

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT  
TRANSFER NO. 84764**

This is to certify that: VALLEY VIEW DAIRY LLC  
369 N 1250 W  
PAUL, ID 83347

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

**Summary of Water Rights Before the Proposed Changes**

| <u>Water Right</u> | <u>Origin/Basis</u> | <u>Priority Date</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 36-17012           | WR/DECREED          | 12/17/1974           | 0.060 cfs             | 12.8 af                 | N/A               | N/A                | GROUND WATER  |
| 36-17013           | WR/DECREED          | 4/27/1954            | 0.080 cfs             | 14.3 af                 | N/A               | N/A                | GROUND WATER  |
| 36-2257            | WR/DECREED          | 4/27/1954            | 4.740 cfs             | 1084.4 af               | 271.1             | 505.5              | GROUND WATER  |

**Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)**

| <u>Water Right</u> | <u>Origin/Basis</u> | <u>Priority Date</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 36-7517            | WR/DECREED          | 12/17/1974           | 3.670 cfs             | 959.6 af                | 239.9             | 497.8              | GROUND WATER  |

**Purpose of Transfer (Changes Proposed)**

| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 36-17012              | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 36-17013              | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 36-2257               | YES          | YES        | YES        | NO             | YES                  | YES                  |

**Summary Of Water Rights After the Approved Change**

| <u>Existing Right</u>  | <u>New No. (Changed Portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 36-17012               | 36-17012                         | 0.060 cfs            | 12.8 af                | N/A               | N/A                | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 36-17013               | 36-17013                         | 0.080 cfs            | 14.3 af                | N/A               | N/A                | N/A                                | N/A                   | N/A                     | N/A                         | N/A                          |
| 36-2257                | 36-17182                         | 0.130 cfs            | 18.9 af                | N/A               | N/A                | 36-2257                            | 4.610 cfs             | 1053.6 af               | 263.4                       | 497.8                        |
| <b>COMBINED TOTALS</b> |                                  | <b>0.270 cfs</b>     | <b>46.0 af</b>         | <b>N/A</b>        | <b>N/A</b>         |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

SUPPORT DATA

IN FILE # 36-2257

Transfer No. 84764

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT  
TRANSFER NO. 84764

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 20<sup>th</sup> day of April, 2021.

  
\_\_\_\_\_  
Southern Region Manager



**WATER RIGHT NO. 36-17012****As Modified by Transfer No. 84764**

In accordance with the approval of Transfer No. 84764, Water Right No. 36-17012 is now described as follows:

**Right Holder:** VALLEY VIEW DAIRY LLC  
369 N 1250 W  
PAUL, ID 83347

**Priority Date:** 12/17/1974

**Source:** GROUND WATER

| <b>BENEFICIAL USE</b> | <b>From</b> | <b>To</b> | <b>Diversion Rate</b> | <b>Diversion Volume</b> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| COMMERCIAL            | 1 / 1       | to 12/31  | 0.060 cfs             | 12.8 af                 |
| STOCKWATER            | 1 / 1       | to 12/31  | 0.060 cfs             | 12.8 af                 |
|                       |             |           | 0.060 cfs             | 12.8 af                 |

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER SWNW Sec 5 Twp 09S Rge 22E MINIDOKA County

**PLACE OF USE: COMMERCIAL**

|     |     |     | NE |    |    |    | NW  |     |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|-----|-----|----|----|----|----|----|----|----|----|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE  | NW  | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 09S | 22E | 5   |    |    |    |    | X   | X   | X  | X  |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    | L 3 | L 4 |    |    |    |    |    |    |    |    |    |    | 0      |

**PLACE OF USE: STOCKWATER**

|     |     |     | NE |    |    |    | NW  |     |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|-----|-----|----|----|----|----|----|----|----|----|----|----|--------|
| Twp | Rng | Sec | NE | NW | SW | SE | NE  | NW  | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 09S | 22E | 5   |    |    |    |    | X   | X   | X  | X  |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    | L 3 | L 4 |    |    |    |    |    |    |    |    |    |    | 0      |

**CONDITIONS OF APPROVAL**

1. Commercial use is for a heifer facility.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

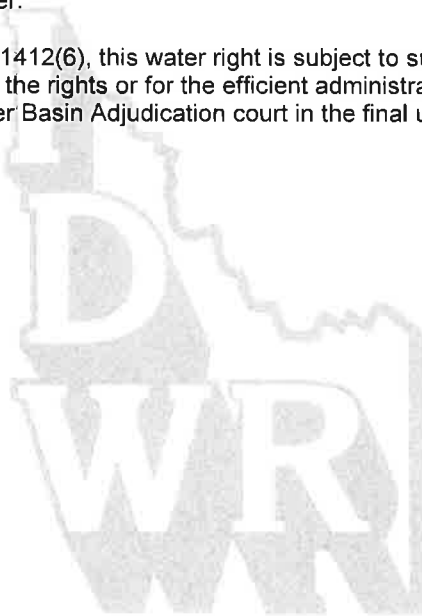
Transfer No. 84764

**WATER RIGHT NO. 36-17012**

**As Modified by Transfer No. 84764**

**CONDITIONS OF APPROVAL**

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



**WATER RIGHT NO. 36-2257****As Modified by Transfer No. 84764**

In accordance with the approval of Transfer No. 84764, Water Right No. 36-2257 is now described as follows:

**Right Holder:** VALLEY VIEW DAIRY LLC  
369 N 1250 W  
PAUL, ID 83347

**Priority Date:** 4/27/1954

**Source:** GROUND WATER

**BENEFICIAL USE**  
IRRIGATION

**From** 3/15 **To** 11/15

**Diversion Rate**  
4.610 cfs  
4.610 cfs

**Diversion Volume**  
1053.6 af  
1053.6 af

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER  
GROUND WATER

L3 (SENENW)  
SENESW

Sec 5 Twp 09S Rge 22E MINIDOKA County  
Sec 5 Twp 09S Rge 22E MINIDOKA County

**PLACE OF USE: IRRIGATION**

| Twp | Rng | Sec | NE   |      |      |      | NW   |    |      |      | SW   |      |      |      | SE   |      |    |    | Totals |
|-----|-----|-----|------|------|------|------|------|----|------|------|------|------|------|------|------|------|----|----|--------|
|     |     |     | NE   | NW   | SW   | SE   | NE   | NW | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW | SE |        |
| 09S | 22E | 5   | 40.0 | 40.0 | 38.3 | 40.0 | 40.0 |    | 33.1 | 37.1 | 38.4 | 40.0 | 32.8 | 40.0 | 40.0 | 38.1 |    |    | 497.8  |
|     |     |     | L 1  | L 2  |      |      | L 3  |    |      |      |      |      |      |      |      |      |    |    |        |

Right Acre Limit: 263.4  
POU Total Acres: 497.8

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 263.4 acres within the authorized place of use in a single irrigation season.
2. Rights 36-2257 and 36-7517 when combined shall not exceed a total diversion rate of 8.28 cfs, a total annual maximum diversion volume of 1991.2 af at the field headgate, and the irrigation of 497.8 acres.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Transfer No. 84764

**WATER RIGHT NO. 36-2257**  
**As Modified by Transfer No. 84764**

**CONDITIONS OF APPROVAL**

5. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



**WATER RIGHT NO. 36-17182****As Modified by Transfer No. 84764**

In accordance with the approval of Transfer No. 84764, Water Right No. 36-17182 is now described as follows:

**Right Holder:** VALLEY VIEW DAIRY LLC  
369 N 1250 W  
PAUL, ID 83347

**Priority Date:** 4/27/1954

**Source:** GROUND WATER

**BENEFICIAL USE**

COMMERCIAL  
STOCKWATER

**From**

1 /1  
1 /1

**To**

to 12/31  
to 12/31

**Diversion Rate**

0.130 cfs  
0.130 cfs  
0.130 cfs

**Diversion Volume**

18.9 af  
18.9 af  
18.9 af

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER SWNW Sec 5 Twp 09S Rge 22E MINIDOKA 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 |        |
| 09S | 22E | 5   |    |    |    |    | X   | X   | X  | X  |    |    |    |    |    |    |    |    | 0.0    |
|     |     |     |    |    |    |    | L 3 | L 4 |    |    |    |    |    |    |    |    |    |    |        |

**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 |        |
| 09S | 22E | 5   |    |    |    |    | X   | X   | X  | X  |    |    |    |    |    |    |    |    | 0.0    |
|     |     |     |    |    |    |    | L 3 | L 4 |    |    |    |    |    |    |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

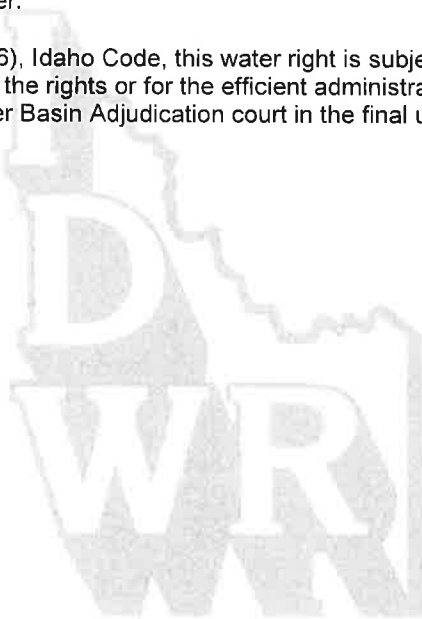
1. Commercial use is for a heifer facility.
2. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Transfer No. 84764

**WATER RIGHT NO. 36-17182**  
**As Modified by Transfer No. 84764**

**CONDITIONS OF APPROVAL**

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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



**WATER RIGHT NO. 36-17013****As Modified by Transfer No. 84764**

In accordance with the approval of Transfer No. 84764, Water Right No. 36-17013 is now described as follows:

**Right Holder:** VALLEY VIEW DAIRY LLC  
369 N 1250 W  
PAUL, ID 83347

**Priority Date:** 4/27/1954

**Source:** GROUND WATER

**BENEFICIAL USE**

COMMERCIAL  
STOCKWATER

**From**

1 /1  
1 /1

**To**

to 12/31  
to 12/31

**Diversion Rate**

0.080 cfs  
0.080 cfs  
0.080 cfs

**Diversion Volume**

14.3 af  
14.3 af  
14.3 af

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER SWNW Sec 5 Twp 09S Rge 22E MINIDOKA 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 |        |
| 09S | 22E | 5   |    |    |    |    | X   | X   | X  | X  |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    | L 3 | L 4 |    |    |    |    |    |    |    |    |    |    | 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 |        |
| 09S | 22E | 5   |    |    |    |    | X   | X   | X  | X  |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    | L 3 | L 4 |    |    |    |    |    |    |    |    |    |    | 0      |

**CONDITIONS OF APPROVAL**

1. Commercial use is for a heifer facility.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

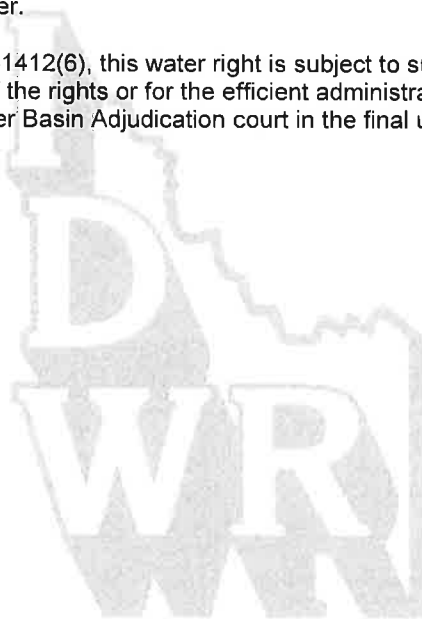
Transfer No. 84764

**WATER RIGHT NO. 36-17013**

**As Modified by Transfer No. 84764**

**CONDITIONS OF APPROVAL**

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



**WATER RIGHT NO. 36-7517**  
**As Modified by Transfer No. 84764**

In accordance with the approval of Transfer No. 84764, Water Right No. 36-7517 is now described as follows:

**Right Holder:** VALLEY VIEW DAIRY LLC  
 369 N 1250 W  
 PAUL, ID 83347

**Priority Date:** 12/17/1974

**Source:** GROUND WATER

**BENEFICIAL USE**

IRRIGATION

**From**

4/01

**To**

to 10/15

**Diversion Rate**

3.670 cfs

3.670 cfs

**Diversion Volume**

959.6 af

959.6 af

**LOCATION OF POINT(S) OF DIVERSION**

GROUND WATER  
 GROUND WATER

L3 (SENENW)  
 SENESW

Sec 5 Twp 09S Rge 22E MINIDOKA County  
 Sec 5 Twp 09S Rge 22E MINIDOKA County

**PLACE OF USE: IRRIGATION**

| Twp | Rng | Sec | NE   |      |      |      | NW   |    |      |      | SW   |      |      |      | SE   |      |    |    | Totals |
|-----|-----|-----|------|------|------|------|------|----|------|------|------|------|------|------|------|------|----|----|--------|
|     |     |     | NE   | NW   | SW   | SE   | NE   | NW | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW | SE |        |
| 09S | 22E | 5   | 40.0 | 40.0 | 38.3 | 40.0 | 40.0 |    | 33.1 | 37.1 | 38.4 | 40.0 | 32.8 | 40.0 | 40.0 | 38.1 |    |    | 497.8  |
|     |     |     | L 1  | L 2  |      |      | L 3  |    |      |      |      |      |      |      |      |      |    |    |        |

Right Acre Limit: 239.9

POU Total Acres: 497.8

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 239.9 acres within the authorized place of use in a single irrigation season.
2. Rights 36-2257 and 36-7517 when combined shall not exceed a total diversion rate of 8.28 cfs, a total annual maximum diversion volume of 1991.2 af at the field headgate, and the irrigation of 497.8 acres.
3. The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 8/27/2001.
4. 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.

Transfer No. 84764

**WATER RIGHT NO. 36-7517**  
**As Modified by Transfer No. 84764**

**CONDITIONS OF APPROVAL**

5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
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 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 # 84764**  
36-17012, 36-17013, and 36-17182

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



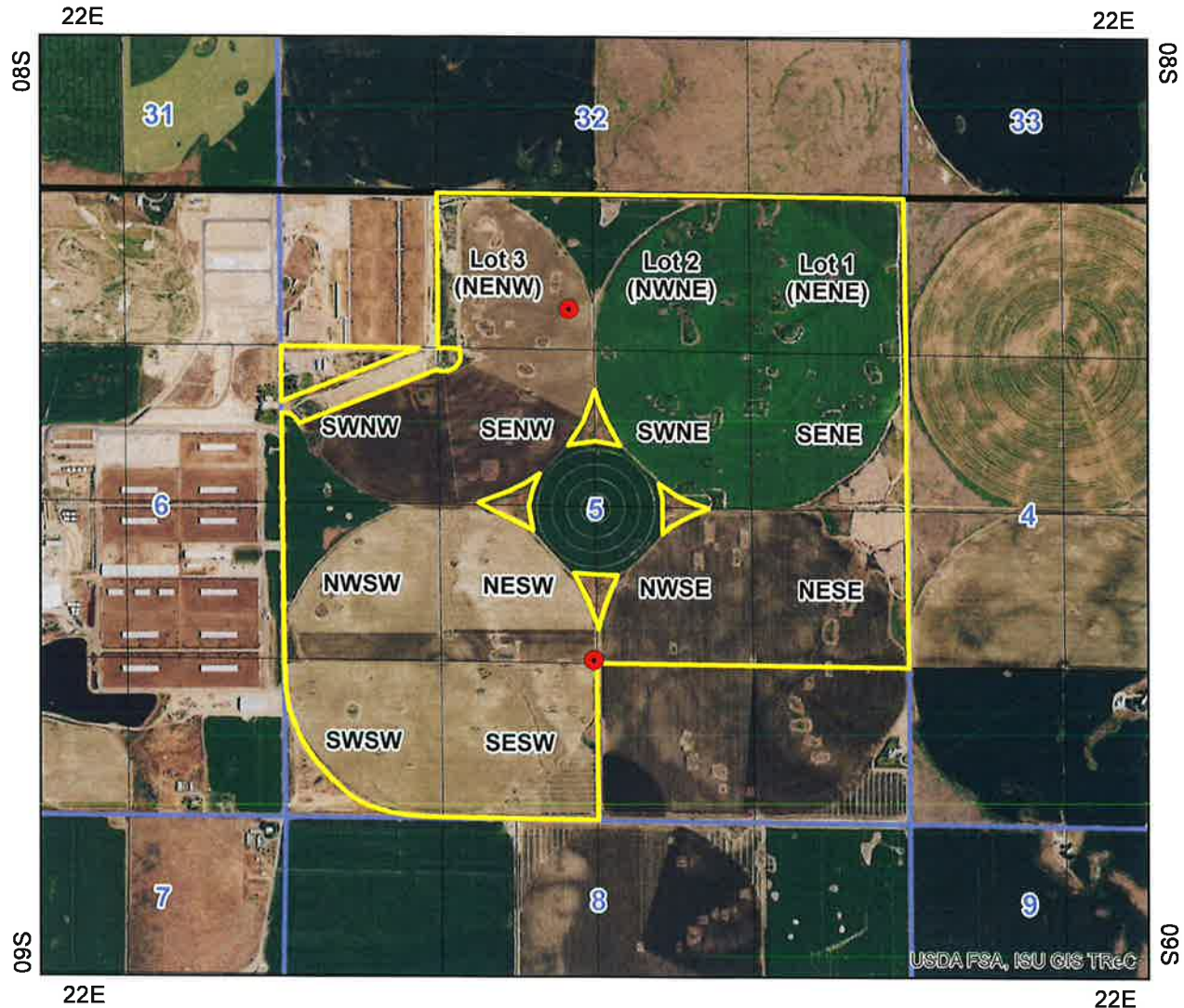
- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.05 0.1 0.2 Miles



State of Idaho  
Department of Water Resources  
**Attachment to Transfer # 84764**  
36-2257 and 36-7517

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 0.175 0.35 0.7 Miles





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](http://www.idwr.idaho.gov) • Email: [southerninfo@idwr.idaho.gov](mailto:southerninfo@idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

April 20, 2021

VALLEY VIEW DAIRY LLC  
369 N 1250 W  
PAUL ID 83347

Re: Transfer No: 84764  
Water Right No(s): 36-2257, 36-7517, 36-17012, 36-17013

### Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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

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

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

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

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

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

Sincerely,



Corey Skinner  
Southern Regional Manager

Enclosure

c:

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

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 20, 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.: 84764

Water Right No(s): 36-2257, 36-7517, 36-17012, 36-17013

VALLEY VIEW DAIRY LLC

369 N 1250 W

PAUL ID 83347

BROCKWAY ENGINEERING PLLC

C/O GREG SULLIVAN

2016 N WASHINGTON ST STE 4

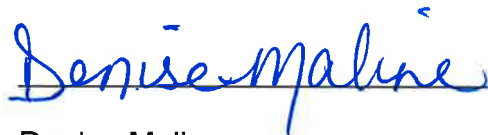
TWIN FALLS ID 83301

WATER DISTRICT 130

NATHAN ERICKSON

650 ADDISON AVE W STE 500

TWIN FALLS ID 83301-5858



Denise Maline  
Administrative Assistant

## **EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER**

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

(Required by Rule of Procedure 730.02)

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

### **PETITION FOR RECONSIDERATION**

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

### **EXCEPTIONS AND BRIEFS**

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

### **REQUEST FOR HEARING**

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

### **ORAL ARGUMENT**

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

## **CERTIFICATE OF SERVICE**

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

## **FINAL ORDER**

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

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

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

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

## **APPEAL OF FINAL ORDER TO DISTRICT COURT**

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

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

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

## MEMORANDUM

**Date:** April 13, 2021  
**To:** Transfer # 84764 File  
**From:** Michelle Richman  
**Re:** Evaluation of Sufficiency of Information Submitted

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Transfer application 84764 proposes to convert a 7.7 acre (0.13 cfs) portion of an irrigation groundwater right to stock water and commercial use for the expansion of an existing heifer and calf facility located approximately 6.4 miles west and 4.9 miles north of the center of Paul. The irrigation right to be converted is currently authorized to be diverted from two irrigation wells both located within  $\frac{3}{4}$  of a mile of the facility. The application also proposes to change the place of use of two stock water and commercial groundwater rights (totaling 0.14 cfs) used at the facility to reflect the expansion. The converted right and the two commercial and stock water rights will divert up to 0.27 cfs and 46 acre-feet per year from an existing well on the facility.

The change in nature of use analysis from irrigation to commercial/stock water was completed using the METRIC (Mapping Evapotranspiration) modeling available on the IDWR website. The applicant's CIR of 2.46 acre feet per acre was replicated using the METRIC tool. The 7.7 acre conversion corresponds to a transferred volume of 18.9 acre feet and to a volume reduction of 30.8 acre feet from former irrigation volume of 1084.4 acre feet.

ESPA model analysis is unnecessary because the irrigation and the stock water and commercial PODs are within a single model grid cell. The proposed transfer POU is in Water District 130, and Water Master comments were solicited and received with no opposition indicated.

- **Authority to File:**  
Valley View Dairy LLC, the current owner of all water rights and properties associated with this transfer, is registered with the Secretary of State, and the applicant has signing authority.
- **Water Right Validity:**  
Water Rights 36-2257, 36-17012, and 36-17013 were decreed in the SRBA on 8/27/2001. Recent aerial and satellite imagery indicates that the property involved with this transfer has recently been irrigated or used for stock water and commercial purposes as licensed.
- **Injury to Other Water Rights:**  
None anticipated.
- **Enlargement of Use:**  
There is a decrease in volume as a result of the change in nature of use process, which precludes potential enlargement of the converted water right.
- **Local Public Interest:**  
No negative impacts anticipated.

- **Beneficial Use/Conservation of Water Resources:**  
Proposed uses are recognized as beneficial uses of water.
- **Effect on Economy of the Local Area:**  
No issues 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.**

**\*\* Proof of Publication \*\***

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

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

2 Insertions

ID DEPARTMENT OF WATER RESOURCES

650 ADDISON AVE W, STE 500  
TWIN FALLS ID 83301

ORDER NUMBER 112407

Jenny Green  
(Legals Clerk)

STATE OF IDAHO )  
                          )SS  
COUNTY OF TWIN FALLS )

On this 25 day of March in the year of 2021 before me, a Notary Public, personally appeared before me Jenny Green known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Amy Wusmore  
Notary Public FOR Idaho  
Residing at: Twin Falls, Idaho  
My Commission expires: 9-4-2026

Section: Legals

Category: 50 Legal

PUBLISHED ON: 03/18/2021, 03/25/2021

TOTAL AD COST: 241.80

FILED ON: 3/25/2021

RECEIVED

MAR 29 2021

DEPT OF WATER RESOURCES  
SOUTHERN REGION

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT  
TRANSFER NO. 84662**

HIGLEY LAND INVESTMENTS LLC, PO BOX 25, MALTA, ID 83342-0025 has filed Application No. 84662 for changes to the following water rights within CASSIA County(s): Right No(s): 43-13773, 43-13889, 43-13890, 43-13891, 43-13892, 43-13893, 43-13894. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to move ground water irrigation right 43-13773 from its present place of use (POU), located approximately 0.3 mile east and 3.1 miles south of Malta, to a nearby farm owned by the applicants, located approximately 2.8 to 3.3 miles east and 4.3 to 6.5 miles south of Malta, and modify the POU of the destination farm. The transfer will also drop one authorized point of diversion (POD) from each of the six existing rights at that farm and add the four remaining PODs to the right moving in. After the transfer, seven ground water irrigation rights will irrigate 628.6 acres with a combined flow rate of 11.52 cfs.

**TRANSFER NO. 84729**

BRIAN TUBBS and MICHELLE TUBBS, 2086 E 3400 N, FILER, ID 83328-5646 has filed Application No. 84729 for changes to the following water rights within TWIN FALLS County(s): Right No(s): 47-17555, 47-17560, 47-17565. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes transferring a 13.3 acre portion (0.24 cfs) of three ground water rights from a farm located approximately 7.25 to 8.0 miles south and 0.75 to 1.5 miles west of the center of Kimberly for stockwater and commercial use for expansion of an existing CAFO located approximately 4.5 to 5.0 miles south and 3.0 to 3.5 miles west of the US Hwy 93 & Hwy 30 interchange east of Filer. The transferred water will be diverted from a new well to be drilled and the existing well at the CAFO site.

**TRANSFER NO. 84735**

PATTCO LLLP, 1800 Z ST, HEYBURN, ID 83336 has filed Application No. 84735 for changes to the following water rights within CASSIA County(s): Right No(s): 45-13398, 45-13399, 45-2621, 45-7164, 45-7261. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes to combine two groups of ground water irrigation rights (a group of three rights for 2.87 cfs & 305 acres and a group of two rights for 1.2cfs & 133 acres) into a single 447 acre permissible place of use (PPU). Transfer will also add the point of diversion (POD) from each group to the other group so all five water rights will have the same two PODs, allowing for the total diversion of 4.07 cfs and the irrigation of 438 acres within the proposed PPU. The two PODs and PPU are on a farm located approximately 5.7 miles west and 1.9 miles south of the Highway 30 & Overland Avenue intersection in Burley.

**TRANSFER NO. 84764**

VALLEY VIEW DAIRY LLC, 369 N 1250 W, PAUL, ID 83347 has filed Application No. 84764 for changes to the following water rights within MINIDOKA County(s): Right No(s): 36-17012, 36-17013, 36-2257. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes converting a 7.7 acre (0.13 cfs) portion of an irrigation groundwater right to stock water and commercial use for the expansion of an existing heifer and calf facility located approximately 6.4 miles west and 4.9 miles north of the center of Paul. The irrigation right to be converted is currently authorized to be diverted from two irrigation wells both located within 0.75 miles of the facility. The application also proposes changing the place of use of two stock water and commercial groundwater rights (totaling 0.14 cfs) used at the facility to reflect the expansion. The converted right and the two commercial and stock water rights will divert up to 0.27 cfs and 46 acre-feet per year from an existing well on the facility.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and/or the proposed transfers, please see [research.idwr.idaho.gov/apps/waterrights/Query-NewTransfers](http://research.idwr.idaho.gov/apps/waterrights/Query-NewTransfers). Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W, STE 500, TWIN FALLS, ID 83301-5858 together with a protest fee of \$25.00 for each application on or before April 5, 2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on March 18th & 25th, 2021

✓ OK DM 4-2-2021

State of Idaho  
Department of Water Resources

**RECOMMENDATION OF WATERMASTER**

Transfer No: 84764  
Water Right No: 36-2257, ETC  
Applicant Name: VALLEY VIEW 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: March 18, 2021**

**Water District 130**

  
\_\_\_\_\_  
**Nathan Erickson, Watermaster**