

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 82044**

This is to certify that: **SEVY DAIRY INC**
7808 SOMMERCAMP RD
GIVENS HOT SPRINGS, 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>
2-10540	WR/DECREED	3/21/1958	3.440 cfs	861.0 af	N/A	172.2	SNAKE RIVER
2-10541	WR/DECREED	9/22/1967	0.470 cfs	170.0 af	34.0	34.0	SNAKE RIVER
2-10544	WR/DECREED	2/16/1973	0.100 cfs	50.7 af	N/A	21.5	SNAKE RIVER
2-2305	WR/DECREED	5/14/1964	5.190 cfs	N/A	N/A	259.0	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>
2-10540	NO	NO	YES	NO	NO	NO
2-10541	NO	NO	YES	NO	NO	NO
2-10544	NO	YES	YES	NO	NO	NO
2-2305	NO	NO	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>
2-10540	2-10540	3.440 cfs	861.0 af	172.2	628.0	N/A	N/A	N/A	N/A	N/A
2-10541	2-10541	0.470 cfs	170.0 af	34.0	628.0	N/A	N/A	N/A	N/A	N/A
2-10544	2-10544	0.100 cfs	50.7 af	21.5	628.0	N/A	N/A	N/A	N/A	N/A
2-2305	2-2305	5.190 cfs	1395.0 af	259.0	628.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		9.200 cfs	2476.7 af	486.7	628.0		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 22nd day of May, 2018.



Chief, Water Allocation Bureau

Transfer No. 82044

SUPPORT DATA

IN FILE # 2-2305

WATER RIGHT NO. 2-10544
As Modified by Transfer No. 82044

In accordance with the approval of Transfer No. 82044, Water Right No. 2-10544 is now described as follows:

Right Holder: SEVY DAIRY INC
 7808 SOMMERCAMP RD
 GIVENS HOT SPRINGS, ID 83641

Priority Date: 2/16/1973

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE
 IRRIGATION

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

Diversion Rate
 0.100 cfs
 0.100 cfs

Diversion Volume
 50.7 af
 50.7 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER L4 (SWSE) Sec 26 Twp 02N Rge 04W 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	
02N	04W	26										7.0	33.0						40.0
												L 3							
02N	04W	27				27									40		25	34	126
02N	04W	34		34.0	40.0		34.0	32.0	32.0	36.0									208.0
02N	04W	35			40	16	31	35	40	39	29	24							254
						L 2													

Right Acre Limit: 21.5
 POU Total Acres: 628.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 21.5 acres within the authorized place of use in a single irrigation season.
2. Rights 2-2305, 2-10540, 2-10541 and 2-10544 when combined shall not exceed a total irrigation of 486.7 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
4. 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. 82044

WATER RIGHT NO. 2-10544
As Modified by Transfer No. 82044

CONDITIONS OF APPROVAL

5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than 8/10/2010.
6. This right does not grant any right-of-way or easement across the land of another.
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. 2-2305
As Modified by Transfer No. 82044

In accordance with the approval of Transfer No. 82044, Water Right No. 2-2305 is now described as follows:

Right Holder: SEVY DAIRY INC
 7808 SOMMERCAMP RD
 GIVENS HOT SPRINGS, ID 83641

Priority Date: 5/14/1964

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	5.190 cfs	1395.0 af
			5.190 cfs	1395.0 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER L4 (SWSE) Sec 26 Twp 02N Rge 04W 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	
02N	04W	26										7.0	33.0						40.0
												L 3							
02N	04W	27				27									40		25	34	126
02N	04W	34		34.0	40.0		34.0	32.0	32.0	36.0									208.0
02N	04W	35			40	16	31	35	40	39	29	24							254
						L 2													

Right Acre Limit: 259.0

POU Total Acres: 628.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 259.0 acres within the authorized place of use in a single irrigation season.
2. Rights 2-2305, 2-10540, 2-10541 and 2-10544 when combined shall not exceed a total irrigation of 486.7 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
4. 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. 82044

WATER RIGHT NO. 2-2305
As Modified by Transfer No. 82044

CONDITIONS OF APPROVAL

5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/15 is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than 6/15/2009.
6. This right does not grant any right-of-way or easement across the land of another.
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. 2-10540
As Modified by Transfer No. 82044

In accordance with the approval of Transfer No. 82044, Water Right No. 2-10540 is now described as follows:

Right Holder: SEVY DAIRY INC
 7808 SOMMERCAMP RD
 GIVENS HOT SPRINGS, ID 83641

Priority Date: 3/21/1958

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	04/01	to 10/31	3.440 cfs	861.0 af
			3.440 cfs	861.0 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER L4 (SWSE) Sec 26 Twp 02N Rge 04W 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	
02N	04W	26										7.0	33.0						40.0
												L 3							
02N	04W	27				27									40		25	34	126
02N	04W	34		34.0	40.0		34.0	32.0	32.0	36.0									208.0
02N	04W	35			40	16	31	35	40	39	29	24							254
						L 2													

Right Acre Limit: 172.2

POU Total Acres: 628.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 172.2 acres within the authorized place of use in a single irrigation season.
2. Rights 2-2305, 2-10540, 2-10541 and 2-10544 when combined shall not exceed a total irrigation of 486.7 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
4. 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. 82044

WATER RIGHT NO. 2-10540
As Modified by Transfer No. 82044

CONDITIONS OF APPROVAL

5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 9/28/2009.
6. This right does not grant any right-of-way or easement across the land of another.
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. 2-10541**As Modified by Transfer No. 82044**

In accordance with the approval of Transfer No. 82044, Water Right No. 2-10541 is now described as follows:

Right Holder: SEVY DAIRY INC
7808 SOMMERCAMP RD
GIVENS HOT SPRINGS, ID 83641

Priority Date: 9/22/1967

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	02/01	to 12/01	0.470 cfs	170.0 af
			0.470 cfs	170.0 af

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER L4 (SWSE) Sec 26 Twp 02N Rge 04W 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	
02N	04W	26										7.0	33.0						40.0
												L 3							
02N	04W	27				27									40		25	34	126
02N	04W	34		34.0	40.0		34.0	32.0	32.0	36.0									208.0
02N	04W	35			40	16	31	35	40	39	29	24							254
						L 2													

Right Acre Limit: 34.0

POU Total Acres: 628.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 34.0 acres within the authorized place of use in a single irrigation season.
2. Rights 2-2305, 2-10540, 2-10541 and 2-10544 when combined shall not exceed a total irrigation of 486.7 acres.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
4. 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.
5. This right does not grant any right-of-way or easement across the land of another.

Transfer No. 82044

WATER RIGHT NO. 2-10541
As Modified by Transfer No. 82044

CONDITIONS OF APPROVAL

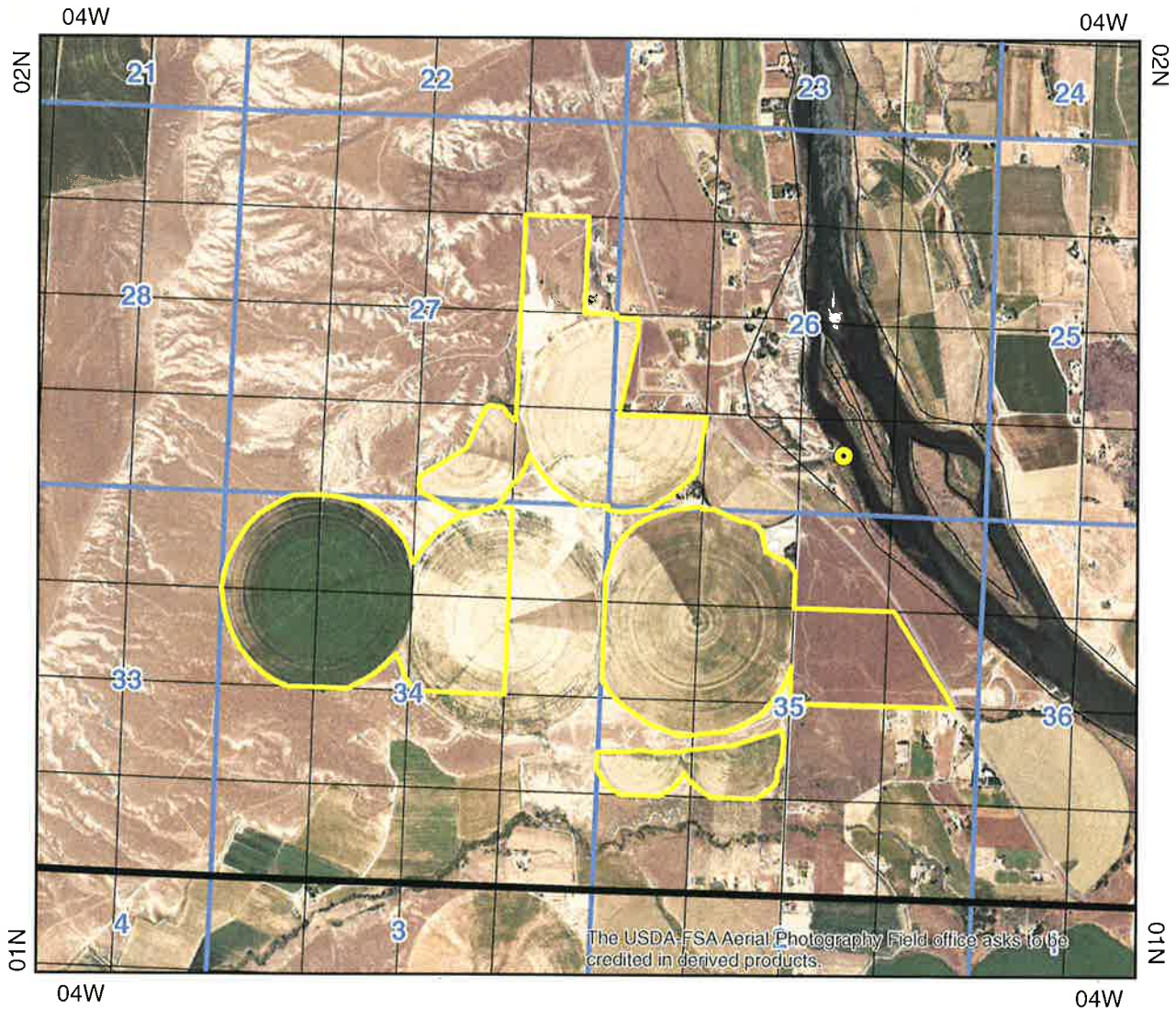
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho 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 Water Right Transfer 82044

2-2305, 2-10540, 2-10541 and 2-10544

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.



- Point of Diversion
- Permissible Place Of Use Boundary
- Townships
- PLS Sections

0 0.3 0.6 1.2 Miles





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 SPACEMAN
Director

May 22, 2018

SEVY DAIRY INC
7808 SOMMERCAMP RD
GIVENS HOT SPRINGS ID 83641

Re: Transfer No: 82044
Water Right No(s): 2-2305, 2-10540, 2-10541, 2-10544

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 Neely for.

Nick Miller

Regional Manager

Enclosure

CC:

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

D L EVANS BANK
PO BOX 87
TWIN FALLS ID 83303-0087

CERTIFICATE OF SERVICE

I hereby certify that on May 22, 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.: 82044

Water Right No(s): 2-2305, 2-10540, 2-10541, 2-10544

**SEVY DAIRY INC
BETHANY SEVY
7808 SOMMERCAMP RD
GIVENS HOT SPRINGS ID 83641**

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

**D L EVANS BANK
PO BOX 87
TWIN FALLS ID 83303-0087**



**Rachel Neely
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

TO: Transfer No. 82044
FROM: Patrick Kelly
DATE: 5/14/2018
RE: Evaluation of Application

Summary of Information Submitted

Transfer No, 82044 proposes to create a 628 acre PPU for 4 water rights (2-2305, 2-10540, 2-10541 and 2-10544) with a 486.7 acre limit and proposes a change to a legal description for one point of diversion as described below. Changes to physical diversions or irrigation methods are not proposed. The farm is located 4.5 miles south of Marsing, off the west banks of the Snake River.

The 2.67 cfs proposed to be changed is based on the total rights rate per acre ($9.20 \text{ cfs} / 486.7 = 0.019$) by the number of acres that are proposed to change ($628 - 486.7 = 141.3$) or $0.0189 * 141.3 = 2.67 \text{ cfs}$. The fee of \$660 that was received with the transfer matches the required schedule for 2.01 – 3.00 cfs.

Bethany Sevy is the contact for the farm and can be reached at 208-921-2373.

141.3 acres within the PPU are being applied for under application for permit 2-10547. This permit will enable the owner to irrigate the entire PPU.

Authority to File: The application was filed in the name of Sevy Dairy Inc and was signed by a Kenneth L Sevy. According to ID SOS records for this company, Mr. Sevy is the president to the company. Sevy Dairy Inc is current owner to all of the rights relevant to the transfer.

A security interest was filed by Rabo Agrifinance. Lien holders were notified of the proposal and an acknowledgment from Rabo was received 12/28/2017.

Sevy Dairy claimed a portion of water right 2-2144 from Jungo Ranches. This right has a lien owned by DL Evans bank. A letter dated April 23, 2018 released any lien interest in water right 2-10540.

Water Right Validity: The rights involved with the transfer were decreed in 2009-2010. Review of 2015 aerial imagery shows the dairy has irrigated 486.7 acres. All rights are valid.

Overlap Analysis: Place of use comparison tool finds that all water rights pertinent to the Sevy Dairy farm at this location are included in the transfer. No other rights should be considered.

Injury to Other Water Rights: None anticipated. Changes to points of diversion were not originally proposed at the time the transfer application was submitted and advertised. It was later discovered that water right 2-10544 still has a neighboring POD description from when the right was split. An amended page 3 was received to recognize all rights are diverted at the Sevy Dairy pump station. The two pump stations are a quarter mile apart on the Snake River. Hydraulic differences at the source is negligible since the availability of water can be assumed the same at both sites. There are no water right diversions between the two stations.

Both the transfer and the application for permit were advertised to give any potential concerned party the opportunity to protest. Protests to either application were not received.

Enlargement of Use: None anticipated. Diversions will continue to be limited to a total diversion of 9.20 cfs, with a 486.7 acre limit. All four rights sum to 2,476.7 af but will be restricted to 4.5 af/ac at the field headgate.

Water right 2-10541 (split from 2-7002) carries a combined use limit of 0.78 cfs with 2-7002 and 2-10011. The condition is found on both the 2-7002 and 2-10011 decrees. However, when you

sum the diversion rates for the rights, the total is 0.74 cfs. After considering overlap, the three rights total 39 acres. So, the "combined use limit" is really just a recognition of what the standard inch to the acre would be, and does not really impose against the rights. The limit can be removed from 2-10541 post transfer.

2-10541 contains a measuring device condition requiring the diversion to be permanently installed. This condition does not exist on the parent right (2-7002) decree issued in 2009. There is no record on file to suggest where the condition may have been added.

Local Public Interest: Review staff has no information that would compromise the local public interest.

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: Protests were not filed. The application can be approved as reflected by the draft approval.

	cfs	af	ac	cfs/ac	af/ac		
2-2305	5.19	1395	259	0.020	5.4	ppu	628
2-10540	3.44	861	172.2	0.020	5.0	ac	486.7
2-10541	0.47	170	34	0.014	5.0		141.3
2-10544	0.1	50.7	21.5	0.005	2.4	cfs	2.67
Total	9.2	2476.7	486.7	0.019	5.1	af	719.0
BU STD	9.734	2190.2	---				changing
CUL	---	2190.2	---				

02N04W27

BasinSequ Owner Source
 2-10544 SEVY DAIRY SNAKE RIVER
 2-2305 SEVY DAIRY SNAKE RIVER
 2-7111 ANDERSON, EYVONNE R; ANDERSNAKE RIVER

NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
												15		14	34
				7											

02N04W34

BasinSequ Owner Source
 2-10402 BLACKSTOCK FAMILY LTD PARTNSNAKE RIVER
 2-10403 BLACKSTOCK LIVESTOCK INC; BL SNAKE RIVER
 2-10404 BLACKSTOCK, ADAM H; BLACKST SNAKE RIVER
 2-2305 SEVY DAIRY SNAKE RIVER
 2-7388 BLACKSTOCK LIVESTOCK INC; BL SNAKE RIVER
 57-11726 BLACKSTOCK LIVESTOCK INC; BL SQUAW CREEK
 57-11740 BLACKSTOCK LIVESTOCK INC; BL SQUAW CREEK
 57-11741 BLACKSTOCK, ADAM H; BLACKST SQUAW CREEK
 57-11745 BLACKSTOCK, ADAM H; BLACKST SQUAW CREEK

NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
28				39											
								3				8	12	9	28
															5
		39	40		30	39	27	36							
								0.2		18	26	12			22
										16	24.3				
										16	24.3				
															2.4
															2.4



April 23, 2018

RECEIVED

APR 24 2018

WATER RESOURCES
WESTERN REGION

Idaho Department of Water Resources
Attn: Patrick Kelly, Water Resources Agent
2735 Airport Way
Boise, ID 83705

Dear Idaho Department of Water Resources:

D.L. Evans Bank releases any lien it may hold as to water right 2-10540 held by Sevy Dairy. This release shall not apply to its lien against the remainder of the parent right 2-2144 owned by Jungo Ranches or Rodney St. Clair or both.

Sincerely,

Robert Squire
Vice President Corporate Counsel

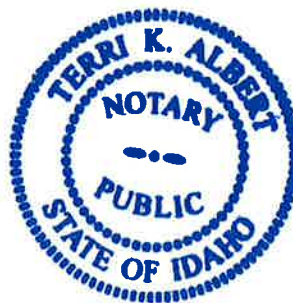
State of Idaho)
)ss
County of Minidoka)

This record was acknowledged before me on April 23, 2018 by Robert Squire as Vice President Corporate Counsel of D.L. Evans Bank

Signature of notary public

(Stamp)

My commission expires: 01-30-19



Cc: Sevy Dairy



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

March 29, 2018

COPY

SEVY DAIRY
7808 SOMMERCAMP RD
GIVENS HOT SPRINGS ID 83641

RE: Additional Information Request for Transfer 82044

Dear Applicant,

On November 22, 2017, you filed an Application for Transfer of Water Right to create a Permissible Place of Use for irrigation in Owyhee County. Water right 2-10540 is included in your transfer application. This water right is a child right to 2-7144 and became yours after a change in ownership was filed in September of 2017. According to our records, water right 2-7144 carries a security interest from DL Evans Bank that expires 12/15/2026. This requires a notarized statement of agreement or a statement on official letterhead signed by an authorized representative from the lien holder with financial interest in the water right.

Additionally, changes to the Point of Diversions are not proposed in the transfer and the location you have identified as your diversion is located within the L4 SWSE quarter-quarter. But since 2-10540 is a split right from 2-7111, it still carries the legal description associated with the parent right in the L3 NWSE quarter-quarter. If water is delivered at separate locations, changes to the transfer do not need to be made. But if the water that was split authorized by 2-10540 are being taken out of your diversion in the L4 SWSE, an amendment to the transfer application is required to correct the legal description.

Please submit the requested information for the application to be processed. You may seek additional time to provide the information by making a written request to interrupt processing for up to six months. The application will be rejected without a timely written reply within the next thirty (30) days. Because the application has already been advertised, a refund for your application will not be granted.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 for more information. Thank you for your attention to these matters.

Respectfully,

Patrick Kelly
Water Resource Agent, Sr.

Enclosure(s): Notice of Security Interest, Page 3 of transfer application 82044 (copy)

The Owyhee Avalanche

P.O. Box 97 • HOMEDALE, ID 83628 • 208/337-4681

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss
COUNTY OF OWYHEE)

RECEIVED

JAN 05 2018

WATER RESOURCES
WESTERN REGION

I, Robert E. Aman, being first duly sworn, depose and say:

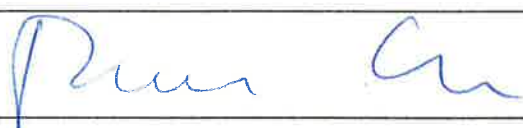
1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now over the age of twenty-one years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of publication of the notice hereinafter mentioned, I was and now am the president of The Owyhee Avalanche, a newspaper of general circulation printed and published weekly, on Wednesday of each and every week, in the City of Homedale, County of Owyhee and State of Idaho.

3. That the said The Owyhee Avalanche has been printed and published continuously and uninterruptedly in said County during a period of more than seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of which a printed copy, taken from said newspaper, is hereto affixed, was published in the regular issue thereof, and not a supplement thereto, in said newspaper, in TWO (2)
(consecutive) calendar weekly issue(s) of said newspaper, in the following date(s):

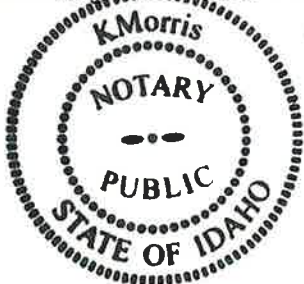
DECEMBER 20, 27, 2017

SIGNED: 

STATE OF IDAHO }
COUNTY OF OWYHEE }

On this 27th day of December in the year of 2017 before me, a

Notary Public, personally appeared ROBERT E. AMAN
known or identified to me to be the person whose name subscribed to the within instrument, and being by me duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.




Notary Public of Idaho

Residing at WILDER, IDAHO

My commission expires: August 18, 2023

THE FOLLOWING
APPLICATIONS HAVE
BEEN FILED TO
APPROPRIATE THE
PUBLIC WATERS OF THE
STATE OF IDAHO:

2-10547 ✓ OK RD 11/16/18
SEVY DAIRY INC
7808 SOMMERCAMP RD
GIVENS HOT SPRINGS, ID
83641

Point of Diversion L4(SWSE)
S26 T02N R04W OWYHEE
County Source SNAKE RIVER
Tributary COLUMBIA RIVER

Use: IRRIGATION 03/01 to
11/15 2.83 CFS

Use: STOCKWATER 01/01 to
12/31 1.2 CFS.

Total Diversion: 4.03 CFS

Date Filed: 11/22/2017

Places of Use: IRRIGATION,
STOCKWATER

T02N R04W S26 NWSW
SSW

T02N R04W S27 SENE NESE
SWSE SESE

T02N R04W S34 NWNE
SWNE NW(ALL)

T02NR04W S35 SWNE SENE
NW(ALL) NESW NWSW

Total Acres: 628

NOTICE OF PROPOSED
CHANGE OF WATER
RIGHT
TRANSFER NO. 82044

SEVY DAIRY INC, 7808
SOMMERCAMP RD, GIVENS
HOT SPRINGS, ID 83641; has
filed Application No. 82044
for changes to the following
water rights within OWYHEE
County(s): Right No(s). 2-10540,
2-10541, 2-10544, 2-2305. The
purpose of the transfer is to create
a 486.7 acre limit place of use
within a 628 acre permissible
place of use. The remaining 141.3
acres are being applied for by
application for permit 2-10547.
Water will be used at the current
place of use 4.5 miles south of
Marsing, off the west banks of the
Snake River. ✓ OK 11/16/18

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at 208-334-2190; or for a full description of the right(s) or proposed transfer (s) please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code §§ 42-203A and 42-222. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 1/8/2018. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
12/20,27/2017