

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 83175**

This is to certify that: **HANSENS QUALITY JERSEYS LLC**
277 E 700 N
RUPERT, ID 83350-9580

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

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
36-16759	WR/DECREED	9/30/1965	0.300 cfs	82.5 af	N/A	N/A	GROUND WATER
36-16761	WR/DECREED	9/23/1967	0.030 cfs	7.1 af	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
36-16759	NO	NO	NO	YES	NO	NO
36-16761	NO	NO	NO	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
36-16759	36-16759	0.300 cfs	82.5 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
36-16761	36-16761	0.030 cfs	7.1 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.300 cfs	89.6 af	N/A	N/A		N/A	N/A	N/A	N/A

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 28th day of May, 2019.


Southern Region Manager

SUPPORT DATA

IN FILE # 36-16759

Transfer No. 83175

WATER RIGHT NO. 36-16759
As Modified by Transfer No. 83175

In accordance with the approval of Transfer No. 83175, Water Right No. 36-16759 is now described as follows:

Right Holder: HANSENS QUALITY JERSEYS LLC
 277 E 700 N
 RUPERT, ID 83350-9580

Priority Date: 9/30/1965

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
COMMERCIAL	01/01	to 12/31	0.300 cfs	82.5 af
STOCKWATER	01/01	to 12/31	0.300 cfs	82.5 af
			0.300 cfs	82.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENW	Sec 36 Twp 07S Rge 24E	MINIDOKA County
GROUND WATER	NENW	Sec 36 Twp 07S Rge 24E	MINIDOKA County
GROUND WATER	NENW	Sec 36 Twp 07S Rge 24E	MINIDOKA County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	24E	36					X												

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	24E	25											X						
07S	24E	36		X	X		X	X		X									

CONDITIONS OF APPROVAL

1. Rights 36-16759 and 36-16761 when combined shall not exceed a total diversion rate of 0.30 cfs.
2. Right No. 36-16761 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.

Transfer No. 83175

WATER RIGHT NO. 36-16759
As Modified by Transfer No. 83175

CONDITIONS OF APPROVAL

4. Prior to diversion and use of water under Transfer approval 83175, the right holder shall install and maintain acceptable measuring devices at the authorized points of diversion, in accordance with Department specifications. If the well located in the SE/NE/NW Sec. 36 T. 7S R. 24E, Metal Tag #A0005325, is used for irrigation, separate flow meters shall be installed to record the amounts of water used for irrigation and for stockwater/commercial purposes.
5. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
8. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 36-16761**As Modified by Transfer No. 83175**

In accordance with the approval of Transfer No. 83175, Water Right No. 36-16761 is now described as follows:

Right Holder: HANSENS QUALITY JERSEYS LLC
277 E 700 N
RUPERT, ID 83350-9580

Priority Date: 9/23/1967

Source: GROUND WATER

BENEFICIAL USE

	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
COMMERCIAL	01/01	to 12/31	0.030 cfs	7.1 af
STOCKWATER	01/01	to 12/31	0.030 cfs	7.1 af
			0.030 cfs	7.1 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENW	Sec 36 Twp 07S Rge 24E	MINIDOKA County
GROUND WATER	NENW	Sec 36 Twp 07S Rge 24E	MINIDOKA County
GROUND WATER	NENW	Sec 36 Twp 07S Rge 24E	MINIDOKA County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	24E	36					X												

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	24E	25											X						
07S	24E	36		X	X		X	X		X									

CONDITIONS OF APPROVAL

1. Rights 36-16759 and 36-16761 when combined shall not exceed a total diversion rate of 0.30 cfs.
2. This right is based upon an enlargement of Right No. 36-16759 pursuant to Section 42-1426, Idaho Code.
3. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

Transfer No. 83175

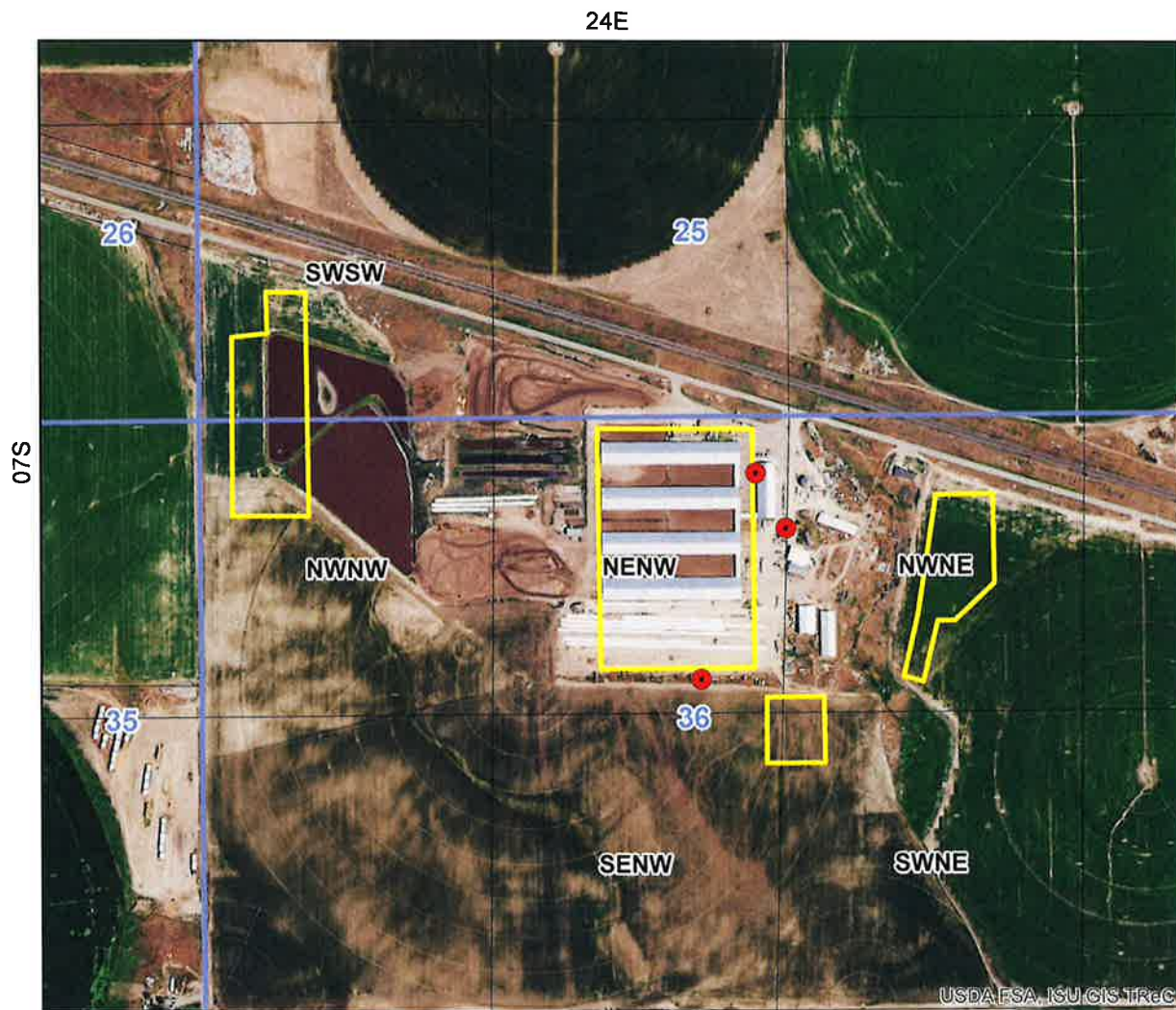
WATER RIGHT NO. 36-16761
As Modified by Transfer No. 83175

CONDITIONS OF APPROVAL

4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
5. Prior to diversion and use of water under Transfer approval 83175, the right holder shall install and maintain acceptable measuring devices at the authorized points of diversion, in accordance with Department specifications. If the well located in the SE/NE/NW Sec. 36 T. 7S R. 24E, Metal Tag #A0005325, is used for irrigation, separate flow meters shall be installed to record the amounts of water used for irrigation and for stockwater/commercial purposes.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
9. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
10. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho
Department of Water Resources
Attachment to Transfer # 83175
36-16759 & 36-16761

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



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

0 0.1 0.2 0.4 Miles



State of Idaho
Department of Water Resources

Attachment to Transfer # 83175

36-16759 & 36-16761

This map depicts the 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.

24E

07S



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

0 0.0375 0.075 0.15 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

May 28, 2019

HANSENS QUALITY JERSEYS LLC
277 E 700 N
RUPERT ID 83350-9580

Re: Transfer No: 83175
Water Right No(s): 36-16759, 36-16761

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,

A handwritten signature in blue ink, appearing to read "Corey Skinner".

Corey Skinner
Southern Regional Manager

Enclosure

c:

RABO AGRIFINANCE LLC
14767 N OUTER 40 RD STE 400
CHESTERFIELD MO 63017

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

CERTIFICATE OF SERVICE

I hereby certify that on May 28, 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.: 83175
Water Right No(s): 36-16759, 36-16761

HANSENS QUALITY JERSEYS LLC
277 E 700 N
RUPERT ID 83350-9580

RABO AGRIFINANCE LLC
14767 N OUTER 40 RD STE 400
CHESTERFIELD MO 63017

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



Denise Maline
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

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

(Required by Rule of Procedure 730.02)

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

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

REQUEST FOR HEARING

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

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

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

MEMORANDUM

Date: May 22, 2019
To: Transfer 83175 File
From: Bill Mills
Re: Evaluation of Sufficiency of Information Submitted

Application for transfer proposes adding a new well at a dairy facility to two commercial and stockwater ground water rights, 36-16759 and 36-16761 (combined limit of 0.30 cfs and 89.6 acre feet). These rights currently have two authorized points of diversion (PODs). The proposed well will be located at the dairy facility approximately 11.0 miles north and 3.7 miles east of the intersection of 8th St and N. Meridian in Rupert.

The proposed and existing PODs are located within the Eastern Snake Plain Aquifer (ESPA) model grid boundary. No modeling is required as the existing wells and the proposed well are in the same model grid cell. PODs and POU are within Water District 130 and the Watermaster did not oppose approval of this application.

- **Authority to File:** IDWR records indicate the applicant currently owns the water rights and the properties associated with this transfer application.
- **Water Right Validity:** Water rights 36-16759 and 36-16761 were decreed in the SRBA on 8/27/2001. Recent aerial and satellite imagery indicates the water is in use at an existing dairy facility.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated. Application was subject to public notice.
- **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

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Transfer No: 83175
Water Right No: 36-16759, etc.
Applicant Name: HANSEN'S QUALITY JERSEYS 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: May 14, 2019

Water District 130



Nathan Erickson, Watermaster

*** Proof of Publication ***

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

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

2 Insertions

ID DEPARTMENT OF WATER RESOURCES

650 ADDISON AVE W, STE 500
TWIN FALLS ID 83301

ORDER NUMBER 84739

Ruby Aufderheide
(Legals Clerk)

STATE OF IDAHO)
)SS
COUNTY OF TWIN FALLS)

On this 9 day of May 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.

Miriam King
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho 5.10.22
My Commission expires: _____

Section: Legals

Category: 50 Legal

PUBLISHED ON: 05/02/2019, 05/09/2019

TOTAL AD COST: 87.57

FILED ON: 5/9/2019



**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 83175**
HANSENS QUALITY JERSEYS LLC, 277 E 700 N, RUPERT, ID 83350-9580; has filed Application No. 83175 for changes to the following water rights within MINIDOKA County(s): Right No(s). 36-16759, 36-16761; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/ppsr/veryNewTransfers/veryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes adding a new well to two commercial and stockwater ground water rights (combined total 0.30 cfs) that currently utilize two existing wells as authorized points of diversion at an existing dairy facility. The proposed well will be located at the dairy facility approximately 11.0 miles north and 3.7 miles east of the intersection of 8th St and N. Meridian in Rupert.
For additional information concerning the property location, contact Southern Region office at (208) 736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W STE 500, TWIN FALLS ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **May 20, 2019**. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director
PUBLISH: May 2 and 9, 2019

✓ DM 5/14/2019

RECEIVED

MAY 13 2019

DEPT OF WATER RESOURCES
SOUTHERN REGION

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 84739

Publication

Times News

Contact ID DEPARTMENT OF WATER RESOURCES

Address 1 650 ADDISON AVE W, STE 500

Address 2

City St Zip TWIN FALLS ID 83301

Phone 2087363033

Fax

Section Legals

SubSection

Category 50 Legal

Ad Key 84739-1

Keywords Transfer No 83175

Notes

PO Number

Rate Legal Notice

Order Price 87.57

Amount Paid 0.00

Amount Due 87.57

Start/End Dates 05/02/2019 - 05/09/2019

Insertions 2

Size 54

Salesperson(s) Ruby Aufderheide

Taken By Ruby Aufderheide

Ad Proof

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 83175

HANSENS QUALITY JERSEYS LLC, 277 E 700 N, RUPERT, ID 83350-9580; has filed Application No. 83175 for changes to the following water rights within MINIDOKA County(s): Right No(s). 36-16759, 36-16761; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/ppsr/veryNewTransfers/veryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes adding a new well to two commercial and stockwater ground water rights (combined total 0.30 cfs) that currently utilize two existing wells as authorized points of diversion at an existing dairy facility. The proposed well will be located at the dairy facility approximately 11.0 miles north and 3.7 miles east of the intersection of 8th St and N. Meridian in Rupert.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W STE 500, TWIN FALLS ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **May 20, 2019**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

PUBLISH: May 2 and 9, 2019

Proof of legal notice received
from Times News 4/29/2019

✓ dm 4-30-2019