights. Current place of use, current points of diversion, proposed place of use and the two existing wells the water will be moved to, are generally located approximately 4.0 to 6.8 miles east and 0.9 to 2.1 miles north of the city center of Jerome. The proposed change of nature of use will be from irrigation to industrial use for a beef processing facility located at the place of use. Application also proposes reuse of the industrial water by land applying in the current industrial permissible place of use (PPU) which overlaps the irrigation PPU to be updated in companion transfer # 86696.

The provided change in nature of use analysis utilized an acceptable consumptive use estimate of 2.50 af/acre.

Companion transfer #86696 is seeking to move 108 acres (1.47 cfs) of irrigation ground water from another farm into the existing 940 acre irrigation permissible place of use (PPU) to replace the 63 acres this transfer seeks to convert from irrigation to industrial use.

PODs, current and proposed POU are in Water District 130. Watermaster comments will be solicited. PODs are also located in the ESPA. However, modeling is not required as the current and proposed wells are in adjacent ESPA model grid cells.

MEMORANDUM

Date: August 30, 2022
To: Transfer 86695
From: Bill Mills
Re: Fee Evaluation

Filing fees charged for transfer application #86695 were based on the on the current transfer fee schedule and included \$500.00 for the 0.83 cfs being transferred in the application (S039407). An additional \$250.00 for change in nature of use fee was also paid (S039422) for a total fee of \$750.00.



RECEIVED

AUG 24 2022

DEPT OF WATER RESOURCES
SOUTHERN REGION

August 23, 2022

Corey Skinner, Southern Region Manager
Idaho Department of Water Resources
650 Addison Avenue West, Suite 500
Twin Falls, ID 83301-5858

Subject: Applications for Transfer – True West Beef LLC

Dear Corey,

Enclosed on behalf of True West Beef LLC are three transfer applications summarized below. Further details are provided in each transfer's narrative.

The first transfer proposes transfer of 63 acres under water rights 36-2283 and 36-14617 to accommodate additional industrial use for applicant's beef processing facility. Filing fee is \$500.

The second transfer application proposes transfer of 108 acres under water right 36-2556 to backfill the 63 acres plus add an additional 45 acres for irrigation use. An ETRANS analysis is included and shows mitigation is not required for the proposed transfer. Filing fee is \$580.

The third transfer application proposed changing the place of use for the remaining water right 36-2556 and associated water right 36-2531 to reflect an integrated irrigation system. Filing fee is \$660.

Check #0026360543 for \$1,740 is enclosed to cover the applications' filing fees.

Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,

HDR Engineering, Inc.

Lori Graves
Sr. Water Rights Specialist

Cc: Dave Stiner – True West Beef

Enclosers: 3 applications, check