STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 83664

This is to certify that: SMITH BROTHERS JERSEYS LLC
2368 E 2575 S
MALTA, ID 83342

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
43-10190	WR/DECREED	9/15/1981	0.240 cfs	N/A	N/A	N/A	GROUND WATER
43-2356B	WR/DECREED	9/8/1950	1.030 cfs	335.6 af	83.9	635.3	GROUND WATER
43-2441C	WR/DECREED	3/5/1956	5.940 cfs	1551.2 af	387.8	635.3	GROUND WATER
43-4022B	WR/DECREED	1/1/1953	2.500 cfs	508.4 af	127.1	635.3	GROUND WATER
43-4023B	WR/DECREED	4/1/1954	1.260 cfs	262.4 af	65.6	635.3	GROUND WATER
43-4024D	WR/DECREED	4/1/1954	0.810 cfs	392.8 af	526.0	635.3	GROUND WATER
43-4130B	WR/DECREED	3/15/1956	0.330 cfs	101.6 af	25.4	635.3	GROUND WATER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
43-10190	NO	YES	NO	NO	NO	NO
43-2356B	YES	YES	YES	NO	YES	YES
43-2441C	YES	YES	YES	NO	YES	YES
43-4022B	YES	YES	YES	NO	YES	YES
43-4023B	YES	YES	YES	NO	YES	YES
43-4024D	YES	YES	YES	NO	YES	YES
43-4130B	YES	YES	YES	NO	YES	YES

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
43-10190	43-10190	0.240 cfs	14.6 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
43-2356B	43-13853	0.020 cfs	3.4 af	N/A	N/A	43-2356B	1.010 cfs	330.4 af	82.6	625.3
43-2441C	43-13854	0.090 cfs	16.0 af	N/A	N/A	43-2441C	5.850 cfs	1526.8 af	381.7	625.3
43-4022B	43-13855	0.040 cfs	5.3 af	N/A	N/A	43-4022B	2.460 cfs	500.4 af	125.1	625.3
43-4023B	43-13856	0.020 cfs	2.6 af	N/A	N/A	43-4023B	1.240 cfs	258.4 af	64.6	625.3
43-4024D	43-13857	0.010 cfs	4.1 af	N/A	N/A	43-4024D	0.800 cfs	386.6 af	517.7	625.3
43-4130B	43-13852	0.010 cfs	1.1 af	N/A	N/A	43-4130B	0.320 cfs	100.0 af	25.0	625.3
COMBINED TOTALS		**0.430 cfs**	**41.0 af**	**N/A**	**N/A**		**N/A**	**N/A**	**N/A**	**N/A**

SUPPORT DATA
IN FILE # 43-2356B

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 83664

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 17th day of January, 2020.

Southern Region Manager

WATER RIGHT NO. 43-10190

As Modified by Transfer No. 83664

In accordance with the approval of Transfer No. 83664, Water Right No. 43-10190 is now described as follows:

Right Holder: SMITH BROTHERS JERSEYS LLC
2368 E 2575 S
MALTA, ID 83342

Priority Date: 9/15/1981

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
DOMESTIC	1/01	to	12/31	0.040 cfs	3.8 af
STOCKWATER	1/01	to	12/31	0.200 cfs	10.8 af
				0.240 cfs	14.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSWSE, Sec 21 Twp 14S Rge 27E CASSIA County

PLACE OF USE: DOMESTIC

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
14S	27E	21															X		

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
14S	27E	21															X		

CONDITIONS OF APPROVAL

1. Rights 43-10190, 43-13852, 43-13853, 43-13854, 43-13855, 43-13856 and 43-13857 when combined shall not exceed a total diversion rate of 0.43 cfs, a total annual maximum diversion volume of 41.0 af.
2. The quantity of water under this right shall not exceed 13,000 gallons per day.
3. 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. 143.

WATER RIGHT NO. 43-10190

As Modified by Transfer No. 83664

CONDITIONS OF APPROVAL

4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

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

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

7. 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. 43-4130B

As Modified by Transfer No. 83664

In accordance with the approval of Transfer No. 83664, Water Right No. 43-4130B is now described as follows:

Right Holder: J7 LLC
C/O JEFFREY C JOHNSON
PO BOX 147
MALTA, ID 83342-0147

Priority Date: 3/15/1956

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	03/15	to	11/15	0.320 cfs	100.0 af
				0.320 cfs	100.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESESW	Sec 4	Twp 14S Rge 27E	CASSIA County
GROUND WATER	L3 (NENENW)	Sec 5	Twp 14S Rge 27E	CASSIA County
GROUND WATER	SESENW	Sec 9	Twp 14S Rge 27E	CASSIA County
GROUND WATER	SESESW	Sec 9	Twp 14S Rge 27E	CASSIA County
GROUND WATER	SWSESW	Sec 9	Twp 14S Rge 27E	CASSIA 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
13S	27E	32												3.9			5.4		9.3
13S	27E	33											37.0	31.0					68.0
14S	27E	4					32.0	35.0	37.0	34.0	32.0	37.0	37.0	33.0					277.0
							L 3	L 4											
14S	27E	9					31.5	36.0	36.5	32.5	32.5	37.0	32.5	32.5					271.0

Right Acre Limit: 25.0
POU Total Acres: 625.3

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 25 acres within the place of use described above in a single irrigation season.
2. Rights 43-2356B, 43-2441C, 43-4022B, 43-4023B, 43-4024D, and 43-4130B when combined shall not exceed a total diversion rate of 11.52 cfs, a total annual maximum diversion volume of 2501.2 af at the field headgate, and the irrigation of 625.3 acres.
3. 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 lands above.

Transfer No. 83664

WATER RIGHT NO. 43-4130B

As Modified by Transfer No. 83664

CONDITIONS OF APPROVAL

4. 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.

5. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.

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

7. 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. 43-13852

As Modified by Transfer No. 83664

In accordance with the approval of Transfer No. 83664, Water Right No. 43-13852 is now described as follows:

Right Holder: J7 LLC
C/O JEFFREY C JOHNSON
PO BOX 147
MALTA, ID 83342-0147

Priority Date: 3/15/1956

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
COMMERCIAL	1/1	to 12/31	0.010 cfs	1.1 af
STOCKWATER	1/1	to 12/31	0.010 cfs	1.1 af
			0.010 cfs	1.1 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSWSE Sec 21 Twp 14S Rge 27E CASSIA County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
14S	27E	21															X		0.0

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
14S	27E	21															X		0.0

CONDITIONS OF APPROVAL

1. Rights 43-10190, 43-13852, 43-13853, 43-13854, 43-13855, 43-13856 and 43-13857 when combined shall not exceed a total diversion rate of 0.43 cfs, a total annual maximum diversion volume of 41.0 af.

2. Rights 43-13852, 43-13853, 43-13854, 43-13855, 43-13856, and 43-13857 when combined shall not exceed a total diversion rate of 0.19 cfs, a total annual maximum diversion volume of 26.4 af.

3. 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. 143.

Transfer No. 83664

WATER RIGHT NO. 43-13852

As Modified by Transfer No. 83664

CONDITIONS OF APPROVAL

4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

5. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.

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

7. 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. 43-2356B

As Modified by Transfer No. 83664

In accordance with the approval of Transfer No. 83664, Water Right No. 43-2356B is now described as follows:

Right Holder: J7 LLC
C/O JEFFREY C JOHNSON
PO BOX 147
MALTA, ID 83342-0147

Priority Date: 9/8/1950

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	03/15	to	11/15	1.010 cfs	330.4 af
				1.010 cfs	330.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESESW	Sec 4	Twp 14S	Rge 27E	CASSIA County
GROUND WATER	L3 (NENENW)	Sec 5	Twp 14S	Rge 27E	CASSIA County
GROUND WATER	SESENW	Sec 9	Twp 14S	Rge 27E	CASSIA County
GROUND WATER	SESESW	Sec 9	Twp 14S	Rge 27E	CASSIA County
GROUND WATER	SWSESW	Sec 9	Twp 14S	Rge 27E	CASSIA 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
13S	27E	32												3.9			5.4		9.3
13S	27E	33											37.0	31.0					68.0
14S	27E	4					32.0	35.0	37.0	34.0	32.0	37.0	37.0	33.0					277.0
							L 3	L 4											
14S	27E	9					31.5	36.0	36.5	32.5	32.5	37.0	32.5	32.5					271.0

Right Acre Limit: 82.6
POU Total Acres: 625.3

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 82.6 acres within the authorized place of use in a single irrigation season.

2. Rights 43-2356B, 43-2441C, 43-4022B, 43-4023B, 43-4024D and 43-4130B when combined shall not exceed a total diversion rate of 11.52 cfs, a total annual maximum diversion volume of 2501.2 af at the field headgate, and the irrigation of 625.3 acres.

3. Rights 43-2356B, 43-2441C, 43-4022B, 43-4023B, and 43-4024D when combined shall not exceed a total diversion rate of 11.2 cfs, a total annual maximum diversion volume of 2401.2 af at the field headgate, and the irrigation of 600.3 acres.

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WATER RIGHT NO. 43-2356B

As Modified by Transfer No. 83664

CONDITIONS OF APPROVAL

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.

5. 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.

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

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

8. 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. 43-13853

As Modified by Transfer No. 83664

In accordance with the approval of Transfer No. 83664, Water Right No. 43-13853 is now described as follows:

Right Holder: J7 LLC
C/O JEFFREY C JOHNSON
PO BOX 147
MALTA, ID 83342-0147

Priority Date: 9/8/1950

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
COMMERCIAL	1 /1	to	12/31	0.020 cfs	3.4 af
STOCKWATER	1 /1	to	12/31	0.020 cfs	3.4 af
				0.020 cfs	3.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSWSE Sec 21 Twp 14S Rge 27E CASSIA County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
14S	27E	21															X		0.0

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
14S	27E	21															X		0.0

CONDITIONS OF APPROVAL

1. Rights 43-10190, 43-13852, 43-13853, 43-13854, 43-13855, 43-13856 and 43-13857 when combined shall not exceed a total diversion rate of 0.43 cfs, a total annual maximum diversion volume of 41.0 af.

2. Rights 43-13852, 43-13853, 43-13854, 43-13855, 43-13856, and 43-13857 when combined shall not exceed a total diversion rate of 0.19 cfs, a total annual maximum diversion volume of 26.4 af.

3. Rights 43-13853, 43-13854, 43-13855, 43-13856, and 43-13857 when combined shall not exceed a total diversion rate of 0.18 cfs, a total annual maximum diversion volume of 25.3 af.

Transfer No. 83664

WATER RIGHT NO. 43-13853

As Modified by Transfer No. 83664

CONDITIONS OF APPROVAL

4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

5. 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. 143.

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

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

8. 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. 43-2441C

As Modified by Transfer No. 83664

In accordance with the approval of Transfer No. 83664, Water Right No. 43-2441C is now described as follows:

Right Holder: J7 LLC
C/O JEFFREY C JOHNSON
PO BOX 147
MALTA, ID 83342-0147

Priority Date: 3/5/1956

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	03/15	to	11/15	5.850 cfs	1526.8 af
				5.850 cfs	1526.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESESW	Sec 4	Twp 14S	Rge 27E	CASSIA County
GROUND WATER	L3 (NENENW)	Sec 5	Twp 14S	Rge 27E	CASSIA County
GROUND WATER	SESENW	Sec 9	Twp 14S	Rge 27E	CASSIA County
GROUND WATER	SESESW	Sec 9	Twp 14S	Rge 27E	CASSIA County
GROUND WATER	SWSESW	Sec 9	Twp 14S	Rge 27E	CASSIA 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
13S	27E	32												3.9			5.4		9.3
13S	27E	33											37.0	31.0					68.0
14S	27E	4					32.0	35.0	37.0	34.0	32.0	37.0	37.0	33.0					277.0
							L 3	L 4											
14S	27E	9					31.5	36.0	36.5	32.5	32.5	37.0	32.5	32.5					271.0

Right Acre Limit: 381.7
POU Total Acres: 625.3

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 381.7 acres within the authorized place of use in a single irrigation season.

2. Rights 43-2356B, 43-2441C, 43-4022B, 43-4023B, 43-4024D and 43-4130B when combined shall not exceed a total diversion rate of 11.52 cfs, a total annual maximum diversion volume of 2501.2 af at the field headgate, and the irrigation of 625.3 acres.

3. Rights 43-2356B, 43-2441C, 43-4022B, 43-4023B, and 43-4024D when combined shall not exceed a total diversion rate of 11.2 cfs, a total annual maximum diversion volume of 2401.2 af at the field headgate, and the irrigation of 600.3 acres.

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WATER RIGHT NO. 43-2441C

As Modified by Transfer No. 83664

CONDITIONS OF APPROVAL

4. Rights 43-2441C, 43-4022B, 43-4023B, and 43-4024D when combined shall not exceed a total diversion rate of 10.39 cfs, a total annual maximum diversion volume of 2078.8 af at the field headgate, and the irrigation of 519.7 acres.

5. 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.

6. 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.

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. 43-13854

As Modified by Transfer No. 83664

In accordance with the approval of Transfer No. 83664, Water Right No. 43-13854 is now described as follows:

Right Holder: J7 LLC
C/O JEFFREY C JOHNSON
PO BOX 147
MALTA, ID 83342-0147

Priority Date: 3/5/1956

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
COMMERCIAL	1 /1	to	12/31	0.090 cfs	16.0 af
STOCKWATER	1 /1	to	12/31	0.090 cfs	16.0 af
				0.090 cfs	16.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSWSE Sec 21 Twp 14S Rge 27E CASSIA County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
14S	27E	21															X		0.0

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
14S	27E	21															X		0.0

CONDITIONS OF APPROVAL

1. Rights 43-10190, 43-13852, 43-13853, 43-13854, 43-13855, 43-13856 and 43-13857 when combined shall not exceed a total diversion rate of 0.43 cfs, a total annual maximum diversion volume of 41.0 af.
2. Rights 43-13852, 43-13853, 43-13854, 43-13855, 43-13856, and 43-13857 when combined shall not exceed a total diversion rate of 0.19 cfs, a total annual maximum diversion volume of 26.4 af.
3. Rights 43-13853, 43-13854, 43-13855, 43-13856, and 43-13857 when combined shall not exceed a total diversion rate of 0.18 cfs, a total annual maximum diversion volume of 25.3 af.

Transfer No. 83664

WATER RIGHT NO. 43-13854

As Modified by Transfer No. 83664

CONDITIONS OF APPROVAL

4. Rights 43-13854, 43-13855, 43-13856, and 43-13857 when combined shall not exceed a total diversion rate of 0.17 cfs, a total annual maximum diversion volume of 21.9 af.

5. 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.143.

6. 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).

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. 43-4022B

As Modified by Transfer No. 83664

In accordance with the approval of Transfer No. 83664, Water Right No. 43-4022B is now described as follows:

Right Holder: J7 LLC
C/O JEFFREY C JOHNSON
PO BOX 147
MALTA, ID 83342-0147

Priority Date: 1/1/1953

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	03/15	to	11/15	2.460 cfs	500.4 af
				2.460 cfs	500.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESESW	Sec 4	Twp 14S	Rge 27E	CASSIA County
GROUND WATER	L3 (NENENW)	Sec 5	Twp 14S	Rge 27E	CASSIA County
GROUND WATER	SESENW	Sec 9	Twp 14S	Rge 27E	CASSIA County
GROUND WATER	SESESW	Sec 9	Twp 14S	Rge 27E	CASSIA County
GROUND WATER	SWSESW	Sec 9	Twp 14S	Rge 27E	CASSIA 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
13S	27E	32												3.9			5.4		9.3
13S	27E	33											37.0	31.0					68.0
14S	27E	4					32.0	35.0	37.0	34.0	32.0	37.0	37.0	33.0					277.0
							L 3	L 4											
14S	27E	9					31.5	36.0	36.5	32.5	32.5	37.0	32.5	32.5					271.0

Right Acre Limit: 125.1
POU Total Acres: 625.3

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 125.1 acres within the authorized place of use in a single irrigation season.

2. Rights 43-2356B, 43-2441C, 43-4022B, 43-4023B, 43-4024D and 43-4130B when combined shall not exceed a total diversion rate of 11.52 cfs, a total annual maximum diversion volume of 2501.2 af at the field headgate, and the irrigation of 625.3 acres.

3. Rights 43-2356B, 43-2441C, 43-4022B, 43-4023B, and 43-4024D when combined shall not exceed a total diversion rate of 11.2 cfs, a total annual maximum diversion volume of 2401.2 af at the field headgate, and the irrigation of 600.3 acres.

Transfer No. 83664

WATER RIGHT NO. 43-4022B

As Modified by Transfer No. 83664

CONDITIONS OF APPROVAL

4. Rights 43-2441C, 43-4022B, 43-4023B, and 43-4024D when combined shall not exceed a total diversion rate of 10.39 cfs, a total annual maximum diversion volume of 2078.8 af at the field headgate, and the irrigation of 519.7 acres.

5. 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.

6. 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.

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. 43-13855

As Modified by Transfer No. 83664

In accordance with the approval of Transfer No. 83664, Water Right No. 43-13855 is now described as follows:

Right Holder: J7 LLC
C/O JEFFREY C JOHNSON
PO BOX 147
MALTA, ID 83342-0147

Priority Date: 1/1/1953

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
COMMERCIAL	1/1	to	12/31	0.040 cfs	5.3 af
STOCKWATER	1/1	to	12/31	0.040 cfs	5.3 af
				0.040 cfs	5.3 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSWSE Sec 21 Twp 14S Rge 27E CASSIA County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
14S	27E	21															X		0.0

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
14S	27E	21															X		0.0

CONDITIONS OF APPROVAL

1. Rights 43-10190, 43-13852, 43-13853, 43-13854, 43-13855, 43-13856 and 43-13857 when combined shall not exceed a total diversion rate of 0.43 cfs, a total annual maximum diversion volume of 41.0 af.

2. Rights 43-13852, 43-13853, 43-13854, 43-13855, 43-13856, and 43-13857 when combined shall not exceed a total diversion rate of 0.19 cfs, a total annual maximum diversion volume of 26.4 af.

3. Rights 43-13853, 43-13854, 43-13855, 43-13856, and 43-13857 when combined shall not exceed a total diversion rate of 0.18 cfs, a total annual maximum diversion volume of 25.3 af.

Transfer No. 83664

WATER RIGHT NO. 43-13855

As Modified by Transfer No. 83664

CONDITIONS OF APPROVAL

4. Rights 43-13854, 43-13855, 43-13856, and 43-13857 when combined shall not exceed a total diversion rate of 0.17 cfs, a total annual maximum diversion volume of 21.9 af.

5. 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.143.

6. 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).

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. 43-4023B

As Modified by Transfer No. 83664

In accordance with the approval of Transfer No. 83664, Water Right No. 43-4023B is now described as follows:

Right Holder: J7 LLC
C/O JEFFREY C JOHNSON
PO BOX 147
MALTA, ID 83342-0147

Priority Date: 4/1/1954

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	03/15	to	11/15	1.240 cfs	258.4 af
				1.240 cfs	258.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESESW	Sec 4	Twp 14S	Rge 27E	CASSIA County
GROUND WATER	L3 (NENENW)	Sec 5	Twp 14S	Rge 27E	CASSIA County
GROUND WATER	SESENW	Sec 9	Twp 14S	Rge 27E	CASSIA County
GROUND WATER	SESESW	Sec 9	Twp 14S	Rge 27E	CASSIA County
GROUND WATER	SWSESW	Sec 9	Twp 14S	Rge 27E	CASSIA 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
13S	27E	32												3.9			5.4		9.3
13S	27E	33											37.0	31.0					68.0
14S	27E	4					32.0	35.0	37.0	34.0	32.0	37.0	37.0	33.0					277.0
							L 3	L 4											
14S	27E	9					31.5	36.0	36.5	32.5	32.5	37.0	32.5	32.5					271.0

Right Acre Limit: 64.6
POU Total Acres: 625.3

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 64.6 acres within the authorized place of use in a single irrigation season.

2. Rights 43-2356B, 43-2441C, 43-4022B, 43-4023B, 43-4024D and 43-4130B when combined shall not exceed a total diversion rate of 11.52 cfs, a total annual maximum diversion volume of 2501.2 af at the field headgate, and the irrigation of 625.3 acres.

3. Rights 43-2356B, 43-2441C, 43-4022B, 43-4023B, and 43-4024D when combined shall not exceed a total diversion rate of 11.2 cfs, a total annual maximum diversion volume of 2401.2 af at the field headgate, and the irrigation of 600.3 acres.

Transfer No. 83664

WATER RIGHT NO. 43-4023B

As Modified by Transfer No. 83664

CONDITIONS OF APPROVAL

4. Rights 43-2441C, 43-4022B, 43-4023B, and 43-4024D when combined shall not exceed a total diversion rate of 10.39 cfs, a total annual maximum diversion volume of 2078.8 af at the field headgate, and the irrigation of 519.7 acres.

5. 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.

6. 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.

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. 43-13856

As Modified by Transfer No. 83664

In accordance with the approval of Transfer No. 83664, Water Right No. 43-13856 is now described as follows:

Right Holder: J7 LLC
C/O JEFFREY C JOHNSON
PO BOX 147
MALTA, ID 83342-0147

Priority Date: 4/1/1954

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
COMMERCIAL	1 /1	to	12/31	0.020 cfs	2.6 af
STOCKWATER	1 /1	to	12/31	0.020 cfs	2.6 af
				0.020 cfs	2.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSWSE Sec 21 Twp 14S Rge 27E CASSIA County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
14S	27E	21															X		0.0

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
14S	27E	21															X		0.0

CONDITIONS OF APPROVAL

1. Rights 43-10190, 43-13852, 43-13853, 43-13854, 43-13855, 43-13856 and 43-13857 when combined shall not exceed a total diversion rate of 0.43 cfs, a total annual maximum diversion volume of 41.0 af.

2. Rights 43-13852, 43-13853, 43-13854, 43-13855, 43-13856, and 43-13857 when combined shall not exceed a total diversion rate of 0.19 cfs, a total annual maximum diversion volume of 26.4 af.

3. Rights 43-13853, 43-13854, 43-13855, 43-13856, and 43-13857 when combined shall not exceed a total diversion rate of 0.18 cfs, a total annual maximum diversion volume of 25.3 af.

Transfer No. 83664

WATER RIGHT NO. 43-13856

As Modified by Transfer No. 83664

CONDITIONS OF APPROVAL

4. Rights 43-13854, 43-13855, 43-13856, and 43-13857 when combined shall not exceed a total diversion rate of 0.17 cfs, a total annual maximum diversion volume of 21.9 af.

5. 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.143.

6. 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).

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. 43-4024D

As Modified by Transfer No. 83664

In accordance with the approval of Transfer No. 83664, Water Right No. 43-4024D is now described as follows:

Right Holder: J7 LLC
C/O JEFFREY C JOHNSON
PO BOX 147
MALTA, ID 83342-0147

Priority Date: 4/1/1954

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
IRRIGATION	03/15	to	11/15	0.800 cfs	386.6 af
				0.800 cfs	386.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESESW	Sec 4	Twp 14S	Rge 27E	CASSIA County
GROUND WATER	L3 (NENENW)	Sec 5	Twp 14S	Rge 27E	CASSIA County
GROUND WATER	SESENW	Sec 9	Twp 14S	Rge 27E	CASSIA County
GROUND WATER	SESESW	Sec 9	Twp 14S	Rge 27E	CASSIA County
GROUND WATER	SWSESW	Sec 9	Twp 14S	Rge 27E	CASSIA 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
13S	27E	32												3.9			5.4		9.3
13S	27E	33											37.0	31.0					68.0
14S	27E	4					32.0	35.0	37.0	34.0	32.0	37.0	37.0	33.0					277.0
							L 3	L 4											
14S	27E	9					31.5	36.0	36.5	32.5	32.5	37.0	32.5	32.5					271.0

Right Acre Limit: 517.7
POU Total Acres: 625.3

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 517.7 acres within the authorized place of use in a single irrigation season.

2. Rights 43-2356B, 43-2441C, 43-4022B, 43-4023B, 43-4024D and 43-4130B when combined shall not exceed a total diversion rate of 11.52 cfs, a total annual maximum diversion volume of 2501.2 af at the field headgate, and the irrigation of 625.3 acres.

3. Rights 43-2356B, 43-2441C, 43-4022B, 43-4023B, and 43-4024D when combined shall not exceed a total diversion rate of 11.2 cfs, a total annual maximum diversion volume of 2401.2 af at the field headgate, and the irrigation of 600.3 acres.

Transfer No. 83664

WATER RIGHT NO. 43-4024D

As Modified by Transfer No. 83664

CONDITIONS OF APPROVAL

4. Rights 43-2441C, 43-4022B, 43-4023B, and 43-4024D when combined shall not exceed a total diversion rate of 10.39 cfs, a total annual maximum diversion volume of 2078.8 af at the field headgate, and the irrigation of 519.7 acres.

5. 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.

6. 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.

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. 43-13857

As Modified by Transfer No. 83664

In accordance with the approval of Transfer No. 83664, Water Right No. 43-13857 is now described as follows:

Right Holder: J7 LLC
C/O JEFFREY C JOHNSON
PO BOX 147
MALTA, ID 83342-0147

Priority Date: 4/1/1954

Source: GROUND WATER

BENEFICIAL USE	From		To	Diversion Rate	Diversion Volume
COMMERCIAL	1 /1	to	12/31	0.010 cfs	4.1 af
STOCKWATER	1 /1	to	12/31	0.010 cfs	4.1 af
				0.010 cfs	4.1 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SWSWSE Sec 21 Twp 14S Rge 27E CASSIA County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
14S	27E	21															X		0.0

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
14S	27E	21															X		0.0

CONDITIONS OF APPROVAL

1. Rights 43-10190, 43-13852, 43-13853, 43-13854, 43-13855, 43-13856 and 43-13857 when combined shall not exceed a total diversion rate of 0.43 cfs, a total annual maximum diversion volume of 41.0 af.

2. Rights 43-13852, 43-13853, 43-13854, 43-13855, 43-13856, and 43-13857 when combined shall not exceed a total diversion rate of 0.19 cfs, a total annual maximum diversion volume of 26.4 af.

3. Rights 43-13853, 43-13854, 43-13855, 43-13856, and 43-13857 when combined shall not exceed a total diversion rate of 0.18 cfs, a total annual maximum diversion volume of 25.3 af.

Transfer No. 83664

WATER RIGHT NO. 43-13857

As Modified by Transfer No. 83664

CONDITIONS OF APPROVAL

4. Rights 43-13854, 43-13855, 43-13856, and 43-13857 when combined shall not exceed a total diversion rate of 0.17 cfs, a total annual maximum diversion volume of 21.9 af.

5. 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.143.

6. 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).

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.

State of Idaho
Department of Water Resources

Attachment to Transfer # 83664

43-13852, 43-13853, 43-13854, 43-13855, 43-13856, and 43-13857

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.

27E

14S

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

0 0.045 0.09 0.18 Miles

N

State of Idaho
Department of Water Resources

Attachment to Transfer # 83664

43-10190

This map depicts the DOMESTIC & STOCKWATER 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.

27E

14S

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

0 0.045 0.09 0.18 Miles

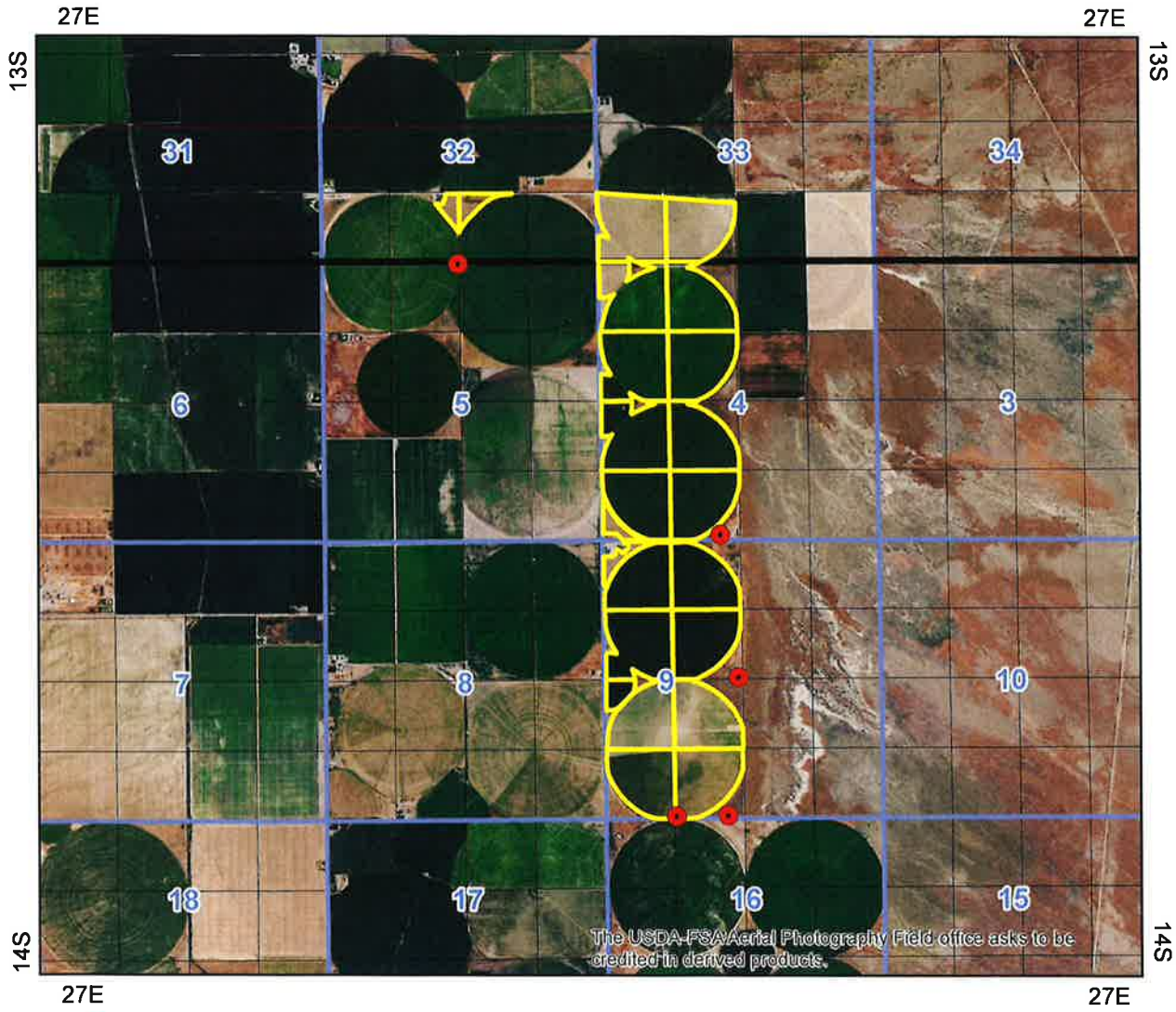
N

State of Idaho
Department of Water Resources

Attachment to Transfer # 83664

43-2356B, 43-2441C, 43-4022B, 43-4023B, 43-4024D, and 43-4130B

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

January 17, 2020

SMITH BROTHERS JERSEYS LLC
2368 E 2575 S
MALTA ID 83342

Re: Transfer No: 83664
Water Right No(s).: 43-2356B, 43-2441C, 43-4022B, 43-4023B, 43-4024D, 43-4130B, 43-10190

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:

J7 LLC
C/O JEFFREY C JOHNSON
PO BOX 147
MALTA ID 83342-0147

WATER DISTRICT 143
NATHAN ERICKSON
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301-5858

CERTIFICATE OF SERVICE

I hereby certify that on January 17, 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: 83664
Water Right No(s).: 43-2356B, 43-2441C, 43-4022B, 43-4023B, 43-4024D, 43-4130B, 43-10190

SMITH BROTHERS JERSEYS LLC
2368 E 2575 S
MALTA ID 83342

J7 LLC
C/O JEFFREY C JOHNSON
PO BOX 147
MALTA ID 83342-0147

WATER DISTRICT 143
NATHAN ERICKSON
650 ADDISON AVE W STE 500
TWIN FALLS ID 83301-5858

Denise Maline

Denise Maline
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

Sufficiency Memorandum

Date: January 2, 2020

To: Transfer 83664 File

From: Benny Walker

Re: Evaluation of Sufficiency of Information Submitted

Application proposes transferring a 10.0 acre portion (0.19 cfs) of six groundwater irrigation rights from a farm located approximately 2.8–3.4 miles east and 4.3–6.5 miles south of Malta to commercial and stockwater use at an existing dairy located 3.4–3.6 miles east and 8.3–8.6 miles south of Malta. The application also proposes to update the legal description of the authorized point of diversion for the domestic and stockwater right currently utilized at the dairy site. The irrigated portion (0.19 cfs) being transferred plus the domestic and stockwater right (0.24 cfs) total of 0.43 cfs will be diverted from the existing well at the dairy site. The volume for the domestic and stockwater right was determined by information provided by the applicant and by using department standards of 0.6 af for three homes which equals 1.8 af and 4 af/acre for 0.5 acres which equals 2.0 af, for a total 3.8 af for domestic and 10.8 af for stockwater, totaling 14.6 af.

The irrigation to commercial and stockwater use conversion was based on an acre to volume conversion factor of 2.64 af/acre taken from the University of Idaho precipitation deficit volumes averaged for alfalfa (5 acres, 3.15 af/a) and wheat (5 acres, 2.13 af/a) total 10.0 acres for the Malta area. This was based on information received from the USDA that alfalfa and wheat have been grown on the farm. The wells involved with the transfer are located outside of the ESPA smooth model boundary area so a ground water model analysis was not required. The transfer's proposed changes are within Water District 143, therefore watermaster comments were sought and the watermaster gave his consent to approval of this transfer

Application was subject to notice and protest. No protests were received.

- **Authority to File:**
  The applicant provided a contract for sale of water rights agreement for this transfer. A special warranty deed from J7, LLC to Smith Brothers Jerseys, LLC for the water rights will be executed after approval of this transfer. A notice of change in water right ownership will be filed to change the ownership from J7, LLC to Smith Brothers Jerseys, LLC

- **Water Right Validity:**
  The water rights involved in this transfer were decreed in 2002. Current aerial photography indicates that the water rights have been used in recent years.

- **Injury to Other Water Rights:**
  None anticipated. The transfer will result in a reduction in the diversion volume based on the conversion factor from the crop analysis.

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

- **Local Public Interest:**
  No negative impacts anticipated. Application was subject to notice and protest. No protest were received. Watermaster comments were solicited and the watermaster did not oppose the approval of this application.

- **Beneficial Use/Conservation of Water Resources:**
  Proposed uses are recognized as beneficial uses of water

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

- **Effect of the Agricultural Base of the Local Area:**
  None anticipated.

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

** Proof of Publication ***

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

RUBY AUFDERHEIDE, 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 95779

Ruby Aufderheide
(Legals Clerk)

STATE OF IDAHO)
.SS
COUNTY OF TWIN FALLS)

On this 12 day of December in the year of 2019 before me, a Notary Public, personally appeared before me Ruby Aufderheide 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.

Erica Izaguirre
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 8/7/25

Section: Legals
Category: 50 Legal
PUBLISHED ON: 12/05/2019, 12/12/2019

TOTAL AD COST: 102.12
FILED ON: 12/12/2019

ERICA IZAGUIRRE
NOTARY PUBLIC
STATE OF IDAHO
COMMISSION # 20191592
EXPIRES 08-07-2025

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 83664

SMITH BROTHERS JERSEYS LLC, 2368 E 2575 S, MALTA, ID 83342; has filed Application No. 83664 for changes to the following water rights within CASSIA County(s): Right No(s). 43-10190, 43-2356B, 43-2441C, 43-4022B, 43-4023B, 43-40-24D, 43-4130B; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes transferring a 10.0 acre portion (0.19 cfs) of six groundwater irrigation rights from a farm located approximately 2.8 to 3.4 miles east and 4.3 to 6.5 miles south of Malta to commercial and stockwater use at an existing dairy located 3.4 to 3.6 miles east and 8.3 to 8.6 miles south of Malta. The application also proposes to update the legal description of the authorized point of diversion for the domestic and stockwater right currently utilized at the dairy site. A total of 0.43 cfs consisting of the irrigation portion (0.19 cfs) being transferred plus the domestic and stockwater right (0.24 cfs) will be diverted from the existing well at the dairy site.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033. 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 **December 23, 2019.** The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
PUBLISH: December 5 and 12, 2019

RECEIVED
DEC 18 2019
DEPT OF WATER RESOURCES
SOUTHERN REGION

✓ OK DM 12/23/2019

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Transfer No: 83664
Water Right No: 43-2356B, etc
Applicant Name: Smith Brothers Jersey's LLC

Watermaster's Recommendation:

a) __X__ I do not oppose approval of this application

b) ____ I do not oppose approval of this application under the following terms:

c) ____ I oppose approval of this application(s) for the following reasons:

d) ____ Additional comment:

Dated: December 10, 2019

Water District ~~130~~ 143

Nathan Erickson, Watermaster

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES **Order Nbr 95779**

Publication	**Times News**		
Contact	ID DEPARTMENT OF WATER RESOURCES	PO Number	
Address 1	650 ADDISON AVE W, STE 500	Rate	Legal Notice
Address 2		Order Price	102.12
City St Zip	TWIN FALLS ID 83301	Amount Paid	0.00
Phone	2087363033	Amount Due	102.12
Fax			
Section	Legals	Start/End Dates	12/05/2019 - 12/12/2019
SubSection		Insertions	2
Category	50 Legal	Size	64
Ad Key	95779-1	Salesperson(s)	Ruby Aufderheide
Keywords	Transfer No 83664 Smith Brothers Jerseys	Taken By	Ruby Aufderheide
Notes			

Ad Proof

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GARY SPACKMAN, Director

PUBLISH: December 5 and 12, 2019

Proof of legal notice received from Times News 12/3/2019

✓ DM 12/3/2019