

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 85789**

This is to certify that: **HANSENS QUALITY JERSEYS LLC**
277 E 700 N
RUPERT, ID 83350-9580

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
36-16758	WR/DECREED	9/30/1965	4.790 cfs	968.8 af	242.2	263.0	GROUND WATER
36-16760	WR/DECREED	9/23/1967	0.370 cfs	83.2 af	20.8	263.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
36-16758	NO	NO	YES	NO	NO	NO
36-16760	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
36-16758	36-16758	4.790 cfs	968.8 af	242.2	263.0	N/A	N/A	N/A	N/A	N/A
36-16760	36-16760	0.370 cfs	83.2 af	20.8	263.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		4.790 cfs	1052.0 af	263.0	263.0		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 28th day of February, 2022.



Southern Region Manager

SUPPORT DATA

Transfer No. 85789

IN FILE # 36-16758

WATER RIGHT NO. 36-16758
As Modified by Transfer No. 85789

In accordance with the approval of Transfer No. 85789, Water Right No. 36-16758 is now described as follows:

Right Holder: HANSENS QUALITY JERSEYS LLC
 277 E 700 N
 RUPERT, ID 83350-9580

Priority Date: 9/30/1965

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	4.790 cfs	968.8 af
			4.790 cfs	968.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENENW Sec 36 Twp 07S Rge 24E MINIDOKA County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	24E	25											17						17
07S	24E	36	23.0	20.0	40.0	40.0	6.0	39.0	38.0	40.0									246.0

Right Acre Limit: 242.2

POU Total Acres: 263.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 242.2 acres within the place of use described above in a single irrigation season.
2. Rights 36-16758 and 36-16760 when combined shall not exceed a total diversion rate of 4.79 cfs, a total annual maximum diversion volume of 1052.0 af at the field headgate, and the irrigation of 263.0 acres.
3. 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.
4. 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 diversion(s).
5. 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.

Transfer No. 85789

WATER RIGHT NO. 36-16758
As Modified by Transfer No. 85789

CONDITIONS OF APPROVAL

6. Right No. 36-16760 is an enlargement of this right pursuant to Sec. 42-1426, Idaho Code.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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.

WATER RIGHT NO. 36-16760
As Modified by Transfer No. 85789

In accordance with the approval of Transfer No. 85789, Water Right No. 36-16760 is now described as follows:

Right Holder: HANSENS QUALITY JERSEYS LLC
277 E 700 N
RUPERT, ID 83350-9580

Priority Date: 9/23/1967

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	0.370 cfs	83.2 af
			0.370 cfs	83.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENENW Sec 36 Twp 07S Rge 24E MINIDOKA County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	24E	25											17						17
07S	24E	36	23.0	20.0	40.0	40.0	6.0	39.0	38.0	40.0									246.0

Right Acre Limit: 20.8
POU Total Acres: 263.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 20.8 acres within the place of use described above in a single irrigation season.
2. Rights 36-16758 and 36-16760 when combined shall not exceed a total diversion rate of 4.79 cfs, a total annual maximum diversion volume of 1052.0 af at the field headgate, and the irrigation of 263.0 acres.
3. 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.
4. 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 diversion(s).
5. 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.

Transfer No. 85789

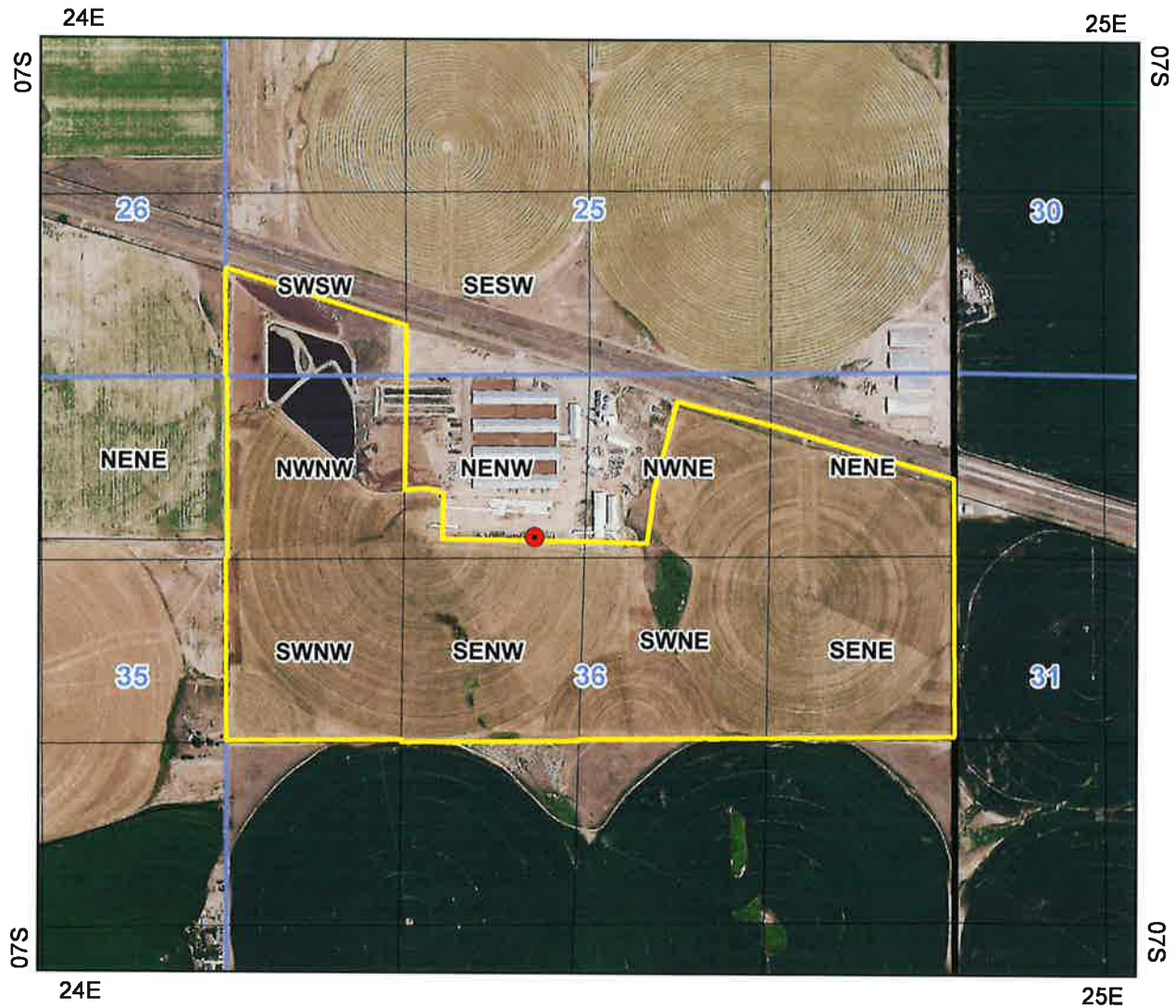
WATER RIGHT NO. 36-16760
As Modified by Transfer No. 85789

CONDITIONS OF APPROVAL

6. 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 Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
7. This right is based upon an enlargement of Right No. 36-16758 pursuant to Section 42-1426, Idaho Code.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. 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.

State of Idaho
Department of Water Resources
Attachment to Transfer # 85789
36-16758 and 36-16760

This map depicts the IRRIGATION place of use boundary for these water rights at the time of this approval and is attached to the approval document solely for illustrative purposes.



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

0 0.15 0.3 0.6 Miles



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

85789
RECEIVED

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

FEB 02 2022

DEPT OF WATER RESOURCES
SOUTHERN REGION

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) HANSENS QUALITY JERSEYS 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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB 02 2022

DEPT OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) HANSENS QUALITY JERSEYS LLC Phone 2085324366
Mailing address 277 E 700 N RUPERT, ID 83350 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 North 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.

John P. Hansen
Signature of Applicant or Authorized Representative

John P. Hansen - manager
Print Name and Title if applicable

JAN 17th 2022
Date

Vickie Hansen
Signature of Applicant or Authorized Representative

Vickie Hansen - Co-Manager
Print Name and Title if applicable

1-17-22
Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- Is this a transfer for changes pursuant to Idaho Code § 42-221 O.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 update the irrigation place of use of water rights 36-16758 and 36-16760. The PODs, ownership, period of use and beneficial use will not be changing this transfer. A portion of these water rights have been set aside to satisfy volume reduction requirements from the Magic Valley Ground Water District.

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 ☒ ☐	36-16758	4.790/968.8	Irrigation	3/15 to 11/15	Ground Water
☒ ☐	36-16760	0.37/83.2	Irrigation	3/15 to 11/15	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 4.790 cfs and/or 1052.0 acre-feet.

2. Total amount of water proposed to be transferred or changed 4.790 cubic feet per second and/or 1052.0 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 #

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	
07S	24E	25											17						17.0
07S	24E	36	23	20	40	40	6	39	38	40									246.0
Total Acres (for irrigation use)																			263.0

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:

Existing PODs, mainlines and 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:

The allowed acres for water right 36-16758 and 36-16760 will remain at 263.0 acres

- 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.: 36-16758

Current Owner: HANSENS QUALITY JERSEYS LLC
Priority Date: 9/30/1965
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	4.79 CFS	968.8 AF
	Total Diversion	4.79 CFS	968.8 AF

Location of Point(s) of Diversion

GROUND WATER
MINIDOKA County

SE1/4NE1/4NW1/4 Sec. 36, Twp 07S, Rge 24E B.M.

Place of Use

IRRIGATION Within MINIDOKA County

T07S R24E S25	SWSW	13.00	T07S R24E S25	SESW	4.00
T07S R24E S36	NENE	23.00	T07S R24E S36	NWNE	28.00
T07S R24E S36	SWNE	38.00	T07S R24E S36	SENE	38.00
T07S R24E S36	NENW	9.00	T07S R24E S36	NWNW	35.00
T07S R24E S36	SWNW	38.00	T07S R24E S36	SENW	37.00

Total Acres: 263

Conditions of Approval:

1. Right No. 36-16760 is an enlargement of this right pursuant to Sec. 42-1426, Idaho Code.
2. Right No. 36-16760 is also diverted through the point of diversion described above.
3. X35 Rights 36-16758 and 36-16760 when combined shall not exceed a total diversion rate of 4.79 cfs, a total annual maximum diversion volume of 1052.0 af at the field headgate, and the irrigation of 263.0 acres.
4. T19 Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
5. X27 This right is limited to the irrigation of 242.2 acres within the place of use described above in a single irrigation season.

Page _____ of _____

Decreed Date: 8/27/2001

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

Current Water Right No.: 36-16760

Current Owner: HANSENS QUALITY JERSEYS LLC

Priority Date: 9/23/1967

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.37 CFS	83.2 AF
	<u>Total Diversion</u>	0.37 CFS	83.2 AF

Location of Point(s) of Diversion

GROUND WATER

SE1/4NE1/4NW1/4

Sec. 36, Twp 07S, Rge 24E B.M.

MINIDOKA County

Place of Use

IRRIGATION Within MINIDOKA County

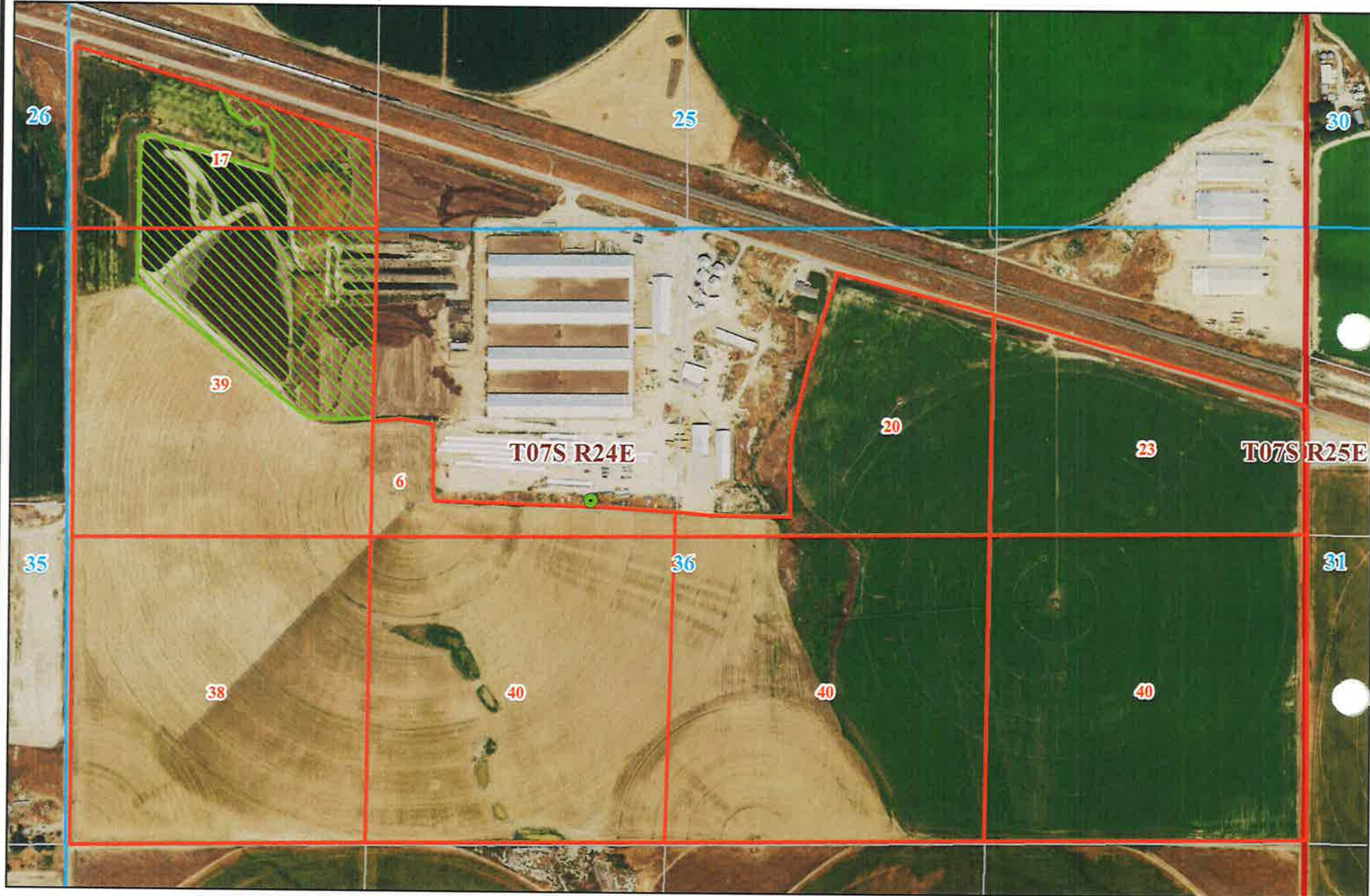
T07S R24E S25	SWSW	13.00	T07S R24E S25	SESW	4.00
T07S R24E S36	NENE	23.00	T07S R24E S36	NWNE	28.00
T07S R24E S36	SWNE	38.00	T07S R24E S36	SENE	38.00
T07S R24E S36	NENW	9.00	T07S R24E S36	NWNW	35.00
T07S R24E S36	SWNW	38.00	T07S R24E S36	SENW	37.00

Total Acres: 263

Conditions of Approval:

1. X35 Rights 36-16758 and 36-16760 when combined shall not exceed a total diversion rate of 4.79 cfs, a total annual maximum diversion volume of 1052.0 af at the field headgate, and the irrigation of 263.0 acres.
2. X27 This right is limited to the irrigation of 20.8 acres within the place of use described above in a single irrigation season.
3. 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 Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
4. T19 Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
5. Right No. 36-16758 is also diverted through the point of diversion described above.
6. This right is based upon an enlargement of Right No. 36-16758 pursuant to Section 42-1426, Idaho Code.

Decreed Date: 8/27/2001



0 500 1,000 Feet

HANSEN QUALITY JERSEYS

36-16758 & 36-16760 WATER RIGHT
POU TRANSFER
NAIP 2019 AERIAL

85789

Legend

- PODs
- Irrigation POU
- MVGWD Mitigation



0004261856

**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 #: 0004261856

Date Filed: 5/3/2021 7:59:34 AM

Entity Name and Mailing Address:								
Entity Name:	HANSEN'S QUALITY JERSEYS, LLC							
The file number of this entity on the records of the Idaho Secretary of State is:	0000050126							
Address	277 E 700 N RUPERT, ID 83350-9580							
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:	W11933							
The registered agent on record is:								
Registered Agent	JOHN P HANSEN Registered Agent Physical Address 277 EAST 700 NORTH RUPERT, ID 83350 Mailing Address							
Limited Liability Company Managers and Members								
<table border="1"><thead><tr><th>Name</th><th>Title</th><th>Business Address</th></tr></thead><tbody><tr><td>John Hansen</td><td>Manager</td><td>277 E 700 N RUPERT, ID 83350</td></tr></tbody></table>			Name	Title	Business Address	John Hansen	Manager	277 E 700 N RUPERT, ID 83350
Name	Title	Business Address						
John Hansen	Manager	277 E 700 N RUPERT, ID 83350						
The annual report must be signed by an authorized signer of the entity.								
Job Title: Manager								
<i>Brian D Hansen</i>		<i>05/03/2021</i>						
Sign Here		Date						

B0604-8773 05/03/2021 7:59 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

March 01, 2022

HANSENS QUALITY JERSEYS LLC
277 E 700 N
RUPERT ID 83350-9580

Re: Transfer No: 85789
Water Right No(s): 36-16758, 36-16760

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,



Corey Skinner
Southern Regional Manager

Enclosure

c:

BROCKWAY ENGINEERING PLLC
C/O GREG SULLIVAN
2016 WASHINGTON ST N STE 4
TWIN FALLS ID 83301-3082

RABO AGRIFINANCE LLC
14767 N OUTER 40 RD STE 400
CHESTERFIELD MO 63017

WATER DISTRICT 130
NATHAN ERICKSON
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301-5858

CERTIFICATE OF SERVICE

I hereby certify that on March 01, 2022 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 85789

Water Right No(s): 36-16758, 36-16760

HANSENS QUALITY JERSEYS LLC
277 E 700 N
RUPERT ID 83350-9580

BROCKWAY ENGINEERING PLLC
C/O GREG SULLIVAN
2016 WASHINGTON ST N STE 4
TWIN FALLS ID 83301-3082

RABO AGRIFINANCE LLC
14767 N OUTER 40 RD STE 400
CHESTERFIELD MO 63017

WATER DISTRICT 130
NATHAN ERICKSON
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301-5858



Denise Maline
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

Date: February 24, 2022
To: Transfer #85789 – Hansens Quality Jerseys LLC Transfer File
From: Tyler Wallace
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes to change the place of use (POU) for two irrigation rights with a combined flow rate of 4.79 cfs, which currently irrigate 263.0 acres located approximately 7 miles north of Acequia. The proposed POU will modify the existing POU to reflect changes in the irrigation system.

The transfer is in Water District 130 so Watermaster comments were solicited. The watermaster had no opposition to the transfer. Advertising is not necessary because the transfer will only change the POU of land contiguous to the present POU.

- **Authority to File:**
The Department's database indicates that water right 36-16758 and 36-16760 are owned by Hansens Quality Jerseys LLC. The application was signed by the John P. Hansen (manager) and Vickie Hansen (co-manager).
- **Water Right Validity:**
The water rights were decreed in the SRBA in 2001. Validation of recent use for said water rights was confirmed using available aerial photography of the place of use.
- **Injury to Other Water Rights:**
None anticipated or foreseen. Transfer is only to change POU to match the current irrigation system.
- **Enlargement of Use:**
None anticipated. Transfer proposes no increase in volume of water used or acres irrigated.
- **Local Public Interest:**
No issues anticipated. The transfer was not advertised.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**
None Anticipated
- **Effect of the Agricultural Base of the Area:**
None Anticipated

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Transfer No: 85789
Water Right No: 36-16758, etc.
Applicant Name: HANSENS QUALITY JERSEYS LLC

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application
- b) ☐ I do not oppose approval of this application under the following terms:
- c) ☐ I oppose approval of this application(s) for the following reasons:
- d) ☐ Additional comment:

Dated: February 24, 2022

Water District 130



Nathan Erickson, Watermaster



IDAHO DEPARTMENT
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

February 23, 2022

WATER DISTRICT 130
NATHAN ERICKSON
650 ADDISON AVE W STE 500
TWIN FALLS, ID 83301-5858

RE: Application for Transfer No(s): 85775 and 85789 (Hansen Quality Jerseys LLC)

Dear Nathan:

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)

FEE MEMORANDUM

Date: February 23, 2022
To: Transfer #85789, Hansens Quality Jerseys LLC
From: Tyler Wallace
Re: Receipting of fees paid

This transfer was filed on February 2, 2022, as part of a set of associated transfers. The intent is to change the place of use for two ground water irrigation rights with a combined flow rate of 4.79 cfs. The fee paid was \$820.00 based on that rate. The fee was paid by Brockway Engineering with check #16777 at the time of filing. The IDWR receipt number is S039065.

However, upon further review only 15 acres of the POU will be changing. Therefore, the associated flow rate being transferred is 0.27 cfs for which the fee should be \$500. Because this transfer is part of a set of associated transfers, \$150 of the remaining \$320 will be applied to transfer 85775.

Wallace, Tyler

From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Tuesday, February 15, 2022 10:24 AM
To: Wallace, Tyler
Cc: Skinner, Corey
Subject: RE: E-mail for transfer filing fee for Hansens Quality Jerseys LLC

Corey and Tyler,

Please apply the excess transfer fee submitted to IDWR by Check 16777 to the domestic POD transfer #85775 and for the changing in irrigation place of use under transfer #85789.

Thank you,

Greg Sullivan
Brockway Engineering
2016 North Washington Street, Suite 4
Twin Falls, Idaho 83301
208-736-8543

All information, calculations, maps, drawings, or other documents transmitted via e-mail are preliminary unless explicitly stated in the e-mail text or in the documents themselves.

From: Skinner, Corey [<mailto:Corey.Skinner@idwr.idaho.gov>]
Sent: Monday, February 14, 2022 12:24 PM
To: Greg Sullivan <greg.sullivan@brockwayeng.com>
Cc: Wallace, Tyler <Tyler.Wallace@idwr.idaho.gov>
Subject: E-mail for transfer filing fee for Hansens Quality Jerseys LLC

Greg,

Can you get us an e-mail to use the excess irrigation transfer fees for the shortfall in the domestic transfer fees?

Thanks,

Corey

MEMORANDUM

Date: February 8, 2022

To: Transfer #85789, Hansens Quality Jerseys LLC

From: Tyler Wallace

Re: Legal Notic Not Required

Legal Notice Not Required
2/8/2022

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

Transfer will only change POU of contiguous lands.

TRANSFER Summary

Date: February 8, 2022
To: Transfer #85789, Hansens Quality Jerseys LLC
From: Tyler Wallace
Re: Summary of Transfer

Application for transfer proposes to change the place of use (POU) for two irrigation rights with a combined flow rate of 4.79 cfs, which currently irrigate 263.0 acres located approximately 7 miles north of Acequia. The proposed POU will modify the existing POU to reflect changes in the irrigation system.

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BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

FEB 02 2022

DEPT OF WATER RESOURCES
SOUTHERN REGION

January 31, 2022

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

Re: Hansen Quality Jerseys LLC

Dear Mr. Skinner:

This transfer proposes to correctly update the irrigation place of use of water right 36-16758 and 36-16760. The ownership, points of diversion, period of use and beneficial use will not be changing at this time.

A portion of the irrigation water under these two water rights has been set aside to satisfy volume reduction requirements set for by the Magic Valley Ground Water District.

The transfer fee for this transfer will be \$820.00.

Please contact me if you have any questions.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Hansen Quality Jerseys LLC

Enc: Transfer Application, Aerial Maps, Annual Report, Brockway Engineering Check

16777

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