

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 82068**

This is to certify that: IDAHO WATER CO LLC
1135 VALLEY RD S
EDEN, ID 83325

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>
2-10017	WR/DECREED	12/4/1963	29.000 cfs	9860.0 af	2191.0	2720.0	SNAKE RIVER

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

<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>
2-2251	WR/DECREED	11/17/1964	6.080 cfs	1368.0 af	304.0	2720.0	SNAKE RIVER

Purpose of Transfer (Changes Proposed)

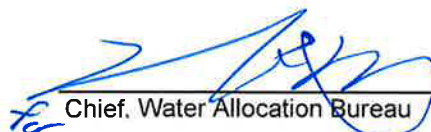
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
2-10017	YES	YES	YES	NO	NO	NO

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>
2-10017	2-10567	1.980 cfs	675.0 af	N/A	150.0	2-10017	27.020 cfs	9185.0 af	2041.0	2720.0
COMBINED TOTALS		1.980 cfs	675.0 af	N/A	150.0		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 19th day of September, 2018.


Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 2-10017

Transfer No. 82068

WATER RIGHT NO. 2-10017**As Modified by Transfer No. 82068**

In accordance with the approval of Transfer No. 82068, Water Right No. 2-10017 is now described as follows:

Right Holder: JACKIE VAN ES
DALE VAN ES
8222 DESERT DR
MARSING, ID 83639

Priority Date: 12/4/1963

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	27.020 cfs	9185.0 af
			27.020 cfs	9185.0 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER SENW Sec 30 Twp 02S Rge 01E OWYHEE County

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	
02S	01W	14											40.0	40.0			40.0		120.0
02S	01W	15				40.0					40.0			40.0	40.0	40.0	40.0	40.0	280.0
02S	01W	21																40.0	40.0
02S	01W	22	40.0	40.0	40.0	40.0	40.0			40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	560.0
02S	01W	23		40.0	40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		40.0	40.0		480.0
02S	01W	26		40.0	40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		40.0	40.0		480.0
02S	01W	27	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
02S	01W	34	40.0	40.0			40.0												120.0

Right Acre Limit: 2041.0

POU Total Acres: 2720.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 2,041 acres within the place of use described above in a single irrigation season.
2. Rights 2-2251 and 2-10017 when combined shall not exceed a total diversion rate of 27.02 cfs and the irrigation of 2,345 acres.
3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

Transfer No. 82068

WATER RIGHT NO. 2-10017
As Modified by Transfer No. 82068

CONDITIONS OF APPROVAL

4. 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. 02.
5. The period of use for the irrigation described in this approval may be extended to a beginning date of 03/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 03/15 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than 04/05/2010.
6. This right is a combination of old right nos. 2-2249, 2-2250, 2-2252, 2-2253, 2-2254, 2-2255 and 2-2256.
7. The right holder shall accomplish the change authorized by Transfer 74753 within one year of the date of the approval.
8. Failure of the right holder to comply with the conditions of Transfer 74753 is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, 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. 2-10567
As Modified by Transfer No. 82068

In accordance with the approval of Transfer No. 82068, Water Right No. 2-10567 is now described as follows:

Right Holder: DE RUYTER PROPERTIES LP
13027 SUNNYSLOPE RD
CALDWELL, ID 83607-9355

Priority Date: 12/4/1963

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE
IRRIGATION

From 03/15 **To** 11/15

Diversion Rate
1.980 cfs
1.980 cfs

Diversion Volume
675.0 af
675.0 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER L4 (NWNW) Sec 1 Twp 06S Rge 07E ELMORE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	07E	36		30.0			40.0	40.0	40.0										150.0

POU Total Acres: 150.0

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre at the field headgate for irrigation of the place of use.
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 diversion(s).
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 02.
4. This right does not grant any right-of-way or easement across the land of another.
5. This right does not create a new property right in Federally managed lands.
6. This right is a combination of old right nos. 2-2249, 2-2250, 2-2252, 2-2253, 2-2254, 2-2255 and 2-2256.

Transfer No. 82068

WATER RIGHT NO. 2-10567
As Modified by Transfer No. 82068

CONDITIONS OF APPROVAL

7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, 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. 2-2251
As Modified by Transfer No. 82068

In accordance with the approval of Transfer No. 82068, Water Right No. 2-2251 is now described as follows:

Right Holder: JACKIE VAN ES
DALE VAN ES
8222 DESERT DR
MARSING, ID 83639

Priority Date: 11/17/1964

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE

IRRIGATION

From

03/15

to

To

11/15

Diversion Rate

6.080 cfs
6.080 cfs

Diversion Volume

1368.0 af
1368.0 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER

SENW

Sec 30 Twp 02S Rge 01E OWYHEE County

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	
02S	01W	14											40.0	40.0			40.0		120.0
02S	01W	15				40.0					40.0			40.0	40.0	40.0	40.0	40.0	280.0
02S	01W	21																40.0	40.0
02S	01W	22	40.0	40.0	40.0	40.0	40.0			40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	560.0
02S	01W	23		40.0	40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		40.0	40.0		480.0
02S	01W	26		40.0	40.0		40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0		40.0	40.0		480.0
02S	01W	27	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
02S	01W	34	40.0	40.0			40.0												120.0

Right Acre Limit: 304.0

POU Total Acres: 2720.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 304 acres within the place of use described above in a single irrigation season.
2. Rights 2-2251 and 2-10017 when combined shall not exceed a total diversion rate of 27.02 cfs and the irrigation of 2,345 acres.
3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

Transfer No. 82068

WATER RIGHT NO. 2-2251
As Modified by Transfer No. 82068

CONDITIONS OF APPROVAL

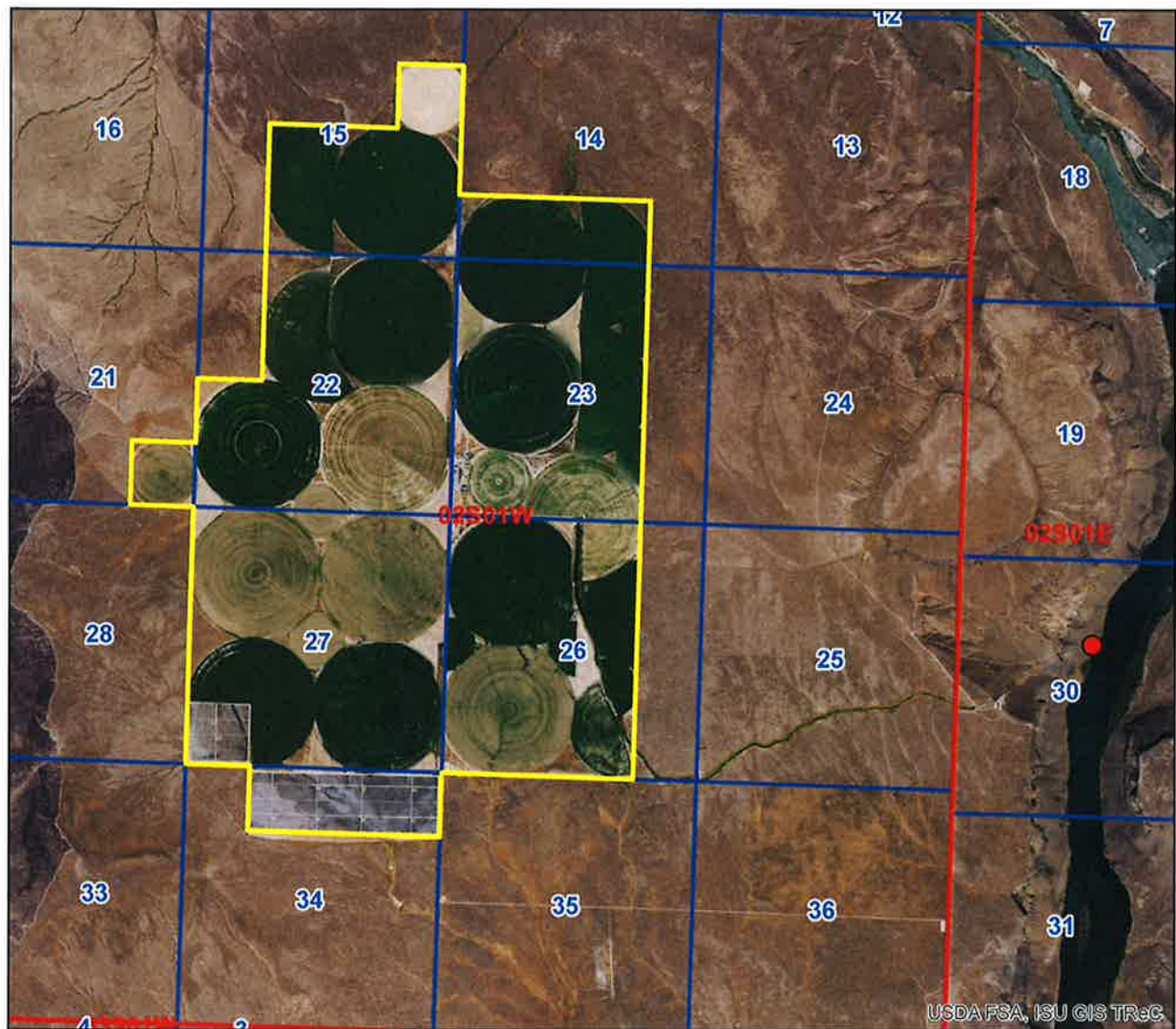
4. The period of use for the irrigation described in this approval may be extended to a beginning date of 03/01 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 03/15 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than 04/05/2010.
5. The following rights are diverted through point of diversion described above: 2-2251 and 2-10017.
6. The right holder shall accomplish the change authorized by Transfer 74753 within one year of the date of the approval.
7. Failure of the right holder to comply with the conditions of transfer 74753 is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, 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

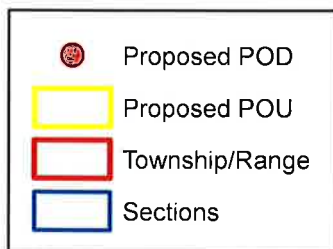
Attachment to Transfer No. 82068

Water Right(s): 2-10017

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

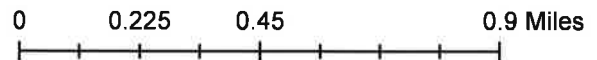
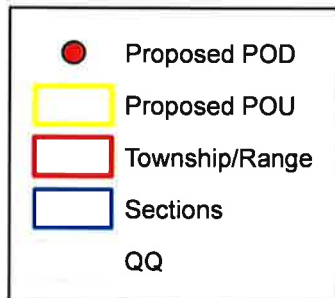
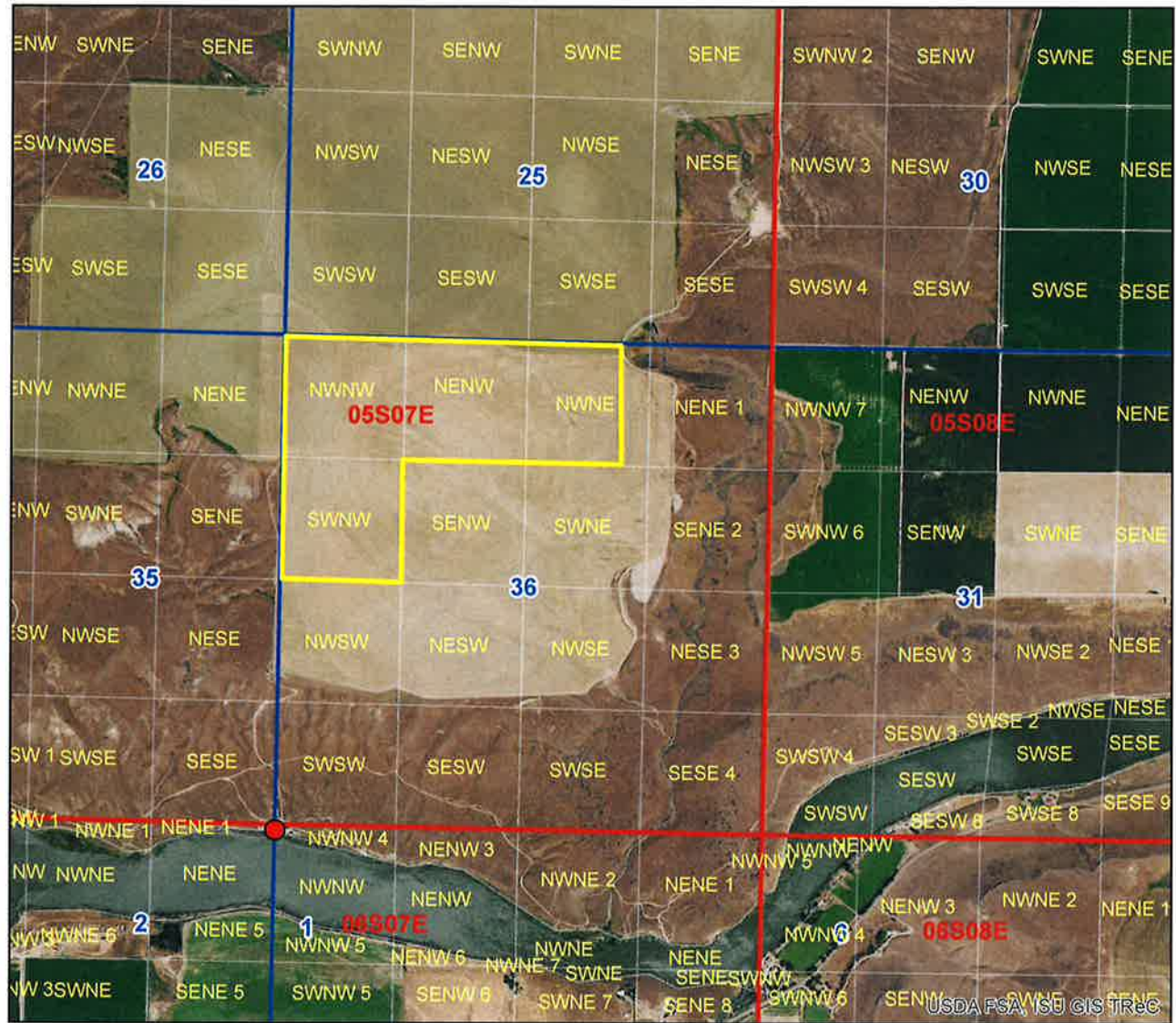


0 0.425 0.85 1.7 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer No. 82068
Water Right(s): 2-10567

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





STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BITCH" OTTER
Governor

GARY SPACKMAN
Director

September 19, 2018

IDAHO WATER CO LLC
1135 VALLEY RD S
EDEN ID 83325

Re: Transfer No: 82068
Water Right No(s): 2-2251, 2-10017

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) 334-2190.

Sincerely,

 Rachel Weedy Fox

Nick Miller

Regional Manager

Enclosure

CC:

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

DALE VAN ES
8222 DESERT DR
MARSING ID 83639

JACKIE VAN ES
8222 DESERT DR
MARSING ID 83639

WELLS FARGO FINANCIAL LEASING INC
800 WALNUT ST
MAC F4031-050
DES MOINES IA 58039

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

DE RUYTER PROPERTIES LP
13027 SUNNYSLOPE RD
CALDWELL ID 83607-9355

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
FREDRIC W PRICE

IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657

MICHAEL P LAWRENCE
GIVENS PURSLEY LLP
601 W BANNOCK ST
PO BOX 2720
BOISE ID 83701-2720

CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2018 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.: 82068
 Water Right No(s): 2-2251, 2-10017**

**IDAHO WATER CO LLC
1135 VALLEY RD S
EDEN ID 83325**

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

**DALE VAN ES
8222 DESERT DR
MARSING ID 83639**

**JACKIE VAN ES
8222 DESERT DR
MARSING ID 83639**

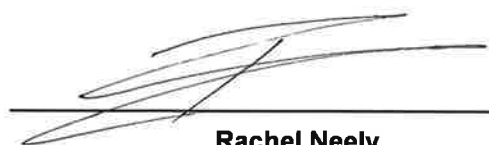
**WELLS FARGO FINANCIAL LEASING INC
800 WALNUT ST
MAC F4031-050
DES MOINES IA 58039**

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

**DE RUYTER PROPERTIES LP
13027 SUNNYSLOPE RD
CALDWELL ID 83607-9355**

**US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
FREDRIC W PRICE
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657**

**MICHAEL P LAWRENCE
GIVENS PURSLEY LLP
601 W BANNOCK ST
PO BOX 2720
BOISE ID 83701-2720**



**Rachel Neely
Administrative Assistant**



**Rabo
AgriFinance**

Office Address 6919 Chancellor Drive
Cedar Falls, IA 50613

Tel 208-442-2268

Fax 319-268-8375

www.RaboAg.com

February 28, 2018

IDWR Western Region
2735 W. Airport Way
Boise, Idaho 83705

RECEIVED

MAR 02 2018

**WATER RESOURCES
WESTERN REGION**

RE: Water Right Number 2-10017

Dear Persons,

Please be advised that Rabo AgriFinance LLC (hereafter "RAF") holds a perfected security interest in the entire water right listed above owned by Dale Van Es and Jackie Van Es (individually and collectively hereafter "Van Es").

RAF is consenting to and authorizing the partial release of the above captioned water right, up to a maximum of 675 afa at 1.98 cfs, only as it pertains to the portion of the water rights for the water associated with and attached to the below parcels specifically identified as follows:

1. T2S R1W SEC 27 SWSW 34ac
2. T2S R1W SEC 27 SWSE 1.7ac
3. T2S R1W SEC 27 SESW .7ac
4. T2S R1W SEC 27 SESE .6ac
5. T2S R1W SEC 34 NENE 35ac
6. T2S R1W SEC 34 NENW 38ac
7. T2S R1W SEC 34 NWNE 40ac

You are authorized to release the RAF lien as to the above portion of Water Right Number 2-10017 up to a maximum of 675 afa at 1.98 cfs but this release shall not in any manner affect the remainder of Water Right Number 2-10017 nor any other water right held by Van Es pledged to RAF.

You may contact me at (208)442-2268 if you have any questions.

Sincerely,



Sean Van Elderen
Relationship Manager
Rabo AgriFinance



Rabo
AgriFinance

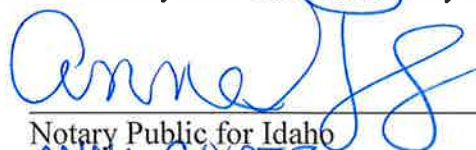
ACKNOWLEDGMENT

STATE OF IDAHO)

County of CANYON ss.)

On the 1st day of MARCH 2018, before me, the undersigned Notary Public, personally appeared SEAN VAN ELDEREN, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that s/he executed the same.

IN WITNESS WHEREOF, I have set my hand and seal the day and year as above written.



Notary Public for Idaho

ANNA GOMEZ

Residing at CALDWELL, ID

Commission Expires: 10/11/2019

ANNA GOMEZ
Notary Public
State of Idaho