STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 85256

This is to certify that: MOUNTAIN VIEW LAND LLC
695 N 700 E
RUPERT, ID 83350-8407

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
36-13610	WR/DECREED	4/1/1958	0.240 cfs	N/A	N/A	N/A	GROUND WATER
36-13611	WR/DECREED	8/1/1981	0.240 cfs	14.6 af	N/A	N/A	GROUND WATER
36-16376	WR/DECREED	4/20/1950	1.250 cfs	167.7 af	N/A	N/A	GROUND WATER
36-7273B	WR/DECREED	11/14/1972	0.920 cfs	138.0 af	N/A	N/A	GROUND WATER
36-7460L	WR/DECREED	3/25/1974	0.550 cfs	122.3 af	N/A	N/A	GROUND WATER
36-7646	WR/DECREED	9/24/1976	1.050 cfs	522.8 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
36-13610	NO	NO	YES	NO	NO	NO
36-13611	NO	NO	YES	NO	NO	NO
36-16376	NO	NO	YES	NO	NO	NO
36-7273B	NO	NO	YES	NO	NO	NO
36-7460L	NO	NO	YES	NO	NO	NO
36-7646	YES	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
36-13610	36-13610	0.240 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
36-13611	36-13611	0.240 cfs	14.6 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
36-16376	36-16376	1.250 cfs	167.7 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
36-7273B	36-7273B	0.920 cfs	138.0 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
36-7460L	36-7460L	0.550 cfs	122.3 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
36-7646	36-17192	0.200 cfs	100.0 af	N/A	N/A	36-7646	0.850 cfs	422.8 af	N/A	N/A
COMBINED TOTALS		**2.920 cfs**	**528.0 af**	**N/A**	**N/A**		**N/A**	**N/A**	**N/A**	**N/A**

SUPPORT DATA
IN FILE # 36-7273B

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 85256

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 30th day of November, 2021.

Southern Region Manager

WATER RIGHT NO. 36-7646

As Modified by Transfer No. 85256

In accordance with the approval of Transfer No. 85256, Water Right No. 36-7646 is now described as follows:

Right Holder: MOUNTAIN VIEW LAND LLC
695 N 700 E
RUPERT, ID 83350-8407

Priority Date: 9/24/1976

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
COMMERCIAL	1/01	to	12/31	0.810 cfs	292.8 af
STOCKWATER	1/01	to	12/31	0.490 cfs	130.0 af
				0.850 cfs	422.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER L3 (SWNWSE) Sec 30 Twp 07S Rge 23E LINCOLN 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
07S	23E	30													X	X	X	X	
																L3	L4		

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
07S	23E	30													X	X	X	X	
																L3	L4		

CONDITIONS OF APPROVAL

1. COMMERCIAL USE IS FEEDLOT DUST CONTROL.
2. STOCKWATER, 12,000 HEAD BEEF CATTLE FEEDLOT.
3. Approval of this transfer does not confirm the validity of this water right.
4. 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.

Transfer No. 85256

WATER RIGHT NO. 36-17192

As Modified by Transfer No. 85256

In accordance with the approval of Transfer No. 85256, Water Right No. 36-17192 is now described as follows:

Right Holder: MOUNTAIN VIEW LAND LLC
695 N 700 E
RUPERT, ID 83350-8407

Priority Date: 9/24/1976

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
COMMERCIAL	1/01	to	12/31	0.190 cfs	69.2 af
STOCKWATER	1/01	to	12/31	0.110 cfs	30.8 af
				0.200 cfs	100.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSWNW	Sec 22 Twp 08S Rge 25E	MINIDOKA County
GROUND WATER	SWSWNW	Sec 22 Twp 08S Rge 25E	MINIDOKA County
GROUND WATER	SWNWNW	Sec 22 Twp 08S Rge 25E	MINIDOKA County
GROUND WATER	NWNWNW	Sec 22 Twp 08S Rge 25E	MINIDOKA County
GROUND WATER	SENWNW	Sec 22 Twp 08S Rge 25E	MINIDOKA County
GROUND WATER	NWNENW	Sec 22 Twp 08S Rge 25E	MINIDOKA County
GROUND WATER	NESENE	Sec 21 Twp 08S Rge 25E	MINIDOKA County
GROUND WATER	NESENE	Sec 21 Twp 08S Rge 25E	MINIDOKA 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	25E	21	X	X	X	X													0.0
08S	25E	22					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	25E	21	X	X	X	X													0.0
08S	25E	22					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.

Transfer No. 85256

WATER RIGHT NO. 36-17192

As Modified by Transfer No. 85256

CONDITIONS OF APPROVAL

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. Commercial use is for a dairy.

4. Points of diversion are located within Tract A of Section 21, and Tract A of Section 22, T8S R25E.

5. Place of use are located within Tracts A and B of Section 21, and Tract A of Sec. 22, T8S R25E.

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. 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. 36-16376

As Modified by Transfer No. 85256

In accordance with the approval of Transfer No. 85256, Water Right No. 36-16376 is now described as follows:

Right Holder: MOUNTAIN VIEW LAND LLC
695 N 700 E
RUPERT, ID 83350-8407

Priority Date: 4/20/1950

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
COMMERCIAL	01/01	to	12/31	1.250 cfs	167.7 af
STOCKWATER	01/01	to	12/31	1.250 cfs	167.7 af
				1.250 cfs	167.7 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESENE	Sec 21 Twp 08S Rge 25E	MINIDOKA County
GROUND WATER	NESENE	Sec 21 Twp 08S Rge 25E	MINIDOKA County
GROUND WATER	NWNENW	Sec 22 Twp 08S Rge 25E	MINIDOKA County
GROUND WATER	NWNWNW	Sec 22 Twp 08S Rge 25E	MINIDOKA County
GROUND WATER	SENWNW	Sec 22 Twp 08S Rge 25E	MINIDOKA County
GROUND WATER	SWNWNW	Sec 22 Twp 08S Rge 25E	MINIDOKA County
GROUND WATER	SWSWNW	Sec 22 Twp 08S Rge 25E	MINIDOKA County
GROUND WATER	SWSWNW	Sec 22 Twp 08S Rge 25E	MINIDOKA 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	25E	21	X	X	X	X													
08S	25E	22					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	25E	21	X	X	X	X													
08S	25E	22					X	X	X	X		X							

CONDITIONS OF APPROVAL

1. Rights 36-7273B, 36-7460L, 36-13610, 36-13611 and 36-16376 when combined shall not exceed a total diversion rate of 2.72 cfs, and a total annual maximum diversion volume of 428.0 af at the field headgate.

Transfer No. 85256

WATER RIGHT NO. 36-16376

As Modified by Transfer No. 85256

CONDITIONS OF APPROVAL

2. Use of water under this right will 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.

3. 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).

4. Commercial use is for a dairy.

5. Points of diversion are located within Tract A of Section 21, and Tract A of Section 22, T8S R25E.

6. Place of use are located within Tracts A and B of Section 21, and Tract A of Sec. 22, T8S R25E.

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

8. 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.

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. 36-7273B

As Modified by Transfer No. 85256

In accordance with the approval of Transfer No. 85256, Water Right No. 36-7273B is now described as follows:

Right Holder: MOUNTAIN VIEW LAND LLC
695 N 700 E
RUPERT, ID 83350-8407

Priority Date: 11/14/1972

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
COMMERCIAL	01/01	to	12/31	0.920 cfs	138.0 af
STOCKWATER	01/01	to	12/31	0.920 cfs	138.0 af
				0.920 cfs	138.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESENE	Sec 21 Twp 08S Rge 25E	MINIDOKA County
GROUND WATER	NESENE	Sec 21 Twp 08S Rge 25E	MINIDOKA County
GROUND WATER	NWNENW	Sec 22 Twp 08S Rge 25E	MINIDOKA County
GROUND WATER	NWNWNW	Sec 22 Twp 08S Rge 25E	MINIDOKA County
GROUND WATER	SENWNW	Sec 22 Twp 08S Rge 25E	MINIDOKA County
GROUND WATER	SWNWNW	Sec 22 Twp 08S Rge 25E	MINIDOKA County
GROUND WATER	SWSWNW	Sec 22 Twp 08S Rge 25E	MINIDOKA County
GROUND WATER	SWSWNW	Sec 22 Twp 08S Rge 25E	MINIDOKA 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	25E	21	X	X	X	X													
08S	25E	22					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	25E	21	X	X	X	X													
08S	25E	22					X	X	X	X		X							

CONDITIONS OF APPROVAL

1. Rights 36-7273B, 36-7460L, 36-13610, 36-13611 and 36-16376 when combined shall not exceed a total diversion rate of 2.72 cfs, and a total annual maximum diversion volume of 428.0 af at the field headgate.

Transfer No. 85256

WATER RIGHT NO. 36-7273B

As Modified by Transfer No. 85256

CONDITIONS OF APPROVAL

2. Use of water under this right will 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.

3. 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).

4. Commercial use is for a dairy.

5. Points of diversion are located within Tract A of Section 21, and Tract A of Section 22, T8S R25E.

6. Place of use are located within Tracts A and B of Section 21, and Tract A of Sec. 22, T8S R25E.

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

8. 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.

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. 36-7460L

As Modified by Transfer No. 85256

In accordance with the approval of Transfer No. 85256, Water Right No. 36-7460L is now described as follows:

Right Holder: MOUNTAIN VIEW LAND LLC
695 N 700 E
RUPERT, ID 83350-8407

Priority Date: 3/25/1974

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
COMMERCIAL	01/01	to	12/31	0.170 cfs	36.8 af
STOCKWATER	01/01	to	12/31	0.380 cfs	85.5 af
				0.550 cfs	122.3 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESENE	Sec 21 Twp 08S Rge 25E	MINIDOKA County
GROUND WATER	NESENE	Sec 21 Twp 08S Rge 25E	MINIDOKA County
GROUND WATER	NWNENW	Sec 22 Twp 08S Rge 25E	MINIDOKA County
GROUND WATER	NWNWNW	Sec 22 Twp 08S Rge 25E	MINIDOKA County
GROUND WATER	SENWNW	Sec 22 Twp 08S Rge 25E	MINIDOKA County
GROUND WATER	SWNWNW	Sec 22 Twp 08S Rge 25E	MINIDOKA County
GROUND WATER	SWSWNW	Sec 22 Twp 08S Rge 25E	MINIDOKA County
GROUND WATER	SWSWNW	Sec 22 Twp 08S Rge 25E	MINIDOKA 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	25E	21	X	X	X	X													
08S	25E	22					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	25E	21	X	X	X	X													
08S	25E	22					X	X	X	X		X							

CONDITIONS OF APPROVAL

1. Rights 36-7273B, 36-7460L, 36-13610, 36-13611 and 36-16376 when combined shall not exceed a total diversion rate of 2.72 cfs, and a total annual maximum diversion volume of 428.0 af at the field headgate.

Transfer No. 85256

WATER RIGHT NO. 36-7460L

As Modified by Transfer No. 85256

CONDITIONS OF APPROVAL

2. Rights 36-7460L, 36-13610 and 36-13611 when combined shall not exceed a total diversion rate of 0.55 cfs, nor total combined annual volume of 122.3 af.

3. Use of water under this right will 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. Commercial use is for a dairy.

6. Points of diversion are located within Tract A of Section 21, and Tract A of Section 22, T8S R25E.

7. Place of use are located within Tracts A and B of Section 21, and Tract A of Sec. 22, T8S R25E.

8. Prior to the diversion 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. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

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

12. 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. 36-13610

As Modified by Transfer No. 85256

In accordance with the approval of Transfer No. 85256, Water Right No. 36-13610 is now described as follows:

Right Holder: MOUNTAIN VIEW LAND LLC
695 N 700 E
RUPERT, ID 83350-8407

Priority Date: 4/1/1958

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate
DOMESTIC	01/01	to	12/31	0.040 cfs
STOCKWATER	01/01	to	12/31	0.200 cfs
				0.240 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESENE	Sec 21 Twp 08S Rge 25E	MINIDOKA County
GROUND WATER	NESENE	Sec 21 Twp 08S Rge 25E	MINIDOKA County
GROUND WATER	NWNENW	Sec 22 Twp 08S Rge 25E	MINIDOKA County
GROUND WATER	NWNWNW	Sec 22 Twp 08S Rge 25E	MINIDOKA County
GROUND WATER	SENWNW	Sec 22 Twp 08S Rge 25E	MINIDOKA County
GROUND WATER	SWNWNW	Sec 22 Twp 08S Rge 25E	MINIDOKA County
GROUND WATER	SWSWNW	Sec 22 Twp 08S Rge 25E	MINIDOKA County
GROUND WATER	SWSWNW	Sec 22 Twp 08S Rge 25E	MINIDOKA 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	25E	22						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	25E	21	X	X	X	X													
08S	25E	22					X	X	X	X		X							

CONDITIONS OF APPROVAL

1. Rights 36-7273B, 36-7460L, 36-13610, 36-13611 and 36-16376 when combined shall not exceed a total diversion rate of 2.72 cfs, and a total annual maximum diversion volume of 428.0 af at the field headgate.

Transfer No. 85256

WATER RIGHT NO. 36-13610

As Modified by Transfer No. 85256

CONDITIONS OF APPROVAL

2. Rights 36-7460L, 36-13610 and 36-13611 when combined shall not exceed a total diversion rate of 0.55 cfs, nor total combined annual volume of 122.3 af.

3. Use of water under this right will 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. The quantity of water available under this right shall not exceed 13,000 gallons per day.

6. Points of diversion are located within Tract A of Section 21, and Tract A of Section 22, T8S R25E.

7. Place of use are located within Tracts A and B of Section 21, and Tract A of Sec. 22, T8S R25E.

8. Prior to the diversion 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. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

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

12. 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. 36-13611

As Modified by Transfer No. 85256

In accordance with the approval of Transfer No. 85256, Water Right No. 36-13611 is now described as follows:

Right Holder: MOUNTAIN VIEW LAND LLC
695 N 700 E
RUPERT, ID 83350-8407

Priority Date: 8/1/1981

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
DOMESTIC	01/01	to	12/31	0.040 cfs	14.6 af
STOCKWATER	01/01	to	12/31	0.200 cfs	14.6 af
				0.240 cfs	14.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESENE	Sec 21 Twp 08S Rge 25E	MINIDOKA County
GROUND WATER	NESENE	Sec 21 Twp 08S Rge 25E	MINIDOKA County
GROUND WATER	NWNENW	Sec 22 Twp 08S Rge 25E	MINIDOKA County
GROUND WATER	NWNWNW	Sec 22 Twp 08S Rge 25E	MINIDOKA County
GROUND WATER	SENWNW	Sec 22 Twp 08S Rge 25E	MINIDOKA County
GROUND WATER	SWNWNW	Sec 22 Twp 08S Rge 25E	MINIDOKA County
GROUND WATER	SWSWNW	Sec 22 Twp 08S Rge 25E	MINIDOKA County
GROUND WATER	SWSWNW	Sec 22 Twp 08S Rge 25E	MINIDOKA 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	25E	22					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	25E	21	X	X	X	X													
08S	25E	22					X	X	X	X		X							

CONDITIONS OF APPROVAL

1. Rights 36-7273B, 36-7460L, 36-13610, 36-13611 and 36-16376 when combined shall not exceed a total diversion rate of 2.72 cfs, and a total annual maximum diversion volume of 428.0 af at the field headgate.

Transfer No. 85256

WATER RIGHT NO. 36-13611

As Modified by Transfer No. 85256

CONDITIONS OF APPROVAL

2. Rights 36-7460L, 36-13610 and 36-13611 when combined shall not exceed a total diversion rate of 0.55 cfs, nor total combined annual volume of 122.3 af.

3. Use of water under this right will 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. The quantity of water available under this right shall not exceed 13,000 gallons per day.

6. Points of diversion are located within Tract A of Section 21, and Tract A of Section 22, T8S R25E.

7. Place of use are located within Tracts A and B of Section 21, and Tract A of Sec. 22, T8S R25E.

8. Prior to the diversion 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. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

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

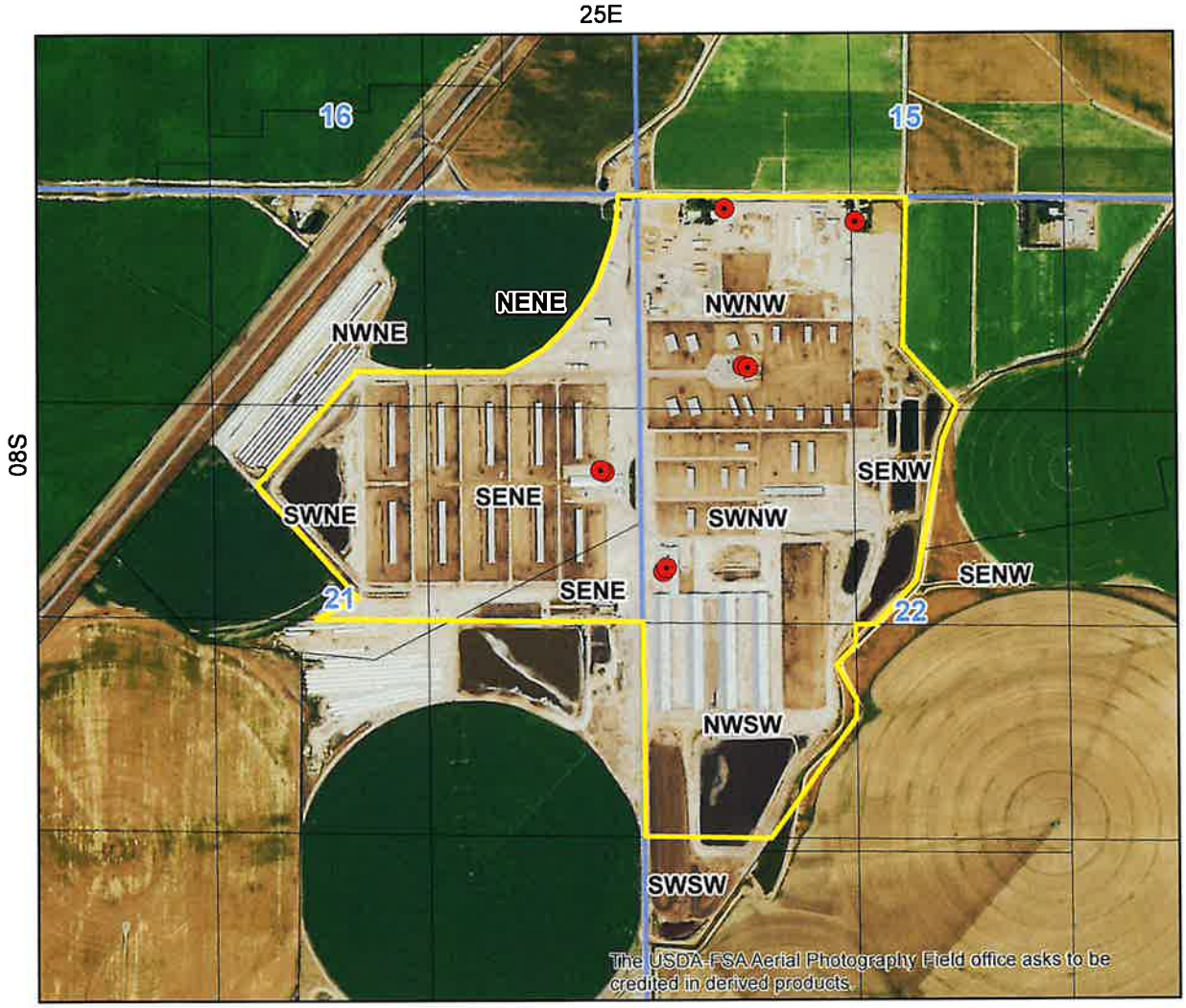
12. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho
Department of Water Resources

Attachment to Transfer # 85256

36-7273B, 36-7460L, 36-13610, 36-13611, 36-16376, and 36-17192

This map depicts the STOCKWATER & COMMERCIAL 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 0.125 0.25 0.5 Miles

N

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 2, 2021

MOUNTAIN VIEW LAND LLC
695 N 700 E
RUPERT ID 83350-8407

Re: Transfer No: 85256
Water Right No(s).: 36-7273B , 36-7460L , 36-7646, 36-13610, 36-13611, 36-16376

Transfer Approval Notice

Dear Water Right Holder(s) 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
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
237 CANYON CREST DR
TWIN FALLS ID 83301-5919

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 2, 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.: 85256
Water Right No(s).: 36-7273B, 36-7460L, 36-7646, 36-13610, 36-13611, 36-16376

MOUNTAIN VIEW LAND LLC
695 N 700 E
RUPERT ID 83350-8407

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

RABO AGRIFINANCE LLC
237 CANYON CREST DR
TWIN FALLS ID 83301-5919

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.

MEMORANDUM

Date: October 8, 2021

To: Transfer #85256, Mountain View Land, LLC File

From: Jim Bitzenburg

Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes to change the place of use (POU), point of diversion (POD), and add points of diversion for a 0.20 cfs (100.00 acre-foot) portion of ground water right 36-7646 (stockwater/commercial) which is currently appurtenant to a CAFO located approximately 16.0 miles west and 1.8 miles north of Minidoka. The proposed POU is a CAFO located approximately 2.8 miles south and 2.1 miles west of Minidoka. Eight existing wells located within the proposed POU will be utilized as PODs for the transferred portion. The transfer will also modify the stockwater and/or commercial place of use of the five existing rights (2.72 cfs combined flow rate) at the proposed POU. Post transfer, the six rights will have eight authorized PODS (wells) with a total flow rate of 2.92 cfs at the proposed POU.

This transfer was advertised and comments were sought from the Watermaster of Water District 130. No protests were filed and the Watermaster did not object to the transfer.

The transfer involves a change in point of diversion from non-adjacent ESPA model grid cells so ESPA modeling was required. The model analysis shows no mitigation will be required for the proposed change.

- **Authority to File:**
  The applicant is listed as the current owner of the rights involved in the transfer, according to IDWR records. Tax parcel information shows the applicants are the owners of the land where the transferred portion of right 36-7646 is being transferred. The application was signed by Derek Whitesides, who, according to information on file with the Idaho Secretary of State office, is a member of Mountain View Land, LLC.

- **Water Right Validity:**
  The rights involved in the transfer have all been decreed in the SRBA. Water Management Information System data suggests that quantities of water above and beyond the authorized limits were being diverted at the destination POU ahead of the transfer, while less water was being diverted at the original POU of right 36-7646, thus possibly avoiding the potential for forfeiture.

- **Injury to Other Water Rights:**
  None anticipated or foreseen. An ESPA POD change model analysis is attached to the application.

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

- **Local Public Interest:**
  No issues anticipated. This application was advertised and subject to protest. No protests were filed.

- **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: 85256
Water Right No: 36-7273B, etc.
Applicant Name: MOUNTAIN VIEW LAND 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: October 1, 2021

Water District 130

Nathan Erickson

Nathan Erickson, Watermaster

** 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 118952

Sherri Davis

(Legals Clerk)

STATE OF IDAHO)
.SS
COUNTY OF TWIN FALLS)

On this 23rd day of September 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 63536

Section: Legals

Category: 50 Legal

PUBLISHED ON: 09/16/2021, 09/23/2021

TOTAL AD COST: 171.96

FILED ON: 9/23/2021

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

45-14538

PATRICK FIELD
LISA FIELD
PO BOX 848
BURLEY, ID 83318-0848
Point of Diversion L4(SWSW) S18 T12S R25E CASSIA County
Source GROUND WATER Tributary
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 06-25-2021
Place Of Use: DOMESTIC
T12S R25E S18 L4(SWSW)
Application proposes to divert 0.04 cfs of ground water for domestic use from an existing well. The Point of Diversion and Place of Use is located approximately 0.4 miles west and 2.6 miles south of Albion. This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 85256

MOUNTAIN VIEW LAND LLC, 695 N 700 E, RUPERT, ID 83350-8407 has filed Application No. 85256 for changes to the following water rights within LINCOLN, MINIDOKA County(s): Right No(s). 36-13610, 36-13611, 36-16376, 36-7273B, 36-7460L, 36-7646. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the place of use (POU), point of diversion (POD), and add points of diversion for a 0.20 cfs (100.00 acre-foot) portion of ground water right 36-7646 (stockwater & commercial) which is currently appurtenant to a CAFO located approximately 16.0 miles west and 1.8 miles north of Minidoka. The proposed POU is a CAFO located approximately 2.8 miles south and 2.1 miles west of Minidoka. Eight existing wells located within the proposed POU will be utilized as PODs for the transferred portion. The transfer will also modify the stockwater and/or commercial place of use of the five existing rights (2.72 cfs combined flow rate) at the proposed POU. Post transfer, the six rights will have eight authorized PODS (wells) with a total flow rate of 2.92 cfs at the proposed POU.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see https://re-search.idwr.idaho.gov. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of $25.00 for each application on or before **October 4, 2021**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on September 16th & 23rd, 2021

✓ OK DM 10/8/2021

RECEIVED
SEP 29 2021
DEPT OF WATER RESOURCES
SOUTHERN REGION