

RECEIVEDSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 83344

JUN 05 2019

DEPT. OF WATER RESOURCES
SOUTHERN REGION**MINIMUM REQUIREMENTS CHECKLIST**
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) Five Rivers Cattle Feeding, LLC**Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.****Yes N/A** * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☒ ☐ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☒ #10 Other. Please describe: _____

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DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) Five Rivers Cattle Feeding, LLCPhone 8066811484Mailing address 4848 THOMPSON PKWY STE 410 JOHNSTOWN, CO 80534-6511Email Tom.McDonald@5RCattle.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No RepresentativeName of Representative Greg SullivanPhone 208-736-8543Mailing address 2016 N Washington St Ste 4 Twin Falls, Idaho 83301Email greg.sullivan@brockwayeng.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant or Authorized Representative

Vice President of Environmental
Print Name and Title if applicable AffairsDate 5/28/2019

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
☒ Change nature of use
☐ Add diversion point(s)
☐ Change period of use
☒ Change place of use
☐ Other _____
- Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.
This transfer proposes to update the combined volume limits and place of use descriptions for the stock water, commercial and industrial water uses. This will allow for better and more efficient management of the resource and simplify water measurement requirements.

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

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

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All or Part ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	See Exhibit A				

Total authorized under rights 17.79 cfs and/or 4553.05 acre-feet.

2. Total amount of water proposed to be transferred or changed 8.94 cubic feet per second and/or 1239.1 acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Exhibit A
Water Rights

All	or	Part	Water Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use			Source & Tributary
		X	43-2442	2.23/580.2	Stockwater	1/01	to	12/31	Ground Water
		X	43-2442	2.23/580.2	Commercial	1/01	to	12/31	Ground Water
		X	43-2442	2.23/580.2	Industrial	1/01	to	12/31	Ground Water
		X	43-2437	1.75/252.1	Stockwater	1/01	to	12/31	Ground Water
		X	43-2437	1.75/252.1	Commercial	1/01	to	12/31	Ground Water
		X	43-2437	1.75/252.1	Industrial	1/01	to	12/31	Ground Water
		X	43-4006	0.92/327.9	Stockwater	1/01	to	12/31	Ground Water
		X	43-4006	0.92/327.9	Commercial	1/01	to	12/31	Ground Water
		X	43-4006	0.92/327.9	Industrial	1/01	to	12/31	Ground Water
		X	43-2436A	2.02/78.85	Stockwater	1/01	to	12/31	Ground Water
		X	43-2436A	2.02/78.85	Commercial	1/01	to	12/31	Ground Water
		X	43-2438A	2.02/78.85	Stockwater	1/01	to	12/31	Ground Water
		X	43-2438A	2.02/78.85	Commercial	1/01	to	12/31	Ground Water
							to		
							to		
							to		
Total CFS				8.94					
Total AFA				1239.05					

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**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

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

5. General Information:

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

Existing wells, flow meters, mainlines and delivery systems.

- b. Who owns the property at the point(s) of diversion? Five Rivers Cattle Feeding, LLC

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☒ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: Rabobank New York Branch

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

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

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

No change will occur on the land now irrigated.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

N/A

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

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DEPARTMENT OF WATER RESOURCES

JUN 05 2019

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

DEPT OF WATER RESOURCES
SOUTHERN REGION

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 1.

Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: _____

1. amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 43-2442

Current Owner: FIVE RIVERS CATTLE FEEDING LLC

Priority Date: 3/5/1956

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.07 CFS	3 AF
INDUSTRIAL	03/15 to 11/15	1.02 CFS	250 AF
COMMERCIAL	01/01 to 11/15	0.07 CFS	19.2 AF
IRRIGATION	03/15 to 11/15	4.91 CFS	1728 AF
STOCKWATER	01/01 to 12/31	1.14 CFS	311 AF
	<u>Total Diversion</u>	7.21 CFS	2311.2 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4SW1/4	Sec. 16,	Twp 13S,	Rge 27E B.M.
CASSIA County				
GROUND WATER	NE1/4NE1/4NE1/4	Sec. 20,	Twp 13S,	Rge 27E B.M.
CASSIA County				
GROUND WATER	SE1/4SE1/4NE1/4	Sec. 16,	Twp 13S,	Rge 27E B.M.
CASSIA County				
GROUND WATER	SE1/4NE1/4SW1/4	Sec. 16,	Twp 13S,	Rge 27E B.M.
CASSIA County				
GROUND WATER	NE1/4NE1/4SE1/4	Sec. 17,	Twp 13S,	Rge 27E B.M.
CASSIA County				
GROUND WATER	NE1/4NE1/4SE1/4	Sec. 20,	Twp 13S,	Rge 27E B.M.
CASSIA County				

Place of Use

IRRIGATION Within CASSIA County

T13S R27E S16	NENE	40.00	T13S R27E S16	NWNE	40.00
T13S R27E S16	SWNE	38.00	T13S R27E S16	SENE	39.00
T13S R27E S16	NENW	40.00	T13S R27E S16	NWNW	38.00
T13S R27E S16	SWNW	38.00	T13S R27E S16	SENW	39.00
T13S R27E S16	NESW	35.00	T13S R27E S16	NWSW	37.00
T13S R27E S16	SWSW	36.00	T13S R27E S16	SESW	39.00
T13S R27E S16	NESE	40.00	T13S R27E S16	NWSE	38.00
T13S R27E S16	SWSE	38.00	T13S R27E S16	SESE	39.00
T13S R27E S17	NENE	40.00	T13S R27E S17	NWNE	40.00
T13S R27E S17	SWNE	38.00	T13S R27E S17	SENE	39.00
T13S R27E S20	NESE	40.00	T13S R27E S20	NWSE	36.00
T13S R27E S20	SWSE	36.00	T13S R27E S20	SESE	40.00
T13S R27E S21	SWSW	40.00	T13S R27E S21	SESW	40.00
T13S R27E S29	NENE	40.00	T13S R27E S29	SENE	20.00

Total Acres: 1063

STOCKWATER Within CASSIA County

T13S R27E S17	NESE	T13S R27E S17	NWSE
T13S R27E S17	SWSE	T13S R27E S17	SESE
T13S R27E S20	NENE	T13S R27E S20	NWNE
T13S R27E S20	SWNE	T13S R27E S20	SENE

INDUSTRIAL Within CASSIA County

T13S R27E S17	NESE	T13S R27E S17	NWSE
T13S R27E S17	SWSE	T13S R27E S17	SESE
T13S R27E S20	NENE	T13S R27E S20	NWNE
T13S R27E S20	SWNE	T13S R27E S20	SENE

COMMERCIAL Within CASSIA County

T13S R27E S20	NENE
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DOMESTIC Within CASSIA County

T13S R27E S16	NESW
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Conditions of Approval:

1. E56 THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 864 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-2437, 43-2442 AND 43-4006.
2. F05 RIGHT NUMBERS 43-2437, 43-2442 AND 43-4006 ARE DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.
3. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 432 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
6. C04 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
7. STOCKWATER USE FOR RIGHT NUMBERS 43-2437, 43-4006, 43-2442, 43-2438A AND 43-2436A WHEN COMBINED SHALL NOT EXCEED 52,000 HEAD OF STOCK.
8. C10 RIGHT INCLUDES ACCOMPLISHED CHANGE IN SEASON OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
9. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

Decreed Date: 6/28/2002

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 43-2437

Current Owner: FIVE RIVERS CATTLE FEEDING LLC
Priority Date: 3/5/1956
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
INDUSTRIAL	03/15 to 11/15	0.8 CFS	109 AF
DOMESTIC	01/01 to 12/31	0.05 CFS	1.3 AF
COMMERCIAL	01/01 to 12/31	0.05 CFS	8.1 AF
STOCKWATER	01/01 to 12/31	0.9 CFS	135 AF
IRRIGATION	03/15 to 11/15	3.76 CFS	752 AF
	<u>Total Diversion</u>	5.56 CFS	1005.4 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4SW1/4	Sec. 16, Twp 13S, Rge 27E B.M.
CASSIA County		
GROUND WATER	NE1/4NE1/4NE1/4	Sec. 20, Twp 13S, Rge 27E B.M.
CASSIA County		
GROUND WATER	SE1/4NE1/4SW1/4	Sec. 16, Twp 13S, Rge 27E B.M.
CASSIA County		
GROUND WATER	SE1/4SE1/4NE1/4	Sec. 16, Twp 13S, Rge 27E B.M.
CASSIA County		
GROUND WATER	NE1/4NE1/4SE1/4	Sec. 17, Twp 13S, Rge 27E B.M.
CASSIA County		
GROUND WATER	NE1/4NE1/4SE1/4	Sec. 20, Twp 13S, Rge 27E B.M.
CASSIA County		

Place of Use

IRRIGATION Within CASSIA County

T13S R27E S16	NENE	40.00	T13S R27E S16	NWNE	40.00
T13S R27E S16	SWNE	38.00	T13S R27E S16	SENE	39.00
T13S R27E S16	NENW	40.00	T13S R27E S16	NWNW	38.00
T13S R27E S16	SWNW	38.00	T13S R27E S16	SENW	39.00
T13S R27E S16	NESW	35.00	T13S R27E S16	NWSW	37.00
T13S R27E S16	SWSW	36.00	T13S R27E S16	SESW	39.00
T13S R27E S16	NESE	40.00	T13S R27E S16	NWSE	38.00
T13S R27E S16	SWSE	38.00	T13S R27E S16	SESE	39.00
T13S R27E S17	NENE	40.00	T13S R27E S17	NWNE	39.00
T13S R27E S17	SWNE	38.00	T13S R27E S17	SENE	39.00
T13S R27E S20	NESE	40.00	T13S R27E S20	NWSE	36.00
T13S R27E S20	SWSE	36.00	T13S R27E S20	SESE	40.00
T13S R27E S21	SWSW	40.00	T13S R27E S21	SESW	40.00
T13S R27E S29	NENE	40.00	T13S R27E S29	SENE	20.00

Total Acres: 1062

STOCKWATER Within CASSIA County

T13S R27E S17	NESE	T13S R27E S17	NWSE
T13S R27E S17	SWSE	T13S R27E S17	SESE
T13S R27E S20	NENE	T13S R27E S20	NWNE
T13S R27E S20	SWNE	T13S R27E S20	SENE

INDUSTRIAL Within CASSIA County

T13S R27E S17	NESE	T13S R27E S17	NWSE
T13S R27E S17	SWSE	T13S R27E S17	SESE
T13S R27E S20	NENE	T13S R27E S20	NWNE
T13S R27E S20	SWNE	T13S R27E S20	SENE

COMMERCIAL Within CASSIA County

T13S R27E S20	NENE
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DOMESTIC Within CASSIA County

T13S R27E S16	NESW
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Conditions of Approval:

1. C10 RIGHT INCLUDES ACCOMPLISHED CHANGE IN SEASON OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. F05 RIGHT NUMBERS 43-2437, 43-2436A, 43-2438A, 43-2442 AND 43-4006 ARE DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.
3. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. STOCK WATER USE FOR RIGHT NUMBERS 43-2437, 43-4006, 43-2442, 43-2438A AND 43-2436A WHEN COMBINED SHALL NOT EXCEED 52,000 HEAD OF STOCK.
6. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 188 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
7. E56 THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 864 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-2437, 43-2442 and 43-4006
8. C04 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
9. COMMERCIAL USE IS FOR A FEED MILL OPERATION.
10. INDUSTRIAL USE IS FOR DUST CONTROL.
11. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

Decreed Date: 6/28/2002

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 43-4006

Current Owner: FIVE RIVERS CATTLE FEEDING LLC

Priority Date: 4/29/1952

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
INDUSTRIAL	03/15 to 11/15	0.42 CFS	141 AF
COMMERCIAL	01/01 to 12/31	0.03 CFS	10.9 AF
DOMESTIC	01/01 to 12/31	0.03 CFS	1.7 AF
IRRIGATION	03/15 to 11/15	2.05 CFS	828 AF
STOCKWATER	01/01 to 12/31	0.47 CFS	176 AF
<u>Total Diversion</u>		3 CFS	1157.6 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4NE1/4	Sec. 20, Twp 13S, Rge 27E B.M.
CASSIA County		
GROUND WATER	NE1/4NE1/4SW1/4	Sec. 16, Twp 13S, Rge 27E B.M.
CASSIA County		
GROUND WATER	SE1/4SE1/4NE1/4	Sec. 16, Twp 13S, Rge 27E B.M.
CASSIA County		
GROUND WATER	SE1/4NE1/4SW1/4	Sec. 16, Twp 13S, Rge 27E B.M.
CASSIA County		
GROUND WATER	NE1/4NE1/4SE1/4	Sec. 17, Twp 13S, Rge 27E B.M.
CASSIA County		
GROUND WATER	NE1/4NE1/4SE1/4	Sec. 20, Twp 13S, Rge 27E B.M.
CASSIA County		

Place of Use

IRRIGATION Within CASSIA County

T13S R27E S16	NENE	40.00	T13S R27E S16	NWNE	40.00
T13S R27E S16	SWNE	38.00	T13S R27E S16	SENE	39.00
T13S R27E S16	NENW	40.00	T13S R27E S16	NWNW	38.00
T13S R27E S16	SWNW	38.00	T13S R27E S16	SENW	39.00
T13S R27E S16	NESW	35.00	T13S R27E S16	NWSW	37.00
T13S R27E S16	SWSW	36.00	T13S R27E S16	SESW	39.00
T13S R27E S16	NESE	40.00	T13S R27E S16	NWSE	38.00
T13S R27E S16	SWSE	38.00	T13S R27E S16	SESE	39.00
T13S R27E S17	NENE	40.00	T13S R27E S17	NWNE	40.00
T13S R27E S17	SWNE	38.00	T13S R27E S17	SENE	39.00
T13S R27E S20	NESE	40.00	T13S R27E S20	NWSE	36.00
T13S R27E S20	SWSE	36.00	T13S R27E S20	SESE	40.00
T13S R27E S21	SWSW	40.00	T13S R27E S21	SESW	40.00
T13S R27E S29	NENE	40.00	T13S R27E S29	SENE	20.00

Total Acres: 1063

STOCKWATER Within CASSIA County

T13S R27E S17	NESE	T13S R27E S17	NWSE
T13S R27E S17	SWSE	T13S R27E S17	SESE
T13S R27E S20	NENE	T13S R27E S20	NWNE
T13S R27E S20	SWNE	T13S R27E S20	SENE

INDUSTRIAL Within CASSIA County

T13S R27E S17	NESE	T13S R27E S17	NWSE
T13S R27E S17	SWSE	T13S R27E S17	SESE
T13S R27E S20	NENE	T13S R27E S20	NWNE
T13S R27E S20	SWNE	T13S R27E S20	SENE

COMMERCIAL Within CASSIA County

T13S R27E S20	NENE
---------------	------

DOMESTIC Within CASSIA County

T13S R27E S16	NESW
---------------	------

Conditions of Approval:

1. C10 RIGHT INCLUDES ACCOMPLISHED CHANGE IN SEASON OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. F05 RIGHT NUMBERS 43-2442, 43-2437 AND 43-4006 ARE DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE.
3. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
5. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 244 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
6. INDUSTRIAL USE IS FOR DUST CONTROL.
7. E56 THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 864 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS 43-2442, 43-4006 and 43-2437.
8. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
9. C04 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
10. COMMERCIAL USE IS FOR A FEED MILL OPERATION.
11. STOCKWATER USE FOR RIGHT NUMBERS 43-2437, 43-4006, 43-2442, 43-2438A AND 43-2436A WHEN COMBINED SHALL NOT EXCEED 52,000 HEAD OF STOCK.

Decreed Date: 6/28/2002

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 43-2436A

Current Owner: FIVE RIVERS CATTLE FEEDING LLC
 Priority Date: 1/4/1957
 Origin: Water Right
 Status: Active
 Basis: Decreed

Source

GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	2.02 CFS	78.3 AF
COMMERCIAL	01/01 to 12/31	2.02 CFS	0.55 AF
	<u>Total Diversion</u>	2.02 CFS	78.85 AF

Location of Point(s) of Diversion

GROUND WATER
 CASSIA County

NE1/4NE1/4NE1/4 Sec. 20, Twp 13S, Rge 27E B.M.

Place of Use

STOCKWATER Within CASSIA County

T13S R27E S17	NESE	T13S R27E S17	NWSE
T13S R27E S17	SWSE	T13S R27E S17	SESE
T13S R27E S20	NENE	T13S R27E S20	NWNE
T13S R27E S20	SWNE	T13S R27E S20	SENE

COMMERCIAL Within CASSIA County

T13S R27E S20 NENE

Page 17 of _____

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. STOCKWATER USE FOR RIGHT NUMBERS 43-2437, 43-4006, 43-2442, 43-2438A AND 43-2436A WHEN COMBINED SHALL NOT EXCEED 52,000 HEAD OF STOCK.
3. E60 USE OF THIS RIGHT WITH RIGHT NO. 43-2438A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.02 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 78.85 AF.
4. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Decreed Date: 6/28/2002

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 43-2438A

Current Owner: FIVE RIVERS CATTLE FEEDING LLC
 Priority Date: 1/5/1957
 Origin: Water Right
 Status: Active
 Basis: Decreed

Source

GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	2.02 CFS	78.3 AF
COMMERCIAL	01/01 to 12/31	2.02 CFS	0.55 AF
	<u>Total Diversion</u>	2.02 CFS	78.85 AF

Location of Point(s) of Diversion

GROUND WATER
 CASSIA County

NE1/4NE1/4NE1/4 Sec. 20, Twp 13S, Rge 27E B.M.

Place of Use

STOCKWATER Within CASSIA County

T13S R27E S17	NESE	T13S R27E S17	NWSE
T13S R27E S17	SWSE	T13S R27E S17	SESE
T13S R27E S20	NENE	T13S R27E S20	NWNE
T13S R27E S20	SWNE	T13S R27E S20	SENE

COMMERCIAL Within CASSIA County

T13S R27E S20 NENE

Conditions of Approval:

1. STOCKWATER USE FOR RIGHT NUMBERS 43-2437, 43-4006, 43-2442, 43-2438A AND 43-2436A WHEN COMBINED SHALL NOT EXCEED 52,000 HEAD OF STOCK.
2. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
3. E60 USE OF THIS RIGHT WITH RIGHT NO. 43-2436A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.02 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 78.85 AF.
4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Decreed Date: 6/28/2002

Exhibit C
Place of Use

Stockwater, Commercial and Industrial

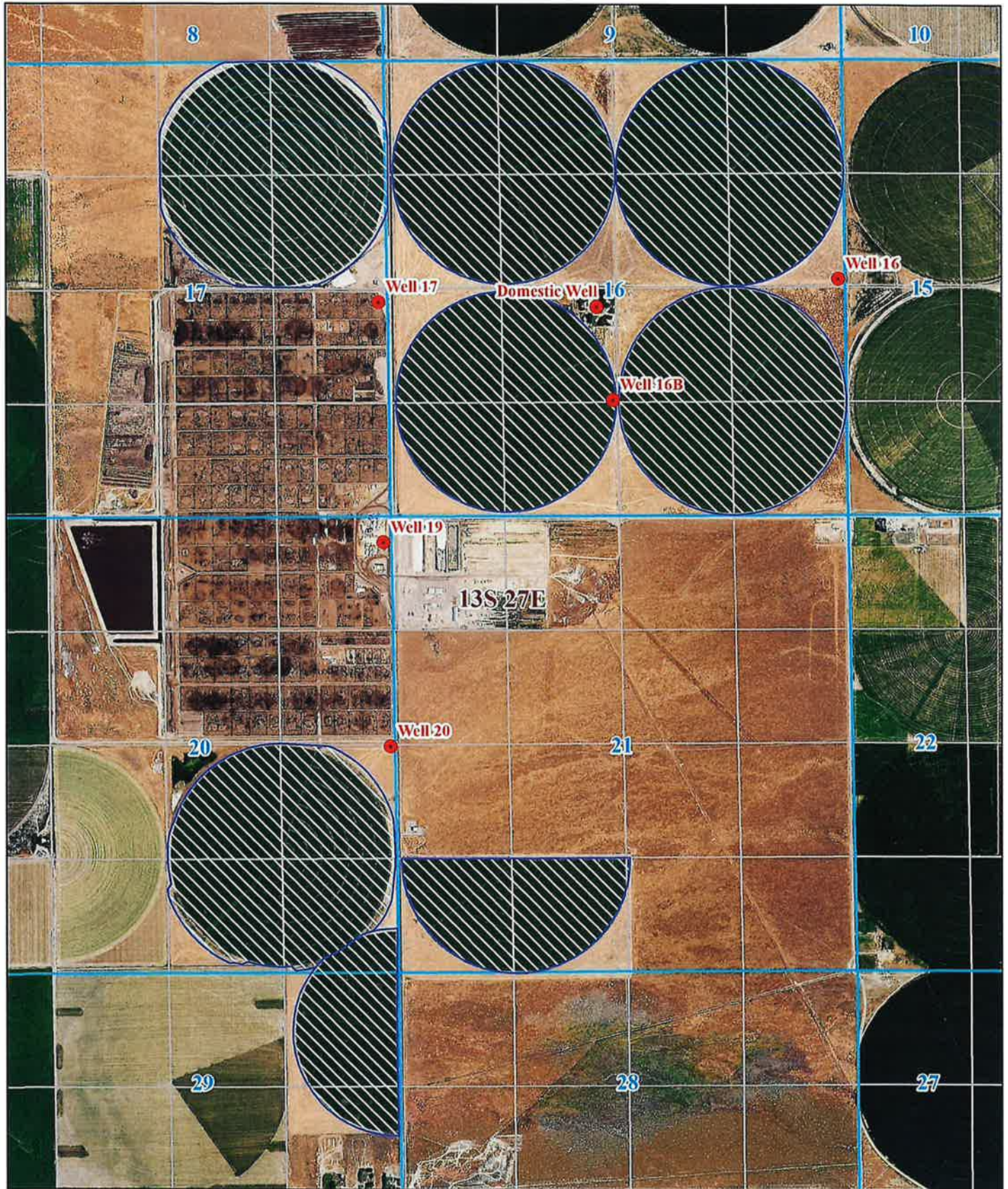
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
13S	27E	17																
		20	S,C,I	S,C,I	S,C,I	S,C,I									S,C,I	S,C,I	S,C,I	S,C,I

0
0
0
0
0

Total 0

Irrigation place of use will not be changing

Domestic place of use will not be changing



0 375 750 1,500 Feet

FIVE RIVERS RANCH CATTLE FEEDING LLC

RECEIVED

IRRIGATED ACRES
2017 NAIP AERIAL

Legend
● WR_PODs
■ Irrigated Acres

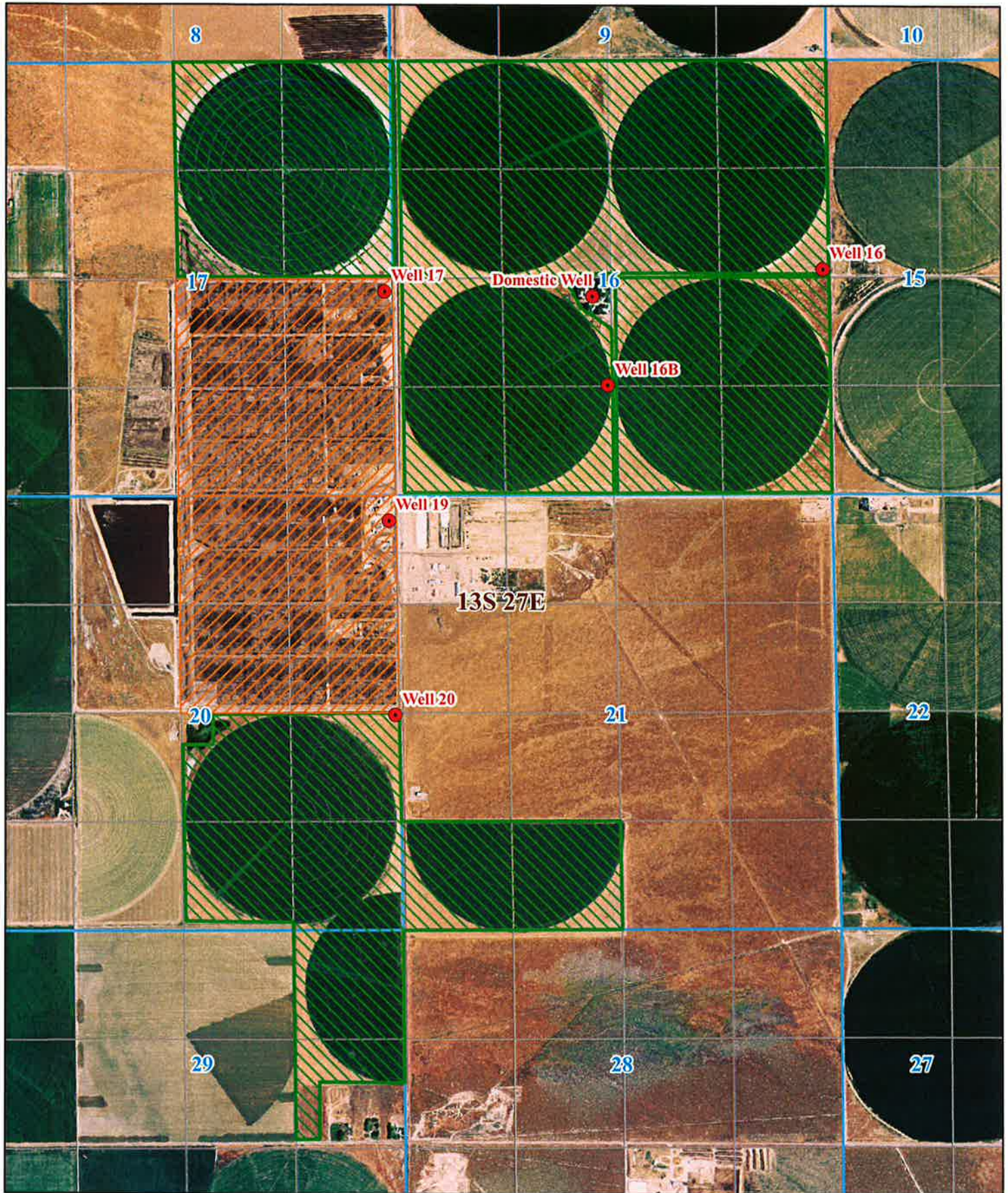
N

BROCKWAY ENGINEERING, PLLC.
GWS - Date: 6/19/2019

JUN 19 2019

DEPT OF WATER RESOURCES
SOUTHERN REGION

TRANSFER 83344



0 0.125 0.25 0.5 Miles

FIVE RIVERS RANCH CATTLE FEEDING LLC

Water Right Locations
2017 NAIP Aerial

TRANSFER 83344

Legend
● WR_PODs
Stock, Comm, Industrial
Irrigation



May 28, 2019

Mr. Corey Skinner
Idaho Department of Water Resources
650 Addison Ave., W., Ste. 500
Twin Falls, ID 83301

Re: Signatory Authority for Five Rivers Cattle Feeding, LLC

Mr. Skinner,

Five Rivers Cattle Feeding, LLC has given authority to Tom McDonald, Vice President of Environmental Affairs, to execute any and all documents in connection with the Idaho Department of Water Resources.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Mike Thoren'.

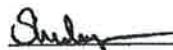
Mike Thoren
President and CEO

No. W 38594		Due no later than Apr 30, 2018 Annual Report Form		2. Registered Agent and Address (NO PO BOX)	
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE		1. Mailing Address: Correct in this box if needed. FIVE RIVERS CATTLE FEEDING, LLC 1770 PROMONTORY CIRLCE GREELEY CO 80634		CORPORATION SERVICE COMPANY 12550 W EXPLORER DR STE 100 BOISE ID 83713	
				3. <u>New</u> Registered Agent Signature:*	
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.					
Office Held	Name	Street or PO Address	City	State	Country Postal Code
MANAGER	TODD ANDERSON	1770 PROMONTORY CIRCLE	GREELEY	CO	USA 80634
MEMBER	CATTLE PRODUCTION SYSTEMS, INC.	1770 PROMONTORY CIRLCE	GREELEY	CO	80634
5. Organized Under the Laws of: DE W 38594		6. Annual Report must be signed.* Signature: KIERSTEN SOMMERS Name (type or print): KIERSTEN SOMMERS Date: 04/18/2018 Title: SECRETARY			
Processed 04/18/2018		* Electronically provided signatures are accepted as original signatures.			

STATE OF New York
COUNTY OF New York, ss.

I, Shirley Chan, a Notary Public in and for said County and State, DO HEREBY CERTIFY THAT Naoko Kojima, a/an Executive Director of COÖPERATIEVE RABOBANK U.A., NEW YORK BRANCH, personally known to me to be the same person whose name is subscribed to the foregoing instrument appeared before me this day in person and acknowledged that she signed and delivered said instrument as her own free and voluntary act and as the free and voluntary act of said entity for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 17 day of April, 2019.



Notary Public

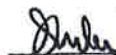
My Commission Expires: Feb 8 2020



STATE OF New York
COUNTY OF New York ss.

I, Shirley Chan, a Notary Public in and for said County and State, DO HEREBY CERTIFY THAT Anthony Fianza, a/an Vice President of COÖPERATIEVE RABOBANK U.A., NEW YORK BRANCH, personally known to me to be the same person whose name is subscribed to the foregoing instrument appeared before me this day in person and acknowledged that he signed and delivered said instrument as his own free and voluntary act and as the free and voluntary act of said entity for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 17 day of April, 2019.



Notary Public

My Commission Expires: Feb 8 2020



State of Idaho

Office of the Secretary of State

AMENDED CERTIFICATE OF REGISTRATION

OF

JBS FIVE RIVERS CATTLE FEEDING LLC

File Number W 38594

I, LAWRENCE DENNEY, Secretary of the State, hereby certify that an Application for Amended Foreign Registration has been received in this office and is found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I issue this Amended Certificate of Foreign Registration to reflect the name change from **JBS FIVE RIVERS CATTLE FEEDING LLC** to **FIVE RIVERS CATTLE FEEDING, LLC** and attach hereto a duplicate of the application for such amended certificate.

Dated: April, 4, 2018



Lawrence Denney
SECRETARY OF STATE

By *Tyler J. Harkins*



AMENDMENT OF FOREIGN REGISTRATION STATEMENT

Title 30, Chapter 21, Idaho Code

Filing fee: \$30 typed, \$50 not typed

Complete and submit the application in duplicate.

2018 APR -4 PM 1:53

SECRETARY OF STATE
STATE OF IDAHO

1. Entity name: JBS Five Rivers Cattle Feeding LLC

2. The entity name is amended to: Five Rivers Cattle Feeding, LLC

a. If the new name is not available or permissible in Idaho, the name to be used in Idaho is:

3. The entity type is amended to:

☐ Business Corporation

☐ Nonprofit Corporation

☐ Limited Liability Partnership

☒ Limited Liability Company

☐ General Partnership

☐ General Cooperative Association

☐ Limited Partnership (Including a limited liability limited partnership)

☐ Statutory Trust, Business Trust, or Common-law Business Trust

☐ Other: _____

(Provide unlisted foreign entity type here)

4. The entity's jurisdiction is amended to: _____

5. The street and mailing address(es) of its principal office is amended to:

(Street Address)

(Mailing Address, if different)

6. The name, capacity, and mailing address of the governor(s) is amended to:

(Name)

(Capacity)

(Address)

(Name)

(Capacity)

(Address)

Typed Name: John J. Lee

Signature: _____

Capacity: CFO of Pinnacle Asset Management, L.P., its Manager

Secretary of State use only

W 38594

IDAHO SECRETARY OF STATE

04/02/2018 05:00

CK: PREPAID CT: 278665 BH: 1635911

1@ 30.00 = 30.00 AMD FOR RE #2

IDAHO SECRETARY OF STATE

04/04/2018 05:00

CK: PREPAID CT: 278665 BH: 1636340

1@ 20.00 = 20.00 EXPEDITE C #2

Delaware

The First State

Page 1

**I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF
DELAWARE, DO HEREBY CERTIFY "FIVE RIVERS CATTLE FEEDING, LLC" IS
DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD
STANDING AND HAS A LEGAL EXISTENCE SO FAR AS THE RECORDS OF THIS
OFFICE SHOW, AS OF THE THIRTIETH DAY OF MARCH, A.D. 2018.**

**AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL TAXES HAVE BEEN
PAID TO DATE.**



3951895 8300

SR# 20182330205

You may verify this certificate online at corp.delaware.gov/authver.shtml

A handwritten signature in black ink, appearing to read "JBULLOCK", is written over a horizontal line. Below the line, the text "Jeffrey W. Bullock, Secretary of State" is printed.

Authentication: 202426434

Date: 03-30-18

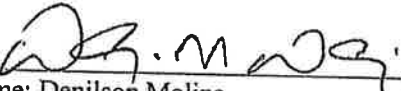
ASSIGNMENT OF MEMBERSHIP INTERESTS

Reference is made to that certain Equity Purchase Agreement, dated as of January 17, 2018 (the "Purchase Agreement"), by and among Pinnacle Arcadia Cattle Holdco, LLC, a Delaware limited liability company ("Buyer"), Moyer Distribution LLC, a Delaware limited liability company ("Seller"), and JBS Five Rivers Cattle Feeding LLC, a Delaware limited liability company (the "Company"). Capitalized terms used herein but not defined herein shall have the meaning set forth for such term in the Purchase Agreement.

For value received, Seller hereby sells, assigns, and transfers unto Buyer, effective as of the Closing, 100% of the issued and outstanding membership interests of the Company (collectively, the "Interests"), standing in its name on the books of the Company. Seller represents that the Interests are not certificated. Seller does hereby irrevocably constitute and appoint any authorized officer of the Company as attorney in fact to transfer the Interests on the books of the Company with full power of substitution in the premises.

Dated: March 16, 2018.

MOYER DISTRIBUTION LLC

By: 
Name: Denilson Molina
Title: Chief Financial Officer



Rabobank
New York Branch

April 17, 2019

State of Idaho Department of Water Resources
Southern Regional Office
Mr. Corey Skinner
650 Addison Ave. W., STE 500
Twin Falls, ID 83301-5858

Re: Five Rivers Cattle Feeding, LLC Water Right Transfer

Dear Mr. Skinner:

Coöperatieve Rabobank U.A., New York Branch, as agent ("Rabobank"), holds a mortgage lien on Five Rivers Cattle Feeding, LLC's ("Five Rivers") land located in Cassia County, Idaho. We understand that Five Rivers is applying for a Transfer of a Water Right for the following purposes:

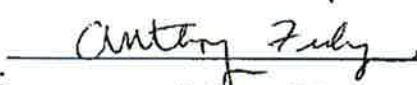
- Change nature of use
- Change place of use

Rabobank has reviewed the transfer application and has no objection to the transfer.

Respectfully submitted,

**COÖPERATIEVE RABOBANK U.A., NEW
YORK BRANCH, as agent**

By: 
Name: Naoko Kojima
Title: Executive Director

By: 
Name: Anthony Fidanza
Title: Vice President



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

June 27, 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

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS on 7/4/2019 and 7/11/2019**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **July 22, 2019**.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline
Administrative Assistant

c: BROCKWAY ENGINEERING PLLC



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

June 27, 2019

WATER DISTRICT #143 *via hand delivery*
NATHAN ERICKSON
650 ADDISON AVE W, STE 500
TWIN FALLS, ID 83301

RE: Transfer No. 83344
Water Right No(s): 43-2436A, etc.

Dear Nathan:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, and return it to this office within 21 days of the date of this letter.

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

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

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, June 27, 2019 9:25 AM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News cover letter.docx; Times News ad.doc

Attached please find (1) legal notice being submitted for publication on July 4th & 11th, 2019. Please let me know if there are any questions or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise @ IDWR Twin Falls

Denise Maline
Administrative Assistant I
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 293-9908
denise.maline@idwr.idaho.gov



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

June 27, 2019

LEGAL NOTICE DEPARTMENT

TIMES NEWS

PO BOX 548

TWIN FALLS, ID 83303-0548

RE: Application For Permit No.(s): 47-17704, 47-17705

RE: Transfer No. 83344

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

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before **July 22, 2019**. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

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

MEMORANDUM

Date: June 21, 2019
To: Transfer 83344 File
From: Bill Mills
Re: Fee Evaluation

Filing fees charged for transfer application #83344 are based on the current transfer fee schedule and are set at \$980 for the full 6.92 cfs being transferred in the application. Applicant paid \$1,140.00 and a request to refund \$160.00 to the applicant is in process (Receipt No. S037363). Applicant also paid a separate change in nature of use fee of \$250.00 (Receipt No. S037377).

MEMORANDUM

Date: June 20, 2019
To: Transfer 83344 File
From: Bill Mills
Re: Transfer Proposal

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 of the water rights 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 and Watermaster comments will be solicited.



Hydraulics
—●—
Hydrology
—●—
Water Resources

June 3, 2019

Corey Skinner
Idaho Department of Water Resources
650 Addison Ave. W., Ste. 500
Twin Falls, ID 83301

RECEIVED
JUN 05 2019
DEPT OF WATER RESOURCES
SOUTHERN REGION

Re: Five Rivers Cattle Feeding, LLC

Dear Mr. Skinner:

As we discussed last fall, Five Rivers Cattle Feeding, LLC desires to update the combined volume limits and place of use descriptions for the stock water, commercial and industrial water uses associated with the existing water rights that supply its feedlots near Malta, Idaho. This will allow for better and more efficient management of the resource and simplify water measurement requirements.

The water rights involved in the transfer are 43-2442, 43-2437, 43-4006, 43-2436A and 43-2438A. The ownership, points of diversion, period of use and beneficial uses will not be changing with this transfer. The irrigation and domestic places of use will not be changing with this transfer.

Flowmeters have been installed on all of the points of diversion in accordance to IDWR orders and local ground water district requirements.

The transfer processing fee required by IDWR for this transfer is based on the 8.94 cfs of stockwater, commercial water and industrial water in which the place of use will be changed with this transfer. The allowed irrigation diversion rate of 10.72 cfs and the domestic diversion rate of 0.15 cfs was not included in the transfer processing fee calculation.

IDWR's records should show that the ownership of water rights 43-2442, 43-2437, 43-4006, 43-2436A and 43-2438A is under the name Five Rivers Cattle Feeding, LLC.

Please contact me if you have any questions.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Five Rivers Cattle Feeding, LLC

Enc: Transfer Application, Aerial Maps, Rabobank Consent Letter, Idaho Amendment of Registration, Assignment of Membership Interests, Idaho Annual Report, Signatory Authority, Brockway Engineering Check #15370 for \$1,140.00.

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
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