

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 84891**

This is to certify that: **HIGHLAND DAIRY LLC**
827 E 270 S
DIETRICH, ID 83324-5125

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>
37-22375	WR/DECREED	3/1/1968	N/A	3.0 af	N/A	N/A	WASTE 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>
37-22375	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>
37-22375	37-22375	N/A	3.0 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		N/A	3.0 af	N/A	N/A		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 27th day of April, 2021.



Southern Region Manager

WATER RIGHT NO. 37-22375

As Modified by Transfer No. 84891

In accordance with the approval of Transfer No. 84891, Water Right No. 37-22375 is now described as follows:

Right Holder: HIGHLAND DAIRY LLC
827 E 270 S
DIETRICH, ID 83324-5125

Priority Date: 3/1/1968

Source: WASTE WATER

Tributary: SINKS

BENEFICIAL USE
WILDLIFE STORAGE

From 01/01 **To** 12/31

Diversion Volume
3.0 af
3.0 af

LOCATION OF POINT(S) OF DIVERSION

WASTE WATER NWSWNE Sec 23 Twp 06S Rge 18E LINCOLN County

PLACE OF USE: WILDLIFE STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	18E	23			X														

CONDITIONS OF APPROVAL

1. This right provides for evaporative losses associated with a wildlife pond with surface area of 1 acre and total volume of approximately 2 acre-feet. If pond is drained at time of re-fill mitigation must be identified.
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. 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. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 84891

WATER RIGHT NO. 37-22375

As Modified by Transfer No. 84891

CONDITIONS OF APPROVAL

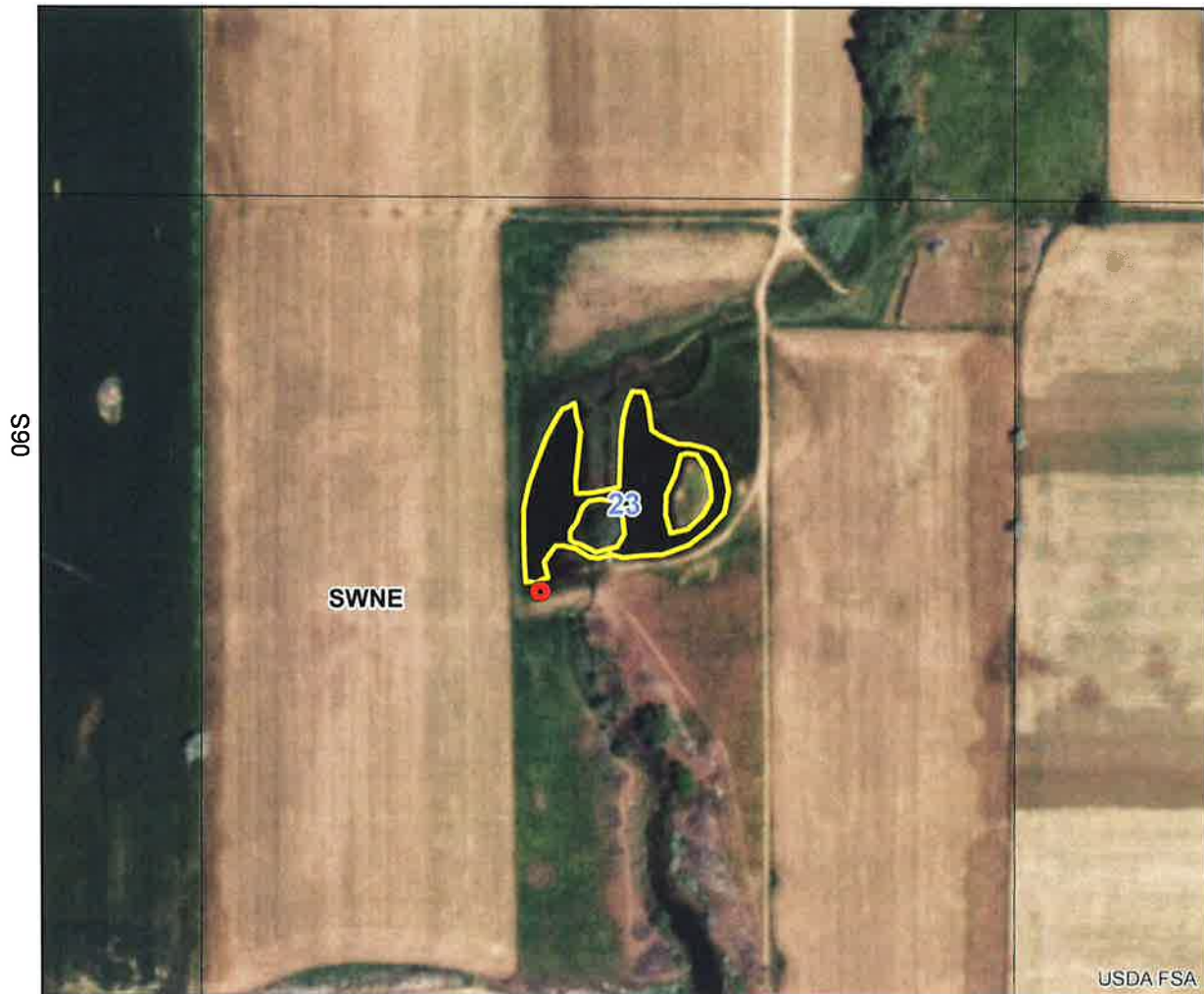
6. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



State of Idaho
Department of Water Resources
Attachment to Transfer # 84891
37-22375

This map depicts the WILDLIFE STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

18E



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

0 0.035 0.07 0.14 Miles



APR 26 2021

DEPT OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 84891

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) HIGHLAND 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

APR 26 2021

DEPT OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant HIGHLAND DAIRY LLC Phone (208) 312-0467
Mailing Address 827 E 270 S, DIETRICH ID 83324-5125 Email basindairy@gmail.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☒ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. 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 _____ Phone _____
Mailing Address _____ 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] Ian Webb 4/22/21
Signature of Applicant or Authorized Representative Print Name and Title if applicable 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 |
|----|----------|-------|-----|-----|---------|---------------|---------------|
| | 37-22375 | No | No | Yes | No | No | No |
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 filed to correct the place of use for this water right from the SWSE of Section 23 to the
SWNE of Section 23

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT 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
37-22375	N/A	3.0 af	N/A	N/A		N/A	N/A	N/A	N/A
COMBINED TOTALS	N/A	3.0 af	N/A	N/A		N/A	N/A	N/A	N/A

2. Total amount of water proposed to be transferred or changed _____ 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 Transfer Right After Requested Changes**

Proposed Water Right No. 37-22375

Current Water Right Owner
HIGHLAND DAIRY LLC
827 E 270 S
DIETRICH, ID 83324-5125

Priority Date: 3/1/1968

Origin: Water Right

Basis: Decreed

Status Active

Source: WASTE WATER **Tributary:** SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Volume</u>	<u>Subuse Code</u>
WILDLIFE STORAGE	01/01	12/31	3.0 AFA	
Total Diversion			3.0 AFA	

Source and Point(s) of Diversion:
WASTE WATER NWSWNE Sec. 23 Twp 06S Rge 18E LINCOLN County

Place of Use: WILDLIFE STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	18E	23			X														

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

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

- 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: N/A

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

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

No change. Application filed to correct the place of use for this water right from the SWSE of Section 23 to the SWNE of Section 23

- 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:

None

- 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. 37-22375

Current Water Right Owner

ALEX ANHDER
 117 N 2100 E
 ROBERTS, ID 83444

And

HOLLY ANHDER
 117 N 2100 E
 ROBERTS, ID 83444

Priority Date: 3/1/1968

Origin: Water Right

Basis: Decreed

Status: Active

Source: WASTE WATER Tributary: SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Volume</u>	<u>Subuse Code</u>
WILDLIFE STORAGE	01/01	12/31	3.0 AFA	
Total Diversion			3.0 AFA	

Source and Point(s) of Diversion:

WASTE WATER NWSWNE Sec. 23 Twp 06S Rge 18E LINCOLN County

Place of Use: WILDLIFE STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	18E	23															X		0.0

Conditions/Remarks:

1. This right provides for evaporative losses associated with a wildlife pond with surface area of 1 acre and total volume of approximately 2 acre-feet. If pond is drained at time of re-fill mitigation must be identified.
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. 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. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

☒ 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.

☐ If you propose to change the nature of use or period of use of all or part of the right(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**.

☐ 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.:

Transfer Contains 7 pages and _____ attachments.
 Received By SG Date 4/26/21 Prelim. Check By _____ Date _____
 Fee Paid \$50.00 Date 4/26/21 Received By SG Receipt # 5038554
 Add'l Fee Paid \$25.00 Date 12/11/2020 Received By DM Receipt # 5039293



LINCOLN COUNTY
Recorded for:
TITLEONE - BURLEY
03:46:02 PM 09-07-2018
0000200316
No. Pages 2 Fee: \$15.00
BRENDA FARNWORTH
County Clerk
Deputy: CS
Electronically Recorded by Simplifile

Order Number: 18319686

WARRANTY DEED

For Value Received,

J7, LLC, an Idaho limited liability company, the Grantor, does hereby grant, bargain sell and convey unto, Highland Dairy, LLC, an Idaho limited liability company, whose current address is 417 North Hisaw Lane, American Falls, ID 83211, the Grantee, the following described premises, in Lincoln County, Idaho, To Wit:

PARCEL NO. 1:
TOWNSHIP 6 SOUTH, RANGE 19 EAST OF THE BOISE MERIDIAN,
LINCOLN COUNTY, IDAHO

Section 17: S½SE¼

PARCEL NO. 2:
TOWNSHIP 6 SOUTH, RANGE 18 EAST OF THE BOISE MERIDIAN,
LINCOLN COUNTY, IDAHO

Section 23: Part of the NE¼, more particularly described as follows:

Beginning at the Northeast Corner of Section 23 said corner marked by a ½ inch rebar; Thence North 89°38'56" West along the North line of Section 23 for a distance of 300.00 feet to a 5/8 inch rebar which shall be the Point of Beginning;
Thence South 00°11'44" West (South 00°23'33" West, rec.) for a distance of 1316.02 feet (1315.97 feet, rec.) to a 5/8 inch rebar on the South line of the NE¼NE¼;
Thence North 89°39'57" West along said line for a distance of 1018.78 feet to a 5/8 inch rebar at the Southwest Corner of the NE¼NE¼;
Thence South 00°07'46" West along the East line of the SW¼NE¼ for a distance of 1316.45 feet to a 5/8 inch rebar at the Southeast Corner of the SW¼NE¼;
Thence North 89°41'16" West along the South line of the NE¼ for a distance of 1317.26 feet to a 5/8 inch rebar at the Center ¼ Corner of Section 23;
Thence North 00°03'48" East along the West line of the NE¼ for a distance of 2138.68 feet to a ½ inch rebar;
Thence South 89°38'57" East for a distance of 881.83 feet to a ½ inch rebar;
Thence North 00°27'44" East for a distance of 462.02 feet to a ½ inch rebar;
Thence North 00°27'44" East for a distance of 32.98 feet to the North line of Section 23;
Thence South 89°38'56" East for a distance of 1455.33 feet to the Point of Beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

Dated: September 7, 2018

J7, LLC, an Idaho limited liability company

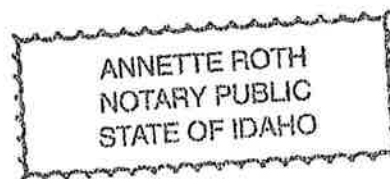
BY: Jeff Johnson
Jeff Johnson, Manager

State of Idaho, County of Cassia, ss.

On this 7 day of September, 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared Jeff Johnson, known or identified to me to be a Manager of the limited liability company that executed the within instrument and acknowledged to me that he executed the same for and on behalf of said limited liability company and that such limited liability company executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Annette Roth
Notary Public for Idaho
Residing In: Cassia County Rupert, Id
My Commission Expires: August 4th, 2023



NENW

NWNE

NENE

SENW

SENE

23

SWNE

06S18E

NESW

NWSE

NESE

Transfer 84891

SESW

SWSE

SESE



0003899971

**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 #: 0003899971

Date Filed: 6/4/2020 12:00:26 PM

Entity Name and Mailing Address:

Entity Name: HIGHLAND DAIRY, LLC
The file number of this entity on the records of the Idaho Secretary of State is: 0000511536
Address: 827 E 270 S
DIETRICH, ID 83324-5125

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: W168737

The registered agent on record is:

Registered Agent: IAN WEBB
Registered Agent
Physical Address
827 E 270 S
DIETRICH, ID 83324
Mailing Address

Limited Liability Company Managers and Members

Name	Title	Business Address
 Ian C Webb	Manager	827 E 270 S DIETRICH, ID 83324

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

*Ian Webb**06/04/2020*

Sign Here

Date

Job Title: Member

B0515-6602 06/04/2020 12:00 PM Received by ID Secretary of State Lawrence Denney



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION • 650 ADDISON AVE W STE 500 • TWIN FALLS ID 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037

Website: www.idwr.idaho.gov • Email: southerninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

April 28, 2021

HIGHLAND DAIRY LLC
827 E 270 S
DIETRICH ID 83324-5125

Re: Transfer No: 84891
Water Right No(s): 37-22375

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:

IDAHO AGCREDIT FLCA
2883 HIGHWAY 39
AMERICAN FLS ID 83211-5347

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

CERTIFICATE OF SERVICE

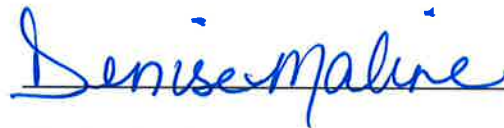
I hereby certify that on April 28, 2021 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 84891
Water Right No(s): 37-22375

HIGHLAND DAIRY LLC
827 E 270 S
DIETRICH ID 83324-5125

IDAHO AGCREDIT FLCA
2883 HIGHWAY 39
AMERICAN FLS ID 83211-5347

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



Denise Maline
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Transfer No: 84891
Water Right No: 37-22375
Applicant Name: Highland Dairy LLC

Watermaster's Recommendation:

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

Dated: April 27, 2021

Water District 130



Nathan Erickson, Watermaster



State of Idaho

DEPARTMENT OF WATER RESOURCES

SOUTHERN Region • 650 ADDISON AVE W STE 500 • TWIN FALLS, ID 83301-5858
Phone: (208)736-3033 • Fax: (208)736-3037 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

April 27, 2021

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

RE: Application for Transfer No. 84891 (Highland Dairy LLC)

Dear Nathan:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at:
<https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)

MEMORANDUM

Date: April 27, 2021
To: Transfer #84891 File
From: Jim Bitzenburg
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes to correct the place of use description for a Wildlife Storage water right, 37-22375, with a storage volume of 3.0 AF, appurtenant to a parcel located approximately 1.4 miles south and 0.8 mile west of Dietrich. This is a paper correction to the POU; no physical changes have occurred.

Because this is a paper correction only, advertising is not necessary. A change of ownership of the right will also be accomplished in the transfer process.

Watermaster comments were solicited and he did not oppose approval of the transfer.

- **Authority to File:**
The Department's database indicates that water right 37-22375 is owned by Alex and Holly Anhder, but a change of ownership to Highland Dairy, LLC has been submitted and will be accomplished in the transfer process. Conveyance documents were submitted with the ownership change notice.
- **Water Right Validity:**
The water right was decreed in the SRBA in 2006, and aerial imagery shows a pond in place at the location.
- **Injury to Other Water Rights:**
None anticipated or foreseen.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated. Because the change to the POU is a paper change only, the transfer was not advertised.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**
None Anticipated
- **Effect of the Agricultural Base of the Area:**
None Anticipated

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

TRANSFER SYNOPSIS

Date: April 27, 2021
To: Transfer #84891, Highland Dairy Transfer file
From: Jim Bitzenburg
Re: Summary of transfer

Application for transfer proposes to correct the place of use description for a Wildlife Storage water right, 37-22375, with a storage volume of 3.0 AF, appurtenant to a parcel located approximately 1.4 miles south and 0.8 mile west of Dietrich. This is a paper correction to the POU; no physical changes have occurred.

Because this is a paper correction only, advertising is not necessary. A change of ownership of the right will also be accomplished in the transfer process.

Watermaster comments were solicited and he did not oppose approval of the transfer.

MEMORANDUM

Date: April 27, 2021
To: Transfer 84891
From: James Bitzenburg
Re: Legal Notice Not Required

Legal Notice Not Required
4/27/2021

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.

This is a paper change to correct an incorrect place of use description.

FEE MEMORANDUM

Date: April 27, 2021
To: Highland Dairy, LLC Transfer #84891 File
From: Jim Bitzenburg
Re: Receipting/disposition of fees paid

This transfer was filed on April 26, 2021 and is a simple paper correction of the place of use for water right 37-22375. The fee for such a correction is \$50.00 and was paid at the time of filing with check #1222 by Highland Dairy, LLC, IDWR receipt #S038554. In the transfer process a change of ownership of the right will be completed and was paid for back on December 11, 2020 by Idaho AgCredit with check number #95554, IDWR receipt #S038293.

FEE MEMORANDUM

Date: April 27, 2021
To: Highland Dairy, LLC Transfer #84891 File
From: Jim Bitzenburg
Re: Receipting/disposition of fees paid

This transfer was filed on April 26, 2021 and is a simple paper correction of the place of use for water right 37-22375. The fee for such a correction is \$50.00 and was paid at the time of filing with check #1222 by Highland Dairy, LLC, IDWR receipt #S038554. In the transfer process a change of ownership of the right will be completed and was paid for back on December 11, 2020 by Idaho AgCredit with check number #95554, IDWR receipt #S038293.