

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 83344**

This is to certify that: **FIVE RIVERS CATTLE FEEDING LLC**
4848 THOMPSON PKWY STE 410
JOHNSTOWN, CO 80534-6511

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

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
43-2436A	WR/DECREED	1/4/1957	2.020 cfs	78.8 af	N/A	N/A	GROUND WATER
43-2437	WR/DECREED	3/5/1956	5.560 cfs	1005.4 af	188.0	1062.0	GROUND WATER
43-2438A	WR/DECREED	1/5/1957	2.020 cfs	78.8 af	N/A	N/A	GROUND WATER
43-2442	WR/DECREED	3/5/1956	7.210 cfs	2311.2 af	432.0	1063.0	GROUND WATER
43-4006	WR/DECREED	4/29/1952	3.000 cfs	1157.6 af	244.0	1063.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
43-2436A	NO	NO	YES	NO	NO	YES
43-2437	NO	NO	YES	NO	NO	YES
43-2438A	NO	NO	YES	NO	NO	YES
43-2442	NO	NO	YES	NO	NO	YES
43-4006	NO	NO	YES	NO	NO	YES

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
43-2436A	43-2436A	2.020 cfs	78.9 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
43-2437	43-2437	5.560 cfs	1005.4 af	188.0	1063.0	N/A	N/A	N/A	N/A	N/A
43-2438A	43-2438A	2.020 cfs	78.9 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
43-2442	43-2442	7.210 cfs	2311.2 af	432.0	1063.0	N/A	N/A	N/A	N/A	N/A
43-4006	43-4006	3.000 cfs	1157.6 af	244.0	1063.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		17.790 cfs	4553.1 af	864.0	1063.0		N/A	N/A	N/A	N/A

SUPPORT DATA
IN FILE # 43-2436A

Transfer No. 83344

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 83344

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 7th day of August, 2019.

R. Shin
Southern Region Manager



WATER RIGHT NO. 43-2437**As Modified by Transfer No. 83344**

In accordance with the approval of Transfer No. 83344, Water Right No. 43-2437 is now described as follows:

Right Holder: FIVE RIVERS CATTLE FEEDING LLC
4848 THOMPSON PKWY STE 410
JOHNSTOWN, CO 80534-6511

Priority Date: 3/5/1956

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
COMMERCIAL	01/01	to 12/31	1.750 cfs	252.1 af
DOMESTIC	01/01	to 12/31	0.050 cfs	1.3 af
INDUSTRIAL	03/15	to 11/15	1.750 cfs	252.1 af
IRRIGATION	03/15	to 11/15	3.760 cfs	752.0 af
STOCKWATER	01/01	to 12/31	1.750 cfs	252.1 af
			5.560 cfs	1005.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESENE	Sec 16 Twp 13S Rge 27E	CASSIA County
GROUND WATER	NENESW	Sec 16 Twp 13S Rge 27E	CASSIA County
GROUND WATER	SENESE	Sec 16 Twp 13S Rge 27E	CASSIA County
GROUND WATER	NENESE	Sec 17 Twp 13S Rge 27E	CASSIA County
GROUND WATER	NENENE	Sec 20 Twp 13S Rge 27E	CASSIA County
GROUND WATER	NENESE	Sec 20 Twp 13S Rge 27E	CASSIA County

PLACE OF USE: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	17													X	X	X	X	
13S	27E	20	X	X	X	X													

PLACE OF USE: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	16									X								

PLACE OF USE: INDUSTRIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	17													X	X	X	X	
13S	27E	20	X	X	X	X													

Transfer No. 83344

WATER RIGHT NO. 43-2437
As Modified by Transfer No. 83344

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	16	40.0	40.0	38.0	39.0	40.0	38.0	38.0	39.0	35.0	37.0	36.0	39.0	40.0	38.0	38.0	39.0	614.0
13S	27E	17	40.0	40.0	38.0	39.0													157.0
13S	27E	20													40.0	36.0	36.0	40.0	152.0
13S	27E	21											40.0	40.0					80.0
13S	27E	29	40.0			20.0													60.0

Right Acre Limit: 188.0

POU Total Acres: 1063.0

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	17													X	X	X	X	
13S	27E	20	X	X	X	X													

CONDITIONS OF APPROVAL

1. 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.
2. 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.
3. This right is limited to the irrigation of 188 acres within the authorized place of use in a single irrigation season.
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 for irrigation of the place of use.
5. Rights 43-2437, 43-2442 and 43-4006 are limited to the irrigation of a specific 864 acres within the 1063 acre place of use authorized by this right in a single irrigation season. The specific 864 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 864 acres to be irrigated within the 1063 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.
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.

Transfer No. 83344

WATER RIGHT NO. 43-2437

As Modified by Transfer No. 83344

CONDITIONS OF APPROVAL

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. 43-2442**As Modified by Transfer No. 83344**

In accordance with the approval of Transfer No. 83344, Water Right No. 43-2442 is now described as follows:

Right Holder: FIVE RIVERS CATTLE FEEDING LLC
4848 THOMPSON PKWY STE 410
JOHNSTOWN, CO 80534-6511

Priority Date: 3/5/1956

Source: GROUND WATER

BENEFICIAL USE

	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
COMMERCIAL	01/01	to 11/15	2.230 cfs	580.2 af
DOMESTIC	01/01	to 12/31	0.070 cfs	3.0 af
INDUSTRIAL	03/15	to 11/15	2.230 cfs	580.2 af
IRRIGATION	03/15	to 11/15	4.910 cfs	1728.0 af
STOCKWATER	01/01	to 12/31	2.230 cfs	580.2 af
			7.210 cfs	2311.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESENE	Sec 16 Twp 13S Rge 27E	CASSIA County
GROUND WATER	NENESW	Sec 16 Twp 13S Rge 27E	CASSIA County
GROUND WATER	SESESW	Sec 16 Twp 13S Rge 27E	CASSIA County
GROUND WATER	NENESE	Sec 17 Twp 13S Rge 27E	CASSIA County
GROUND WATER	NENENE	Sec 20 Twp 13S Rge 27E	CASSIA County
GROUND WATER	NENESE	Sec 20 Twp 13S Rge 27E	CASSIA County

PLACE OF USE: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	17													X	X	X	X	
13S	27E	20	X	X	X	X													

PLACE OF USE: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	16									X								

PLACE OF USE: INDUSTRIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	17													X	X	X	X	
13S	27E	20	X	X	X	X													

Transfer No. 83344

WATER RIGHT NO. 43-2442
As Modified by Transfer No. 83344

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	16	40.0	40.0	38.0	39.0	40.0	38.0	38.0	39.0	35.0	37.0	36.0	39.0	40.0	38.0	38.0	39.0	614.0
13S	27E	17	40.0	40.0	38.0	39.0													157.0
13S	27E	20													40.0	36.0	36.0	40.0	152.0
13S	27E	21											40.0	40.0					80.0
13S	27E	29	40.0			20.0													60.0

Right Acre Limit: 432.0

POU Total Acres: 1063.0

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	17													X	X	X	X	
13S	27E	20	X	X	X	X													

CONDITIONS OF APPROVAL

1. 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.
2. 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.
3. This right is limited to the irrigation of 432 acres within the authorized place of use in a single irrigation season.
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 for irrigation of the place of use.
5. Rights 43-2437, 43-2442 and 43-4006 are limited to the irrigation of a specific 864 acres within the 1063 acre place of use authorized by this right in a single irrigation season. The specific 864 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 864 acres to be irrigated within the 1063 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.
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.

Transfer No. 83344

WATER RIGHT NO. 43-2442

As Modified by Transfer No. 83344

CONDITIONS OF APPROVAL

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. 43-4006**As Modified by Transfer No. 83344**

In accordance with the approval of Transfer No. 83344, Water Right No. 43-4006 is now described as follows:

Right Holder: FIVE RIVERS CATTLE FEEDING LLC
4848 THOMPSON PKWY STE 410
JOHNSTOWN, CO 80534-6511

Priority Date: 4/29/1952

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
COMMERCIAL	01/01	to 12/31	0.920 cfs	327.9 af
DOMESTIC	01/01	to 12/31	0.030 cfs	1.7 af
INDUSTRIAL	03/15	to 11/15	0.920 cfs	327.9 af
IRRIGATION	03/15	to 11/15	2.050 cfs	828.0 af
STOCKWATER	01/01	to 12/31	0.920 cfs	327.9 af
			3.000 cfs	1157.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESENE	Sec 16 Twp 13S Rge 27E	CASSIA County
GROUND WATER	NENESW	Sec 16 Twp 13S Rge 27E	CASSIA County
GROUND WATER	SENESE	Sec 16 Twp 13S Rge 27E	CASSIA County
GROUND WATER	NENESE	Sec 17 Twp 13S Rge 27E	CASSIA County
GROUND WATER	NENENE	Sec 20 Twp 13S Rge 27E	CASSIA County
GROUND WATER	NENESE	Sec 20 Twp 13S Rge 27E	CASSIA County

PLACE OF USE: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	17													X	X	X	X	
13S	27E	20	X	X	X	X													

PLACE OF USE: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	16									X								

PLACE OF USE: INDUSTRIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	17													X	X	X	X	
13S	27E	20	X	X	X	X													

Transfer No. 83344

WATER RIGHT NO. 43-4006
As Modified by Transfer No. 83344

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	16	40.0	40.0	38.0	39.0	40.0	38.0	38.0	39.0	35.0	37.0	36.0	39.0	40.0	38.0	38.0	39.0	614.0
13S	27E	17	40.0	40.0	38.0	39.0													157.0
13S	27E	20													40.0	36.0	36.0	40.0	152.0
13S	27E	21											40.0	40.0					80.0
13S	27E	29	40.0			20.0													60.0

Right Acre Limit: 244.0

POU Total Acres: 1063.0

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	17													X	X	X	X	
13S	27E	20	X	X	X	X													

CONDITIONS OF APPROVAL

1. 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.
2. 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.
3. This right is limited to the irrigation of 244 acres within the authorized place of use in a single irrigation season.
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 for irrigation of the place of use.
5. Rights 43-2437, 43-2442 and 43-4006 are limited to the irrigation of a specific 864 acres within the 1063 acre place of use authorized by this right in a single irrigation season. The specific 864 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 864 acres to be irrigated within the 1063 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.
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.

Transfer No. 83344

WATER RIGHT NO. 43-4006

As Modified by Transfer No. 83344

CONDITIONS OF APPROVAL

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. 43-2436A**As Modified by Transfer No. 83344**

In accordance with the approval of Transfer No. 83344, Water Right No. 43-2436A is now described as follows:

Right Holder: FIVE RIVERS CATTLE FEEDING LLC
4848 THOMPSON PKWY STE 410
JOHNSTOWN, CO 80534-6511

Priority Date: 1/4/1957

Source: GROUND WATER

BENEFICIAL USE

COMMERCIAL
STOCKWATER

From

01/01
01/01

To

to 12/31
to 12/31

Diversion Rate

2.020 cfs
2.020 cfs
2.020 cfs

Diversion Volume

78.9 af
78.9 af
78.9 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NENENE Sec 20 Twp 13S Rge 27E CASSIA County

PLACE OF USE: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	17													X	X	X	X	
13S	27E	20	X	X	X	X													

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	17													X	X	X	X	
13S	27E	20	X	X	X	X													

CONDITIONS OF APPROVAL

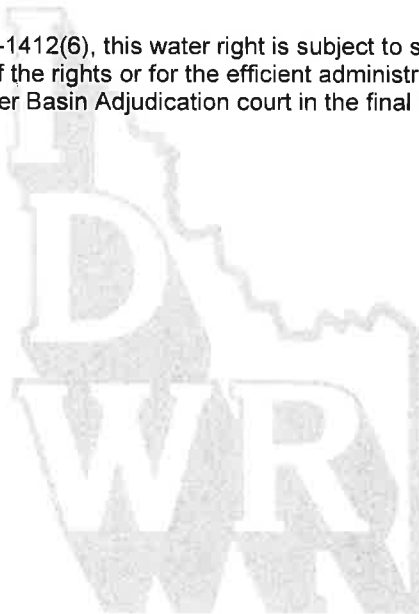
1. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.143.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
3. Rights 43-2436A and 43-2438A when combined shall not exceed a total diversion rate of 2.02 cfs and a total annual maximum diversion volume of 78.85 af.

Transfer No. 83344

WATER RIGHT NO. 43-2436A
As Modified by Transfer No. 83344

CONDITIONS OF APPROVAL

4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 43-2438A**As Modified by Transfer No. 83344**

In accordance with the approval of Transfer No. 83344, Water Right No. 43-2438A is now described as follows:

Right Holder: FIVE RIVERS CATTLE FEEDING LLC
4848 THOMPSON PKWY STE 410
JOHNSTOWN, CO 80534-6511

Priority Date: 1/5/1957

Source: GROUND WATER

BENEFICIAL USE

COMMERCIAL
STOCKWATER

From

01/01
01/01

To

to 12/31
to 12/31

Diversion Rate

2.020 cfs
2.020 cfs
2.020 cfs

Diversion Volume

78.9 af
78.9 af
78.9 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NENENE Sec 20 Twp 13S Rge 27E CASSIA County

PLACE OF USE: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	17													X	X	X	X	
13S	27E	20	X	X	X	X													

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	27E	17													X	X	X	X	
13S	27E	20	X	X	X	X													

CONDITIONS OF APPROVAL

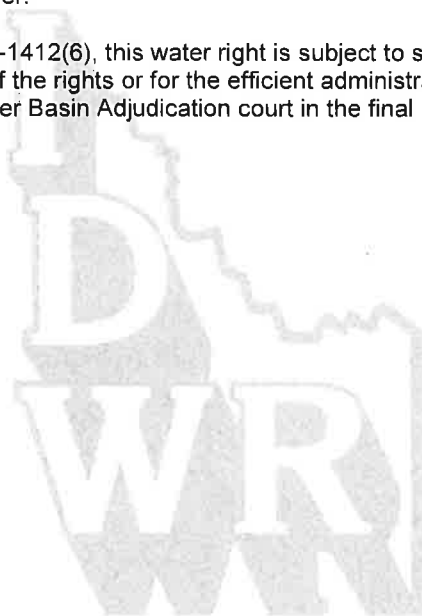
1. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No.143.
2. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversions.
3. Rights 43-2436A and 43-2438A when combined shall not exceed a total diversion rate of 2.02 cfs and a total annual maximum diversion volume of 78.85 af.

Transfer No. 83344

WATER RIGHT NO. 43-2438A
As Modified by Transfer No. 83344

CONDITIONS OF APPROVAL

4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

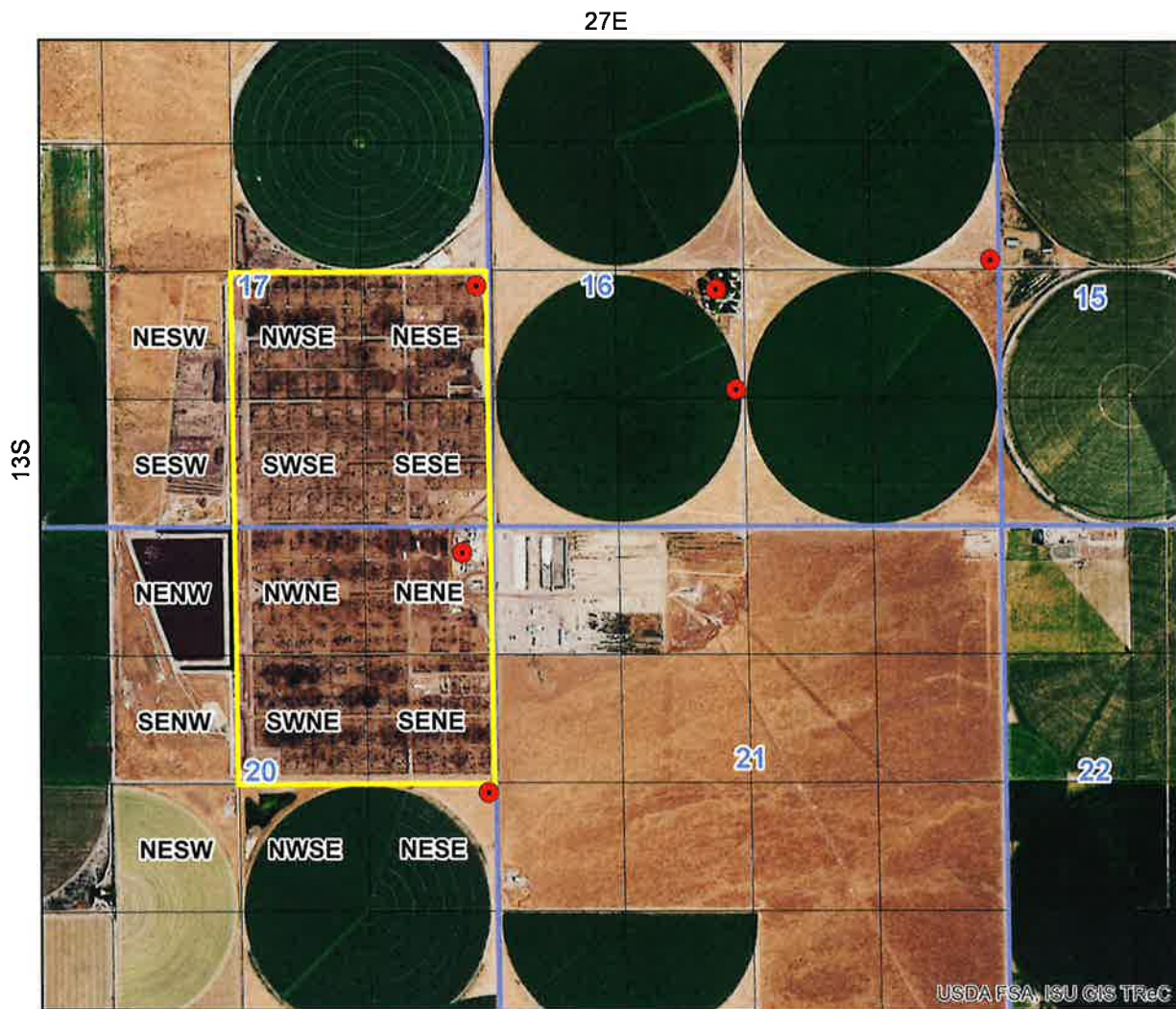


State of Idaho
Department of Water Resources

Attachment to Transfer # 83344

43-2437, 43-2442, and 43-4006

This map depicts the STOCKWATER, COMMERCIAL, and INDUSTRIAL 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 0.225 0.45 0.9 Miles



State of Idaho
Department of Water Resources

Attachment to Transfer # 83344

43-2436A & 43-2438A

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



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

0 0.175 0.35 0.7 Miles

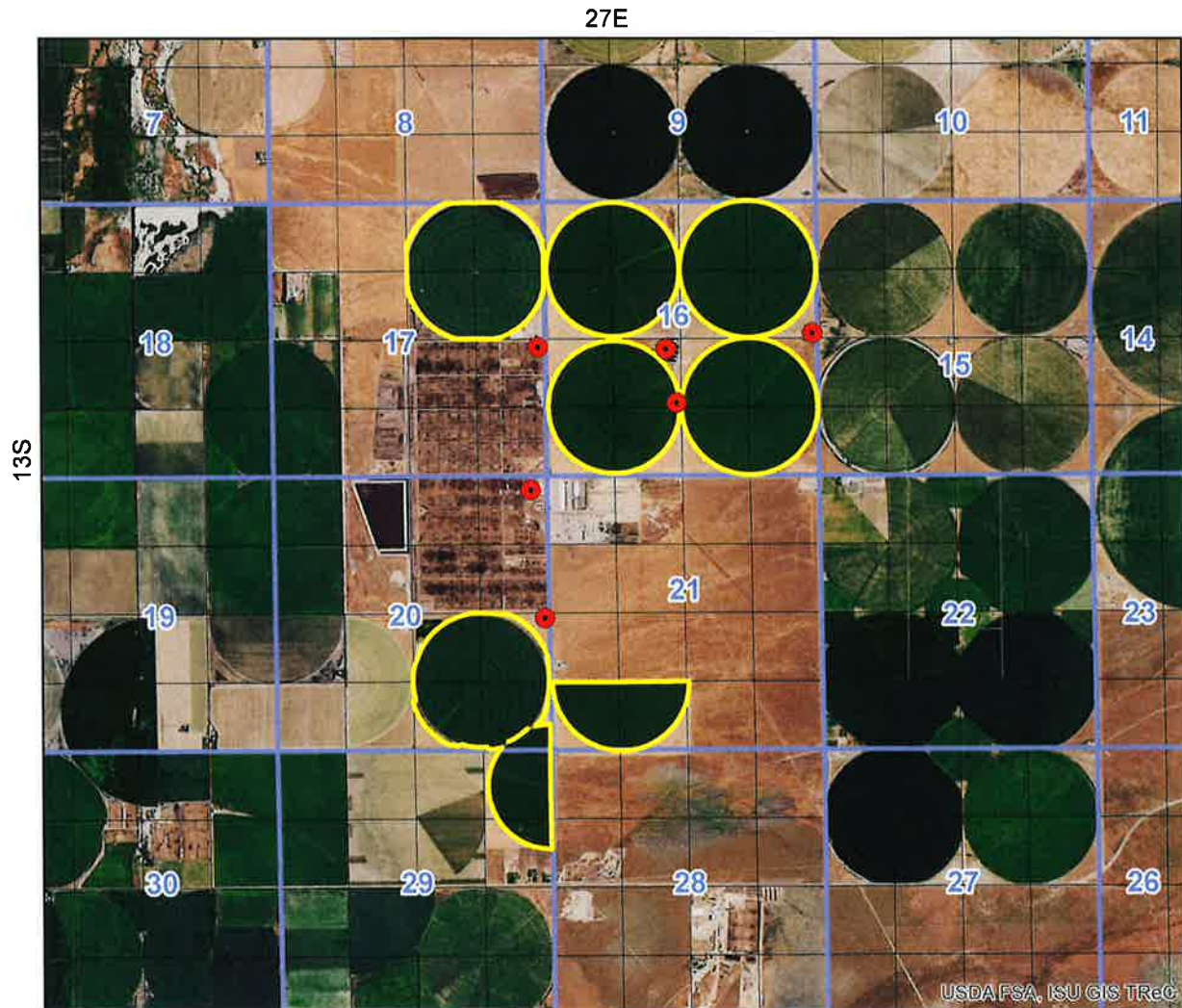


State of Idaho
Department of Water Resources

Attachment to Transfer # 83344

43-2437, 43-2442, and 43-4006

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 0.425 0.85 1.7 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

August 9, 2019

FIVE RIVERS CATTLE FEEDING LLC
4848 THOMPSON PKWY STE 410
JOHNSTOWN CO 80534-6511

Re: Transfer No: 83344

Water Right No(s): 43-2436A, 43-2437, 43-2438A, 43-2442, 43-4006

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

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

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

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

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

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

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

Sincerely,



Corey Skinner
Southern Regional Manager

Enclosure

c:

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

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

CERTIFICATE OF SERVICE

I hereby certify that on August 9, 2019 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.: 83344

Water Right No(s): 43-2436A, 43-2437, 43-2438A, 43-2442, 43-4006

FIVE RIVERS CATTLE FEEDING LLC
4848 THOMPSON PKWY STE 410
JOHNSTOWN CO 80534-6511

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

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



Denise Maline
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MEMORANDUM

Date: July 24, 2019
To: Transfer 83344 File
From: Bill Mills
Re: Evaluation of Sufficiency of Information Submitted

Application proposes changing the place of use and nature of use of stockwater, commercial, and industrial components of five water rights to allow for flexibility in use between the stockwater, commercial, and industrial components. The five water rights allow for a combined total of 6.92 cfs and 1239.05 AF for the stockwater, commercial, and industrial components. Points of diversion and place of use are located approximately 2.4 to 2.8 miles east and 1.0 to 2.0 miles south of the intersection of Hwy 81(Main St) and Hwy 77 (Center St) in Malta.

More specifically, the components will change as follows:

	<u>Before Transfer</u>	<u>After Transfer</u>
<u>43-2442</u>		
Stockwater	1.14 cfs/311 af	2.23 cfs/580.2 af
Industrial	10.2 cfs/250 af	2.23 cfs/580.2 af
Commercial	0.07 cfs/19.2 af	2.23 cfs/580.2 af
<i>Totals</i>	<i>2.23 cfs/580.2 af</i>	<i>2.23 cfs/580.2 af</i>
<u>43-2437</u>		
Stockwater	0.90 cfs/135 af	1.75 cfs/252.1 af
Industrial	0.80 cfs/109 af	1.75 cfs/252.1 af
Commercial	0.05 cfs/8.1 af	1.75 cfs/252.1 af
<i>Totals</i>	<i>1.75 cfs/252.1</i>	<i>1.75 cfs/252.1 af</i>
<u>43-4006</u>		
Stockwater	0.47 cfs/176 af	0.92 cfs/327.9
Industrial	0.42 cfs/141 af	0.92 cfs/327.9
Commercial	0.03 cfs/10.9 af	0.92 cfs/327.9
<i>Totals</i>	<i>0.92 cfs/327.9 af</i>	<i>0.92 cfs/327.9</i>
<u>43-2436A</u>		
Stockwater	2.02 cfs/78.3 af	2.02 cfs/78.85 af
Commercial	2.02 cfs/0.6 af	2.02 cfs/78.85 af
<i>Totals</i>	<i>2.02 cfs/78.9 af</i>	<i>2.02 cfs/78.85 af</i>
<u>43-2438A</u>		
Stockwater	2.02 cfs/78.3 af	2.02 cfs/78.85 af
Commercial	2.02 cfs/0.6 af	2.02 cfs/78.85 af
<i>Totals</i>	<i>2.02 cfs/78.9 af</i>	<i>2.02 cfs/78.85 af</i>

The first three rights are additive, but the last two have a combined limit condition limiting the diversion rate to 2.02 cfs and the diversion volume to 78.85 af when combined. The proposed changes will allow the water right owners more flexibility and better management of the water resource and will simplify water measurement requirements. No change of nature of use conversion analysis is required because the three components involved are considered fully consumptive.

Review of all the components also indicated that the irrigation components of three of the rights (43-2437, 43-2442 and 43-4006) are in a combined permissible place of use (a total of 864 acres of irrigation allowed within a 1063 acre PPU) and it was decided that the Department would place condition 206 on the water rights and request a 206 map and shapefile from the applicant's representative. Both were provided, and the irrigation components will be linked to the 206 shapefile in ArcMap.

All PODs and POUs are within Water District 143, watermaster comments were solicited and the watermaster had no objection to the approval of this transfer.

- **Authority to File:** IDWR records indicate the applicants currently own the water right and all properties involved in this transfer.
- **Water Right Validity:** All water rights in this transfer were decreed in the SRBA on 6/28/2002. Recent aerial and satellite imagery indicates a cattle facility is in operation on the property and the irrigated acres involved with this transfer appear 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

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

RECEIVED

JUL 17 2019

DEPT OF WATER RESOURCES
SOUTHERN REGION

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 87798

Ruby Aufderheide
(Legals Clerk)

STATE OF IDAHO)
SS
COUNTY OF TWIN FALLS)

On this 11th day of July 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.

Reba M Davis
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 5/8/2020



Section: Legals

Category: 50 Legal

PUBLISHED ON: 07/04/2019, 07/11/2019

TOTAL AD COST: 238.89

FILED ON: 7/11/2019

✓ DM 7/22/2019



RECEIVED

JUL 17 2019

DEPT. OF WATER RESOURCES
SOUTHERN REGION

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

47-17704

GARY N NELSON

2591 SUNGLOW CIR

TWIN FALLS, ID 83301-8266

Point of Diversion NWSW S29 T07S R13E TWIN FALLS County

Source GROUND WATER Tributary

Use: DOMESTIC 01/01 to 12/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 5/16/2019

Place Of Use: DOMESTIC

T07S R13E S29 NESW NWSW

Application for permit proposes to divert up to 0.04 cfs of low temperature geothermal water from an existing well for domestic uses. The property and point of diversion are located approximately 1.9 to 2.0 miles south and 3.0 to 3.5 miles west of Hagerman.

47-17705

UNITED STATES OF AMERICA ACTING THROUGH

USDA FOREST SERVICE

SAWTOOTH NATIONAL FOREST

370 AMERICAN AVE

JEROME, ID 83338

Point of Diversion L4(SWSW) S30 T14S R19E CASSIA County

Source GROUND WATER Tributary

Use: DOMESTIC 05/15 to 10/31 0.04 CFS

Total Diversion: 0.04 CFS

Date Filed: 6/12/2019

Place Of Use: DOMESTIC

T14S R18E S24 SENE NESE

T14S R18E S25 NENE SENE

T14S R19E S30 SWSW

T14S R19E S31 NENE NWNW

T14S R19E S32 NENW NWNW SWNW

Application proposes to appropriate up to 0.04 cfs of ground water from an existing well for domestic purposes associated with five campgrounds (Upper & Lower Penstemon; Petit; Diamondfield Jack & Porcupine Spring) and Rock Creek Guard Station. Point of diversion is located approximately 25 miles south and 4.1 miles east, and the places of use are generally located within approximately 23 to 26 miles south and 4 to 5.3 miles east of the city center of Kimberly. This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 83344**

FIVE RIVERS CATTLE FEEDING LLC, 4848 THOMPSON PKWY STE 410, JOHNSTOWN, CO 80534-6511; has filed Application No. 83344 for changes to the following water rights within CASSIA County(s): Right No(s). 43-2436A, 43-2437, 43-2438A, 43-2442, 43-4006. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the place of use and nature of use of stockwater, commercial, and industrial components of five water rights to allow for flexibility in use between the stockwater, commercial, and industrial components. The five water rights allow for a combined total of 6.92 cfs and 1239.05 AF for the stockwater, commercial, and industrial components. Points of diversion and place of use are located approximately 2.4 to 2.8 miles east and 1.0 to 2.0 miles south of the intersection of Hwy 81 (Main St) and Hwy 77 (Center St) in Malta.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see research.idwr.idaho.gov. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. 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 July 22, 2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN,

Director

Published on July 4th & 11th, 2019

✓ OK ~~DM~~ 7/22/2019

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 87798

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	238.89
City St Zip	TWIN FALLS ID 83301	Amount Paid	0.00
Phone	2087363033	Amount Due	238.89
Fax			
Section	Legals	Start/End Dates	07/04/2019 - 07/11/2019
SubSection		Insertions	2
Category	50 Legal	Size	158
Ad Key	87798-1	Salesperson(s)	Ruby Aufderheide
Keywords	Applications: 47-17704 & 47-17705	Taken By	Sherri Davis
Notes			

Ad Proof

Proof of legal notice received
from Times News 7/1/2019 (2 pgs)

✓ dm 7-1-2019

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

47-17704

GARY N NELSON
2591 SUNGLOW CIR
TWIN FALLS, ID 83301-8266
Point of Diversion NWSW S29 T07S R13E TWIN FALLS County
Source GROUND WATER Tributary
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 5/16/2019
Place Of Use: DOMESTIC
T07S R13E S29 NESW NWSW

Application for permit proposes to divert up to 0.04 cfs of low temperature geothermal water from an existing well for domestic uses. The property and point of diversion are located approximately 1.9 to 2.0 miles south and 3.0 to 3.5 miles west of Hagerman.

47-17705

UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
SAWTOOTH NATIONAL FOREST
370 AMERICAN AVE
JEROME, ID 83338
Point of Diversion L4(SWSW) S30 T14S R19E CASSIA County
Source GROUND WATER Tributary
Use: DOMESTIC 05/15 to 10/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 6/12/2019
Place Of Use: DOMESTIC
T14S R18E S24 SENE NESE
T14S R18E S25 NENE SENE
T14S R19E S30 SWSW
T14S R19E S31 NENE NWNW
T14S R19E S32 NENW NWNW SWNW

Application proposes to appropriate up to 0.04 cfs of ground water from an existing well for domestic purposes associated with five campgrounds (Upper & Lower Penstemon; Petit; Diamondfield Jack & Porcupine Spring) and Rock Creek Guard Station. Point of diversion is located approximately 25 miles south and 4.1 miles east, and the places of use are generally located within approximately 23 to 26 miles south and 4 to 5.3 miles east of the city center of Kimberly. This application proposes to appropriate trust water and will be evaluated in compliance with Section 42-203C, Idaho Code, and IDWR's Water Appropriation Rules, IDAPA 37.03.08.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 83344**

FIVE RIVERS CATTLE FEEDING LLC, 4848 THOMPSON PKWY STE 410, JOHNSTOWN, CO 80534-6511; has filed Application No. 83344 for changes to the following water rights within CASSIA County(s): Right No(s). 43-2436A, 43-2437, 43-2438A, 43-2442, 43-4006. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes changing the place of use and nature of use of stockwater, commercial, and industrial components of five water rights to allow for flexibility in use between the stockwater, commercial, and industrial components. The five water rights allow for a combined total of 6.92 cfs and 1239.05 AF for the stockwater, commercial, and industrial components. Points of diversion and place of use are located approximately 2.4 to 2.8 miles east and 1.0 to 2.0 miles south of the intersection of Hwy 81 (Main St) and Hwy 77 (Center St) in Malta.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see research.idwr.idaho.gov. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. 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 July 22, 2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN,
Director

Published on July 4th & 11th, 2019

✓ DM
7-1-2019

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Transfer No: 83344
Water Right No: 43-2436A, etc.
Applicant Name: FIVE RIVERS CATTLE FEEDING LLC

Watermaster's Recommendation:

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

Dated: June 28, 2019

Water District 143



Nathan Erickson, Watermaster