STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 85137

This is to certify that: L & S LAND HOLDINGS LLC
2930 S 2300 E
WENDELL, ID 83355-3150

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

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
36-10395	WR/DECREED	7/1/1984	0.060 cfs	N/A	N/A	N/A	GROUND WATER
36-10899	WR/DECREED	1/31/1950	0.040 cfs	N/A	N/A	N/A	GROUND WATER
36-2312D	WR/DECREED	11/26/1956	0.250 cfs	77.4 af	N/A	N/A	GROUND WATER
36-4151B	WR/DECREED	8/15/1954	1.040 cfs	206.0 af	N/A	N/A	GROUND WATER
36-7291D	WR/DECREED	1/23/1973	0.320 cfs	64.6 af	N/A	N/A	GROUND WATER
36-7387D	WR/DECREED	10/27/1973	0.150 cfs	77.4 af	N/A	N/A	GROUND WATER
36-7871	WR/LICENSE	9/24/1979	1.000 cfs	208.7 af	N/A	40.0	GROUND WATER
36-8362	WR/LICENSE	6/3/1988	1.000 cfs	116.4 af	N/A	N/A	GROUND WATER
36-8367	WR/LICENSE	6/21/1988	0.110 cfs	8.7 af	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
36-10395	NO	YES	YES	YES	NO	NO
36-10899	NO	YES	YES	YES	NO	NO
36-2312D	YES	YES	YES	YES	NO	NO
36-4151B	NO	YES	YES	YES	NO	NO
36-7291D	YES	YES	YES	YES	NO	NO
36-7387D	YES	YES	YES	YES	NO	NO
36-7871	YES	YES	YES	YES	NO	NO
36-8362	NO	YES	YES	YES	NO	NO
36-8367	NO	YES	YES	YES	NO	NO

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
36-10395	36-10395	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
36-10899	36-10899	0.040 cfs	14.6 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
36-2312D	36-17189	0.130 cfs	41.3 af	N/A	N/A	36-2312D	0.120 cfs	36.1 af	N/A	N/A
36-4151B	36-4151B	1.040 cfs	206.0 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
36-7291D	36-17188	0.090 cfs	18.5 af	N/A	N/A	36-7291D	0.230 cfs	46.1 af	N/A	N/A
36-7387D	36-17190	0.080 cfs	41.3 af	N/A	N/A	36-7387D	0.070 cfs	36.1 af	N/A	N/A
36-7871	36-17187	0.200 cfs	25.1 af	N/A	N/A	36-7871	0.800 cfs	183.6 af	N/A	40.0

Transfer No. 85137

SUPPORT DATA
IN FILE # 36-2312D

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 85137

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
36-8362	36-8362	1.000 cfs	116.4 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
36-8367	36-8367	0.110 cfs	8.7 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		**2.110 cfs**	**430.6 af**	**N/A**	**N/A**		**N/A**	**N/A**	**N/A**	**N/A**

Right 36-10395 shall be considered forfeited through approval of Transfer 85137

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 10th day of December, 2021.

Southern Region Manager

WATER RIGHT NO. 36-8367

As Modified by Transfer No. 85137

In accordance with the approval of Transfer No. 85137, Water Right No. 36-8367 is now described as follows:

Right Holder: L & S LAND HOLDINGS LLC
2930 S 2300 E
WENDELL, ID 83355-3150

Priority Date: 6/21/1988

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
COMMERCIAL	1/01	to	12/31	0.110 cfs	0.9 af
STOCKWATER	1/01	to	12/31	0.110 cfs	7.8 af
				0.110 cfs	8.7 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSE	Sec 25 Twp 08S Rge 14E	GOODING County
GROUND WATER	NESW	Sec 25 Twp 08S Rge 14E	GOODING County
GROUND WATER	SESW	Sec 25 Twp 08S Rge 14E	GOODING County
GROUND WATER	SESW	Sec 25 Twp 08S Rge 14E	GOODING County
GROUND WATER	SWSW	Sec 25 Twp 08S Rge 14E	GOODING County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08S	14E	25									X	X	X	X			X		

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08S	14E	25									X	X	X	X			X		

CONDITIONS OF APPROVAL

1. 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.

2. 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).

Transfer No. 85137

WATER RIGHT NO. 36-8367

As Modified by Transfer No. 85137

CONDITIONS OF APPROVAL

3. Rights 36-4151B, 36-8362, 36-8367, 36-10899, 36-17187, 36-17188, 36-17189 and 36-17190 when combined shall not exceed a total diversion rate of 2.11 cfs, a total annual maximum diversion volume of 430.6 af.

4. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.

5. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.

6. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.

7. Commercial use is for a dairy facility.

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.

WATER RIGHT NO. 36-8362

As Modified by Transfer No. 85137

In accordance with the approval of Transfer No. 85137, Water Right No. 36-8362 is now described as follows:

Right Holder: L & S LAND HOLDINGS LLC
2930 S 2300 E
WENDELL, ID 83355-3150

Priority Date: 6/3/1988

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
COMMERCIAL	1/01	to	12/31	0.220 cfs	65.7 af
STOCKWATER	1/01	to	12/31	0.820 cfs	50.7 af
				1.000 cfs	116.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSE	Sec 25 Twp 08S Rge 14E GOODING County
GROUND WATER	NESW	Sec 25 Twp 08S Rge 14E GOODING County
GROUND WATER	SESW	Sec 25 Twp 08S Rge 14E GOODING County
GROUND WATER	SESW	Sec 25 Twp 08S Rge 14E GOODING County
GROUND WATER	SWSW	Sec 25 Twp 08S Rge 14E GOODING County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08S	14E	25									X	X	X	X			X		

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08S	14E	25									X	X	X	X			X		

CONDITIONS OF APPROVAL

1. 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.

2. 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).

3. Rights 36-8362 and 36-4151B when combined shall not exceed a total diversion rate of 1.5 cfs.

Transfer No. 85137

WATER RIGHT NO. 36-8362

As Modified by Transfer No. 85137

CONDITIONS OF APPROVAL

4. Rights 36-4151B, 36-8362, 36-8367, 36-10899, 36-17187, 36-17188, 36-17189 and 36-17190 when combined shall not exceed a total diversion rate of 2.11 cfs, a total annual maximum diversion volume of 430.6 af.

5. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.

6. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.

7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.

8. Commercial use is for a dairy facility.

9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 36-7871

As Modified by Transfer No. 85137

In accordance with the approval of Transfer No. 85137, Water Right No. 36-7871 is now described as follows:

Right Holder: L & S LAND HOLDINGS LLC
2930 S 2300 E
WENDELL, ID 83355-3150

Priority Date: 9/24/1979

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
COMMERCIAL	1/01	to	12/31	0.700 cfs	6.8 af
IRRIGATION	4/01	to	10/31	0.800 cfs	160.0 af
STOCKWATER	1/01	to	12/31	0.060 cfs	16.8 af
				0.800 cfs	183.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NWNE	Sec 26 Twp 08S Rge 14E	GOODING County
GROUND WATER	NWNE	Sec 26 Twp 08S Rge 14E	GOODING County
GROUND WATER	NWNE	Sec 26 Twp 08S Rge 14E	GOODING County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08S	14E	26		X															

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08S	14E	26		16.5	23.5														40.0

POU Total Acres: 40.0

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08S	14E	26		X															

Transfer No. 85137

WATER RIGHT NO. 36-7871

As Modified by Transfer No. 85137

CONDITIONS OF APPROVAL

1. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.

2. The Director retains jurisdiction of the right and may change, add, or remove any requirement as determined to be appropriate.

3. Three points of diversion are located within NWNE, S26, T08S, R14E.
   Right 36-10264 is also diverted through the point(s) of diversion described above.
   Commercial use is for a dairy operation.
   Stockwater use is for 650 dairy cattle and 700 range cattle.

4. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.

5. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.

6. Return water shall be treated to insure that the effluent meets Idaho Water Quality Standards.

7. This water right enjoys the benefit of subordination of hydropower water right nos. 02-00100, 02-4000A, 02-4001A, 02-02032A, 02-4000B, 02-4001B, 02-02032B, 02-02036, 02-02056, 02-02065, 02-02064, 02-10135, 02-02060. 02-02059, 02-02001B, 02-02001A, 02-02057, 37-02128, 37-02472, 37-02471, 37-20710, 37-20709, 36-02013, 36-02018 and 36-02026 only so long as the average daily flows as measured at the Murphy Gage station meet or exceed the minimum stream flows established by state action.

8. Approval of this transfer does not confirm the validity of this water right.

WATER RIGHT NO. 36-17187

As Modified by Transfer No. 85137

In accordance with the approval of Transfer No. 85137, Water Right No. 36-17187 is now described as follows:

Right Holder: L & S LAND HOLDINGS LLC
2930 S 2300 E
WENDELL, ID 83355-3150

Priority Date: 9/24/1979

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
COMMERCIAL	1/01	to	12/31	0.100 cfs	7.1 af
STOCKWATER	1/01	to	12/31	0.100 cfs	18.0 af
				0.200 cfs	25.1 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESW	Sec 25 Twp 08S Rge 14E	GOODING County
GROUND WATER	SWSW	Sec 25 Twp 08S Rge 14E	GOODING County
GROUND WATER	SESW	Sec 25 Twp 08S Rge 14E	GOODING County
GROUND WATER	SESW	Sec 25 Twp 08S Rge 14E	GOODING County
GROUND WATER	SWSE	Sec 25 Twp 08S Rge 14E	GOODING County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08S	14E	25									X	X	X	X			X		0.0

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08S	14E	25									X	X	X	X			X		0.0

CONDITIONS OF APPROVAL

1. 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.

2. 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).

Transfer No. 85137

WATER RIGHT NO. 36-17187

As Modified by Transfer No. 85137

CONDITIONS OF APPROVAL

3. Rights 36-4151B, 36-8362, 36-8367, 36-10899, 36-17187, 36-17188, 36-17189 and 36-17190 when combined shall not exceed a total diversion rate of 2.11 cfs, a total annual maximum diversion volume of 430.6 af.

4. This right is for the use of trust water, and it is subject to review 20 years after its initial approval (date of permit approval) to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.

5. When the minimum stream flow water rights in the Snake River at Murphy Gage are not being satisfied, the right holder shall cease diverting water for the consumptive uses authorized by this right. The minimum stream flow water rights are for 3,900 cfs from April 1 through October 31 and 5,600 cfs from November 1 through March 31. See IDAPA 37.03.08.030.

6. This water right enjoys the benefit of subordination of hydropower water right nos. 02-00100, 02-4000A, 02-4001A, 02-02032A, 02-4000B, 02-4001B, 02-02032B, 02-02036, 02-02056, 02-02065, 02-02064, 02-10135, 02-02060. 02-02059, 02-02001B, 02-02001A, 02-02057, 37-02128, 37-02472, 37-02471, 37-20710, 37-20709, 36-02013, 36-02018 and 36-02026 only so long as the average daily flows as measured at the Murphy Gage station meet or exceed the minimum stream flows established by state action.

7. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.

8. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.

9. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.

10. Commercial use is for a dairy facility.

11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 36-10395

As Modified by Transfer No. 85137

In accordance with the approval of Transfer No. 85137, Water Right No. 36-10395 is now described as follows:

Right Holder: L & S LAND HOLDINGS LLC
2930 S 2300 E
WENDELL, ID 83355-3150

Priority Date: 7/1/1984

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate
DOMESTIC	1/01	to	12/31	0.040 cfs
STOCKWATER	1/01	to	12/31	0.020 cfs
				0.060 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NWNWSW Sec 25 Twp 08S Rge 14E GOODING County

PLACE OF USE: DOMESTIC

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08S	14E	25										X							

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08S	14E	25										X							

CONDITIONS OF APPROVAL

1. Right 36-10395 shall be considered forfeited through approval of Transfer 85137.
2. THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. PARCEL NO. RP08S14E254800 STOCKWATER/40 HEAD RANGE CATTLE

WATER RIGHT NO. 36-4151B

As Modified by Transfer No. 85137

In accordance with the approval of Transfer No. 85137, Water Right No. 36-4151B is now described as follows:

Right Holder: L & S LAND HOLDINGS LLC
2930 S 2300 E
WENDELL, ID 83355-3150

Priority Date: 8/15/1954

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
COMMERCIAL	1/01	to	12/31	0.480 cfs	97.0 af
STOCKWATER	1/01	to	12/31	0.560 cfs	109.0 af
				1.040 cfs	206.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSE	Sec 25 Twp 08S Rge 14E GOODING County
GROUND WATER	NESW	Sec 25 Twp 08S Rge 14E GOODING County
GROUND WATER	SESW	Sec 25 Twp 08S Rge 14E GOODING County
GROUND WATER	SESW	Sec 25 Twp 08S Rge 14E GOODING County
GROUND WATER	SWSW	Sec 25 Twp 08S Rge 14E GOODING County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08S	14E	25									X	X	X	X			X		

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08S	14E	25									X	X	X	X			X		

CONDITIONS OF APPROVAL

1. 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.

2. 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).

3. Rights 36-8362 and 36-4151B when combined shall not exceed a total diversion rate of 1.5 cfs.

Transfer No. 85137

WATER RIGHT NO. 36-4151B

As Modified by Transfer No. 85137

CONDITIONS OF APPROVAL

4. Rights 36-4151B, 36-8362, 36-8367, 36-10899, 36-17187, 36-17188, 36-17189 and 36-17190 when combined shall not exceed a total diversion rate of 2.11 cfs, a total annual maximum diversion volume of 430.6 af.

5. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.

6. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.

7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.

8. Commercial use is for a dairy facility.

9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

11. 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. 36-7291D

As Modified by Transfer No. 85137

In accordance with the approval of Transfer No. 85137, Water Right No. 36-7291D is now described as follows:

Right Holder: L & S LAND HOLDINGS LLC
2930 S 2300 E
WENDELL, ID 83355-3150

Priority Date: 1/23/1973

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
COMMERCIAL	1/01	to	12/31	0.230 cfs	21.3 af
STOCKWATER	1/01	to	12/31	0.230 cfs	24.8 af
				0.230 cfs	46.1 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENE	Sec 35 Twp 08S Rge 14E GOODING County
GROUND WATER	NENE	Sec 35 Twp 08S Rge 14E GOODING County
GROUND WATER	NENE	Sec 35 Twp 08S Rge 14E GOODING County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08S	14E	35	X																

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08S	14E	35	X																

CONDITIONS OF APPROVAL

1. The total instantaneous diversion of water from all points of diversion under Transfer No. 4781 shall not exceed 0.23 cfs, nor total combined annual volume of 46.1 af.
2. Four points of diversion are located within NENE, S35, T08S, R14E.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Transfer No. 85137

WATER RIGHT NO. 36-7291D

As Modified by Transfer No. 85137

CONDITIONS OF APPROVAL

5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

6. 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.

7. Approval of this transfer does not confirm the validity of this water right.

WATER RIGHT NO. 36-17188

As Modified by Transfer No. 85137

In accordance with the approval of Transfer No. 85137, Water Right No. 36-17188 is now described as follows:

Right Holder: L & S LAND HOLDINGS LLC
2930 S 2300 E
WENDELL, ID 83355-3150

Priority Date: 1/23/1973

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
COMMERCIAL	1/01	to	12/31	0.090 cfs	8.6 af
STOCKWATER	1/01	to	12/31	0.090 cfs	9.9 af
				0.090 cfs	18.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESW	Sec 25 Twp 08S Rge 14E	GOODING County
GROUND WATER	SWSW	Sec 25 Twp 08S Rge 14E	GOODING County
GROUND WATER	SESW	Sec 25 Twp 08S Rge 14E	GOODING County
GROUND WATER	SESW	Sec 25 Twp 08S Rge 14E	GOODING County
GROUND WATER	SWSE	Sec 25 Twp 08S Rge 14E	GOODING County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08S	14E	25									X	X	X	X			X		0.0

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08S	14E	25									X	X	X	X			X		0.0

CONDITIONS OF APPROVAL

1. 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.

2. 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).

Transfer No. 85137

WATER RIGHT NO. 36-17188

As Modified by Transfer No. 85137

CONDITIONS OF APPROVAL

3. Rights 36-4151B, 36-8362, 36-8367, 36-10899, 36-17187, 36-17188, 36-17189 and 36-17190 when combined shall not exceed a total diversion rate of 2.11 cfs, a total annual maximum diversion volume of 430.6 af.

4. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.

5. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.

6. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.

7. Commercial use is for a dairy facility.

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.

WATER RIGHT NO. 36-2312D

As Modified by Transfer No. 85137

In accordance with the approval of Transfer No. 85137, Water Right No. 36-2312D is now described as follows:

Right Holder: L & S LAND HOLDINGS LLC
2930 S 2300 E
WENDELL, ID 83355-3150

Priority Date: 11/26/1956

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
COMMERCIAL	1/01	to	12/31	0.120 cfs	36.1 af
STOCKWATER	1/01	to	12/31	0.120 cfs	36.1 af
				0.120 cfs	36.1 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NENE Sec 25 Twp 08S Rge 14E GOODING County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08S	14E	25	X	X	X	X													

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08S	14E	25	X																

CONDITIONS OF APPROVAL

1. 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. The right holder shall accomplish the change authorized by Transfer No. 5384 on or before October 7, 2006.
3. The number of milking cattle at Box Canyon Dairy No. 3 shall not exceed 896 animals.

WATER RIGHT NO. 36-2312D

As Modified by Transfer No. 85137

CONDITIONS OF APPROVAL

4. The right holder shall install measuring devices at the irrigation well located in the SENE Section 25, T08S, R14E, B.M. from which water is being transferred and at the dairy well(s) in the NENE of Section 25, T08S, R14E, B.M. The right holder shall measure and annually report to the Department the amount (cfs and acre-feet) of water diverted under Transfer No. 5384. The Director may require more frequent measuring and reporting.

5. The place of commercial use authorized by Transfer No. 5384 includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first beneficially used in the dairy as authorized by Transfer No. 5384.

6. Use of water under Transfer No. 5384 requires that the applicant dry up 22 acres of land located in the NENE Section 25, T08S, R14E, B.M. although 33 acres will actually be dried up.

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

8. Right Nos. 36-2312D and 36-7387D are limited to a total combined diversion rate of 0.15 cfs and to a total combined annual diversion volume of 36.1 AF.

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.

10. Approval of this transfer does not confirm the validity of this water right.

WATER RIGHT NO. 36-17189

As Modified by Transfer No. 85137

In accordance with the approval of Transfer No. 85137, Water Right No. 36-17189 is now described as follows:

Right Holder: L & S LAND HOLDINGS LLC
2930 S 2300 E
WENDELL, ID 83355-3150

Priority Date: 11/26/1956

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
COMMERCIAL	1/01	to	12/31	0.130 cfs	41.3 af
STOCKWATER	1/01	to	12/31	0.130 cfs	41.3 af
				0.130 cfs	41.3 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESW	Sec 25 Twp 08S Rge 14E	GOODING County
GROUND WATER	SWSW	Sec 25 Twp 08S Rge 14E	GOODING County
GROUND WATER	SESW	Sec 25 Twp 08S Rge 14E	GOODING County
GROUND WATER	SESW	Sec 25 Twp 08S Rge 14E	GOODING County
GROUND WATER	SWSE	Sec 25 Twp 08S Rge 14E	GOODING County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08S	14E	25									X	X	X	X			X		0.0

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08S	14E	25									X	X	X	X			X		0.0

CONDITIONS OF APPROVAL

1. 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.

2. 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).

Transfer No. 85137

WATER RIGHT NO. 36-17189

As Modified by Transfer No. 85137

CONDITIONS OF APPROVAL

3. Rights 36-17189 and 36-17190 when combined shall not exceed a total diversion rate of 0.17 cfs and a total annual maximum diversion volume of 41.3 af.

4. Rights 36-4151B, 36-8362, 36-8367, 36-10899, 36-17187, 36-17188, 36-17189 and 36-17190 when combined shall not exceed a total diversion rate of 2.11 cfs, a total annual maximum diversion volume of 430.6 af.

5. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.

6. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.

7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.

8. Commercial use is for a dairy facility.

9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

11. 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. 36-7387D

As Modified by Transfer No. 85137

In accordance with the approval of Transfer No. 85137, Water Right No. 36-7387D is now described as follows:

Right Holder: L & S LAND HOLDINGS LLC
2930 S 2300 E
WENDELL, ID 83355-3150

Priority Date: 10/27/1973

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
COMMERCIAL	1/01	to	12/31	0.070 cfs	36.1 af
STOCKWATER	1/01	to	12/31	0.070 cfs	36.1 af
				0.070 cfs	36.1 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NENE Sec 25 Twp 08S Rge 14E GOODING County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08S	14E	25	X	X	X	X													

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08S	14E	25	X																

CONDITIONS OF APPROVAL

1. 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. The right holder shall accomplish the change authorized by Transfer No. 5384 on or before October 7, 2006.
3. The number of milking cattle at Box Canyon Dairy No. 3 shall not exceed 896 animals.

WATER RIGHT NO. 36-7387D

As Modified by Transfer No. 85137

CONDITIONS OF APPROVAL

4. The right holder shall install measuring devices at the irrigation well located in the SENE Section 25, T08S, R14E, B.M. from which water is being transferred and at the dairy well(s) in the NENE of Section 25, T08S, R14E, B.M. The right holder shall measure and annually report to the Department the amount (cfs and acre-feet) of water diverted under Transfer No. 5384. The Director may require more frequent measuring and reporting.

5. The place of commercial use authorized by Transfer No. 5384 includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water diverted under this approval shall not be used for irrigation unless the water is first beneficially used in the dairy as authorized by Transfer No. 5384.

6. Use of water under Transfer No. 5384 requires that the applicant dry up 22 acres of land located in the NENE Section 25, T08S, R14E, B.M. although 33 acres will actually be dried up.

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

8. Right Nos. 36-2312D and 36-7387D are limited to a total combined diversion rate of 0.15 cfs and to a total combined annual diversion volume of 36.1 AF.

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.

10. Approval of this transfer does not confirm the validity of this water right.

WATER RIGHT NO. 36-17190

As Modified by Transfer No. 85137

In accordance with the approval of Transfer No. 85137, Water Right No. 36-17190 is now described as follows:

Right Holder: L & S LAND HOLDINGS LLC
2930 S 2300 E
WENDELL, ID 83355-3150

Priority Date: 10/27/1973

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
COMMERCIAL	1/01	to	12/31	0.080 cfs	41.3 af
STOCKWATER	1/01	to	12/31	0.080 cfs	41.3 af
				0.080 cfs	41.3 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESW	Sec 25 Twp 08S Rge 14E	GOODING County
GROUND WATER	SWSW	Sec 25 Twp 08S Rge 14E	GOODING County
GROUND WATER	SESW	Sec 25 Twp 08S Rge 14E	GOODING County
GROUND WATER	SESW	Sec 25 Twp 08S Rge 14E	GOODING County
GROUND WATER	SWSE	Sec 25 Twp 08S Rge 14E	GOODING County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08S	14E	25									X	X	X	X			X		0.0

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08S	14E	25									X	X	X	X			X		0.0

CONDITIONS OF APPROVAL

1. 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.

2. 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).

Transfer No. 85137

WATER RIGHT NO. 36-17190

As Modified by Transfer No. 85137

CONDITIONS OF APPROVAL

3. Rights 36-17189 and 36-17190 when combined shall not exceed a total diversion rate of 0.17 cfs and a total annual maximum diversion volume of 41.3 af.

4. Rights 36-4151B, 36-8362, 36-8367, 36-10899, 36-17187, 36-17188, 36-17189 and 36-17190 when combined shall not exceed a total diversion rate of 2.11 cfs, a total annual maximum diversion volume of 430.6 af.

5. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.

6. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.

7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.

8. Commercial use is for a dairy facility.

9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

11. 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. 36-10899

As Modified by Transfer No. 85137

In accordance with the approval of Transfer No. 85137, Water Right No. 36-10899 is now described as follows:

Right Holder: L & S LAND HOLDINGS LLC
2930 S 2300 E
WENDELL, ID 83355-3150

Priority Date: 1/31/1950

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
STOCKWATER	1/01	to	12/31	0.040 cfs	14.6 af
				0.040 cfs	14.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSE	Sec 25 Twp 08S Rge 14E	GOODING County
GROUND WATER	NESW	Sec 25 Twp 08S Rge 14E	GOODING County
GROUND WATER	SESW	Sec 25 Twp 08S Rge 14E	GOODING County
GROUND WATER	SESW	Sec 25 Twp 08S Rge 14E	GOODING County
GROUND WATER	SWSW	Sec 25 Twp 08S Rge 14E	GOODING County

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08S	14E	25									X	X	X	X			X		

CONDITIONS OF APPROVAL

1. 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.

2. 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).

3. Rights 36-4151B, 36-8362, 36-8367, 36-10899, 36-17187, 36-17188, 36-17189 and 36-17190 when combined shall not exceed a total diversion rate of 2.11 cfs, a total annual maximum diversion volume of 430.6 af.

4. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.

Transfer No. 85137

WATER RIGHT NO. 36-10899

As Modified by Transfer No. 85137

CONDITIONS OF APPROVAL

5. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.

6. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.

7. The quantity of water under this right shall not exceed 13,000 gallons per day.

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

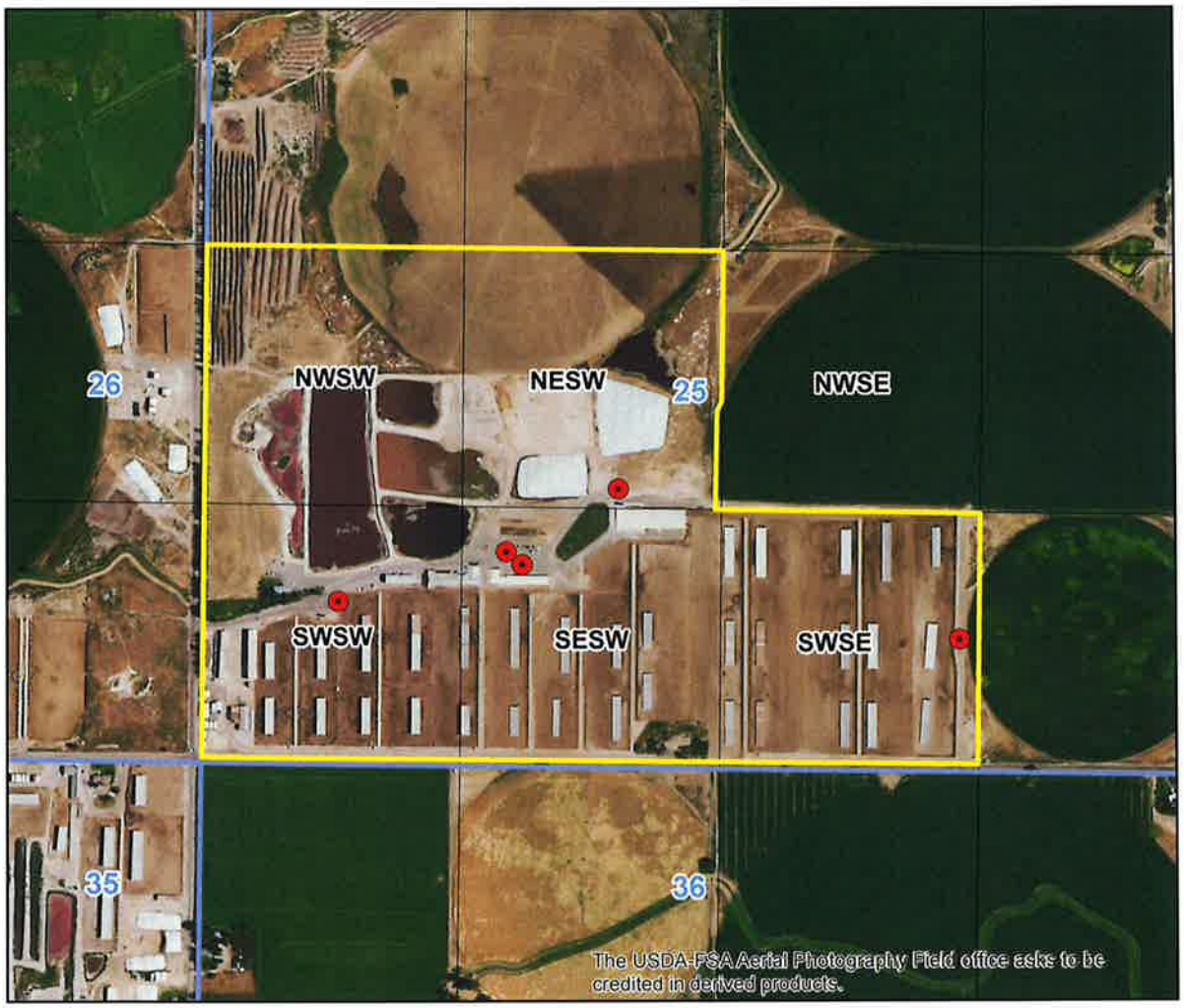
Attachment to Transfer # 85137

36-4151B, 36-8362, 36-8367, 36-10899, 36-17187, 36-17188, 36-17189 and 36-17190

This map depicts the COMMERCIAL & STOCKWATER 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.

14E

S80



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

0 0.1 0.2 0.4 Miles

N

RECEIVED
NOV 29 2021
DEPT OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF APPLICATION FOR TRANSFER

To change the ownership of an application for transfer

Page 1 of 2 is to be completed by the current transfer applicant. Notarization required.
Page 2 of 2 is to be completed by the new transfer applicant. Notarization not required.

I, Box Canyon Land Holdings LLC, hereby assign to
Current Applicant(s)

L&S Land Holdings LLC
New Applicant(s)

of, 2930 South 2300 East
Mailing address

Wendell	Idaho	83355	(208) 536-6148
City	State	ZIP	Telephone No.

All my right, title, and interest in and to Application for Transfer No. 85137.

Made this 26th day of NOVEMBER, 2021.

Signature of Current Applicant or Authorized Representative — Jeannie Onaindia Owner/Partner
Print Name and Title (if applicable)

Signature of Current Applicant or Authorized Representative — Print Name and Title (if applicable)

State of Idaho)
)ss
County of Gooding)

On this 26 day of Nov., 2021, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he/she/they executed the same.

SEAL KARRIE ROSE JAMES NOTARY PUBLIC Comm No. 45580 STATE OF IDAHO

Karrie Rose James
Notary Public

My commission expires: Oct. 17, 2023

Rev. 6/19

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF APPLICATION FOR TRANSFER

Name of New Applicant(s) L&S Land Holdings LLC Phone (208) 536-6148

Mailing address: 2930 South 2300

City Wendell State ID Zip 83355 Email onaindiarick@bettencourtdairy.com

- ☐ 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. Additional fee(s) required for water right ownership changes; see fee schedule on application for transfer instructions.
  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). Additional fee(s) required for water right ownership changes; see fee schedule on application for transfer instructions.
  Label it **Attachment #2b.** Water right ownership change documents have already been submitted to IDWR
- ☐ 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	Print Name and Title if applicable	Date
	LUIS BETTENCOURT, OWNER	11-26-21

NOTE: Include the appropriate attachments and fee(s) identified above with this assignment form.

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**

December 16, 2021

L & S LAND HOLDINGS LLC
2930 S 2300 E
WENDELL ID 83355-3150

Re: Transfer No: 85137
Water Right No(s).: 36-2312D , 36-4151B , 36-7291D , 36-7387D , 36-7871, 36-8362, 36-8367, 36-10395, 36-10899

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

KIMBERLY L WILLIAMS
WILLIAMS MESERVY & LARSEN LLP
PO BOX 168
JEROME ID 83338-0168

METROPOLITAN LIFE INSURANCE COMPANY
C/O METLIFE INVESTMENT ADVISORS
10801 MASTIN BLVD STE 930
OVERLAND PARK KS 66210-1677

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

CERTIFICATE OF SERVICE

I hereby certify that on December 16, 2021 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.: 85137
Water Right No(s).: 36-2312D , 36-4151B , 36-7291D , 36-7387D , 36-7871, 36-8362, 36-8367, 36-10395, 36-10899

L & S LAND HOLDINGS LLC
2930 S 2300 E
WENDELL ID 83355-3150

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

KIMBERLY L WILLIAMS
WILLIAMS MESERVY & LARSEN LLP
PO BOX 168
JEROME ID 83338-0168

METROPOLITAN LIFE INSURANCE COMPANY
C/O METLIFE INVESTMENT ADVISORS
10801 MASTIN BLVD STE 930
OVERLAND PARK KS 66210-1677

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

Denise Maline

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.

Skinner, Corey

From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Monday, November 29, 2021 11:16 AM
To: Skinner, Corey
Subject: FW: Box Canyon Dairy
Attachments: SKMBT_C28421112912320.pdf

Corey,

See the attached documents.

Greg

From: Rick Onaindia [mailto:onaindiarick@bettencourtdairy.com]
Sent: Monday, November 29, 2021 11:04 AM
To: 'Greg Sullivan' <greg.sullivan@brockwayeng.com>
Subject: RE: Box Canyon Dairy

Greg,

See attached.

Thank you

Rick Onaindia
Bettencourt Dairies, LLC
2930 South 2300 East
Wendell, ID 83355

(208) 536-6148 off
(208) 280-2250 cell
onaindiarick@bettencourtdairy.com
onaindiarick@yahoo.com

From: Greg Sullivan <greg.sullivan@brockwayeng.com>
Sent: Wednesday, November 24, 2021 3:20 PM
To: 'Rick Onaindia' <onaindiarick@bettencourtdairy.com>
Subject: Box Canyon Dairy

Rick,

See the attached documents.

IDWR contacted me today and asked that we have these two documents signed. Due to the change of property and water right ownership the transfer needs to reflect the legal change of the property.

Please have a representative from Box Canyon Land Holdings LLC sign and have notarized the Assignment of Application for Transfer Original Applicant.

Please have a representative from L&S Land Holdings LLC sign the Assignment of Application for New Owner.

After the documents have been completed, please email me a copy of them.

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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
650 Addison Ave. W., Ste. 500
Twin Falls, ID 83301-5858

Return Services Requested

BOISE ID 837
17 SEP 2021
FIRST-CLASS
US POSTAGE
$ 000.73⁰
02 7H
0001280685 SEP 17 2021
MAILED FROM ZIP CODE 83301

RECEIVED
SEP 27 2021
DEPT OF WATER RESOURCES
SOUTHERN REGION

BOX CANYON LAND HOLDINGS LLC
PO BOX 140
WENDELL ID 83355

841 NFE 1700520C0009/22/21
FORWARD TIME EXP RTN TO SEND
;BOX CANYON DAIRY
3249 LAURELWOOD DR
TWIN FALLS ID 83301-8106

RETURN TO SENDER

Letter regarding possible forfeiture. Transfer 85137; W.R. 36-10395

Database updated (*for Box Canyon Land Holdings LLC only*)

Information mailed again 9/27/2021

Lowest WR: 36-2224

AM
9-27-2021

IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858
Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

September 16, 2021

Box Canyon Land Holdings LLC
PO Box 140
Wendell, ID 83355

RE: Transfer # 85137 – Possible Forfeiture of Water Right 36-10395

Dear Applicant:

The Idaho Department of Water Resources (IDWR) is currently conducting final review and processing of Transfer # 85137 filed in the name of Box Canyon Land Holdings LLC. This application seeks to move several water rights to a system associated with Box Canyon Dairy. One of the water rights included in the application is water right 36-10395, a domestic and stock water right currently appurtenant to land in the NWSW of Section 25, Township 08 South, Range 14 East in Gooding County. Enclosed is a copy of a water right proof report and maps showing the water right location for reference.

Examination of aerial imagery indicates that in 2006 there appears to be a building, possibly a home, and perhaps some pasture area around the building within the NWSW of Section 25. However, 2009 aerial imagery indicates that the building no longer exists and the vast majority of the NWSW of Section 25 consists of lagoon and manure storge areas. More recent aerial photography, including the enclosed maps, also appear to indicate the lack of domestic and/or stock water uses in this area. Please note that 42-222, Idaho Code, (the section of code that allows for transfer of a water right) indicates:

> *"All rights to the use of water acquired under this chapter or otherwise shall be lost and forfeited by a failure for the term of five (5) years to apply it to the beneficial use for which it was appropriated"*

It appears that water right 36-10395 has been forfeited due to lack of use since approximately 2009, a period greater than five years.

It should be noted that water right 36-10395 is considered a "deminimus" domestic and stock water right and is limited to 13,000 gallons per day (at most 14.6 acre-feet per year if right is diverted continuously). Transfer #85137 also includes another "deminimus" domestic and stock water right, 36-10899 that is proposed to be moved into the system associated with Box Canyon Dairy. IDWR policy for transfers including multiple "deminimus" domestic and stock water rights is to allow for additional rates for a second "deminimus" domestic and stock water right, but not additional volume. Basically, all the "deminimus" domestic and stock water rights are limited to a total of 13,000 gallons per day or 14.6 acre-feet per year (see approved Transfer # 74857 as an example). IDWR is prepared to allow for the transfer of right 36-10899 as part of the approval of Transfer # 85137, which would provide an additional 14.6 acre-feet per year to the system associated with Box Canyon Dairy. So even if right 36-10395 were to be included as part of the Transfer # 74857 approval as a valid water right, no additional water volume would be provided to the facility above the amount provided by right 36-10899.

IDWR is informing you of our intent to declare water right 36-10395 forfeited as part of the approval of Transfer # 85137. IDWR will suspend the processing of Transfer # 85137 for 14 days to provide you an opportunity to provide information on why water right 36-10395 should not be forfeited as part of the approval of Transfer # 85137. As an alternative, I have provided a notice of abandonment of water right form that can be completed to abandon water right 36-10395. Completing this form and submitting it to IDWR would allow for you to abandon water right 36-10395 and allow for IDWR to continue the processing of Transfer # 85137. If no information is provided to IDWR within the next 14 days, IDWR will proceed with processing of Transfer # 85137. Upon approval of Transfer # 85137, right 36-10395 will be declared forfeited.

If you have any questions, feel free to contact me at your convenance.

Sincerely,

Corey Skinner, PE
IDWR Southern Region Manger

Enclosures

cc: Kimberly Williams
Metropolitan Life Insurance Company
Greg Sullivan

MEMORANDUM

Date: August 31, 2021

To: Transfer 85137

From: Bill Mills

Re: Evaluation of Sufficiency of Information Submitted

Transfer proposes adding two points of diversion and changing the place of use for five stockwater/commercial water rights (1.71 cfs combined total) currently in use at an existing dairy facility, locally known as "Box Canyon Dairy", located approximately 5.0 to 5.5 miles south and 2.7 to 3.4 miles west of Wendell. Application also proposes changing the points of diversion and place of use for portions of four stockwater/commercial water rights (0.46 cfs total) to be transferred from three separate dairy facilities to the "Box Canyon Dairy" site. These three separate dairy facilities are all located within a half mile of the "Box Canyon Dairy" site. Application proposes a total of five wells, four existing wells and one proposed new well to be drilled at the "Box Canyon Dairy" site to allow for the diversion of a total combined rate of 2.17 cfs.

All wells and places of use involved in the transfer are located within the ESPA model boundary, but modeling was not required as the wells are all located in adjacent cells. All wells and POUs in the transfer are also located within water District 130. Watermaster comments were solicited and the Watermaster did not oppose approval of this application.

- **Authority to File:** Applicant is listed as the current owner of all water rights and properties in this transfer. Applicant provided a warranty deed indicating ownership of the additional grounds proposed to be added to the POU through the transfer.

- **Water Right Validity:** Water rights 36-2312D, 36-4151B, 36-7291D, 36-7387D, 36-10395 and 36-10899 were all decreed in the SRBA prior to 4/28/2007. Water rights 36-7871, 36-8362 and 36-8367 were all licensed prior to 3/24/1995. Recent aerial imagery indicates all water rights, with the exception of 36-10395 and the domestic portion of 36-10899, appear to be in use at all facilities where the water rights are authorized for use. WMIS records also indicate ground water is being actively utilized at these same facilities. Aerial imagery indicates that water right 36-10395, a ground water domestic and stockwater right (0.06 cfs total), has not been in use since 2009. The home was removed sometime between 2006-2009 and the place of use was developed as a dairy lagoon and solid dairy

waste storage site shortly after the home was removed. Recommend water right 36-10395 be reviewed for potential forfeiture. The home that was associated with ground water right 36-10899, based on aerial imagery, was removed sometime between 2011 to 2013. However, the stockwater component of the right has been continuously diverted and utilized at the facility based on WMIS record data for this facility. As such, I have removed the domestic portion from this right. If right 36-10395 is forfeited, this will result in a combined total amount of 2.11 cfs and 430.6 af being transferred or changed at the dairy facility.

- **Injury to Other Water Rights:**
  None anticipated.

- **Enlargement of Use:**
  None anticipated.

- **Local Public Interest:**
  No issues anticipated.

- **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 on Agricultural Base of the Local Economy:**
  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.

*: Proof of Publication *:

Twin Falls Times-News
132 Fairfield St W, Twin Falls, Idaho 83301

SHERRI DAVIS, being duly sworn, deposes and says: That she is the Principal Clerk of the Times-News, a daily newspaper printed and published at Twin Falls, Twin Falls County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in the Times-News, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

ID DEPARTMENT OF WATER RESOURCES

650 ADDISON AVE W, STE 500

TWIN FALLS ID 83301

ORDER NUMBER 117441

Sherri Davis

(Legals Clerk)

STATE OF IDAHO)
.SS
COUNTY OF TWIN FALLS)

On this 16th day of August in the year of 2021 before me, a Notary Public, personally appeared before me Sherri Davis known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Reba M Davis

Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 5/8/2026

REBA M. DAVIS NOTARY PUBLIC MY COMMISSION EXPIRES 5-8-2026 STATE OF IDAHO COMMISSION NUMBER 63586

Section: Legals

Category: 50 Legal

PUBLISHED ON: 08/05/2021, 08/12/2021

TOTAL AD COST: 192.33

FILED ON: 8/16/2021

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 84224

FRENCH QUARTER FARMS LLC, PO BOX 9160, KETCHUM, ID 83340-7140 has filed Application No. 84224 for changes to the following water rights within GOODING County(s): Right No(s). 37-7667. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change points of diversion (POD) and the place of use (POU) for a fish propagation water right which currently diverts up to 14.85 cfs from Sullivan Creek. The proposed POU and PODs are in a general area located approximately 5.0 miles north and 1.4 miles west of the intersection of Main Street and State Street in Hagerman. The transfer reflects current conditions resulting from changes in the system that have occurred over time.

TRANSFER NO. 85046

SANDRA AGUEDA and JOE E AGUEDA, 326 E 400 N, JEROME, ID 83338 has filed Application No. 85046 for changes to the following water rights within JEROME County(s): Right No(s). 36-14860, 36-4157D. The purpose of the transfer is to change a portion of the above rights as follows: This application for transfer is being filed to add a new well as a point of diversion (POD) for two stockwater and commercial ground water rights for an existing dairy. The total diversion of up to 0.39 cfs and 48.8 af will be diverted from the new POD andr the two existing PODs. The PODs and dairy site are located approximately 3.7 to 4.2 miles north and 3.0 to 3.8 miles east of the center of Jerome.

TRANSFER NO. 85137

BOX CANYON LAND HOLDINGS LLC, PO BOX 140, WENDELL, ID 83355-0140 has filed Application No. 85137 for changes to the following water rights within GOODING County(s): Right No(s). 36-10395, 36-10899, 36-2312D, 36-4151B, 36-7291D, 36-7387D, 36-7871, 36-8362, 36-8367. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes adding two points of diversion and changing the place of use for five stockwater & commercial water rights (2.25 cfs total) currently in use at an existing dairy facility, locally known as "Box Canyon Dairy", located approximately 5.0 to 5.5 miles south and 2.7 to 3.4 miles west of Wendell. Application also proposes changing the points of diversion and place of use for portions of four stockwater & commercial water rights (0.50 cfs total) to be transferred from three separate dairy facilities to the "Box Canyon Dairy" site. These three separate dairy facilities are all located within a half mile of the "Box Canyon Dairy" site. Application proposes a total of five wells, four existing wells and one proposed new well to be drilled at the "Box Canyon Dairy" site to allow for the diversion of a total combined rate of 2.75 cfs.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights andr the proposed transfers, please see research.idwr.idaho.gov ppsaterrights ueryNew-Transfers. 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 **August 23, 2021**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on August 5th & 12th, 2021

RECEIVED
AUG 19 2021
DEPT OF WATER RESOURCES
SOUTHERN REGION

✓ DM 8-23-2021

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Transfer No: 85137
Water Right No: 36-2312D, ETC
Applicant Name: Box Canyon Land Holdings, LLC

Watermaster's Recommendation:

a) __X__ 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: August 4, 2021

Water District 130

Nathan Erickson

Nathan Erickson, Watermaster