

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 82308**

This is to certify that: **WILSON CREEK CATTLE FEEDER LLC**
12353 FEEDLOT DR
MELBA, ID 83641

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>
57-2214	WR/DECREED	3/19/1956	0.520 cfs	N/A	N/A	N/A	GROUND WATER
57-2215	WR/DECREED	3/19/1956	0.700 cfs	N/A	N/A	N/A	GROUND WATER
57-2303	WR/DECREED	9/22/1966	0.980 cfs	N/A	N/A	N/A	GROUND WATER
57-7227	WR/DECREED	12/22/1978	0.220 cfs	N/A	N/A	N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

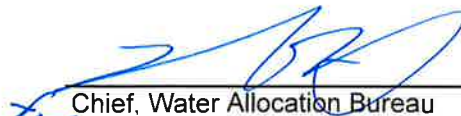
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
57-2214	NO	NO	NO	YES	NO	NO
57-2215	NO	NO	NO	YES	NO	NO
57-2303	NO	NO	NO	YES	NO	NO
57-7227	NO	NO	NO	YES	NO	NO

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>
57-2214	57-2214	0.520 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
57-2215	57-2215	0.700 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
57-2303	57-2303	0.980 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
57-7227	57-7227	0.220 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		2.300 cfs	201.0 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 19th day of November, 2018.



Chief, Water Allocation Bureau

Transfer No. 82308

SUPPORT DATA
IN FILE # 57-2214

WATER RIGHT NO. 57-2214**As Modified by Transfer No. 82308**

In accordance with the approval of Transfer No. 82308, Water Right No. 57-2214 is now described as follows:

Right Holder: WILSON CREEK CATTLE FEEDER LLC
12353 FEEDLOT DR
MELBA, ID 83641

Priority Date: 3/19/1956

Source: GROUND WATER

BENEFICIAL USE	From	To	Diversion Rate	Diversion Volume
DOMESTIC	1/01	to 12/31	0.120 cfs	3.6 af
STOCKWATER	1/01	to 12/31	0.400 cfs	
			0.520 cfs	

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENW	Sec 10 Twp 01S Rge 03W OWYHEE County
GROUND WATER	NWNW	Sec 10 Twp 01S Rge 03W OWYHEE County
GROUND WATER	L2 (SENE)	Sec 9 Twp 01S Rge 03W OWYHEE County
GROUND WATER	SWNE	Sec 9 Twp 01S Rge 03W OWYHEE County
GROUND WATER	SENE	Sec 9 Twp 01S Rge 03W OWYHEE County

PLACE OF USE: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	03W	9								X									

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	03W	9	X		X	X				X									
01S	03W	10					X	X	X										

CONDITIONS OF APPROVAL

1. Rights 57-2214, 57-2215, 57-2303 and 57-7227 when combined shall not exceed a total diversion rate of 2.30 cfs, a total annual maximum diversion volume of 201.0 af.
2. 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. 82308

WATER RIGHT NO. 57-2214

As Modified by Transfer No. 82308

CONDITIONS OF APPROVAL

3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. This right does not grant any right-of-way or easement across the land of another.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.



WATER RIGHT NO. 57-7227**As Modified by Transfer No. 82308**

In accordance with the approval of Transfer No. 82308, Water Right No. 57-7227 is now described as follows:

Right Holder: WILSON CREEK CATTLE FEEDER LLC
12353 FEEDLOT DR
MELBA, ID 83641

Priority Date: 12/22/1978

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
STOCKWATER	1/01	to 12/31	0.220 cfs
			0.220 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENW	Sec 10 Twp 01S Rge 03W OWYHEE County
GROUND WATER	NWNW	Sec 10 Twp 01S Rge 03W OWYHEE County
GROUND WATER	L2 (SENE)	Sec 9 Twp 01S Rge 03W OWYHEE County
GROUND WATER	SWNE	Sec 9 Twp 01S Rge 03W OWYHEE County
GROUND WATER	SENW	Sec 9 Twp 01S Rge 03W OWYHEE County

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	03W	9	X		X	X				X									
01S	03W	10					X	X	X										

CONDITIONS OF APPROVAL

1. Rights 57-2214, 57-2215, 57-2303 and 57-7227 when combined shall not exceed a total diversion rate of 2.30 cfs, a total annual maximum diversion volume of 201.0 af.
2. 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.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. This right does not grant any right-of-way or easement across the land of another.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 82308

WATER RIGHT NO. 57-7227
As Modified by Transfer No. 82308

CONDITIONS OF APPROVAL

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



WATER RIGHT NO. 57-2215**As Modified by Transfer No. 82308**

In accordance with the approval of Transfer No. 82308, Water Right No. 57-2215 is now described as follows:

Right Holder: WILSON CREEK CATTLE FEEDER LLC
12353 FEEDLOT DR
MELBA, ID 83641

Priority Date: 3/19/1956

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
STOCKWATER	1/01	to 12/31	0.700 cfs
			0.700 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENW	Sec 10 Twp 01S Rge 03W OWYHEE County
GROUND WATER	NWNW	Sec 10 Twp 01S Rge 03W OWYHEE County
GROUND WATER	L2 (SENE)	Sec 9 Twp 01S Rge 03W OWYHEE County
GROUND WATER	SWNE	Sec 9 Twp 01S Rge 03W OWYHEE County
GROUND WATER	SENE	Sec 9 Twp 01S Rge 03W OWYHEE County

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	03W	9	X		X	X				X									
01S	03W	10					X	X	X										

CONDITIONS OF APPROVAL

1. Rights 57-2214, 57-2215, 57-2303 and 57-7227 when combined shall not exceed a total diversion rate of 2.30 cfs, a total annual maximum diversion volume of 201.0 af.
2. 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.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. This right does not grant any right-of-way or easement across the land of another.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 82308

WATER RIGHT NO. 57-2215
As Modified by Transfer No. 82308

CONDITIONS OF APPROVAL

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



WATER RIGHT NO. 57-2303**As Modified by Transfer No. 82308**

In accordance with the approval of Transfer No. 82308, Water Right No. 57-2303 is now described as follows:

Right Holder: WILSON CREEK CATTLE FEEDER LLC
12353 FEEDLOT DR
MELBA, ID 83641

Priority Date: 9/22/1966

Source: GROUND WATER

BENEFICIAL USE

STOCKWATER

From

1/01

To

to 12/31

Diversion Rate

0.980 cfs

0.980 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NENW	Sec 10 Twp 01S Rge 03W OWYHEE County
GROUND WATER	NWNW	Sec 10 Twp 01S Rge 03W OWYHEE County
GROUND WATER	L2 (SENE)	Sec 9 Twp 01S Rge 03W OWYHEE County
GROUND WATER	SWNE	Sec 9 Twp 01S Rge 03W OWYHEE County
GROUND WATER	SENE	Sec 9 Twp 01S Rge 03W OWYHEE County

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	03W	9	X		X	X				X									
01S	03W	10					X	X	X										

CONDITIONS OF APPROVAL

1. Rights 57-2214, 57-2215, 57-2303 and 57-7227 when combined shall not exceed a total diversion rate of 2.30 cfs, a total annual maximum diversion volume of 201.0 af.
2. 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.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. This right does not grant any right-of-way or easement across the land of another.
5. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

WATER RIGHT NO. 57-2303
As Modified by Transfer No. 82308

CONDITIONS OF APPROVAL

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



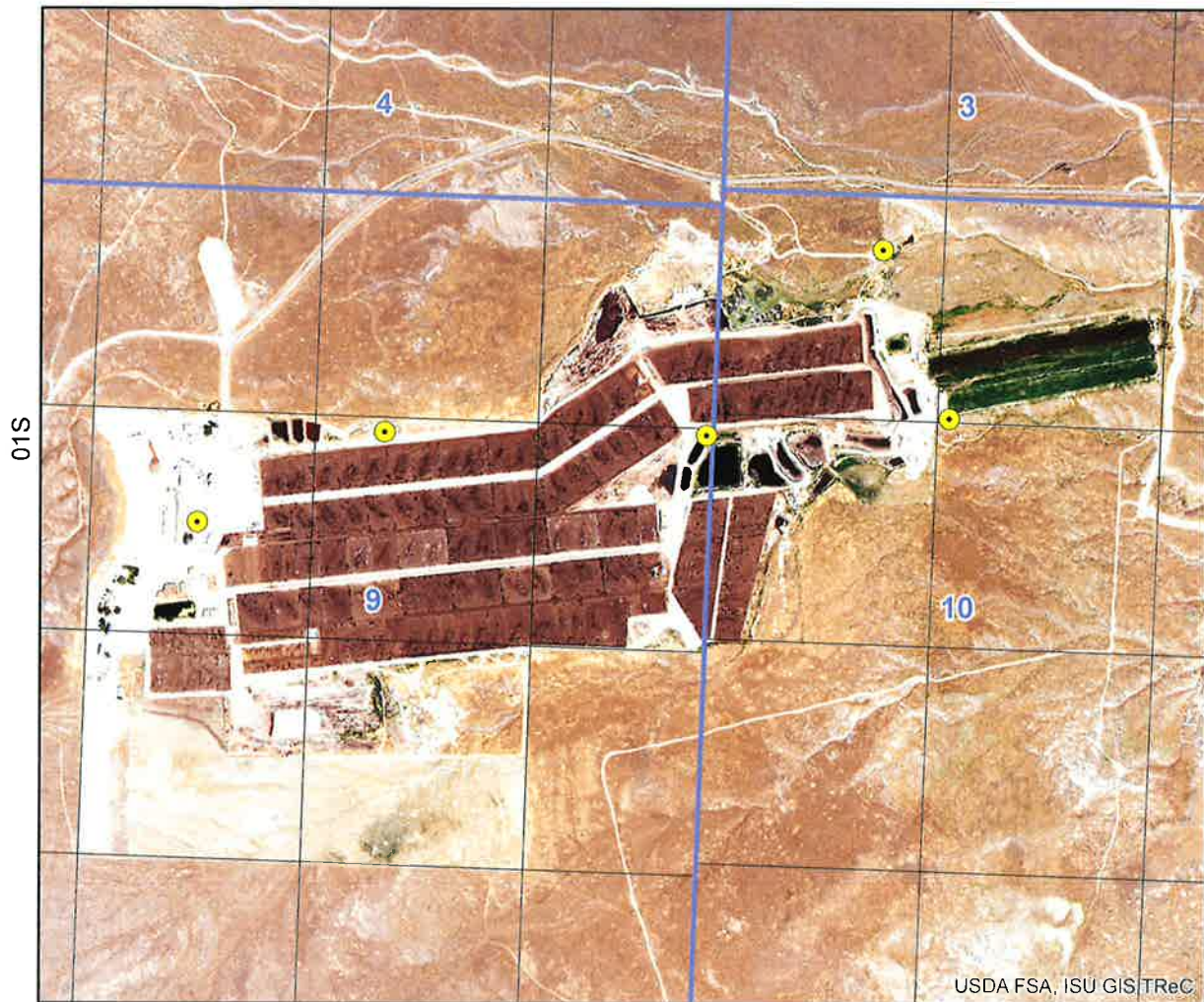
State of Idaho
Department of Water Resources

Attachment to Water Right Transfer 82308

57-2214, 57-2215, 57-2303 and 57-7227

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

03W



0 0.125 0.25 0.5 Miles

-  Points of Diversion
-  Townships
-  PLS Sections



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
APR 20 2018
WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☐ Ownership change ☐ Ownership split

1. **APPLICANT(S)** Wilson Creek Cattle Feeders LLC Phone 208-495-2315
2. **MAILING ADDRESS** 12353 Feedlot Dr. City MELBA
State ID Zip 83641 Email NIXON@WilsonCreekFeeders.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 57-7227, 57-2214, 57-2215, 57-2303,
57-11882 permit

- ☐ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 4.5 CFS cubic feet per second and/or _____ acre-feet per annum.
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

New?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
X			NE	NW	10	1S	3W	Owyhee	G.W.	D-60 77351
			SE	NW	9	1S	3W			
			SW	NE	9	1S	3W			
	2		SE	NE	9	1S	3W			
			NW	NW	10	1S	3W			

6. 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:

Ground water well

- b. Who owns the property at the point(s) of diversion? Wilson Creek Sattle Feeders LLC
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. 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 used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** - ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The *Map Tool*, available at maps.idwr.idaho.gov/TransferApplicationLayouts/ provides a satisfactory template for creating the required map.

8. **SIGNATURE** - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

Signature of applicant or authorized agent

JOHN HEPTON, MANAGER
Print name and title if applicable

Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** - ☐ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The Fee Schedule is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the Application for Transfer Instructions.

\$ 820.00

FOR DEPARTMENT USE ONLY

Transfer includes 9 pages of attachments.

Received by CS

Date 4/20/18

Fee paid \$820.00 Date 4/20/18

Received by CS

Receipt # W046254

Preliminary review by P. Kelly

Date 4-26-2018

Active in the Water Supply Bank? Yes ☐ No ☒

W-9 received? Yes ☐ No ☐

Name on W-9

W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

4/17/2018

Water Right 57-2214

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WILSON CREEK CATTLE FEEDER LLC 913 N ROBINSON BLVD NAMPA, ID 83687 (208) 442-1898
Directors Report Owner	JACOBSON FEEDLOTS INC 12593 WILSON CREEK RD MELBA, ID 83641-4190 (208) 495-2315
Original Owner	LIBBIE G YOUNG CALDWELL, ID 83605
Previous Owner	OWYHEE FEEDERS INC 12353 FEEDLOT DR MELBA, ID 83641-4188
Security Interest	BANNER BANK 950 W BANNOCK STE 101 BOISE, ID 83702

Priority Date: 3/19/1956

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	1/01	12/31	0.400 CFS	
DOMESTIC	1/01	12/31	0.120 CFS	3.6 AF
	<u>Total Diversion</u>		0.520 CFS	

Source and Point(s) of Diversion

GROUND WATER	SWSNW	Sec. 9, Twp 01S, Rge 03W, OWYHEE County
GROUND WATER	SWNW	Sec. 10, Twp 01S, Rge 03W, OWYHEE County

Place Of Use

DOMESTIC within OWYHEE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	03W	9								X									

STOCKWATER within OWYHEE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

4/17/2018

01S	03W	9	X		X	X				X								
01S	03W	10					X	X	X									

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.30 CFS. COMBINED RIGHT NOS.: 57-02215, 57-02303 & 57-07227 USE OF THIS RIGHT WITH RIGHTS LISTED ABOVE IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 201.0 AF.
2. STOCKWATER, 15000 HEAD FEEDLOT
3. C04 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Comments:

1. D&S-DSHA 10/2/1996 D&S CONDITION CODE UPDATE
CONDITION CODE N11 ADDED CONDITION CODE N13 ADDED
2. SSHERMAN 5/13/1997 OWNERSHIP CHANGE
FORM 42-248/42-1409(6) OWNERSHIP CHANGE, JACOBSON FEEDLOTS TO OWYHEE FEEDERS 5/8/1997.
3. mciscell 11/5/2014 POD
PODID 421537 correlated from SpatialDataID 22723 to SpatialDataID 444241

Dates and Other Information

Decreed Date: 9/11/1997
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
2.300	201.0	
57-7227 ,57-2214 ,57-2215 ,57-2303		

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

4/17/2018

Water Right 57-2215

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WILSON CREEK CATTLE FEEDER LLC 913 N ROBINSON BLVD NAMPA, ID 83687 (208) 442-1898
Directors Report Owner	JACOBSON FEEDLOTS INC 12593 WILSON CREEK RD MELBA, ID 83641-4190 (208) 495-2315
Original Owner	EDWARD G YOUNG CALDWELL, ID 83605
Previous Owner	OWYHEE FEEDERS INC 12353 FEEDLOT DR MELBA, ID 83641-4188
Security Interest	BANNER BANK 950 W BANNOCK STE 101 BOISE, ID 83702

Priority Date: 3/19/1956

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	1/01	12/31	0.700 CFS	
	<u>Total Diversion</u>		0.700 CFS	

Source and Point(s) of Diversion

GROUND WATER SWNW Sec. 10, Twp 01S, Rge 03W, OWYHEE County

Place Of Use

STOCKWATER within OWYHEE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	03W	9	X		X	X				X									
01S	03W	10					X	X	X										

Conditions of Approval:

- USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.30 CFS. COMBINED RIGHT NOS.: 57-02214,

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

4/17/2018

- 57-02303 & 57-07227 USE OF THIS RIGHT WITH RIGHTS LISTED ABOVE IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 201.0 AF.
2. STOCKWATER, 15000 HEAD FEEDLOT

Comments:

1. STK-PROD 10/30/1996 D&S STK-BLM UPDATE
USE-NOT-IRRIGATION FIELD TEXT DELETED AND MADE EXP REMARK. CONDITION CODES N11 AND N13 ADDED IF NOT ALREADY PART OF RECORD. ANY GEN REMARK CHANGED TO EXP REMARK. IF BLM/USFS, DELETED L12.
2. SSHERMAN 5/13/1997 OWNERSHIP CHANGE
FORM 42-248/42-1409(6) OWNERSHIP CHANGE, JACOBSON FEEDLOTS TO OWYHEE FEEDERS 5/8/1997.
3. mciscell 11/5/2014 POD
PODID 427209 correlated from SpatialDataID 22723 to SpatialDataID 444241

Dates and Other Information

Decreed Date: 9/11/1997
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
2.300	201.0	
57-7227 ,57-2214 ,57-2215 ,57-2303		

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

4/17/2018

Water Right 57-2303

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WILSON CREEK CATTLE FEEDER LLC 913 N ROBINSON BLVD NAMPA, ID 83687 (208) 442-1898
Directors Report Owner	JACOBSON FEEDLOTS INC 12593 WILSON CREEK RD MELBA, ID 83641-4190 (208) 495-2315
Original Owner	J SHERAL JOHNSTON 16947 BATES CREEK RD MURPHY, ID 83650-5062 (208) 834-2559
Original Owner	ELMER O JOHNSTON OREANA, ID 83659
Previous Owner	OWYHEE FEEDERS INC 12353 FEEDLOT DR MELBA, ID 83641-4188
Security Interest	BANNER BANK 950 W BANNOCK STE 101 BOISE, ID 83702

Priority Date: 9/22/1966

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	1/01	12/31	0.980 CFS	
	<u>Total Diversion</u>		0.980 CFS	

Source and Point(s) of Diversion

GROUND WATER	SWNW	Sec. 10, Twp 01S, Rge 03W, OWYHEE County
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Place Of Use

STOCKWATER within OWYHEE County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	03W	9	X		X	X				X									
01S	03W	10					X	X	X										

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

4/17/2018

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.30 CFS. COMBINED RIGHT NOS.: 57-02214, 57-02215 & 57-07227 USE OF THIS RIGHT WITH RIGHTS LISTED ABOVE IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 201.0 AF.
2. STOCKWATER, 15000 HEAD FEEDLOT

Comments:

1. MCCARTHY 12/10/1991 COPIED FROM REMARKS
LAND DIFFERS FROM LICENSE, BECAUSE LAND WAS PUT INTO STOCKYARDS.
2. STK-PROD 10/30/1996 D&S STK-BLM UPDATE
USE-NOT-IRRIGATION FIELD TEXT DELETED AND MADE EXP REMARK. CONDITION CODES N11 AND N13 ADDED IF NOT ALREADY PART OF RECORD. ANY GEN REMARK CHANGED TO EXP REMARK. IF BLM/USFS, DELETED L12.
3. SSHERMAN 5/13/1997 OWNERSHIP CHANGE
FORM 42-248/42-1409(6) OWNERSHIP CHANGE, JACOBSON FEEDLOTS TO OWYHEE FEEDERS.
4. mciscell 11/5/2014 POD
PODID 427210 correlated from SpatialDataID 22723 to SpatialDataID 444241

Dates and Other Information

Decreed Date: 9/11/1997
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
2.300	201.0	
57-7227 ,57-2214 ,57-2215 ,57-2303		

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

4/17/2018

Water Right 57-7227

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WILSON CREEK CATTLE FEEDER LLC 913 N ROBINSON BLVD NAMPA, ID 83687 (208) 442-1898
Directors Report Owner	JACOBSON FEEDLOTS INC 12593 WILSON CREEK RD MELBA, ID 83641-4190 (208) 495-2315
Original Owner	CONNECTICUT MUTUAL LIFE INSURANCE CO 140 N GARDEN ST HARTFORD, CT 06115
Original Owner	FARMERS CATTLE CO STAR RT MELBA, ID 83641
Previous Owner	OWYHEE FEEDERS INC 12353 FEEDLOT DR MELBA, ID 83641-4188
Security Interest	BANNER BANK 950 W BANNOCK STE 101 BOISE, ID 83702

Priority Date: 12/22/1978

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	1/01	12/31	0.220 CFS	
	<u>Total Diversion</u>		0.220 CFS	

Source and Point(s) of Diversion

GROUND WATER	SWNE	Sec. 9, Twp 01S, Rge 03W,	OWYHEE County
GROUND WATER	SENW	Sec. 9, Twp 01S, Rge 03W,	OWYHEE County
GROUND WATER	NWNW	Sec. 10, Twp 01S, Rge 03W,	OWYHEE County
GROUND WATER	SENE	Sec. 9, Twp 01S, Rge 03W,	OWYHEE County

Place Of Use

STOCKWATER within OWYHEE County

	NE	NW	SW	SE
--	----	----	----	----

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

4/17/2018

Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01S	03W	9	X		X	X				X									
01S	03W	10					X	X	X										

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NOS. 57-02214, 57-02215 AND 57-02303 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.30 CFS AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 201.0 AF.
2. STOCKWATER, 15000 HEAD FEEDLOT

Comments:

1. MCCARTHY 12/10/1991 COPIED FROM REMARKS
SAME QUANTITY AS BENEFICIAL USE REPORT. ITEM 7.
2. SSHERMAN 5/13/1997 OWNERSHIP CHANGE
FORM 42-248/42-1409(6) OWNERSHIP CHANGE, JACOBSON FEEDLOTS TO OWYHEE FEEDERS 5/8/1997.
3. mciscell 11/5/2014 POD
PODID 378630 correlated from SpatialDataID 22746 to SpatialDataID 430618

Dates and Other Information

Decreed Date: 9/9/1997
 Civil Case Number: 39576
 Judicial District: FIFTH
 State or Federal: S
 Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
2.300	201.0	
57-7227 ,57-2214 ,57-2215 ,57-2303		

SubCase:

N/A

Water Supply Bank:

N/A



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. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 19, 2018

WILSON CREEK CATTLE FEEDER LLC
12353 FEEDLOT DR
MELBA ID 83641

Re: Transfer No: 82308
Water Right Nos: 57-2214, 57-2215, 57-2303, 57-7227

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,

A handwritten signature in cursive script that reads "Anna Kaiser".

Anna Kaiser
Office Specialist

Enclosure

CC:
BANNER BANK
950 W BANNOCK STE 101
BOISE ID 83702

CERTIFICATE OF SERVICE

I hereby certify that on November 19, 2018 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the persons listed below:

Re: Transfer No: 82308

Water Right Nos: 57-2214, 57-2215, 57-2303, 57-7227

**WILSON CREEK CATTLE FEEDER LLC
12353 FEEDLOT DR
MELBA ID 83641**

**BANNER BANK
950 W BANNOCK STE 101
BOISE ID 83702**

A handwritten signature in cursive script, reading "Anna Kaiser", is positioned above a horizontal line.

**Anna Kaiser
Office Specialist**

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

TO: Sascha Marston
FROM: Patrick Kelly
DATE: 5/17/2018
RE : **Refund Request**

Wilson Creek Cattle Feeders paid \$820.00 for an Application for transfer on 4/20/2018. The application was reviewed and found that the fee should be based on a combined diversion rate of 2.3 cfs on 4/26/2018. A partial refund should be issued.

Please issue a \$160 refund to the **payer** as follows:

TO

WILSON CREEK CATTLE FEEDERS LLC
12353 FEEDLOT DR
MELBA ID 83641

TEL. 208-495-2315

RECEIPT

W046254, copy attached

MEMORANDUM

TO: Transfer No. 82308
FROM: Patrick Kelly
DATE: 4/26/18
RE: Evaluation of Application

Summary of Information Submitted

Narrative: Transfer No, 82308 proposes to add one point of diversion to the stockwater system. The application map clearly outlines the location of all the wells on the system. Shapes for the POD's pre transfer need to be updated to reflect the actual location of the wells.

Water right permit 57-11882 was included in the transfer, however since the permit already recognizes the new POD location, changes to the permit are not warranted at this time and can be ignored.

The applicant paid a fee of \$820 for 4.5 cfs. The rights are limited to a combined use of 2.3 cfs which only requires a fee of \$660. A refund to the applicant of \$160 will be requested by department staff.

Authority to File: The application was filed in the name of Wilson Creek Cattle Feeders LLC. The company is the current owner of the rights. The application was signed by a John Hepton. ID SOS records indicate Mr. Hepton is the acting Manager of the company.

Water Right Validity: Water rights were decreed in 2007. Review of 2015 aerial imagery show dairy structures present associated with the POU. The rights are presumed to be valid.

Overlap Analysis: POU comparison finds no stockwater overlap. All rights relevant to the company are included in the transfer and no other rights should be considered.

Injury to Other Water Rights: None anticipated. Delivery methods historically made to the place of use is not changing. Water right permit 57-11882 includes the proposed QQ and was recently advertised without protest.

Enlargement of Use: None anticipated. Combined use limits are identified on all rights pertinent to the transfer. The pre transfer combined use limit of 2.30 cfs and 201.0 af is being maintained on the draft approval.

Local Public Interest: No issues found. The rights contain a security interest holder from Banner Bank until September of 2019. Adding a POD to the system should not negatively impact the value of the right and so an objection from the bank is not anticipated. The bank will receive an approval notice of the transfer.

Beneficial Use/Conservation of Water Resources: The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Summary: Assuming other information not discovered by this review does not contradict the above analysis, the application can be approved as reflected by the draft approval.