

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

86488

RECEIVED

JUN 27 2022

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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) Midway Dairy, 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 <https://idwr.idaho.gov/water-rights/transfers/resources/>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☒ #10 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 27 2022

DEPT OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Midway Dairy, LLC

Phone 2086784820

Mailing address 2500 OVERLAND AVE BURLEY, ID 83318-2941

Email _____

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

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

☐ No Representative

Name of Representative Greg Sullivan

Phone 208-736-8543

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

Email greg.sullivan@brockwayeng.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

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


Signature of Applicant or Authorized Representative

David Gerratt - member
Print Name and Title if applicable

6-1-2022
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
☐ Change nature of use

☒ Add diversion point(s)
☐ Change period of use

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

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. <u>Right Number</u>		<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>		<u>Source & Tributary</u>
All or Part						
☒	☐	43-2366B	0.77/139.2	Stock/Commercial	1/01 to 12/31	Ground Water
☒	☐	43-2375B	1.35/403.7	Stock/Commercial	1/01 to 12/31	Ground Water
☒	☐	43-2555B	0.98/186.3	Stock/Commercial	1/01 to 12/31	Ground Water
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	
☐	☐				to	

Total authorized under rights 3.1 cfs and/or 590 acre-feet.

2. Total amount of water proposed to be transferred or changed 3.1 cubic feet per second and/or 590 acre-feet per year.

3. Point(s) of Diversion:

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

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
			NW	NW	13	11S	26E	Cassia	Ground Water	
			NW	NW	13	11S	26E	Cassia	Ground Water	
			NW	NW	13	11S	26E	Cassia	Ground Water	
			NW	NW	13	11S	26E	Cassia	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	
11S	26E	11	C	C	C	C	C	C	C	C	C				C	C	C	C	
11S	26E	13	C	C	C	C	C	C	C	C									
11S	26E	14	C	C		C													
11S	27E	18					C	C	C	C									
11S	26E	13	S	S	S	S	S	S	S	S									
11S	26E	14	S			S													
Total Acres (for irrigation 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:

A new well will be drilled and plumbed into the currently delivery system.

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

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

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

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

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:

No change to irrigated land.

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

None

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

Yes No

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

If yes, describe:

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

Current Water Right No.: 43-2366B

Current Owner: IDA GOLD FARMS GENERAL PARTNERSHIP
 Priority Date: 8/15/1951
 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>
STOCKWATER	01/01 to 12/31	0.77 CFS	139.2 AF
COMMERCIAL	01/01 to 12/31	0.77 CFS	139.2 AF
	<u>Total Diversion</u>	0.77 CFS	139.2 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NW1/4	Sec. 13,	Twp 11S,	Rge 26E B.M.
CASSIA County				
GROUND WATER	NW1/4NW1/4	Sec. 13,	Twp 11S,	Rge 26E B.M.
CASSIA County				
GROUND WATER	NW1/4NW1/4	Sec. 13,	Twp 11S,	Rge 26E B.M.
CASSIA County				

Place of Use

Page _____ of _____

STOCKWATER Within CASSIA County

T11S R26E S13	NENE	T11S R26E S13	NWNE
T11S R26E S13	NENW	T11S R26E S13	NWNW
T11S R26E S14	NENE	T11S R26E S14	SENE
T11S R27E S18	Lot 1 NWNW		

COMMERCIAL Within CASSIA County

T11S R26E S2	NENE	T11S R26E S2	NWNE
T11S R26E S2	SWNE	T11S R26E S2	SENE
T11S R26E S2	NESW	T11S R26E S2	NWSW
T11S R26E S2	SWSW	T11S R26E S2	SESW
T11S R26E S2	NESE	T11S R26E S2	NWSE
T11S R26E S2	SWSE	T11S R26E S2	SESE
T11S R26E S11	NENE	T11S R26E S11	NWNE
T11S R26E S11	SWNE	T11S R26E S11	SENE
T11S R26E S11	NENW	T11S R26E S11	NWNW
T11S R26E S11	SWNW	T11S R26E S11	SENW
T11S R26E S11	NESW	T11S R26E S11	SESW
T11S R26E S11	NESE	T11S R26E S11	NWSE
T11S R26E S11	SWSE	T11S R26E S11	SESE
T11S R26E S13	NWNE	T11S R26E S13	SWNE
T11S R26E S13	SENE	T11S R26E S13	NENW
T11S R26E S13	NWNW	T11S R26E S13	SWNW
T11S R26E S13	SENW	T11S R26E S14	NENE
T11S R26E S14	NWNE	T11S R26E S14	SWNE
T11S R26E S14	SENE	T11S R26E S14	NENW
T11S R26E S14	SENW	T11S R27E S17	SWSW
T11S R27E S18	NENW	T11S R27E S18	Lot 1 NWNW
T11S R27E S18	Lot 2 SWNW	T11S R27E S18	SENW
T11S R27E S19	NESE	T11S R27E S19	SESE
T11S R27E S20	NWNW	T11S R27E S20	SWNW
T11S R27E S20	NWSW	T11S R27E S20	SWSW
T11S R27E S29	NWNW	T11S R27E S30	NENE
T11S R27E S30	SWNE	T11S R27E S30	SENE
T11S R27E S30	NESE	T11S R27E S30	NWSE
T11S R27E S30	SWSE	T11S R27E S30	SESE

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. 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.
3. X35 Rights 43-2366B and 43-2375B when combined shall not exceed a total annual maximum diversion volume of 403.7 af.
4. 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. 143.
5. 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.
6. 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.
7. X35 Rights 43-2366B, 43-2375B and 43-2555B when combined shall not exceed a total diversion rate of 3.1 cfs, a total annual maximum diversion volume of 590 af.

Decreed Date: 6/28/2002

Page _____ of _____

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

Current Water Right No.: 43-2375B

Current Owner: IDA GOLD FARMS GENERAL PARTNERSHIP
Priority Date: 3/6/1952
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>
COMMERCIAL	01/01 to 12/31	1.35 CFS	390.9 AF
IRRIGATION	03/15 to 11/15	0.06 CFS	8 AF
STOCKWATER	01/01 to 12/31	1.35 CFS	390.9 AF
DOMESTIC	01/01 to 12/31	0.13 CFS	4.8 AF
	<u>Total Diversion</u>	1.35 CFS	403.7 AF

Location of Point(s) of Diversion

GROUND WATER CASSIA County	NW1/4NW1/4	Sec. 13,	Twp 11S,	Rge 26E B.M.
GROUND WATER CASSIA County	NW1/4NW1/4	Sec. 13,	Twp 11S,	Rge 26E B.M.
GROUND WATER CASSIA County	NW1/4NW1/4	Sec. 13,	Twp 11S,	Rge 26E B.M.

Place of Use

Page _____ of _____

IRRIGATION Within CASSIA County

T11S R26E S14 NENE 2.00

Total Acres: 2

STOCKWATER Within CASSIA County

T11S R26E S13	NENE	T11S R26E S13	NWNE
T11S R26E S13	NENW	T11S R26E S13	NWNW
T11S R26E S14	NENE	T11S R26E S14	SENE
T11S R27E S18	Lot 1 NWNW		

COMMERCIAL Within CASSIA County

T11S R26E S2	NENE	T11S R26E S2	NWNE
T11S R26E S2	SWNE	T11S R26E S2	SENE
T11S R26E S2	NESW	T11S R26E S2	NWSW
T11S R26E S2	SWSW	T11S R26E S2	SESW
T11S R26E S2	NESE	T11S R26E S2	NWSE
T11S R26E S2	SWSE	T11S R26E S2	SESE
T11S R26E S11	NENE	T11S R26E S11	NWNE
T11S R26E S11	SWNE	T11S R26E S11	SENE
T11S R26E S11	NENW	T11S R26E S11	NWNW
T11S R26E S11	SWNW	T11S R26E S11	SENW
T11S R26E S11	NESW	T11S R26E S11	SESW
T11S R26E S11	NESE	T11S R26E S11	NWSE
T11S R26E S11	SWSE	T11S R26E S11	SESE
T11S R26E S13	NWNE	T11S R26E S13	SWNE
T11S R26E S13	SENE	T11S R26E S13	NENW
T11S R26E S13	NWNW	T11S R26E S13	SWNW
T11S R26E S13	SENW	T11S R26E S14	NENE
T11S R26E S14	NWNE	T11S R26E S14	SWNE
T11S R26E S14	SENE	T11S R26E S14	NENW
T11S R26E S14	SENW	T11S R27E S17	SWSW
T11S R27E S18	NENW	T11S R27E S18	Lot 1 NWNW
T11S R27E S18	Lot 2 SWNW	T11S R27E S18	SENW
T11S R27E S19	NESE	T11S R27E S19	SESE
T11S R27E S20	NWNW	T11S R27E S20	SWNW
T11S R27E S20	NWSW	T11S R27E S20	SWSW
T11S R27E S29	NWNW	T11S R27E S30	NENE
T11S R27E S30	SWNE	T11S R27E S30	SENE
T11S R27E S30	NESE	T11S R27E S30	NWSE
T11S R27E S30	SWSE	T11S R27E S30	SESE

DOMESTIC Within CASSIA County

T11S R26E S14 NENE

Conditions of Approval:

1. 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.
2. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
3. 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.
4. 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. 143.
5. X35 Rights 43-2366B, 43-2375B and 43-2555B when combined shall not exceed a total diversion rate of 3.1 cfs, a total annual maximum diversion volume of 590 af.
6. X35 Rights 43-2366B and 43-2375B when combined shall not exceed a total annual maximum diversion volume of 403.7 af.
7. 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: 6/28/2002

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

Current Water Right No.: 43-2555B

Current Owner: IDA GOLD FARMS GENERAL PARTNERSHIP
Priority Date: 10/30/1962
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>
COMMERCIAL	01/01 to 12/31	0.98 CFS	186.3 AF
STOCKWATER	01/01 to 12/31	0.98 CFS	186.3 AF
	<u>Total Diversion</u>	0.98 CFS	186.3 AF

Location of Point(s) of Diversion

GROUND WATER CASSIA County	NW1/4NW1/4	Sec. 13,	Twp 11S,	Rge 26E B.M.
GROUND WATER CASSIA County	NW1/4NW1/4	Sec. 13,	Twp 11S,	Rge 26E B.M.
GROUND WATER CASSIA County	NW1/4NW1/4	Sec. 13,	Twp 11S,	Rge 26E B.M.

Place of Use

Page _____ of _____

STOCKWATER Within CASSIA County

T11S R26E S13	NENE	T11S R26E S13	NWNE
T11S R26E S13	NENW	T11S R26E S13	NWNW
T11S R26E S14	NENE	T11S R26E S14	SENE
T11S R27E S18	Lot 1 NWNW		

COMMERCIAL Within CASSIA County

T11S R26E S2	NENE	T11S R26E S2	NWNE
T11S R26E S2	SWNE	T11S R26E S2	SENE
T11S R26E S2	NESW	T11S R26E S2	NWSW
T11S R26E S2	SWSW	T11S R26E S2	SESW
T11S R26E S2	NESE	T11S R26E S2	NWSE
T11S R26E S2	SWSE	T11S R26E S2	SESE
T11S R26E S11	NENE	T11S R26E S11	NWNE
T11S R26E S11	SWNE	T11S R26E S11	SENE
T11S R26E S11	NENW	T11S R26E S11	NWNW
T11S R26E S11	SWNW	T11S R26E S11	SENW
T11S R26E S11	NESW	T11S R26E S11	SESW
T11S R26E S11	NESE	T11S R26E S11	NWSE
T11S R26E S11	SWSE	T11S R26E S11	SESE
T11S R26E S13	NWNE	T11S R26E S13	SWNE
T11S R26E S13	SENE	T11S R26E S13	NENW
T11S R26E S13	NWNW	T11S R26E S13	SWNW
T11S R26E S13	SENW	T11S R26E S14	NENE
T11S R26E S14	NWNE	T11S R26E S14	SWNE
T11S R26E S14	SENE	T11S R26E S14	NENW
T11S R26E S14	SENW	T11S R27E S17	SWSW
T11S R27E S18	NENW	T11S R27E S18	Lot 1 NWNW
T11S R27E S18	Lot 2 SWNW	T11S R27E S18	SENW
T11S R27E S19	NESE	T11S R27E S19	SESE
T11S R27E S20	NWNW	T11S R27E S20	SWNW
T11S R27E S20	NWSW	T11S R27E S20	SWSW
T11S R27E S29	NWNW	T11S R27E S30	NENE
T11S R27E S30	SWNE	T11S R27E S30	SENE
T11S R27E S30	NESE	T11S R27E S30	NWSE
T11S R27E S30	SWSE	T11S R27E S30	SESE

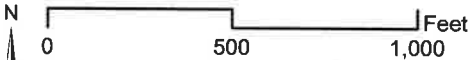
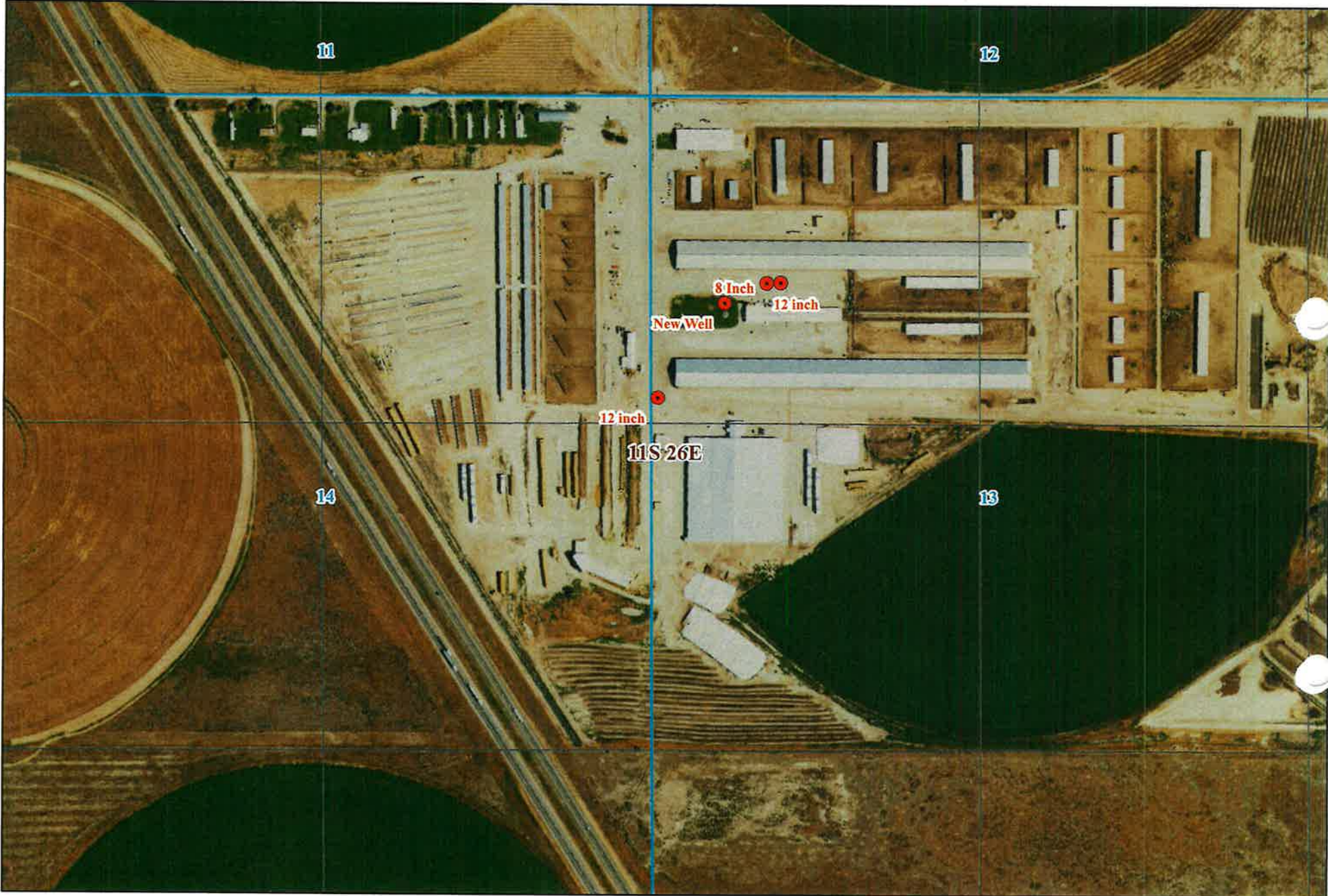
Page _____ of _____

Conditions of Approval:

1. 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. 143.
2. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
3. 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.
4. 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.
5. X35 Rights 43-2366B, 43-2375B and 43-2555B when combined shall not exceed a total diversion rate of 3.1 cfs, a total annual maximum diversion volume of 590 af.
6. 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: 6/28/2002

86488



BROCKWAY ENGINEERING, PLLC.
GWS - Date: 5/9/2022

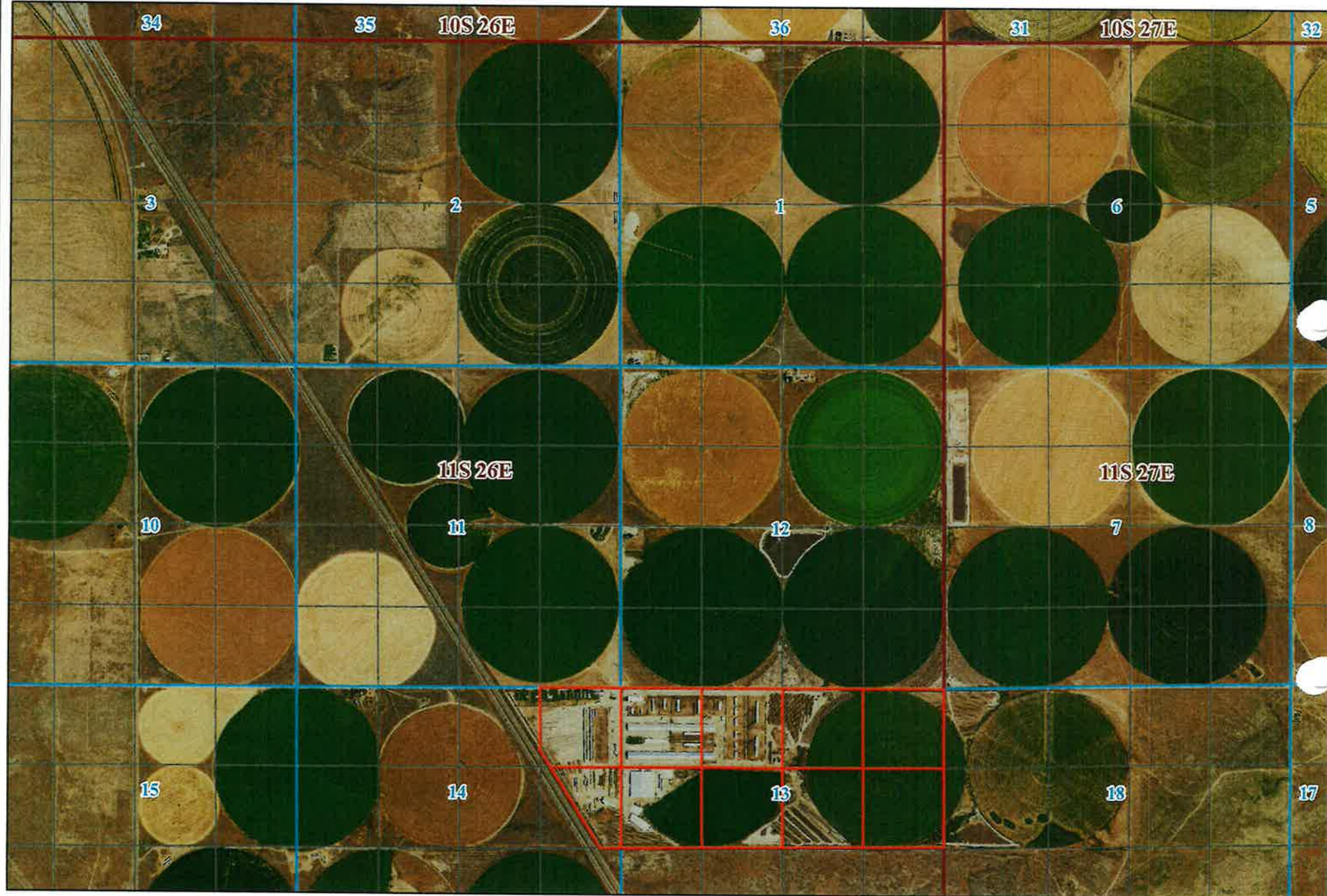
86488

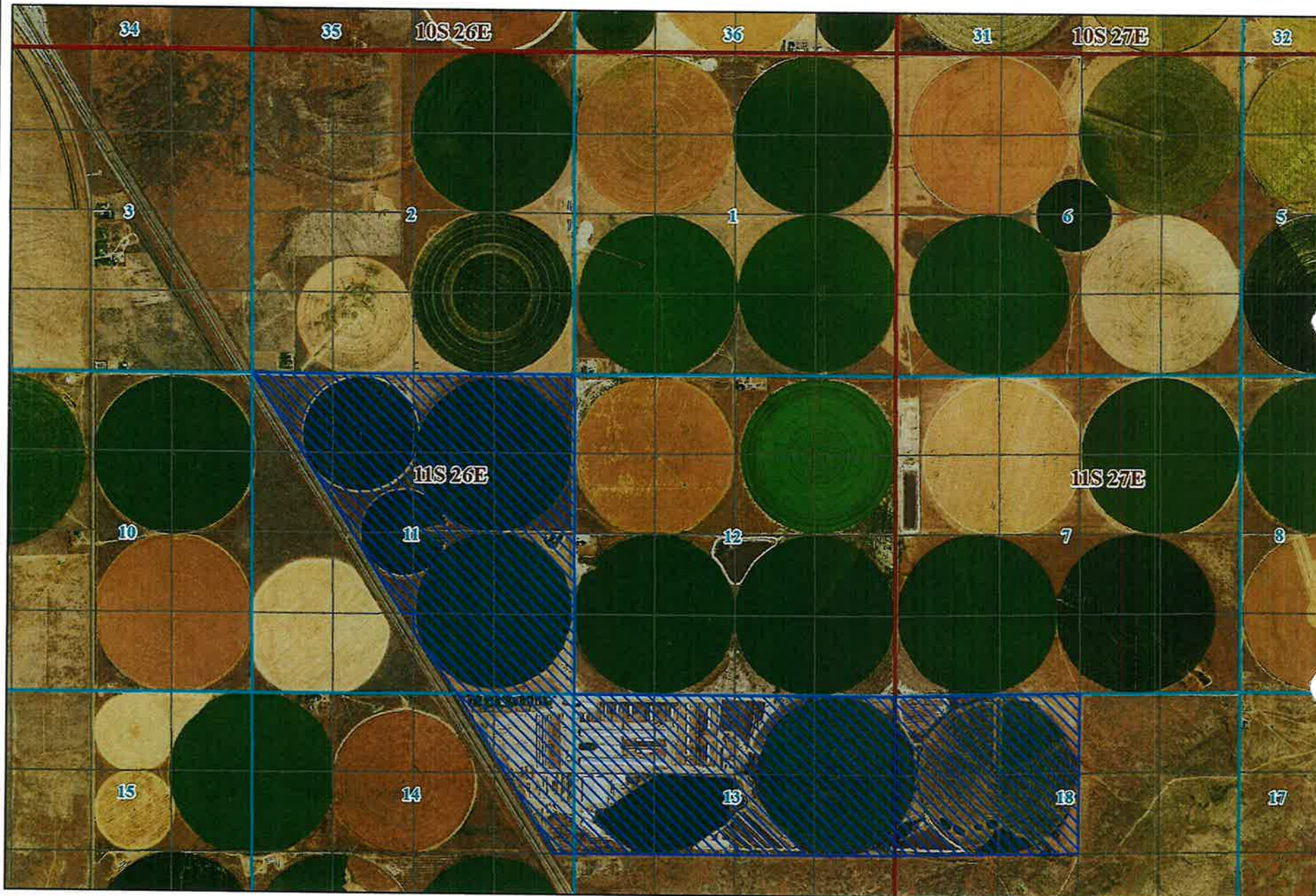
DAVID GERRATT

DAIRY MAP WITH WELLS
NAIP 2019 AERIAL

Legend

● Dairy Wells





0 2,500 5,000 Feet

**MIDWAY DAIRY
DAVID GERRATT**

Legend

 Commercial_POU

BROCKWAY ENGINEERING, PLLC.
GWS - Date: 6/16/2022

86488

NAIP 2019 AERIAL



0004521737

**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 #: 0004521737

Date Filed: 12/8/2021 8:50:14 AM

B0667-2643 12/08/2021 8:50 AM Received by ID Secretary of State Lawrence Denney

Entity Name and Mailing Address:

Entity Name: MIDWAY DAIRY, L.L.C.
The file number of this entity on the records of the Idaho Secretary of State is: 0000065139
Address: 2500 OVERLAND AVE
BURLEY, ID 83318-2941

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: W17077

The registered agent on record is:

Registered Agent: TODD GERRATT
Registered Agent
Physical Address
2500 OVERLAND AVE
BURLEY, ID 83318-2956
Mailing Address
2500 OVERLAND AVE
BURLEY, ID 83318-2941

The name and street address of the new registered agent and office in Idaho is:

Registered Agent: Registered Agent
Kyle Gerratt
Physical Address:
2500 OVERLAND AVENUE
BURLEY, ID 83318
Mailing Address:
2500 OVERLAND AVE
BURLEY, ID 83318-2941

☒ I affirm that the registered agent appointed has consented to serve as registered agent for this entity.

Limited Liability Company Managers and Members

Name	Title	Business Address
David G Gerratt	Member	2500 OVERLAND AVE BURLEY, ID 83318
Steve G Gerratt	Member	2500 OVERLAND AVE BURLEY, ID 83318
Jacob G Gerratt	Member	2500 OVERLAND AVE BURLEY, ID 83318
☒ Alan G Gerratt	Member	2500 OVERLAND AVE BURLEY, ID 83318
☒ Kyle Gerratt	Member	2500 OVERLAND AVENUE BURLEY, ID 83318

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

Job Title: CFO



Kyle Gerratt

Sign Here

12/08/2021

Date



CERTIFICATE OF ASSUMED BUSINESS NAME

Pursuant to Section 53-504, Idaho Code, the undersigned submits for filing a certificate of Assumed Business Name.

Please type or print legibly.

Instructions are included on back of application.

FILED EFFECTIVE
2012 SEP 28 AM 9:40
SECRETARY OF STATE
STATE OF IDAHO

1. The assumed business name which the undersigned use(s) in the transaction of business is:

IDA GOLD FARMS, GENERAL PARTNERSHIP

2. The true name(s) and business address(es) of the entity or individual(s) doing business under the assumed business name:

Name

Complete Address

See attached

246 E. 300 S., Burley, ID 83318

3. The general type of business transacted under the assumed business name is:

- | | |
|--|--|
| ☐ Retail Trade | ☐ Transportation and Public Utilities |
| ☐ Wholesale Trade | ☐ Construction |
| ☐ Services | ☒ Agriculture |
| ☐ Manufacturing | ☐ Mining |
| ☐ Finance, Insurance, and Real Estate | |

4. The name and address to which future correspondence should be addressed:

ALAN GERRATT

246 E. 300 S.

Burley, ID 83318

5. Name and address for this acknowledgment copy is (if other than # 4 above):

WILLIAM A PARSONS

BOX 910

BURLEY, IDAHO 83318

Submit Certificate of
Assumed Business
Name and \$25.00 fee to:

Secretary of State
450 North 4th Street
PO Box 83720
Boise ID 83720-0080
208 334-2301

Secretary of State use only

Signature: *Rex Gerratt*

Printed Name: REX GERRATT

Capacity/Title: Partner

Signature: *Larry Gerratt*

Printed Name: LARRY GERRATT

Capacity/Title: Partner

IDAHO SECRETARY OF STATE
09/28/2012 05:00
CK: 25491 CT: 3700 BH: 1341787
1 @ 25.00 = 25.00 ASSUM NAME # 3

D158403

CERTIFICATE OF
ASSUMED BUSINESS NAME, cont.
(IDA GOLD FARMS, GENERAL PARTNERSHIP)

Signature: Alan Gerratt
Printed Name: ALAN GERRATT
Capacity/Title: Partner

Signature: Todd Gerratt
Printed Name: TODD GERRATT
Capacity/Title: Partner

Signature: David Gerratt
Printed Name: DAVID GERRATT
Capacity/Title: Partner

Signature: Steve Gerratt
Printed Name: STEVE GERRATT
Capacity/Title: Partner

Signature: Dan H Clayton
Printed Name: DAN H. CLAYTON
Capacity/Title: Partner



0004695550

**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 #: 0004695550

Date Filed: 4/12/2022 11:16:06 AM

Entity Name and Mailing Address:

Entity Name:

ADT FARMS, LLC

The file number of this entity on the records of the Idaho
Secretary of State is:

0000060478

Address

2500 OVERLAND AVE
BURLEY, ID 83318-2941

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:

W15454

The registered agent on record is:

Registered Agent

TODD GERRATT
Registered Agent

Physical Address

2500 OVERLAND AVE
BURLEY, ID 83318

Mailing Address

2500 OVERLAND AVE
BURLEY, ID 83318-2956

Limited Liability Company Managers and Members

Name	Title	Business Address
TODD GERRATT	Member	2500 OVERLAND BURLEY, ID 83318
ALAN GERRATT	Member	2500 OVERLAND BURLEY, ID 83318

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

Job Title: Member

Todd Gerratt

Sign Here

04/12/2022

Date

B0700-5487 04/12/2022 11:16 AM Received by ID Secretary of State Lawrence Denney



0004695547

**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 #: 0004695547

Date Filed: 4/12/2022 11:15:15 AM

Entity Name and Mailing Address:

Entity Name: ADTD FARMS, LLC
The file number of this entity on the records of the Idaho Secretary of State is: 0000060482
Address: 2500 OVERLAND AVE
BURLEY, ID 83318-2941

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: W15455

The registered agent on record is:

Registered Agent: TODD GERRATT
Registered Agent
Physical Address
2500 OVERLAND AVE
BURLEY, ID 83318
Mailing Address

Limited Liability Company Managers and Members

Name	Title	Business Address
TODD GERRATT	Member	2500 OVERLAND AVE BURLEY, ID 83318
ALAN GERRATT	Member	2500 OVERLAND AVE BURLEY, ID 83318
DAVID GERRATT	Member	2500 OVERLAND AVE BURLEY, ID 83318
STEVE GERRATT	Member	2500 OVERLAND AVE BURLEY, ID 83318
JACOB GERRATT	Member	2500 OVERLAND AVE BURLEY, ID 83318

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

Job Title: Member

Todd Gerratt

Sign Here

04/12/2022

Date

B0700-5484 04/12/2022 11:15 AM Received by ID Secretary of State Lawrence Denney

WATER RIGHT QUITCLAIM DEED

THIS INDENTURE, made this 6 day of June, 2022, between **IDA GOLD FARMS, GENERAL PARTNERSHIP, an Idaho Partnership**, ("Grantor"), of 2500 Overland Avenue, Burley, Idaho 83318, and **MIDWAY DAIRY, L.L.C., an Idaho limited liability company**, of 2500 Overland Avenue, Burley, Idaho 83318, ("Grantee").

WITNESSETH:

The said Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), lawful money of the United States of America, and other valuable consideration to Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever quitclaim unto the Grantee and to the successors and assigns of the Grantee, all of the interest of the Grantor in those certain water rights in the County of Cassia, State of Idaho, particularly described as follows, to-wit:

WATER RIGHT NOS. 43-2366B, 43-2375B, 43-2555B

TOGETHER with all and singular the rights, privileges, and appurtenances thereunto belonging or in anywise appertaining, and all issues, and profits thereof. To have and to hold, all and singular the said water right, unto the Grantee, and to the heirs, successors, and assigns of Grantee forever.

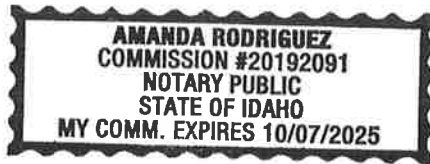
IN WITNESS WHEREOF, the Grantor has executed this Quitclaim Deed.

**IDA GOLD FARMS,
GENERAL PARTNERSHIP**

BY: David Senott
ITS: member

1
2
3
4
5 STATE OF IDAHO)
6) ss
County of Cassia)

7 On this 6 day of June, in the year 2022, before me, the undersigned, a Notary Public in
8 and for said State, personally appeared David Gerratt, known or identified to
9 me to be a member of **IDA GOLD FARMS, GENERAL PARTNERSHIP**, the partnership that executed
the instrument or the person who executed the instrument on behalf of said partnership, and acknowledged
to me that such partnership executed the same.



A. Rodriguez
Notary Public for Idaho
Residing at Cassia County
My commission expires on 10/07/2025

WARRANTY DEED

THIS INDENTURE, made this 22 day of MARCH, 2002,
between **TODD GERRATT & BRENDA GERRATT**, husband and wife, **DAN CLAYTON**
& **MARY ANN CLAYTON**, husband and wife, and **ALAN GERRATT & KAYLA**
GERRATT, husband and wife of 246 E. 300 S. Burley, Idaho 83318 ("Grantor"), and
MIDWAY DAIRY, L.L.C. whose address is 246 E. 300 S. Burley, Idaho 83318,
("Grantee").

WITNESSETH:

The Grantor for and in consideration of the sum of Ten Dollars (\$10.00),
lawful money of the United States of America, and other good and valuable
consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby
acknowledged, has granted, bargained, and sold and by these presents does grant,
bargain and sell, convey and confirm unto the Grantee, and to the successors and
assigns of Grantee forever, all of the following described real estate situated in the
County of Cassia, State of Idaho, to-wit:

More particularly described on Exhibit A
attached hereto and made a part hereof by
reference.

SUBJECT TO: Cassia County Resolutions 2000-4-2 and
2000-4-3 and the Waste Management Land Use Agreement.

TOGETHER with all and singular the tenements, hereditaments and
appurtenances thereunto belonging or in anywise appertaining, the reversion and

1 reversions, remainder and remainders, rents, issues and profits thereof, and all estate,
2 right, title and interest in and to said property as well in law as in equity of the Grantor.

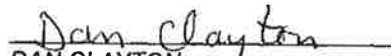
3 **TO HAVE AND TO HOLD**, all and singular the above-mentioned and
4 described premises, together with appurtenances unto the Grantee and to the
5 successors and assigns of Grantee forever.

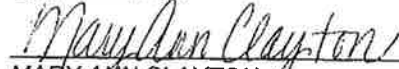
7 The Grantor shall and will warrant and by these presents will forever defend
8 the said premises in the quiet and peaceable possession of the Grantee, and the
9 successors and assigns of Grantee against all and every person and persons
10 whomsoever lawfully claiming the same, except as aforesaid.

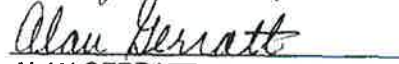
12 **IN WITNESS WHEREOF**, the Grantor has executed this Deed the day and
13 year first above written.

14 
15 TODD GERRATT

16 
17 BRENDA GERRATT

18 
19 DAN CLAYTON

20 
21 MARY ANN CLAYTON

22 
23 ALAN GERRATT

24 
25 KAYLA GERRATT

1 STATE OF IDAHO)
2 County of Cassia) ss

3 On this 22 day of March, in the year 2002, before me, the undersigned, a
4 Notary Public in and for said State, personally appeared **TODD GERRATT & BRENDA GERRATT**,
5 husband and wife, known or identified to me to be the persons whose names are subscribed to the within
6 instrument, and acknowledged to me that they executed the same.

7 **WILLIAM A. PARSONS**
8 **NOTARY PUBLIC**
9 **STATE OF IDAHO**

William A. Parsons
Notary Public for Idaho
Residing at Burley
Comm. Exp.: 7/20/04

10 STATE OF IDAHO)
11 County of Cassia) ss

12 On this 22 day of March, in the year 2002, before me, the undersigned, a
13 Notary Public in and for said State, personally appeared **DAN CLAYTON & MARY ANN CLAYTON**,
14 husband and wife, known or identified to me to be the persons whose names are subscribed to the within
15 instrument, and acknowledged to me that they executed the same.

16 **WILLIAM A. PARSONS**
17 **NOTARY PUBLIC**
18 **STATE OF IDAHO**

William A. Parsons
Notary Public for Idaho
Residing at Burley
Comm. Exp.: 7/20/04

19 STATE OF IDAHO)
20 County of Cassia) ss

21 On this 22 day of March, in the year 2002, before me, the undersigned,
22 a Notary Public in and for said State, personally appeared **ALAN GERRATT & KAYLA GERRATT**,
23 husband and wife, known or identified to me to be the persons whose names are subscribed to the within
24 instrument, and acknowledged to me that they executed the same.

25 **WILLIAM A. PARSONS**
26 **NOTARY PUBLIC**
STATE OF IDAHO

William A. Parsons
Notary Public for Idaho
Residing at Burley
Comm. Exp.: 7/20/04

(Midway Dairy-Gerrett(WarrantyDeed.wpd)

Warranty Deed - 3

EXHIBIT A

Part of the NE $\frac{1}{4}$ and all of the NW $\frac{1}{4}$ of Section 13 and part of the NE $\frac{1}{4}$ of Section 14 all in Township 11 South, Range 26 East of the Boise Meridian, Cassia County, State of Idaho.

Beginning at the Northwest section corner of Section 13 of T.11 S., R.26 E., B.M., said corner marked by a U.S.BLM aluminum pipe and cap which shall be the Point of Beginning;

THENCE South 89 degrees 30 minutes 47 seconds East along the north line of the NW $\frac{1}{4}$ for a distance of 2640.70 feet to the North $\frac{1}{4}$ section corner of Section 13, marked by a $\frac{1}{2}$ " iron pin;

THENCE South 89 degrees 30 minutes 42 seconds East along the north line of the NE $\frac{1}{4}$ for a distance of 1321.91 feet;

THENCE South 00 degrees 29 minutes 18 seconds West for a distance of 20.78 feet to a $\frac{1}{2}$ " rebar;

THENCE South 00 degrees 29 minutes 18 seconds West for a distance of 46.67 feet to a $\frac{1}{2}$ " rebar;

THENCE along a non-tangent curve to the left for a distance of 3344.49 feet to a $\frac{1}{2}$ " rebar, said curve having a radius of 1306.12 feet and a central angle of 146°42'48" and a long chord bearing of South 00 degrees 27 minutes 27 seconds West for a distance of 2502.80 feet;

THENCE South 00 degrees 27 minutes 52 seconds West for a distance of 72.87 feet to a $\frac{1}{2}$ " rebar on the east-west $\frac{1}{4}$ section line;

THENCE North 89 degrees 32 minutes 08 seconds West along said line for a distance of 3942.25 feet to the West $\frac{1}{4}$ section corner of Section 13 said corner marked by a U.S.GLO iron pipe with brass cap on top;

THENCE North 89 degrees 46 minutes 26 seconds West along the east-west $\frac{1}{4}$ section line of Section 14 for a distance of 338.89 feet to a $\frac{1}{2}$ " rebar on the east right of way of Interstate 80;

THENCE North 31 degrees 35 minutes 32 seconds West along said right of way for a distance of 1603.77 feet to a right of way marker at station 630+97.72;

THENCE North 31 degrees 34 minutes 50 seconds West continuing along said right of way for a distance of 1509.37 feet to a $\frac{1}{2}$ " rebar at the intersection of said right of way and the north line of the NE $\frac{1}{4}$ of Section 14;

THENCE South 89 degrees 45 minutes 12 seconds East along the north line of the NE $\frac{1}{4}$ for a distance of 1970.33 feet to the Point of Beginning.

EXCEPTING AND RESERVING unto the Grantor, and the successors and assigns of the Grantor, the following parcel:

BEGINNING at the Northwest corner of Section 13, Township 11 South, Range 26 E.B.M., said corner marked by a U.S. BLM aluminum pipe and cap, which shall be the point of beginning; **THENCE** East along the North section line of said Section 13 one hundred (100) feet; **THENCE** South 80 feet; **THENCE** West 100 feet; **THENCE** North 80 feet to the point of beginning.

AND EXCEPTING AND RESERVING unto the Grantor and to the successors and assigns of the Grantor a perpetual easement for the installation, repair, replacement and maintenance of an underground pipeline and for ingress and egress thereto for the maintenance of said pipeline, which easement is twenty (20) feet in width, wherein the pipeline is buried, running generally from the well located on the immediately before described parcel to the following described parcel, to-wit:

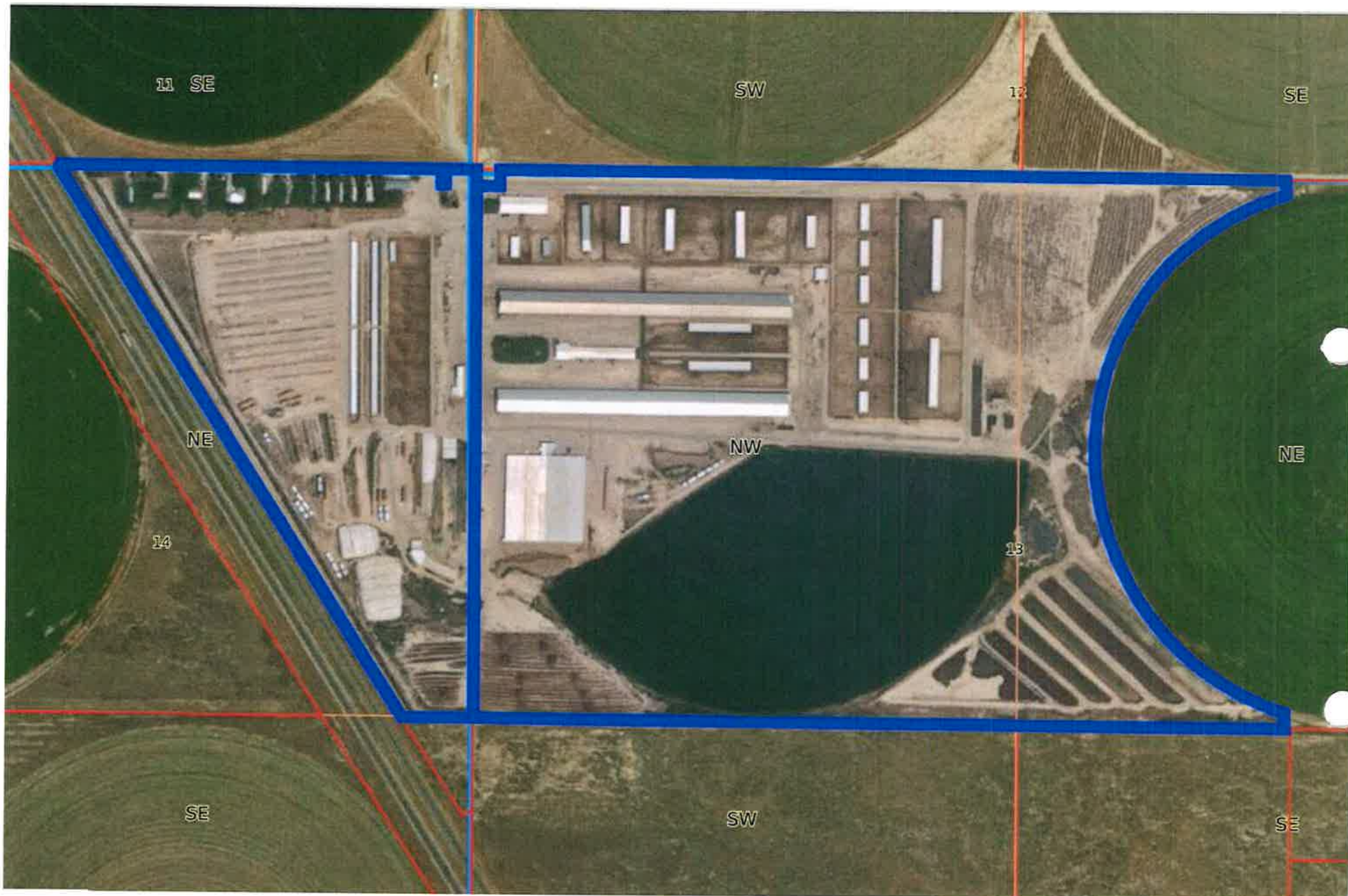
THENCE Southeasterly to the center of the Northwest Quarter (NW $\frac{1}{4}$) of said Section 13, Township 11 South, Range 26 East, Boise Meridian; **THENCE** easterly to the East boundary of said Northwest Quarter (NW $\frac{1}{4}$) of said Section 13; **THENCE** continuing East in the Northeast Quarter (NE $\frac{1}{4}$) of Section 13, Township 11 South, Range E.B.M., to the remaining portion of said Northeast Quarter (NE $\frac{1}{4}$) not herein conveyed, which later parcel is the servient parcel for which parcel this easement is to benefit.

280470
BOISE COUNTY, IDAHO
DANIEL M. ROSKELLEY
RECORDER
FEE 150 DEPUTY DB
02 PM 25 PM 3 30
RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW



This Document
Provided Courtesy of
TitleOne
a title & escrow co.

**This sketch is furnished for
information purposes only to assist in
property location with reference to
streets and other parcels. No
representation is made as to accuracy.**



This Document
Provided Courtesy of
TitleOne
a title & escrow co.

**This sketch is furnished for
information purposes only to assist in
property location with reference to
streets and other parcels. No
representation is made as to accuracy.**

STATEMENT OF CONSENT

To Whom It May Concern,

GW FINANCE COMPANY LLC owns a parcel of ground in Cassia County, Idaho in the area of Township 11S Range 26E Section 2. The property parcel number is:

RP11S26E022553

I understand that Midway Dairy LLC is proposing to update the commercial water place of use of water rights 43-2366B, 43-2375B and 43-2555B with water right transfer that will be submitted to the Idaho Department of Water Resources.

I recognize that part of the commercial place of use of water rights 43-2366B, 43-2375B and 43-2555B are currently identified on property in which I own. I have no legal claim or ownership to water rights 43-2366B, 43-2375B and 43-2555B.

I formally give my consent to Midway Dairy LLC to update the ownership and to transfer water rights 43-2366B, 43-2375B and 43-2555B.

GW FINANCE COMPANY LLC:

Joshua Wally

Date: 07/20/2022

RECEIVED

JUL 20 2022

DEPT OF WATER RESOURCES
SOUTHERN REGION

STATEMENT OF CONSENT

To Whom It May Concern,

I, MATTHEWS, G H "PETE" and MATTHEWS, LINDA, own several parcels of ground in Cassia County, Idaho in the area of Township 11S Range 27E Sections 17, 19, 20, 29 and 30. The property parcel numbers are:

RP11S27E300003
RP11S27E197500
RP11S27E293000
RP11S27E203000
RP11S27E176000

I understand that Midway Dairy LLC is proposing to update the commercial water place of use of water rights 43-2366B, 43-2375B and 43-2555B with water right transfer that will be submitted to the Idaho Department of Water Resources.

I recognize that part of the commercial place of use of water rights 43-2366B, 43-2375B and 43-2555B are currently identified on property in which I own. I have no legal claim or ownership to water rights 43-2366B, 43-2375B and 43-2555B.

I formally give my consent to Midway Dairy LLC to update the ownership and to transfer water rights 43-2366B, 43-2375B and 43-2555B.

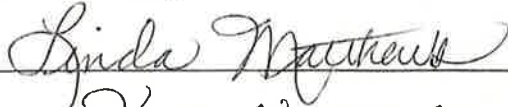
Pete Matthews:



Date:

June 20, 2022

Linda Matthews:



Date:

June 20, 2022

CONTRACT OF AGREEMENT

To Whom It May Concern,

Midway Dairy, LLC has prepared a water right transfer that will change the authorized place of use of water rights 43-2366B, 43-2375B and 43-2555B. The current and proposed stock and commercial place of use is located on property owned by Midway Dairy LLC, ADT Farms LLC and ADTD Farm LLC.

The properties are located in Cassia County, Idaho in Township 11 South Range 26 East Sections 11, 13 and 14 and in Township 11 South Range 27 East Sections 18.

ADT Farm LLC and ADTD Farm LLC recognize that portions of part of water rights 43-2366B, 43-2375B and 43-2555B stock and commercial place of use will be identified on property in which they own. ADT Farm LLC and ADTD Farm LLC have no legal claim or ownership to water right 43-2366B, 43-2375B and 43-2555B and give their permission for the transfer to occur.

ADT Farm LLC:

Alan Senatt

Title: member

Date: 6/20/2022

ADTD Farm LLC:

Alan Senatt

Title: member

Date: 6/20/2022

Midway Dairy LLC:

David Senatt

Title: member

Date: 6/20/2022

RECEIVED

AUG 10 2022

DEPT OF WATER RESOURCES
SOUTHERN REGION

STATEMENT OF CONSENT

To Whom It May Concern,

OK RENTALS IDAHO LIMITED LIABILITY COMPANY, own two parcels of ground in Cassia County, Idaho in the area of Township 11S Range 26E Section 2. The property parcel numbers are:

RP11S26E024800

RP11S26E020001

I understand that Midway Dairy LLC is proposing to update the commercial water place of use of water rights 43-2366B, 43-2375B and 43-2555B with water right transfer that will be submitted to the Idaho Department of Water Resources.

I recognize that part of the commercial place of use of water rights 43-2366B, 43-2375B and 43-2555B are currently identified on property in which I own. I have no legal claim or ownership to water rights 43-2366B, 43-2375B and 43-2555B.

I formally give my consent to Midway Dairy LLC to update the ownership and to transfer water rights 43-2366B, 43-2375B and 43-2555B.

OK RENTALS IDAHO LIMITED LIABILITY COMPANY:

 - Member / MANAGER

Date: August 10, 2022

Maline, Denise

From: Ragan, Brian
Sent: Friday, August 26, 2022 10:10 AM
To: Maline, Denise
Subject: RE: Comment Letter for Transfer No. 86488 - Midway Dairy

I have one comment:

An approved measuring device will be required to be installed on this new well to measure its annual diversion volume. The cumulative diversion rate of the water rights pertinent to this new well due to the transfer will exceed the 0.24 cubic feet per second threshold set in the preliminary measurement order named "*In the Matter of Requiring Measuring Devices for Ground Water Diversions in Water District No. 143 (Raft River Basin)*" issued by the Director on September 14, 2016.

The list of approved measuring devices can be found here: <https://idwr.idaho.gov/wp-content/uploads/sites/2/water-measurement/Measuring-Devices-Minimum-Acceptable-Standards.pdf>

Thank you,
Brian Ragan
IDWR Water Distribution Section
(208) 287-4934

From: Maline, Denise <Denise.Maline@idwr.idaho.gov>
Sent: Thursday, August 25, 2022 4:12 PM
To: Ragan, Brian <Brian.Ragan@idwr.idaho.gov>
Subject: Comment Letter for Transfer No. 86488 - Midway Dairy

Hi Brian,

Attached is an application for transfer currently being processed by the department, within WD143. 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 Water Resource Agent Bill Mills.

Thank you in advance,

Denise

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
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

August 25, 2022

MIDWAY DAIRY LLC
2500 OVERLAND AVE
BURLEY, ID 83318-2941

RE: Transfer No. 86488
Water Right No(s). 43-2366B, 43-2375B, 43-2555B

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 9/1/2022 and 9/8/2022**. 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 **September 19, 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: Brockway Engineering PLLC
Metropolitan Life Insurance Company, Overland Park, KS

Maline, Denise

From: Maline, Denise
Sent: Thursday, August 25, 2022 4:12 PM
To: Ragan, Brian
Subject: Comment Letter for Transfer No. 86488 - Midway Dairy
Attachments: Comment letter to WD143 for 86488.docx; App. for Transfer 86488 Midway Dairy.pdf

Hi Brian,

Attached is an application for transfer currently being processed by the department, within WD143. 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 Water Resource Agent Bill Mills.

Thank you in advance,

Denise

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
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

August 25, 2022

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

RE: Application for Transfer No(s): 86488 (Midway Dairy 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, August 25, 2022 10:51 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 1st & 8th, 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
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W Ste 500
Twin Falls ID 83301-5858
(208) 293-9908
denise.maline@idwr.idaho.gov



IDAHO DEPARTMENT OF
WATER RESOURCES

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

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

Governor Brad Little

Director Gary Spackman

August 25, 2022

LEGAL NOTICE DEPARTMENT

TIMES NEWS

PO BOX 548

TWIN FALLS, ID 83303-0548

RE: Transfer No. 86488

Water Right No(s). 43-2366B, 43-2375B, 43-2555B

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 September 19, 2022. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline

Administrative Assistant 1

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 86488**

MIDWAY DAIRY LLC, 2500 OVERLAND AVE, BURLEY, ID 83318-2941 has filed Application No. 86488 for changes to the following water rights within CASSIA County(s): Right No(s). 43-2366B, 43-2375B, 43-2555B; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: Application is seeking to add an existing well as a fourth point of diversion (POD) to three stockwater and commercial ground water rights (combined 3.1 cfs & 590 af) utilized at an existing dairy facility. Application is also seeking to change the place of use (POU) to match current water use for both stockwater and commercial uses at the facility. POU and PODs are located approximately 20.6 to 23.0 miles east and 4.4 to 4.9 miles south of the intersection of Overland Ave and Main St in Burley.

For additional information concerning the property location, contact Southern Region office at (208)736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W STE 500, TWIN FALLS ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **September 19, 2022**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on September 1st & 8th, 2022

M E M O R A N D U M

Date: July 27, 2022
To: Transfer 86488 File
From: Bill Mills
Re: Transfer Proposal

Application is seeking to add an existing well as a fourth point of diversion (POD) to three stockwater and commercial ground water rights (combined 3.1 cfs & 590 af) utilized at an existing dairy facility. Application is also seeking to change the place of use (POU) to match current water use for both stockwater and commercial uses at the facility. POU and PODs are located approximately 20.6 to 23.0 miles east and 4.4 to 4.9 miles south of the intersection of Overland Ave and Main St in Burley.

PODs, current and proposed POU are in Water District 143. Watermaster comments will be solicited.

M E M O R A N D U M

Date: July 27, 2022
To: Transfer 86488
From: Bill Mills
Re: Fee Evaluation

Filing fees charged for transfer application #86488 are based on the current transfer fee schedule and included \$740.00 for the 3.1 cfs being transferred in the transfer application. An additional \$75.00 was paid to process a change of ownership for the three water rights through the transfer process (Receipt No. S039310; Total Fee Paid \$815.00).



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

JUN 27 2022

DEPT. OF WATER RESOURCES
SOUTHERN REGION

June 22, 2022

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

Re: 43-2366B, 43-2375B and 43-2555B

Dear Mr. Skinner:

Midway Dairy LLC desires to update the characteristics of water rights 43-2366B, 43-2375B and 43-2555B. These water rights are located on an existing dairy facility north of Malta, Idaho.

The ownership, authorized points of diversions and the authorized place of use for stockwater and commercial water will be updated with this transfer.

A new well will be drilled for the facility, which will have a total of four authorized points of diversion after the well is drilled.

Sincerely,



Greg Sullivan, M.S., Engineer

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

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

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

Cc: David Gerratt

Enc: Transfer of Water Right Application, Quitclaim Deed, Aerial Maps, Contract of Agreement, Letter of Consent, Annual Reports, Brockway Engineering Check

110994 for \$815.00