

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 85118**

This is to certify that: **HARMONY ORGANIC DAIRY LLC**
PO BOX 8
TWIN FALLS, ID 83303-0008

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

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
47-8011A	WR/LICENSE	8/5/1985	1.870 cfs	377.6 af	N/A	83.3	GROUND WATER
47-8238	WR/LICENSE	5/29/1990	4.000 cfs	1951.8 af	N/A	595.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
47-8011A	YES	YES	YES	NO	NO	NO
47-8238	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
47-8011A	47-17746	1.480 cfs	333.2 af	83.3	637.3	47-8011A	0.390 cfs	44.4 af	N/A	83.3
47-8238	47-8238	4.000 cfs	1951.8 af	595.0	637.3	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		5.480 cfs	2285.0 af	637.3	637.3		N/A	N/A	N/A	N/A

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

Dated this 25th day of October, 2021.


Southern Region Manager

SUPPORT DATA

Transfer No. 85118

IN FILE # 47-8011A

WATER RIGHT NO. 47-8011A
As Modified by Transfer No. 85118

In accordance with the approval of Transfer No. 85118, Water Right No. 47-8011A is now described as follows:

Right Holder: HARMONY ORGANIC DAIRY LLC
 PO BOX 8
 TWIN FALLS, ID 83303-0008

Priority Date: 8/5/1985

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
COMMERCIAL	01/01	to 12/31	0.390 cfs	44.4 af
STOCKWATER	01/01	to 12/31	0.390 cfs	44.4 af
			0.390 cfs	44.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENWSE	Sec 12 Twp 12S Rge 16E	TWIN FALLS County
GROUND WATER	SESESE	Sec 12 Twp 12S Rge 16E	TWIN FALLS County

PLACE OF USE: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	16E	12			X											X			
12S	16E	13					X												0

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	16E	12	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
12S	16E	13					X			X									0

CONDITIONS OF APPROVAL

1. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

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WATER RIGHT NO. 47-8011A
As Modified by Transfer No. 85118

CONDITIONS OF APPROVAL

3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. Commercial use is for a dairy.
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 permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
7. 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.
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. 47-17746 **As Modified by Transfer No. 85118**

In accordance with the approval of Transfer No. 85118, Water Right No. 47-17746 is now described as follows:

Right Holder: HARMONY ORGANIC DAIRY LLC
 PO BOX 8
 TWIN FALLS, ID 83303-0008

Priority Date: 8/5/1985

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	1.480 cfs	333.2 af
			1.480 cfs	333.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENWSE	Sec 12 Twp 12S Rge 16E TWIN FALLS County
GROUND WATER	SESESE	Sec 12 Twp 12S Rge 16E TWIN FALLS County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	16E	12	40.0		26.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	11.0	40.0	40.0	557.0
12S	16E	13					8.3			39.0	33.0								80.3

Right Acre Limit: 83.3
 POU Total Acres: 637.3

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 83.3 acres within the authorized place of use in a single irrigation season.
2. Rights 47-8238, and 47-17746 when combined shall not exceed a total diversion rate of 5.48 cfs, a total annual maximum diversion volume of 2285 af at the field headgate, and the irrigation of 637.3 acres.
3. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

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WATER RIGHT NO. 47-17746
As Modified by Transfer No. 85118

CONDITIONS OF APPROVAL

5. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
6. 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.
7. 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.
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. 47-8238**As Modified by Transfer No. 85118**

In accordance with the approval of Transfer No. 85118, Water Right No. 47-8238 is now described as follows:

Right Holder: HARMONY ORGANIC DAIRY LLC
PO BOX 8
TWIN FALLS, ID 83303-0008

Priority Date: 5/29/1990

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

03/15

to 11/15

To**Diversion Rate**

4.000 cfs

4.000 cfs

Diversion Volume

1951.8 af

1951.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER
GROUND WATER

NENWSE
SESESE

Sec 12 Twp 12S Rge 16E TWIN FALLS County
Sec 12 Twp 12S Rge 16E TWIN FALLS County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	16E	12	40.0		26.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	11.0	40.0	40.0	557.0
12S	16E	13					8.3			39	33								80.3

Right Acre Limit: 595.0

POU Total Acres: 637.3

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 595.0 acres within the authorized place of use in a single irrigation season.
2. Rights 47-8238, and 47-17746 when combined shall not exceed a total diversion rate of 5.48 cfs, a total annual maximum diversion volume of 2285 af at the field headgate, and the irrigation of 637.3 acres.
3. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 85118

WATER RIGHT NO. 47-8238

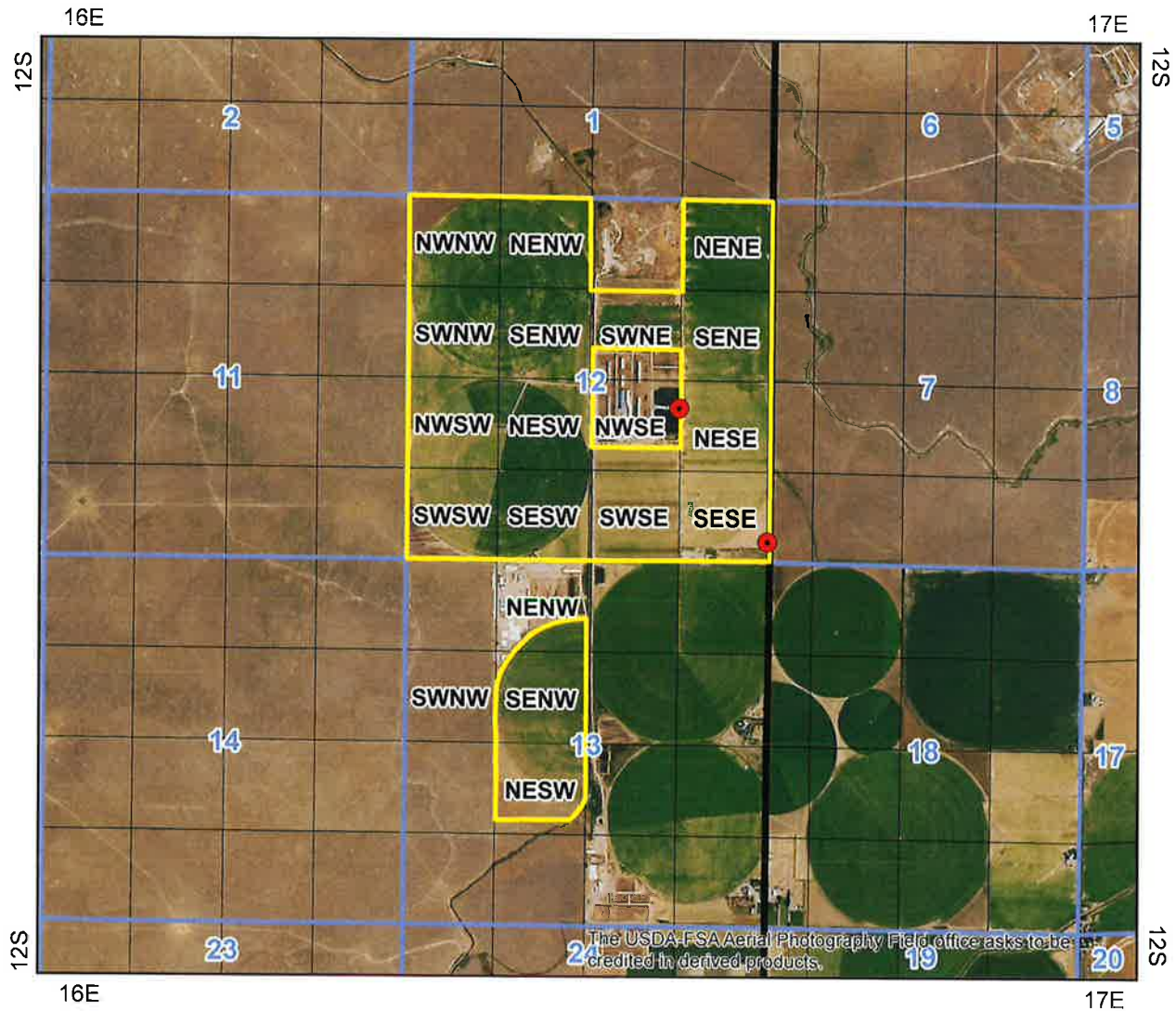
As Modified by Transfer No. 85118

CONDITIONS OF APPROVAL

5. The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval.
6. 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.
7. 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.
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.

State of Idaho
Department of Water Resources
Attachment to Transfer # 85118
47-8238 & 47-17746

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



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

0 0.3 0.6 1.2 Miles



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 85118

RECEIVED

SEP 15 2021

DEPT OF WATER RESOURCES
SOUTHERN REGION

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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

Name of Applicant(s) HARMONY ORGANIC DAIRY LLC

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

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

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

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 15 2021

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant HARMONY ORGANIC DAIRY LLC

Phone (208) 308-2590 DEPT. OF WATER RESOURCES
SOUTHERN REGION

Mailing Address PO BOX 8, TWIN FALLS ID 83303-0008

Email _____

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

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

☐ No Representative

Name of Representative GARY FUNDERBURG

Phone (208) 320-0897

Mailing Address 255 BLUE LAKES BLVD N PMB 617, TWIN FALLS ID 83301

Email _____

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

OR

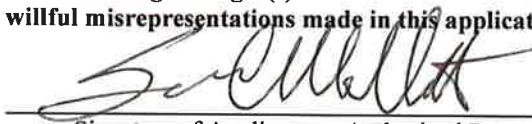
☐ Send original correspondence to the applicant and copies to the representative.

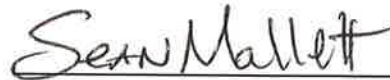
☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.

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

9-1-21
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	47-8011A	Yes	Yes	Yes	No	No	No
	47-8238	No	No	Yes	No	No	No

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**

Application proposes to update the points of diversion for the irrigation portion water right 47-8011A and shift the irrigation place of use to identify the currently irrigated place of use.

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

1. Detailed Water Right Description(s) Attached labeled Part 1.

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
47-17746	1.480 cfs	333.2 af	83.3	637.3	47-8011A	0.390 cfs	44.4 af	N/A	N/A
47-8238	4.000 cfs	1951.8 af	595.0	637.3		N/A	N/A	N/A	N/A
COMBINED TOTALS	5.480 cfs	2,285.0 af	N/A	637.3		N/A	N/A	N/A	N/A

2. Total amount of water proposed to be transferred or changed 5.48 cubic feet per second and/or _____ acre-feet per annum

3. Points(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☒ As shown in Part 1.
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

4. Place of Use:

- ☐ No changes to place of use are proposed. (Proceed to #5.)
- ☒ As shown in Part 1.
- ☐ See Attachment.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Unchanged Portion After Requested Changes

Original Water Right No. 47-8011A

Current Water Right Owner

HARMONY ORGANIC
DAIRY LLC
PO BOX 8
TWIN FALLS, ID
83303-0008

Priority Date: 8/5/1985

Origin: Water Right

Basis: License

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
COMMERCIAL	1/1	12/31	0.390 CFS	44.4 AFA	
STOCKWATER	1/1	12/31	0.390 CFS	44.4 AFA	
Total Diversion			0.390 CFS	44.4 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NENWSE	Sec. 12 Twp 12S Rge 16E TWIN FALLS County
GROUND WATER	SESESE	Sec. 12 Twp 12S Rge 16E TWIN FALLS County

Place of Use: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	16E	12			X											X			

Place of Use: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	16E	13					X			X	X					X			

IDaho DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Split Portion After Requested Changes

Proposed Water Right No. 47-17746

(Original Water Right No. 47-8011A)

Current Water Right Owner
 HARMONY ORGANIC
 DAIRY LLC
 PO BOX 8
 TWIN FALLS, ID
 83303-0008

Priority Date: 8/5/1985

Origin: Water Right

Basis: License

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	1.480 CFS	333.2 AFA	
Total Diversion			1.480 CFS	333.2 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NENWSE	Sec. 12 Twp 12S Rge 16E TWIN FALLS County
GROUND WATER	SESESE	Sec. 12 Twp 12S Rge 16E TWIN FALLS County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	16E	12	40.0		26.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	11.0	40.0	40.0	557.0
12S	16E	13					8.3			39.0	33.0								80.3

Right Acre Limit: 83.3

POU Total Acres: 637.3

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes**

Proposed Water Right No. 47-8238

Current Water Right Owner

HARMONY ORGANIC
DAIRY LLC
PO BOX 8
TWIN FALLS, ID
83303-0008

Priority Date: 5/30/1990

Origin: Water Right

Basis: License

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	4.000 CFS	1951.8 AFA	
Total Diversion			4.000 CFS	1951.8 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NENWSE	Sec. 12 Twp 12S Rge 16E TWIN FALLS County
GROUND WATER	SESESE	Sec. 12 Twp 12S Rge 16E TWIN FALLS County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	16E	12	40.0		26.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	11.0	40.0	40.0	557.0
12S	16E	13					8.3			39	33								80.3

Right Acre Limit: 595.0

POU Total Acres: 637.3

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

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

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

Applicant

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

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
No, ☐ If Yes, ☒

Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: Metropolitan Life Insurance Company Agricultural Investments

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

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
None

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

Stockwater right 47-8011A is also used on the same lands

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

Yes

☐☐☐☐

No

☒☒☒☒

undergone a period of five or more consecutive years of non-use,

currently leased to the Water Supply Bank,

currently used in a mitigation plan limiting the use of water under the right, or

currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

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

Current Water Right No. 47-8011A

Current Water Right Owner

HARMONY ORGANIC
 DAIRY LLC
 PO BOX 8
 TWIN FALLS, ID
 83303-0008

Priority Date: 8/5/1985

Origin: Water Right

Basis: License

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
COMMERCIAL	01/01	12/31	0.390 CFS	44.4 AFA	Dairy
IRRIGATION	03/15	11/15	1.480 CFS	333.2 AFA	
STOCKWATER	01/01	12/31	0.390 CFS	44.4 AFA	
Total Diversion			1.870 CFS	377.6 AFA	

Source and Point(s) of Diversion:

GROUND WATER

SESESE

Sec. 12 Twp 12S Rge 16E TWIN FALLS County

GROUND WATER

NENWSE

Sec. 12 Twp 12S Rge 16E TWIN FALLS County

Place of Use: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	16E	12			X											X			0.0
12S	16E	13					X												0.0

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	16E	13					12.8			40.0	30.5								83.3

POU Total Acres: 83.3

Place of Use: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	16E	12	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0.0
12S	16E	13					X			X	X								0.0

Conditions/Remarks:

1. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

Conditions/Remarks:

4. Commercial use is for a dairy.
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 permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
7. 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.
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.

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

Current Water Right No. 47-8238

Current Water Right Owner
HARMONY ORGANIC
DAIRY LLC
PO BOX 8
TWIN FALLS, ID
83303-0008

Priority Date: 5/29/1990

Origin: Water Right

Basis: License

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	4.000 CFS	1951.8 AFA	
Total Diversion			4.000 CFS	1951.8 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NWSE	Sec. 12 Twp 12S Rge 16E TWIN FALLS County
GROUND WATER	SESE	Sec. 12 Twp 12S Rge 16E TWIN FALLS County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	16E	12	40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	35.0	595.0
POU Total Acres:			595.0																

Conditions/Remarks:

- After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
- Rights 47-8011A and 47-8238 when combined for irrigation use shall not exceed a total diversion rate of 5.48 cfs and a total annual maximum diversion volume of 2285.0 af. Rights 47-8011A and 47-8238 when combined for all uses are limited to a total of 5.87 cfs and a total annual maximum diversion volume of 2329.4 af.
- 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.
- This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
- The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
- If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2B

☒ Complete and attach one copy of **Part 2B** for each right for which only a portion is proposed to be changed.

[illegible][illegible]

Total Acres (for irrigation use)	83.3
----------------------------------	------

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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

- ☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

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

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

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

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

N/A

FOR DEPARTMENT USE ONLY

Transfer Contains 13 pages and _____ attachments.

Received By SG Date _____ Prelim. Check By _____ Date _____

Fee Paid \$240.00 Date 9/15/21 Receipted By SG Receipt # 5038833

Add'l Fee Paid \$660- Date 6/30/2021 Receipted By SG Receipt # 5038679

(\$900-total)





0004411316

**STATE OF IDAHO***Office of the secretary of state, Lawrence Denney***ANNUAL REPORT**

Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: \$0.00

*For Office Use Only***-FILED-**

File #: 0004411316

Date Filed: 9/8/2021 11:57:04 AM

Entity Name and Mailing Address:

Entity Name: HARMONY ORGANIC DAIRY, LLC
The file number of this entity on the records of the Idaho Secretary of State is: 0000435693
Address: 2650 N 2700 E
TWIN FALLS, ID 83301

Entity Details:

Entity Status: Active-Existing
This entity is organized under the laws of: IDAHO
If applicable, the old file number of this entity on the records of the Idaho Secretary of State was: W142988

The registered agent on record is:

Registered Agent: SEAN MALLETT
Registered Agent
Physical Address
2679 POLELINE RD. EAST
TWIN FALLS, ID 83301
Mailing Address

Limited Liability Company Managers and Members

Name	Title	Business Address
Sean Mallett	Member	2679 POLELINE ROAD EAST TWIN FALLS, ID 83301

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

Job Title: Sean Mallett

*Sean Mallett**09/08/2021*

Sign Here

Date

DUPLICATE RECEIVED BY ID SECRETARLY CLERK LAWRENCE DENNEY

RECEIVED

SEP 29 2021

DEPT OF WATER RESOURCES
SOUTHERN REGION



September 28, 2021

Harmony Organic Dairy, LLC
Sean and Staci Mallett
2679 Poletine Road East
Twin Falls, ID 83301

Re: Metropolitan Life Insurance Company ("Lender")
Loan No. 201610 – Harmony Organic ("Borrower")
Consent to Water Rights Transfer

Ladies and Gentlemen,

Reference is made to that certain Application for Transfer of Water Rights submitted to your office by our borrower, Harmony Organic Dairy, LLC, requesting to update the points of diversion for the irrigation portion water right 47-8011A and shift the irrigation place of use to identify the currently irrigated place of use; and, your request that Lender consent to this request.

For good and valuable consideration, Lender does hereby consent to the request to transfer water rights. Lender will, in due course, provide Loan modification documents necessary to secure Lender's priority in the water rights. Borrower shall execute all Loan modification documents and shall be responsible for all costs associated with said modification. All other terms and conditions of Loan No. 201610 remain in full force and effect.

We appreciate the opportunity to handle this transaction for you.

Sincerely,

Metropolitan Life Insurance Company,
a New York corporation

By: MetLife Investment Management, LLC,
its investment manager

By: Jonathan B. Dressler
Jonathan B. Dressler
Its Authorized Signatory and Director

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF Fresno

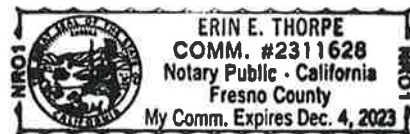
On September 28, 2021, before me, Erin E. Thorpe, a Notary Public, personally appeared Jonathan B. Dresler, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Erin E. Thorpe
Signature

This area for official notarial seal.





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

October 26, 2021

HARMONY ORGANIC DAIRY LLC
PO BOX 8
TWIN FALLS ID 83303-0008

Re: Transfer No: 85118
Water Right No(s): 47-8011A , 47-8238

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:

TSK ENTERPRISES
GARY FUNDERBURG
255 BLUE LAKES BLVD N PMB 617
TWIN FALLS ID 83301

METROPOLITAN LIFE INSURANCE COMPANY
AGRICULTURAL INVESTMENTS
10801 MASTIN ST STE 930
OVERLAND PARK KS 66210-1677

CERTIFICATE OF SERVICE

I hereby certify that on October 26, 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.: 85118

Water Right No(s): 47-8011A , 47-8238

HARMONY ORGANIC DAIRY LLC
PO BOX 8
TWIN FALLS ID 83303-0008

TSK ENTERPRISES
GARY FUNDERBURG
255 BLUE LAKES BLVD N PMB 617
TWIN FALLS ID 83301

METROPOLITAN LIFE INSURANCE COMPANY
AGRICULTURAL INVESTMENTS
10801 MASTIN ST STE 930
OVERLAND PARK KS 66210-1677



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

TO: Transfer 85118 File

FROM: Benny Walker

DATE: October 20, 2021

SUBJECT: Filing Fee

The filing fee of, \$900.00, for this transfer is based on the amount of water proposed to be transferred or changed, 5.48 cfs. The transfer fee schedule for a transfer involving 5.01-6.00 cfs indicates that the filing fee is \$900.00. The applicant's consultant, Gary Funderburg, submitted a fee of \$900.00 for this transfer. (Receipts S038678 and S038833).

Walker, Benny

From: Gary Funderburg <tskenterprise2o@gmail.com>
Sent: Wednesday, October 20, 2021 12:13 PM
To: Walker, Benny
Subject: Re: Filing Fee for Harmony Dairt

Dept.of Water Resources
Southern Region Office
650 Addison Ave W. Suite 500
Twin Falls, Idaho 83301-5858

Please apply the previous money you received \$660.00 / Receipt # S038679 (which was withdrawn) for Transfer # 85118 to the new Transfer.

Thank You

GARY L. FUNDERBURG
TSK ENTERPRISE LLC

On Wed, Oct 20, 2021 at 11:15 AM Walker, Benny <Benny.Walker@idwr.idaho.gov> wrote:

Gary,

I need an email from you to allow the Department to apply the money from the first transfer to the new, stating Please use \$660.00 from receipt # S038679 (withdrawn transfer) for transfer # 85118.

Thanks, Benny

Benny Walker

Water Resource Agent

Southern Region

208-736-3033

Sufficiency Memorandum

Date: October 14, 2021
To: Transfer 85118
From: Benny Walker
Re: Evaluation of Sufficiency of Information Submitted

Application proposes to update two existing points of diversion (POD) for the irrigation portion of two ground water rights, 47-8011A and 47-8238. This transfer also proposes to shift the irrigation place of use (POU) to identify the current irrigation practices, resulting in a 41 acre reduction of irrigation for the dairy location. The POD's and the POU is located approximately 11.7 miles south and 3.3 miles west of the City of Twin Falls.

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

- **Authority to File:**
The applicant is listed as the current owner of the water rights involved in the transfer according to department records.
- **Water Right Validity:**
The water rights involved in the transfer were licensed in 2005 and 2012. Recent aerial photography indicates that the land has been irrigated in recent years.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated. There is a reduction in irrigated acres as a result of this transfer.
- **Local Public Interest:**
No negative impacts anticipated. This transfer application is not subject to notice and protest.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water
- **Effect on Economy of the Local Area:**
None anticipated.
- **Effect of the Agricultural Base of the Local 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.

MEMORANDUM

Date: October 14, 2021
To: Transfer 85118
From: Benny Walker
Re: Legal Notice Not Required

Legal Notice Not Required
10/14/2021

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

Walker, Benny

From: Gary Funderburg <tskenterprise2o@gmail.com>
Sent: Wednesday, September 29, 2021 10:20 AM
To: Walker, Benny
Attachments: Consent Letter.pdf

Here you go, let me know you received the letter.
Gary Funderbug

Walker, Benny

From: Gary Funderburg <tskenterpriseh2o@gmail.com>
Sent: Wednesday, September 15, 2021 4:24 PM
To: Walker, Benny
Subject: Re: Lien Holder Letter

Benny, I sent the application to you because you said the letter had come in and later you indicated you received a letter from someone else. I will inform the applicant of the necessity of getting the letter sent to you from Met-Life.
Gary

On Wed, Sep 15, 2021 at 4:09 PM Walker, Benny <Benny.Walker@idwr.idaho.gov> wrote:

Gary,

I did a quick review of the transfer and noticed that there is not a Lien Holder Letter from Metropolitan Life Ins. Co., Agricultural Investment giving their consent of the transfer application. I will hold the transfer application until the 30th of this month. After that date I will return the application and request a refund of the filing fee. If I receive the consent letter on or before the 30th I will continue to proceed with the transfer application. Let me know if you have any questions.

Thanks, Benny

Benny Walker

Water Resource Agent

Southern Region

208-736-3033

Walker, Benny

From: Gary Funderburg <tskenterpriseh2o@gmail.com>
Sent: Monday, September 13, 2021 2:37 PM
To: Walker, Benny
Subject: Re: Lien Holder Letter

I will send it out to you today
Gary

On Mon, Sep 13, 2021 at 2:35 PM Walker, Benny <Benny.Walker@idwr.idaho.gov> wrote:

Sorry Gary,

I received a different one. Still waiting on yours.

Benny

From: Walker, Benny
Sent: Monday, September 13, 2021 2:34 PM
To: Walker, Benny <Benny.Walker@idwr.idaho.gov>
Subject: RE: Lien Holder Letter

Sorry Gary,

I received a different one. Still waiting on yours.

Benny

From: Walker, Benny
Sent: Monday, September 13, 2021 2:32 PM
To: Gary Funderburg <tskenterpriseh2o@gmail.com>
Subject: Lien Holder Letter

Gary,

I received the Line holder to day, so when you get the new transfer signed we should be ready to go.

Thanks, Benny

Benny Walker

Water Resource Agent

Southern Region

208-736-3033