STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 84385

This is to certify that: TRUE WEST BEEF LLC
1555 W SHORELINE DR STE 320
BOISE, ID 83702-9109

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

Summary of Water Rights Before the Proposed Changes

Water Right	Origin/Basis	Priority Date	Diversion Rate	Diversion Volume	Acre Limit	Total Acres	Source
36-14617	WR/DECREED	5/1/1982	0.270 cfs	N/A	20.4	113.4	GROUND WATER
36-16951	WR/DECREED	9/26/1963	0.170 cfs	36.8 af	N/A	9.2	GROUND WATER
36-2283	WR/DECREED	5/10/1955	1.500 cfs	N/A	93.0	113.4	GROUND WATER
36-2386	WR/DECREED	5/14/1959	4.810 cfs	1224.0 af	N/A	306.0	GROUND WATER
36-2608	WR/DECREED	2/8/1965	5.200 cfs	1040.0 af	N/A	260.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
36-14617	NO	NO	YES	YES	NO	NO
36-16951	NO	NO	YES	YES	NO	NO
36-2283	NO	NO	YES	YES	NO	NO
36-2386	NO	NO	YES	YES	NO	NO
36-2608	NO	NO	YES	YES	NO	NO

Summary Of Water Rights After the Approved Change

Existing Right	New No. (Changed Portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
36-14617	36-14617	0.270 cfs	81.6 af	20.4	946.0	N/A	N/A	N/A	N/A	N/A
36-16951	36-16951	0.170 cfs	36.8 af	9.2	946.0	N/A	N/A	N/A	N/A	N/A
36-2283	36-2283	1.500 cfs	372.0 af	93.0	946.0	N/A	N/A	N/A	N/A	N/A
36-2386	36-2386	4.810 cfs	1224.0 af	306.0	946.0	N/A	N/A	N/A	N/A	N/A
36-2608	36-2608	5.200 cfs	1040.0 af	260.0	946.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		**11.680 cfs**	**2754.4 af**	**688.6**	**946.0**		**N/A**	**N/A**	**N/A**	**N/A**

SUPPORT DATA
IN FILE # 36-2283

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 84385

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 November, 2020.

Southern Region Manager

WATER RIGHT NO. 36-2386

As Modified by Transfer No. 84385

In accordance with the approval of Transfer No. 84385, Water Right No. 36-2386 is now described as follows:

Right Holder: TRUE WEST BEEF LLC
1555 W SHORELINE DR STE 320
BOISE, ID 83702-9109

Priority Date: 5/14/1959

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	03/15	to	11/15	4.810 cfs	1224.0 af
				4.810 cfs	1224.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESWSW	Sec 12	Twp 08S Rge 17E	JEROME County
GROUND WATER	SWSWNE	Sec 7	Twp 08S Rge 18E	JEROME County
GROUND WATER	SWNWSE	Sec 7	Twp 08S Rge 18E	JEROME County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08S	17E	11									22.0			32.0	30.0	37.0	37.0	30.0	188.0
08S	17E	12				2.0					40.0	40.0	39.0	40.0	9.0				170.0
08S	18E	6															40.0		40.0
08S	18E	7		39.0	40.0	37.0	27.0	17.0	36.0	40.0	40.0	36.0	36.0	40.0	40.0	40.0	40.0	40.0	548.0
								L 1	L 2			L 3	L 4						

Right Acre Limit: 306.0
POU Total Acres: 946.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 306 acres within the authorized place of use in a single irrigation season.

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 diversions.

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. 84385

WATER RIGHT NO. 36-2386

As Modified by Transfer No. 84385

CONDITIONS OF APPROVAL

5. Rights 36-2283, 36-2386, 36-2608, 36-14617 and 36-16951 when combined shall not exceed a total diversion rate of 11.68 cfs, a total annual maximum diversion volume of 2754.4 af and the irrigation of 688.6 acres.

6. Rights 36-2283, 36-2386, 36-2608, 36-14617 and 36-16951 when combined are limited to the irrigation of a specific 688.6 acres within the 946 acre place of use authorized by these rights in a single irrigation season. The specific 688.6 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 688.6 acres to be irrigated within the 946 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

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

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

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

WATER RIGHT NO. 36-2608

As Modified by Transfer No. 84385

In accordance with the approval of Transfer No. 84385, Water Right No. 36-2608 is now described as follows:

Right Holder: TRUE WEST BEEF LLC
1555 W SHORELINE DR STE 320
BOISE, ID 83702-9109

Priority Date: 2/8/1965

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	03/15	to	11/15	5.200 cfs	1040.0 af
				5.200 cfs	1040.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESWSW	Sec 12	Twp 08S Rge 17E	JEROME County
GROUND WATER	SWSWNE	Sec 7	Twp 08S Rge 18E	JEROME County
GROUND WATER	SWNWSE	Sec 7	Twp 08S Rge 18E	JEROME County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08S	17E	11									22.0			32.0	30.0	37.0	37.0	30.0	188.0
08S	17E	12				2.0					40.0	40.0	39.0	40.0	9.0				170.0
08S	18E	6															40.0		40.0
08S	18E	7		39.0	40.0	37.0	27.0	17.0	36.0	40.0	40.0	36.0	36.0	40.0	40.0	40.0	40.0	40.0	548.0
								L 1	L 2			L 3	L 4						

Right Acre Limit: 260.0
POU Total Acres: 946.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 260 acres within the authorized place of use in a single irrigation season.

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 diversions.

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. 84385

WATER RIGHT NO. 36-2608

As Modified by Transfer No. 84385

CONDITIONS OF APPROVAL

5. Rights 36-2283, 36-2386, 36-2608, 36-14617 and 36-16951 when combined shall not exceed a total diversion rate of 11.68 cfs, a total annual maximum diversion volume of 2754.4 af and the irrigation of 688.6 acres.

6. Rights 36-2283, 36-2386, 36-2608, 36-14617 and 36-16951 when combined are limited to the irrigation of a specific 688.6 acres within the 946 acre place of use authorized by these rights in a single irrigation season. The specific 688.6 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 688.6 acres to be irrigated within the 946 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

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

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

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

WATER RIGHT NO. 36-16951

As Modified by Transfer No. 84385

In accordance with the approval of Transfer No. 84385, Water Right No. 36-16951 is now described as follows:

Right Holder: TRUE WEST BEEF LLC
1555 W SHORELINE DR STE 320
BOISE, ID 83702-9109

Priority Date: 9/26/1963

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	04/10	to	11/10	0.170 cfs	36.8 af
				0.170 cfs	36.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESWSW	Sec 12	Twp 08S	Rge 17E	JEROME County
GROUND WATER	SWSWNE	Sec 7	Twp 08S	Rge 18E	JEROME County
GROUND WATER	SWNWSE	Sec 7	Twp 08S	Rge 18E	JEROME County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08S	17E	11									22.0			32.0	30.0	37.0	37.0	30.0	188.0
08S	17E	12				2.0					40.0	40.0	39.0	40.0	9.0				170.0
08S	18E	6															40.0		40.0
08S	18E	7		39.0	40.0	37.0	27.0	17.0	36.0	40.0	40.0	36.0	36.0	40.0	40.0	40.0	40.0	40.0	548.0
								L 1	L 2			L 3	L 4						

Right Acre Limit: 9.2
POU Total Acres: 946.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 9.2 acres within the authorized place of use in a single irrigation season.

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 diversions.

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. 84385

WATER RIGHT NO. 36-16951

As Modified by Transfer No. 84385

CONDITIONS OF APPROVAL

5. Rights 36-2283, 36-2386, 36-2608, 36-14617 and 36-16951 when combined shall not exceed a total diversion rate of 11.68 cfs, a total annual maximum diversion volume of 2754.4 af and the irrigation of 688.6 acres.

6. Rights 36-2283, 36-2386, 36-2608, 36-14617 and 36-16951 when combined are limited to the irrigation of a specific 688.6 acres within the 946 acre place of use authorized by these rights in a single irrigation season. The specific 688.6 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 688.6 acres to be irrigated within the 946 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

7. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/10 and after 11/10 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the SRBA partial decree date (8/27/2001).

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

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

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

WATER RIGHT NO. 36-14617

As Modified by Transfer No. 84385

In accordance with the approval of Transfer No. 84385, Water Right No. 36-14617 is now described as follows:

Right Holder: TRUE WEST BEEF LLC
1555 W SHORELINE DR STE 320
BOISE, ID 83702-9109

Priority Date: 5/1/1982

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	3/15	to	11/15	0.270 cfs	81.6 af
				0.270 cfs	81.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESWSW	Sec 12	Twp 08S Rge 17E	JEROME County
GROUND WATER	SWSWNE	Sec 7	Twp 08S Rge 18E	JEROME County
GROUND WATER	SWNWSE	Sec 7	Twp 08S Rge 18E	JEROME County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08S	17E	11									22.0			32.0	30.0	37.0	37.0	30.0	188.0
08S	17E	12				2.0					40.0	40.0	39.0	40.0	9.0				170.0
08S	18E	6															40.0		40.0
08S	18E	7		39.0	40.0	37.0	27.0	17.0	36.0	40.0	40.0	36.0	36.0	40.0	40.0	40.0	40.0	40.0	548.0
								L 1	L 2			L 3	L 4						

Right Acre Limit: 20.4
POU Total Acres: 946.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 20.4 acres within the authorized place of use in a single irrigation season.

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 diversions.

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. 84385

WATER RIGHT NO. 36-14617

As Modified by Transfer No. 84385

CONDITIONS OF APPROVAL

5. Rights 36-2283 and 36-14617 when combined shall not exceed a total diversion rate of 1.5 cfs, a total annual maximum diversion volume of 453.6 af and the irrigation of 113.4 acres.

6. Rights 36-2283, 36-2386, 36-2608, 36-14617 and 36-16951 when combined shall not exceed a total diversion rate of 11.68 cfs, a total annual maximum diversion volume of 2754.4 af and the irrigation of 688.6 acres.

7. Rights 36-2283, 36-2386, 36-2608, 36-14617 and 36-16951 when combined are limited to the irrigation of a specific 688.6 acres within the 946 acre place of use authorized by these rights in a single irrigation season. The specific 688.6 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 688.6 acres to be irrigated within the 946 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

8. This right is based upon an enlargement of Right No. 36-2283 pursuant to Idaho Code § 42-1426.

9. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Idaho Code § 42-1426. As between water rights decreed as enlargements pursuant to Idaho Code § 42-1426, the earlier priority right is the superior right.

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

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

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

WATER RIGHT NO. 36-2283

As Modified by Transfer No. 84385

In accordance with the approval of Transfer No. 84385, Water Right No. 36-2283 is now described as follows:

Right Holder: TRUE WEST BEEF LLC
1555 W SHORELINE DR STE 320
BOISE, ID 83702-9109

Priority Date: 5/10/1955

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	3/15	to	11/15	1.500 cfs	372.0 af
				1.500 cfs	372.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESWSW	Sec 12 Twp 08S Rge 17E JEROME County
GROUND WATER	SWSWNE	Sec 7 Twp 08S Rge 18E JEROME County
GROUND WATER	SWNWSE	Sec 7 Twp 08S Rge 18E JEROME County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
08S	17E	11									22.0			32.0	30.0	37.0	37.0	30.0	188.0
08S	17E	12				2.0					40.0	40.0	39.0	40.0	9.0				170.0
08S	18E	6															40.0		40.0
08S	18E	7		39.0	40.0	37.0	27.0	17.0	36.0	40.0	40.0	36.0	36.0	40.0	40.0	40.0	40.0	40.0	548.0
								L 1	L 2			L 3	L 4						

Right Acre Limit: 93.0
POU Total Acres: 946.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 93 acres within the authorized place of use in a single irrigation season.

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 diversions.

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. 84385

WATER RIGHT NO. 36-2283

As Modified by Transfer No. 84385

CONDITIONS OF APPROVAL

5. Rights 36-2283 and 36-14617 when combined shall not exceed a total diversion rate of 1.5 cfs, a total annual maximum diversion volume of 453.6 af and the irrigation of 113.4 acres.

6. Rights 36-2283, 36-2386, 36-2608, 36-14617 and 36-16951 when combined shall not exceed a total diversion rate of 11.68 cfs, a total annual maximum diversion volume of 2754.4 af and the irrigation of 688.6 acres.

7. Rights 36-2283, 36-2386, 36-2608, 36-14617 and 36-16951 when combined are limited to the irrigation of a specific 688.6 acres within the 946 acre place of use authorized by these rights in a single irrigation season. The specific 688.6 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 688.6 acres to be irrigated within the 946 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

8. Right No.36-14617 is an enlargement of this right pursuant to Idaho Code § 42-1426.

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

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

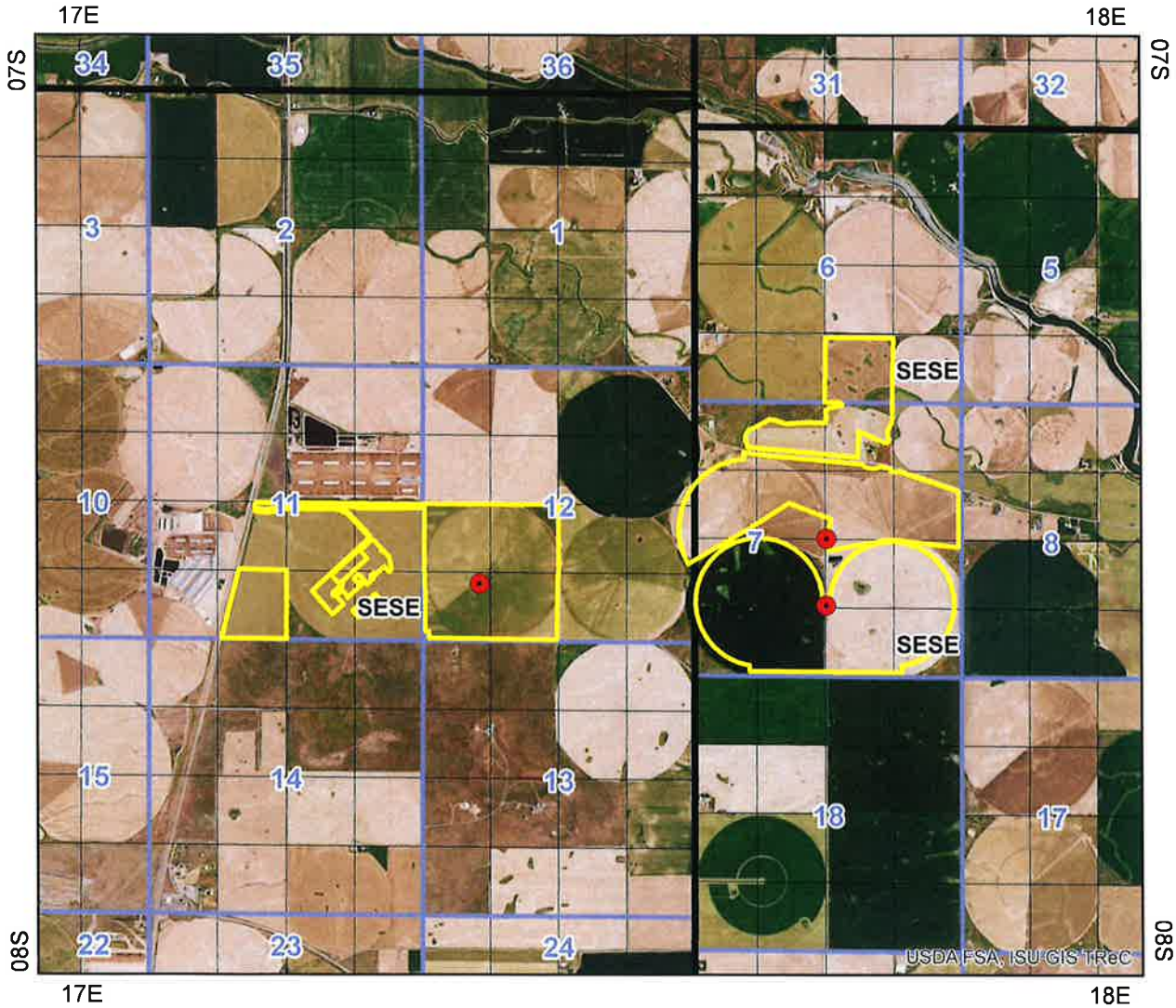
11. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho
Department of Water Resources

Attachment to Transfer # 84385

36-2283, 36-2386, 36-2608, 36-14617, and 36-16951

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 0.4 0.8 1.6 Miles

N

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

November 27, 2020

TRUE WEST BEEF LLC
1555 W SHORELINE DR STE 320
BOISE ID 83702-9109

Re: Transfer No: 84385
Water Right No(s).: 36-2283, 36-2386, 36-2608, 36-14617, 36-16951

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:

SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706-6660

US BANK NA
C/O CGB AGRIFINANCIAL SERVICES INC
2209 RIVER RD
LOUISVILLE KY 40206-1009

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

CERTIFICATE OF SERVICE

I hereby certify that on November 27, 2020 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.: 84385
Water Right No(s).: 36-2283, 36-2386, 36-2608, 36-14617, 36-16951

TRUE WEST BEEF LLC
1555 W SHORELINE DR STE 320
BOISE ID 83702-9109

SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706-6660

US BANK NA
C/O CGB AGRIFINANCIAL SERVICES INC
2209 RIVER RD
LOUISVILLE KY 40206-1009

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

Denise Maline

Denise Maline
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MEMORANDUM

Date: November 5, 2020

To: Transfer 84385

From: Bill Mills

Re: Evaluation of Sufficiency Memorandum

Application proposes modifying a 1.5 cfs and 113.4 acre portion of two irrigation ground water rights diverted from an existing well on a farm located approximately 4.0 to 4.8 miles east and 1.0 to 1.6 miles north of the city center of Jerome and three irrigation ground water rights (11.68 cfs and 575.2 acres total) diverted from two existing wells on a second farm located approximately 5.7 miles to 6.8 miles east and 0.9 to 2.2 miles north of the city center of Jerome. The application proposes utilizing the five rights for the total irrigation of 688.6 acres within a proposed 946 acre permissible place of use (PPU) to be located approximately 4.0 to 6.8 miles east and 0.9 to 2.2 miles north of the city center of Jerome. The application also proposes to allow for the diversion of any of the five rights from any of the three existing irrigation wells located within the proposed PPU.

Water right transfer is within the Eastern Snake Plain Aquifer and the applicant's representative provided modeling results that indicated no mitigation would be required if the transfer is approved. Department staff ran the ESPA model analysis utilizing the same parameters and verified the representative's findings. All wells and POUs in the transfer are located within water District 130. Watermaster comments were solicited and the Watermaster did not oppose approval of the application.

- **Authority to File:** Applicant is the current owner of all water rights and associated properties. It should be noted that the applicant submitted a Notice of Change of Ownership with a warranty deed for water rights 36-2386, 36-2608 and 36-16951 and associated properties, which was processed on 11/5/2020. The previous owner of the three water rights, ZV Trust, also provided consent for approval of the transfer with the transfer application.

- **Water Right Validity:** All water rights in the transfer were decreed in the SRBA prior to 1/3/2002. Recent aerial imagery indicates the associated grounds appear to be irrigated.

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

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

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

- **Beneficial Use/Conservation of Water Resources:**
  Proposed use is recognized as a beneficial use of water.

- **Effect on the Economy of the Local Area:**
  None Anticipated.

- **Effect on Agricultural Base of the Local Economy:**
  None Anticipated.

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

Mills, Bill

From: Lori Graves <LGraves@spfwater.com>
Sent: Monday, November 02, 2020 4:30 PM
To: Mills, Bill
Subject: True West 206 Shape Files
Attachments: LandApplication 206.sbx; LandApplication 206.shp; LandApplication 206.shp.xml; LandApplication 206.shx; LandApplication 206.CPG; LandApplication 206.dbf; LandApplication 206.prj; LandApplication 206.sbn

Here you go Bill. Thank you.

Lori Graves | Water Rights Specialist
SPF Water Engineering, LLC
300 E Mallard Drive, Suite 350 | Boise, ID 83706
p. 208.383.4140 | **f.** 208.383.4156 | **d.** 208.489.2139
e. lgraves@spfwater.com | **w.** www.spfwater.com

SPF WATER ENGINEERING

Mills, Bill

From: Lori Graves <LGraves@spfwater.com>
Sent: Monday, November 02, 2020 3:57 PM
To: Mills, Bill
Cc: Skinner, Corey; Terry Scanlan
Subject: RE: True West Beef LLC Transfers
Attachments: IDWR 206 Map.pdf

Hi Bill,

Attached is the 206 map for Transfer 84385. We assume that True West Beef has a year to implement the transfer. As a result, 2021 irrigation might look a lot like 2020 irrigation. The facility will be constructed in 2021 and 2022, with the change in use to industrial occurring in 2022. Please let me know if you have questions. Thanks Bill.

From: Lori Graves
Sent: Monday, October 26, 2020 5:02 PM
To: 'Mills, Bill' <William.Mills@idwr.idaho.gov>
Cc: Terry Scanlan <TScanlan@spfwater.com>
Subject: RE: True West Beef LLC Transfers

Great news Bill. Thank you. We are working on the 206 map and will provide it to you soon.

From: Mills, Bill <William.Mills@idwr.idaho.gov>
Sent: Monday, October 26, 2020 3:34 PM
To: Lori Graves <LGraves@spfwater.com>
Cc: Terry Scanlan <TScanlan@spfwater.com>
Subject: True West Beef LLC Transfers

Hi Lori,
I just wanted to let you know that transfers 84383 & 84385 for True West Beef LLC have made it through advertising with no protests and will be ready to move forward for potential approval once I receive the 688.6 acre "206 map" file to link the irrigation rights to.
Thanks,
Bill

True West Beef 206 Irrigation Map - Transfer No. 84385

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8S	17E	11									2.3			32	8.9	3.4	7.7	3.1	57.4
		12				1.2					40	38.8	35.9	37.5	6.6				160
	18E	6															37.3		37.3
		7		27.5	39.2	33.4	24.2	Lt 1 5.3	Lt 2 33.9	23.9	31.6	Lt 3 32.3	Lt 4 23.6	37.3	29.3	32	37.3	23.1	433.9
TOTAL																			688.6

206 map received 11/2/2020

TRANSFER 84385

** 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 106601

Jenny Green
(Legals Clerk)

STATE OF IDAHO)
.SS
COUNTY OF TWIN FALLS)

On this 8 day of October in the year of 2020 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 Wiesmore
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 9-4-2026

Section: Legals
Category: 50 Legal
PUBLISHED ON: 10/01/2020, 10/08/2020

✓ DM 10-23-2020

TOTAL AD COST: 224.34
FILED ON: 10/8/2020

RECEIVED
OCT 15 2020
DEPT OF WATER RESOURCES
SOUTHERN REGION

AMY WIESMORE
COMMISSION NO. 20203230
NOTARY PUBLIC
STATE OF IDAHO

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 84223

SANDRA L LOVE, 2392 E 3600 S, JEROME, ID 83338-4010 has filed Application No. 84223 for changes to the following water rights within GOODING County(s): Right No(s). 36-16186, 36-16188. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the point of diversion for a portion of two ground water rights with a combined total diversion of 0.09 cfs and the irrigation of 5.0 acres to an existing well on the applicants' property. The current authorized point of diversion is located approximately 2.2 miles south and 5.0 miles west of the center of the city of Jerome. The location of the existing well and the 5.0 acres of irrigation is located approximately 2.9 miles south and 5.1 miles west of the center of the city of Jerome. The application also proposes to change the ownership of the two water rights to the applicant.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 84383

TRUE WEST BEEF LLC, 1555 W SHORELINE DR STE 320, BOISE, ID 83702-9109 has filed Application No. 84383 for changes to the following water rights within JEROME County(s): Right No(s). 36-14617, 36-2283. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the points of diversion, place of use, nature of use and period of use for a 264.6 acre portion (3.5 cfs) of two combined irrigation ground water rights that are both currently diverted from the same well. Current place of use and point of diversion are located approximately 4.0 to 4.8 miles east and 1.0 to 1.6 miles north of the city center of Jerome The proposed change of nature of use will be from irrigation to industrial use for a new beef processing facility to be located at the current irrigation place of use. The application proposes diverting from two proposed wells to be drilled adjacent to the facility. Application also proposes reuse of the industrial water by land applying in a permissible place of use (PPU) proposed in companion transfer #84385. Proposed PPU will be located approximately 4.0 to 6.8 miles east and 0.9 to 2.2 miles north of the city center of Jerome.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 84385

TRUE WEST BEEF LLC, 1555 W SHORELINE DR STE 320, BOISE, ID 83702-9109 has filed Application No. 84385 for changes to the following water rights within JEROME County(s): Right No(s). 36-14617, 36-16951, 36-2283, 36-2386, 36-2608. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes modifying a 1.5 cfs and 113.4 acre portion of two irrigation ground water rights diverted from an existing well on a farm located approximately 4.0 to 4.8 miles east and 1.0 to 1.6 miles north of the city center of Jerome and three irrigation ground water rights (11.68 cfs and 575.2 acres total) diverted from two existing wells on a second farm located approximately 5.7 miles to 6.8 miles east and 0.9 to 2.2 miles north of the city center of Jerome. The application proposes utilizing the five rights for the total irrigation of 688.6 acres within a proposed 946 acre permissible place of use (PPU) to be located approximately 4.0 to 6.8 miles east and 0.9 to 2.2 miles north of the city center of Jerome. The application also proposes to allow for the diversion of any of the five rights from any of the three existing irrigation wells located within the proposed PPU.

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. 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 October 19, 2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on October 1st & 8th, 2020