

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 81882**

This is to certify that: **VALLEY VIEW DAIRY LLC**
369 N 1250 W
PAUL, ID 83347

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>
36-16467	WR/DECREED	7/14/1954	1.210 cfs	243.2 af	60.8	392.9	GROUND WATER
36-16469	WR/DECREED	4/11/1958	2.180 cfs	633.6 af	158.4	392.9	GROUND WATER
36-16471	WR/DECREED	2/19/1954	2.610 cfs	522.0 af	130.5	392.9	GROUND WATER
36-17062	WR/DECREED	4/27/1954	0.140 cfs	30.8 af	7.7	14.5	GROUND WATER
36-17063	WR/DECREED	12/17/1974	0.110 cfs	27.2 af	6.8	14.5	GROUND WATER
36-7471	WR/LICENSE	5/3/1974	0.080 cfs	34.0 af	N/A	10.0	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>
36-16467	NO	YES	YES	NO	NO	NO
36-16469	NO	YES	YES	NO	NO	NO
36-16471	NO	YES	YES	NO	NO	NO
36-17062	NO	NO	YES	NO	NO	NO
36-17063	NO	NO	YES	NO	NO	NO
36-7471	NO	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>
36-16467	36-16467	1.210 cfs	243.2 af	60.8	507.6	N/A	N/A	N/A	N/A	N/A
36-16469	36-16469	2.180 cfs	633.6 af	158.4	507.6	N/A	N/A	N/A	N/A	N/A
36-16471	36-16471	2.610 cfs	522.0 af	130.5	507.6	N/A	N/A	N/A	N/A	N/A
36-17062	36-17062	0.140 cfs	30.8 af	7.7	507.6	N/A	N/A	N/A	N/A	N/A
36-17063	36-17063	0.110 cfs	27.2 af	6.8	507.6	N/A	N/A	N/A	N/A	N/A
36-7471	36-7471	0.080 cfs	34.0 af	10.0	507.6	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		6.330 cfs	1490.8 af	374.2	507.6		N/A	N/A	N/A	N/A

SUPPORT DATA

Transfer No. 81882

IN FILE # 36-7471

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 81882

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 December, 2017.



Southern Region Manager



WATER RIGHT NO. 36-16467
As Modified by Transfer No. 81882

In accordance with the approval of Transfer No. 81882, Water Right No. 36-16467 is now described as follows:

Right Holder: VALLEY VIEW DAIRY LLC
 369 N 1250 W
 PAUL, ID 83347

Priority Date: 7/14/1954

Source: GROUND WATER

BENEFICIAL USE

DOMESTIC
 IRRIGATION

From

01/01
 03/15

to

To

12/31
 11/15

Diversion Rate

0.040 cfs
 1.210 cfs
 1.210 cfs

Diversion Volume

243.2 af
 243.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENE Sec 6 Twp 09S Rge.22E MINIDOKA County

PLACE OF USE: DOMESTIC

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	22E	6																X	

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	
09S	22E	6	37.2	39.2	39.9	20.2			43.4	39.7	40.0	44.1	44.4	40.0	11.2	39.9	39.9	28.5	507.6
			L 1	L 2					L 5			L 6	L 7						

Right Acre Limit: 60.8
 POU Total Acres: 507.6

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 60.8 acres within the place of use described above in a single irrigation season.
2. Rights 36-16467, 36-16469, and 36-16471, when combined shall not exceed a total diversion rate of 6.00 cfs, a total annual maximum diversion volume of 1398.8 af at the field headgate, and the irrigation of 349.7 acres.

Transfer No. 81882

WATER RIGHT NO. 36-16467
As Modified by Transfer No. 81882

CONDITIONS OF APPROVAL

3. Rights 36-7471, 36-16467, 36-16469, 36-16471, 36-17062, and 36-17063 when combined shall not exceed a total diversion rate of 6.33 cfs, a total annual maximum diversion volume of 1490.8 af at the field headgate, and the irrigation of 374.2 acres.
4. Rights 36-7471, 36-16467, 36-16469, 36-16471, 36-17062, and 36-17063 are limited to the irrigation of a specific 374.2 acres within the 507.6 acre place of use authorized by this right in a single irrigation season. The specific 374.2 acres to be irrigated by the right holder are shown in the electronic shape file associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 374.2 acres to be irrigated within the 507.6 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
5. 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.
6. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
7. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
8. Prior to the diversion and use of water under Transfer approval 81882, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
10. The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.
11. The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. 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. 36-16469
As Modified by Transfer No. 81882

In accordance with the approval of Transfer No. 81882, Water Right No. 36-16469 is now described as follows:

Right Holder: VALLEY VIEW DAIRY LLC
 369 N 1250 W
 PAUL, ID 83347

Priority Date: 4/11/1958

Source: GROUND WATER

BENEFICIAL USE
 IRRIGATION

From 03/15 **to** 11/15

Diversion Rate
 2.180 cfs
 2.180 cfs

Diversion Volume
 633.6 af
 633.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENE Sec 6 Twp 09S Rge 22E MINIDOKA 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	
09S	22E	6	37.2	39.2	39.9	20.2			43.4	39.7	40.0	44.1	44.4	40.0	11.2	39.9	39.9	28.5	507.6
			L 1	L 2					L 5			L 6	L 7						

Right Acre Limit: 158.4
 POU Total Acres: 507.6

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 158.4 acres within the place of use described above in a single irrigation season.
2. Rights 36-16467, 36-16469, and 36-16471, when combined shall not exceed a total diversion rate of 6.00 cfs, a total annual maximum diversion volume of 1398.8 af at the field headgate, and the irrigation of 349.7 acres.
3. Rights 36-7471, 36-16467, 36-16469, 36-16471, 36-17062, and 36-17063 when combined shall not exceed a total diversion rate of 6.33 cfs, a total annual maximum diversion volume of 1490.8 af at the field headgate, and the irrigation of 374.2 acres.

Transfer No. 81882

WATER RIGHT NO. 36-16469
As Modified by Transfer No. 81882

CONDITIONS OF APPROVAL

4. Rights 36-7471, 36-16467, 36-16469, 36-16471, 36-17062, and 36-17063 are limited to the irrigation of a specific 374.2 acres within the 507.6 acre place of use authorized by this right in a single irrigation season. The specific 374.2 acres to be irrigated by the right holder are shown in the electronic shape file associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 374.2 acres to be irrigated within the 507.6 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. 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.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. Prior to the diversion and use of water under Transfer approval 81882, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
10. The right holder shall accomplish the change authorized by this transfer within one year 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 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. 36-16471
As Modified by Transfer No. 81882

In accordance with the approval of Transfer No. 81882, Water Right No. 36-16471 is now described as follows:

Right Holder: VALLEY VIEW DAIRY LLC
 369 N 1250 W
 PAUL, ID 83347

Priority Date: 2/19/1954

Source: GROUND WATER

BENEFICIAL USE

DOMESTIC
 IRRIGATION

From 01/01 to 12/31
 03/15 to 11/15

Diversion Rate

0.040 cfs
 2.610 cfs
 2.610 cfs

Diversion Volume

522.0 af
 522.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENE Sec 6 Twp 09S Rge 22E MINIDOKA County

PLACE OF USE: DOMESTIC

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	22E	6																X	

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	
09S	22E	6	37.2	39.2	39.9	20.2			43.4	39.7	40.0	44.1	44.4	40.0	11.2	39.9	39.9	28.5	507.6
			L1	L2					L5			L6	L7						

Right Acre Limit: 130.5

POU Total Acres: 507.6

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 130.5 acres within the place of use described above in a single irrigation season.
2. Rights 36-16467, 36-16469, and 36-16471, when combined shall not exceed a total diversion rate of 6.00 cfs, a total annual maximum diversion volume of 1398.8 af at the field headgate, and the irrigation of 349.7 acres.

Transfer No. 81882

WATER RIGHT NO. 36-16471
As Modified by Transfer No. 81882

CONDITIONS OF APPROVAL

3. Rights 36-7471, 36-16467, 36-16469, 36-16471, 36-17062, and 36-17063 when combined shall not exceed a total diversion rate of 6.33 cfs, a total annual maximum diversion volume of 1490.8 af at the field headgate, and the irrigation of 374.2 acres.
4. Rights 36-7471, 36-16467, 36-16469, 36-16471, 36-17062, and 36-17063 are limited to the irrigation of a specific 374.2 acres within the 507.6 acre place of use authorized by this right in a single irrigation season. The specific 374.2 acres to be irrigated by the right holder are shown in the electronic shape file associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 374.2 acres to be irrigated within the 507.6 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
5. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. 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.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. Prior to the diversion and use of water under Transfer approval 81882, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
10. The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.
11. The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. 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. 36-17062
As Modified by Transfer No. 81882

In accordance with the approval of Transfer No. 81882, Water Right No. 36-17062 is now described as follows:

Right Holder: VALLEY VIEW DAIRY LLC
 369 N 1250 W
 PAUL, ID 83347

Priority Date: 4/27/1954

Source: GROUND WATER

BENEFICIAL USE
 IRRIGATION

From 3/15 **to** 11/15

Diversion Rate
 0.140 cfs
 0.140 cfs

Diversion Volume
 30.8 af
 30.8 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENE Sec 6 Twp 09S Rge 22E MINIDOKA 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	
09S	22E	6	37.2	39.2	39.9	20.2			43.4	39.7	40.0	44.1	44.4	40.0	11.2	39.9	39.9	28.5	507.6
			L 1	L 2					L 5			L 6	L 7						

Right Acre Limit: 7.7
 POU Total Acres: 507.6

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 7.7 acres within the authorized place of use in a single irrigation season.
2. Rights 36-7471, 36-16467, 36-16469, 36-16471, 36-17062, and 36-17063 when combined shall not exceed a total diversion rate of 6.33 cfs, a total annual maximum diversion volume of 1490.8 af at the field headgate, and the irrigation of 374.2 acres.
3. Rights 36-7471, 36-16467, 36-16469, 36-16471, 36-17062, and 36-17063 are limited to the irrigation of a specific 374.2 acres within the 507.6 acre place of use authorized by this right in a single irrigation season. The specific 374.2 acres to be irrigated by the right holder are shown in the electronic shape file associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 374.2 acres to be irrigated within the 507.6 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

Transfer No. 81882

WATER RIGHT NO. 36-17062
As Modified by Transfer No. 81882

CONDITIONS OF APPROVAL

4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
5. 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.
6. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
7. Prior to the diversion and use of water under Transfer approval 81882, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
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 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. 36-17063
As Modified by Transfer No. 81882

In accordance with the approval of Transfer No. 81882, Water Right No. 36-17063 is now described as follows:

Right Holder: VALLEY VIEW DAIRY LLC
 369 N 1250 W
 PAUL, ID 83347

Priority Date: 12/17/1974

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

4/01

to

To

10/15

Diversion Rate

0.110 cfs

0.110 cfs

Diversion Volume

27.2 af

27.2 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER

SENE

Sec 6 Twp 09S Rge 22E MINIDOKA 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	
09S	22E	6	37.2	39.2	39.9	20.2			43.4	39.7	40.0	44.1	44.4	40.0	11.2	39.9	39.9	28.5	507.6
			L 1	L 2					L 5			L 6	L 7						

Right Acre Limit: 6.8

POU Total Acres: 507.6

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 6.8 acres within the authorized place of use in a single irrigation season.
2. Rights 36-7471, 36-16467, 36-16469, 36-16471, 36-17062, and 36-17063 when combined shall not exceed a total diversion rate of 6.33 cfs, a total annual maximum diversion volume of 1490.8 af at the field headgate, and the irrigation of 374.2 acres.
3. Rights 36-7471, 36-16467, 36-16469, 36-16471, 36-17062, and 36-17063 are limited to the irrigation of a specific 374.2 acres within the 507.6 acre place of use authorized by this right in a single irrigation season. The specific 374.2 acres to be irrigated by the right holder are shown in the electronic shape file associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 374.2 acres to be irrigated within the 507.6 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

Transfer No. 81882

WATER RIGHT NO. 36-17063
As Modified by Transfer No. 81882

CONDITIONS OF APPROVAL

4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
5. 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.
6. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
7. Prior to the diversion and use of water under Transfer approval 81882, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 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 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than August 27, 2001.
10. The right holder shall accomplish the change authorized by this transfer within one year 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 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. 36-7471**As Modified by Transfer No. 81882**

In accordance with the approval of Transfer No. 81882, Water Right No. 36-7471 is now described as follows:

Right Holder: VALLEY VIEW DAIRY LLC
369 N 1250 W
PAUL, ID 83347

Priority Date: 5/3/1974

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION
STOCKWATER

From

4/01
1/01

to

10/31
12/31

Diversion Rate

0.080 cfs
0.020 cfs
0.080 cfs

Diversion Volume

33.8 af
0.2 af
34.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENE Sec 6 Twp 09S Rge 22E MINIDOKA 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	
09S	22E	6	37.2	39.2	39.9	20.2			43.4	39.7	40.0	44.1	44.4	40.0	11.2	39.9	39.9	28.5	507.6
			L1	L2					L5			L6	L7						

Right Acre Limit: 10.0
POU Total Acres: 507.6

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 10 acres within the authorized place of use in a single irrigation season.
2. Rights 36-7471, 36-16467, 36-16469, 36-16471, 36-17062, and 36-17063 when combined shall not exceed a total diversion rate of 6.33 cfs, a total annual maximum diversion volume of 1490.8 af at the field headgate, and the irrigation of 374.2 acres.
3. Rights 36-7471, 36-16467, 36-16469, 36-16471, 36-17062, and 36-17063 are limited to the irrigation of a specific 374.2 acres within the 507.6 acre place of use authorized by this right in a single irrigation season. The specific 374.2 acres to be irrigated by the right holder are shown in the electronic shape file associated with these rights in the geographic information system component of the water rights database maintained by the department. Before changing the 374.2 acres to be irrigated within the 507.6 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

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WATER RIGHT NO. 36-7471

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CONDITIONS OF APPROVAL

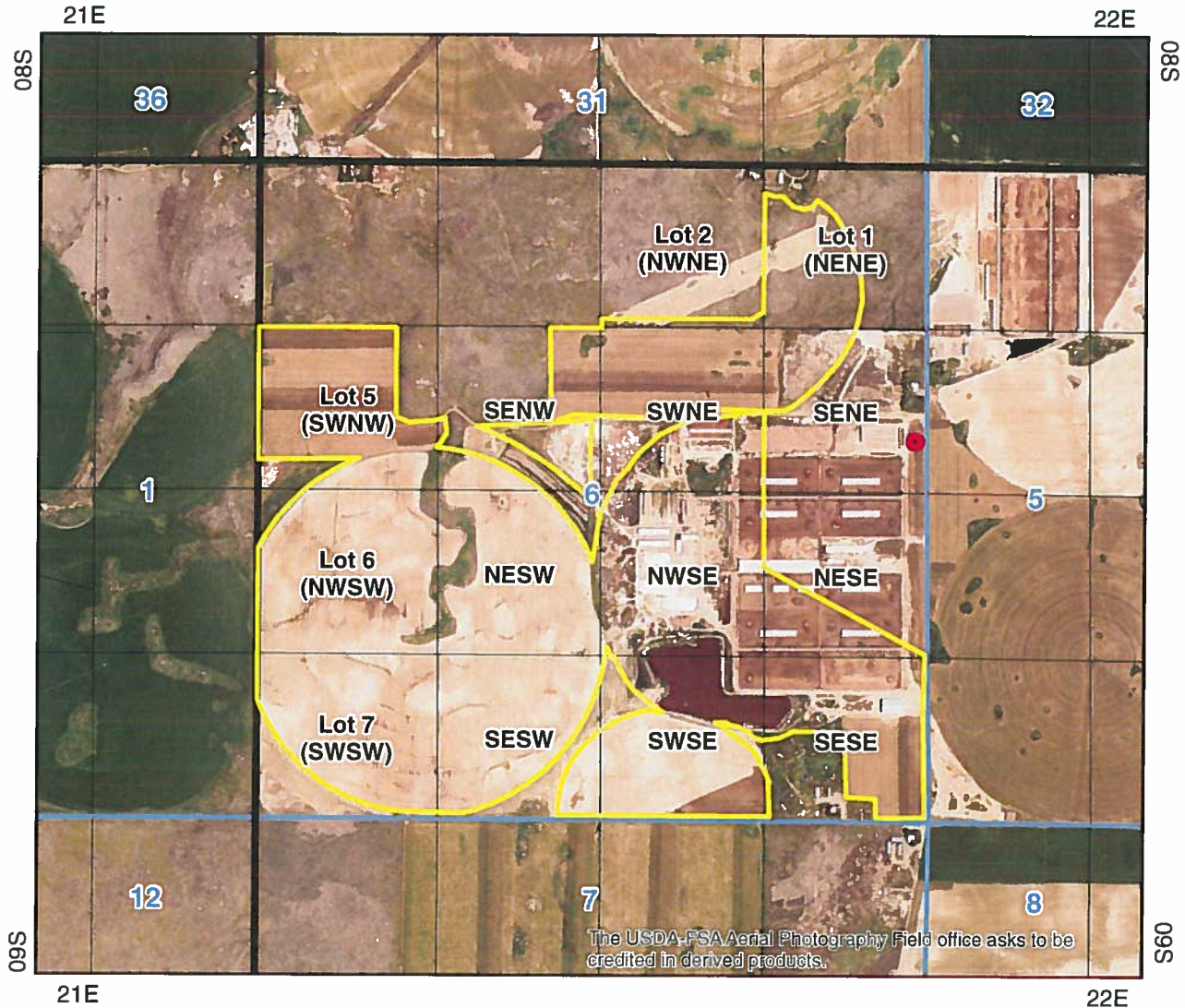
4. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
6. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
7. Prior to the diversion and use of water under Transfer approval 81882, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
9. This right is for the use of trust water, and it is subject to review June 2, 2009 to re-evaluate the availability of trust water for the authorized use and to re-evaluate the public interest criteria for reallocating trust water.
10. This water right enjoys the benefit of subordination of hydropower water right nos. 02-00100, 02-4000A, 02-4001A, 02-02032A, 02-4000B, 02-4001B, 02-02032B, 02-02036, 02-02056, 02-02065, 02-02064, 02-10135, 02-02060, 02-02059, 02-02001B, 02-02001A, 02-02057, 37-02128, 37-02472, 37-02471, 37-20710, 37-20709, 36-02013, 36-02018 and 36-02026 only so long as the average daily flows as measured at the Murphy Gage station meet or exceed the minimum stream flows established by state action.
11. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 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 the date of this approval.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. 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 Transfer # 81882

Rights 36-7471, 36-16467, 36-16469, 36-16471, 36-17062, and 36-17063

This map depicts the IRRIGATION 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.



0 0.175 0.35 0.7 Miles

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





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 21, 2017

VALLEY VIEW DAIRY LLC
369 N 1250 W
PAUL ID 83347

Re: Transfer No: 81882
Water Right No(s): 36-7471, 36-16467, 36-16469, 36-16471, 36-17062, 36-17063

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 black ink, appearing to read "Corey Skinner". The signature is fluid and cursive, with the first name "Corey" being more prominent than the last name "Skinner".

Corey Skinner
Southern Regional Manager

Enclosure

cc:

BROCKWAY ENGINEERING PLLC
C/O GREG SULLIVAN
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301

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

CERTIFICATE OF SERVICE

I hereby certify that on December 21, 2017 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.: 81882

Water Right No(s): 36-7471, 36-16467, 36-16469, 36-16471, 36-17062, 36-17063

**VALLEY VIEW DAIRY LLC
369 N 1250 W
PAUL ID 83347**

**BROCKWAY ENGINEERING PLLC
C/O GREG SULLIVAN
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301**

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

via e-mail



**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.

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Transfer No: 81882
Water Right No: 36-7471, etc.
Applicant Name: Valley View Dairy 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: November 13, 2017

Water District 130



Nathan Erickson, Watermaster