

RECEIVED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESTransfer No. 81882

AUG 29 2017

DEPT OF WATER RESOURCES  
SOUTHERN REGIONMINIMUM REQUIREMENTS CHECKLIST  
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at [www.idwr.idaho.gov](http://www.idwr.idaho.gov).

Name of Applicant(s) Valley View Dairy LLCCheck whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes N/A \* Means the item is always required and must be included with the application.

- ☒ \* Completed Application for Transfer of Water Right form, Part 1.
- ☒ \* Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ \* Application for Transfer Part 2A. Attach a [Part 2A](#) report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer [Part 2B](#) for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ \* Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ \* Correct fee submitted with transfer application form. ([Fee schedule](#) is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☒ ☐ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. \*\*
- ☐ ☐ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). \*\*  
\*\* Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at [www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm](http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm).
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ \* #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☐ ☒ #10 Other. Please describe: \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

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AUG 29 2017

**APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1**

DEPT OF WATER RESOURCES  
SOUTHERN REGION

Name of Applicant(s) Valley View Dairy LLC Phone 208-280-1687

Mailing address 369 N 1250 W Paul, Idaho 83347 Email \_\_\_\_\_

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Greg Sullivan Phone 208-736-8543

Mailing address 2016 N Washington St Ste 4 Twin Falls, Idaho 83301 Email greg.sullivan@brockwayeng.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.  
**OR**
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.  
**OR**
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

*Tracy VanderVeet Gibson*  
Signature of Applicant or Authorized Representative

Tracy VanderVeet Gibson  
Print Name and Title if applicable

8-28-17  
Date

\_\_\_\_\_  
Signature of Applicant or Authorized Representative

\_\_\_\_\_  
Print Name and Title if applicable

\_\_\_\_\_  
Date

**A. PURPOSE OF TRANSFER**

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use  
☐ Change nature of use ☐ Change period of use ☐ Other \_\_\_\_\_

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.

This transfer will update the irrigation place of use. The ownership of the water rights involved in this transfer will be update.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR TRANSFER OF WATER RIGHT

### PART 1 Continued

**B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.**

| 1.                                                                          | Right Number | Amount<br>(cfs/ac-ft) | Nature of Use | Period of Use | Source & Tributary |
|-----------------------------------------------------------------------------|--------------|-----------------------|---------------|---------------|--------------------|
| All or Part<br><input checked="" type="checkbox"/> <input type="checkbox"/> | 36-16467     | 0.04/                 | Domestic      | 1/01 to 12/31 | Ground Water       |
| <input type="checkbox"/> <input type="checkbox"/>                           |              | 1.21/243.2            | Irrigation    | 3/15 to 11/15 | Ground Water       |
| <input checked="" type="checkbox"/> <input type="checkbox"/>                | 36-16469     | 2.18/633.6            | Irrigation    | 3/15 to 11/15 | Ground Water       |
| <input checked="" type="checkbox"/> <input type="checkbox"/>                | 36-16471     | 0.04/                 | Domestic      | 1/01 to 12/31 | Ground Water       |
| <input type="checkbox"/> <input type="checkbox"/>                           |              | 2.61/522              | Irrigation    | 3/15 to 11/15 | Ground Water       |
| <input checked="" type="checkbox"/> <input type="checkbox"/>                | 36-7471      | 0.08/34               | Irrigation    | 4/01 to 10/31 | Ground Water       |
| <input type="checkbox"/> <input type="checkbox"/>                           |              | 0.02/2                | Stockwater    | 1/01 to 12/31 | Ground Water       |
| <input checked="" type="checkbox"/> <input type="checkbox"/>                | 36-17062     | 0.14/30.8             | Irrigation    | 3/15 to 11/15 | Ground Water       |
| <input checked="" type="checkbox"/> <input type="checkbox"/>                | 36-17063     | 0.11/27.2             | Irrigation    | 4/01 to 10/15 | Ground Water       |

Total authorized under rights 6.33 cfs and/or 1490.8 acre-feet.

2. Total amount of water proposed to be transferred or changed 5.41 cubic feet per second and/or 1490.8 acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

| New ? | Lot | ¼ | ¼  | ¼  | Sec | Twp | Rge | County   | Source       | Local name or tag # |
|-------|-----|---|----|----|-----|-----|-----|----------|--------------|---------------------|
|       |     |   | SE | NE | 6   | 09S | 22E | Minidoka | Ground Water |                     |
|       |     |   |    |    |     |     |     |          |              |                     |
|       |     |   |    |    |     |     |     |          |              |                     |
|       |     |   |    |    |     |     |     |          |              |                     |
|       |     |   |    |    |     |     |     |          |              |                     |

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

| Twp | Rge | Sec | NE ¼ |      |      |      | NW ¼ |    |      |      | SW ¼ |      |      |    | SE ¼ |      |      |      | Acre Totals |
|-----|-----|-----|------|------|------|------|------|----|------|------|------|------|------|----|------|------|------|------|-------------|
|     |     |     | 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   | 44.1 | 44.4 | 40 | 11.2 | 39.9 | 39.9 | 28.5 | 507.6       |
|     |     |     |      |      |      |      |      |    |      |      |      |      |      |    |      |      |      |      |             |
|     |     |     |      |      |      |      |      |    |      |      |      |      |      |    |      |      |      |      |             |
|     |     |     |      |      |      |      |      |    |      |      |      |      |      |    |      |      |      |      |             |
|     |     |     |      |      |      |      |      |    |      |      |      |      |      |    |      |      |      |      |             |
|     |     |     |      |      |      |      |      |    |      |      |      |      |      |    |      |      |      |      |             |

**\*374.2 acres will be irrigated within 507.6 acre PPU**      **Total Acres (for irrigation use)**      **507.6\***

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. 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:

Existing well, mainlines and delivery system.

- b. Who owns the property at the point(s) of diversion? Valley View Dairy LLC

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☒ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

Acres to be transfered are currently under Lease contract and have not been irrigated for several years.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

36-17062, 37-17063 and 36-7471

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- |                                     |                                     |                                                                                               |
|-------------------------------------|-------------------------------------|-----------------------------------------------------------------------------------------------|
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | undergone a period of five or more consecutive years of non-use,                              |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | currently leased to the Water Supply Bank,                                                    |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | currently used in a mitigation plan limiting the use of water under the right, or             |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

Water rights 36-16467, 36-16469 and 36-16471 are under lease contract until the end of 2018



**IDAHO DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 2A**

**Current Water Right No.: 36-16467**

Current Owner: IRENE VANDERVEGT GIBSON

Priority Date: 7/14/1954

Origin: Water Right

Status: Water Supply Bank      Active

Basis: Decreed

**Source**

**Tributary**

GROUND WATER

| <u>Beneficial Use</u> | <u>From To</u>         | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|------------------------|-----------------------|----------------------|
| DOMESTIC              | 01/01 to 12/31         | 0.04 CFS              |                      |
| IRRIGATION            | 03/15 to 11/15         | 1.21 CFS              | 243.2 AF             |
|                       | <u>Total Diversion</u> | 1.21 CFS              | 243.2 AF             |

**Location of Point(s) of Diversion**

|                 |                 |                               |
|-----------------|-----------------|-------------------------------|
| GROUND WATER    | SE1/4NE1/4      | Sec. 6, Twp 09S, Rge 22E B.M. |
| MINIDOKA County |                 |                               |
| GROUND WATER    | SE1/4SE1/4NE1/4 | Sec. 6, Twp 09S, Rge 22E B.M. |
| MINIDOKA County |                 |                               |

**Place of Use**

**DOMESTIC Within MINIDOKA County**

T09S R22E S6      SESE

**IRRIGATION Within MINIDOKA County**

|              |            |       |              |            |       |
|--------------|------------|-------|--------------|------------|-------|
| T09S R22E S6 | SWNE       | 35.00 | T09S R22E S6 | SENE       | 1.90  |
| T09S R22E S6 | Lot 5 SWNW | 37.00 | T09S R22E S6 | SENE       | 36.00 |
| T09S R22E S6 | NESW       | 40.00 | T09S R22E S6 | Lot 6 NWSW | 44.00 |
| T09S R22E S6 | Lot 7 SWSW | 41.00 | T09S R22E S6 | SESW       | 40.00 |
| T09S R22E S6 | NESE       | 11.00 | T09S R22E S6 | NWSE       | 40.00 |
| T09S R22E S6 | SWSE       | 38.00 | T09S R22E S6 | SESE       | 29.00 |

Total Acres: 392.9

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. 206 Rights 36-16467, 36-16469, and 36-16471 are limited to the irrigation of a specific 349.7 acres within the 392.9 acre place of use authorized by this right in a single irrigation season. The specific 349.7 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with these rights and is 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 349.7 acres to be irrigated within the 392.9 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.
3. N12 The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.
4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. T19 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
6. R64 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.
7. 213 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. R05 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.
9. R02 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.
10. X35 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.
11. N10 The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.
12. 214 Prior to the diversion and use of water under Transfer approval 79143, 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.
13. X27 This right is limited to the irrigation of 60.8 acres within the place of use described above in a single irrigation season.

Decreed Date: 3/19/2001

**IDAHO DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 2A**

**Current Water Right No.: 36-16469**

Current Owner: IRENE VANDERVEGT GIBSON

Priority Date: 4/11/1958

Origin: Water Right

Status: Water Supply Bank      Active

Basis: Decreed

**Source**

**Tributary**

GROUND WATER

| <b><u>Beneficial Use</u></b> | <b><u>From To</u></b>         | <b><u>Diversion Rate</u></b> | <b><u>Annual Volume</u></b> |
|------------------------------|-------------------------------|------------------------------|-----------------------------|
| IRRIGATION                   | 03/15 to 11/15                | 2.18 CFS                     | 633.6 AF                    |
|                              | <b><u>Total Diversion</u></b> | 2.18 CFS                     | 633.6 AF                    |

**Location of Point(s) of Diversion**

|                 |                 |                               |
|-----------------|-----------------|-------------------------------|
| GROUND WATER    | SE1/4NE1/4      | Sec. 6, Twp 09S, Rge 22E B.M. |
| MINIDOKA County |                 |                               |
| GROUND WATER    | SE1/4SE1/4NE1/4 | Sec. 6, Twp 09S, Rge 22E B.M. |
| MINIDOKA County |                 |                               |

**Place of Use**

**IRRIGATION Within MINIDOKA County**

|              |       |       |              |              |       |
|--------------|-------|-------|--------------|--------------|-------|
| T09S R22E S6 | SWNE  | 35.00 | T09S R22E S6 | SENE         | 1.90  |
| T09S R22E S6 | Lot 5 | SWNW  | 37.00        | T09S R22E S6 | SENE  |
| T09S R22E S6 |       | NESW  | 40.00        | T09S R22E S6 | Lot 6 |
| T09S R22E S6 | Lot 7 | SWSW  | 41.00        | T09S R22E S6 | NWSW  |
| T09S R22E S6 |       | NESE  | 11.00        | T09S R22E S6 | SESW  |
| T09S R22E S6 |       | SWSE  | 38.00        | T09S R22E S6 | NWSE  |
|              |       |       |              | T09S R22E S6 | SESE  |

Total Acres: 392.9

Conditions of Approval:

1. R05 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.
2. 214 Prior to the diversion and use of water under Transfer approval 79143, 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.
3. 213 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.
4. R64 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. X27 This right is limited to the irrigation of 158.4 acres within the place of use described above in a single irrigation season.
6. T19 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
7. R02 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.
8. X35 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.
9. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. T08 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. 206 Rights 36-16467, 36-16469, and 36-16471 are limited to the irrigation of a specific 349.7 acres within the 392.9 acre place of use authorized by this right in a single irrigation season. The specific 349.7 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with these rights and is 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 349.7 acres to be irrigated within the 392.9 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.

Decreed Date: 3/18/2001

**IDAHO DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 2A**

**Current Water Right No.:** 36-16471

**Current Owner:** IRENE VANDERVEGT GIBSON

**Priority Date:** 2/19/1954

**Origin:** Water Right

**Status:** Water Supply Bank      Active

**Basis:** Decreed

**Source**

**Tributary**

GROUND WATER

| <b><u>Beneficial Use</u></b> | <b><u>From To</u></b>         | <b><u>Diversion Rate</u></b> | <b><u>Annual Volume</u></b> |
|------------------------------|-------------------------------|------------------------------|-----------------------------|
| DOMESTIC                     | 01/01 to 12/31                | 0.04 CFS                     |                             |
| IRRIGATION                   | 03/15 to 11/15                | 2.61 CFS                     | 522 AF                      |
|                              | <b><u>Total Diversion</u></b> | 2.61 CFS                     | 522 AF                      |

**Location of Point(s) of Diversion**

|                 |                 |                               |
|-----------------|-----------------|-------------------------------|
| GROUND WATER    | SE1/4NE1/4      | Sec. 6, Twp 09S, Rge 22E B.M. |
| MINIDOKA County |                 |                               |
| GROUND WATER    | SE1/4SE1/4NE1/4 | Sec. 6, Twp 09S, Rge 22E B.M. |
| MINIDOKA County |                 |                               |

**Place of Use**

DOMESTIC Within MINIDOKA County

T09S R22E S6      SESE

**IRRIGATION Within MINIDOKA County**

|              |       |      |       |              |       |      |       |
|--------------|-------|------|-------|--------------|-------|------|-------|
| T09S R22E S6 |       | SWNE | 35.00 | T09S R22E S6 |       | SENE | 1.90  |
| T09S R22E S6 | Lot 5 | SWNW | 37.00 | T09S R22E S6 |       | SENW | 36.00 |
| T09S R22E S6 |       | NESW | 40.00 | T09S R22E S6 | Lot 6 | NWSW | 44.00 |
| T09S R22E S6 | Lot 7 | SWSW | 41.00 | T09S R22E S6 |       | SESW | 40.00 |
| T09S R22E S6 |       | NESE | 11.00 | T09S R22E S6 |       | NWSE | 40.00 |
| T09S R22E S6 |       | SWSE | 38.00 | T09S R22E S6 |       | SESE | 29.00 |

Total Acres: 392.9

Conditions of Approval:

1. 214 Prior to the diversion and use of water under Transfer approval 79143, 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.
2. N10 The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.
3. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. X35 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.
5. R64 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.
6. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. N12 The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.
8. 206 Rights 36-16467, 36-16469, and 36-16471 are limited to the irrigation of a specific 349.7 acres within the 392.9 acre place of use authorized by this right in a single irrigation season. The specific 349.7 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with these rights and is 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 349.7 acres to be irrigated within the 392.9 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.
9. R02 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.
10. 213 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.
11. X27 This right is limited to the irrigation of 130.5 acres within the place of use described above in a single irrigation season.
12. R05 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.
13. T19 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

Decreed Date: 3/19/2001

**IDAHO DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 2A**

**Current Water Right No.:** 36-7471

**Current Owner:** VANDERVEGT DAIRY LLC

**Priority Date:** 5/3/1974

**Origin:** Water Right

**Status:** Active

**Basis:** License

**Source**

**Tributary**

GROUND WATER

| <u>Beneficial Use</u> | <u>From To</u>         | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|------------------------|-----------------------|----------------------|
| IRRIGATION            | 4/01 to 10/31          | 0.08 CFS              | 33.8 AF              |
| STOCKWATER            | 1/01 to 12/31          | 0.02 CFS              | 0.2 AF               |
|                       | <u>Total Diversion</u> | 0.08 CFS              | 34 AF                |

**Location of Point(s) of Diversion**

GROUND WATER

L1(NE1/4NE1/4)

Sec. 6, Twp 09S, Rge 22E B.M.

MINIDOKA County

**Place of Use**

IRRIGATION Within MINIDOKA County

T09S R22E S6 Lot 1 NENE 10.00

Total Acres: 10

Place of Use: STOCKWATER same as IRRIGATION

**Conditions of Approval:**

1. R55 This right is for use of Trust Water and is subject to review to determine availability of water for the use and to re-evaluate the public interest on June 2, 2009.
2. R57 The Director retains jurisdiction of the right and may change, add, or remove any requirement as determined to be appropriate.
3. R31 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands above.
4. R56 Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
5. SF2 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.

Page 13 of \_\_\_\_\_

Licensed Date: 11/27/1992

Page 14 of \_\_\_\_\_

**IDAHO DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 2A**

**Current Water Right No.: 36-17063**

**Current Owner:** VANDERVEGT DAIRY LLC

**Priority Date:** 12/17/1974

**Origin:** Water Right

**Status:** Active

**Basis:** Decreed

**Source**

**Tributary**

GROUND WATER

| <b><u>Beneficial Use</u></b> | <b><u>From To</u></b>         | <b><u>Diversion Rate</u></b> | <b><u>Annual Volume</u></b> |
|------------------------------|-------------------------------|------------------------------|-----------------------------|
| IRRIGATION                   | 4/01 to 10/15                 | 0.11 CFS                     | 27.2 AF                     |
|                              | <b><u>Total Diversion</u></b> | 0.11 CFS                     | 27.2 AF                     |

**Location of Point(s) of Diversion**

|                 |            |         |          |              |
|-----------------|------------|---------|----------|--------------|
| GROUND WATER    | SE1/4NE1/4 | Sec. 6, | Twp 09S, | Rge 22E B.M. |
| MINIDOKA County |            |         |          |              |

**Place of Use**

**IRRIGATION Within MINIDOKA County**

|              |      |      |              |      |      |
|--------------|------|------|--------------|------|------|
| T09S R22E S6 | NENE | 5.80 | T09S R22E S6 | NWNE | 2.70 |
| T09S R22E S6 | SENE | 6.00 |              |      |      |

Total Acres: 14.5

**Conditions of Approval:**

1. X27 This right is limited to the irrigation of 6.8 acres within the authorized place of use in a single irrigation season.
2. 213 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.
3. R05 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.
4. 214 Prior to the diversion and use of water under Transfer approval 80573, 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.
5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. R02 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. T19 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.
8. R64 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. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Decreed Date: 8/27/2001

Page 16 of \_\_\_\_\_

**IDAHO DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 2A**

**Current Water Right No.: 36-17062**

Current Owner: VANDERVEGT DAIRY LLC

Priority Date: 4/27/1954

Origin: Water Right

Status: Active

Basis: Decreed

**Source**

**Tributary**

GROUND WATER

| <b><u>Beneficial Use</u></b> | <b><u>From To</u></b>  | <b><u>Diversion Rate</u></b> | <b><u>Annual Volume</u></b> |
|------------------------------|------------------------|------------------------------|-----------------------------|
| IRRIGATION                   | 3/15 to 11/15          | 0.14 CFS                     | 30.8 AF                     |
|                              | <u>Total Diversion</u> | 0.14 CFS                     | 30.8 AF                     |

**Location of Point(s) of Diversion**

GROUND WATER

SE1/4NE1/4

Sec. 6, Twp 09S, Rge 22E B.M.

MINIDOKA County

**Place of Use**

IRRIGATION Within MINIDOKA County

|              |      |      |              |      |      |
|--------------|------|------|--------------|------|------|
| T09S R22E S6 | NENE | 5.80 | T09S R22E S6 | NWNE | 2.70 |
| T09S R22E S6 | SENE | 6.00 |              |      |      |

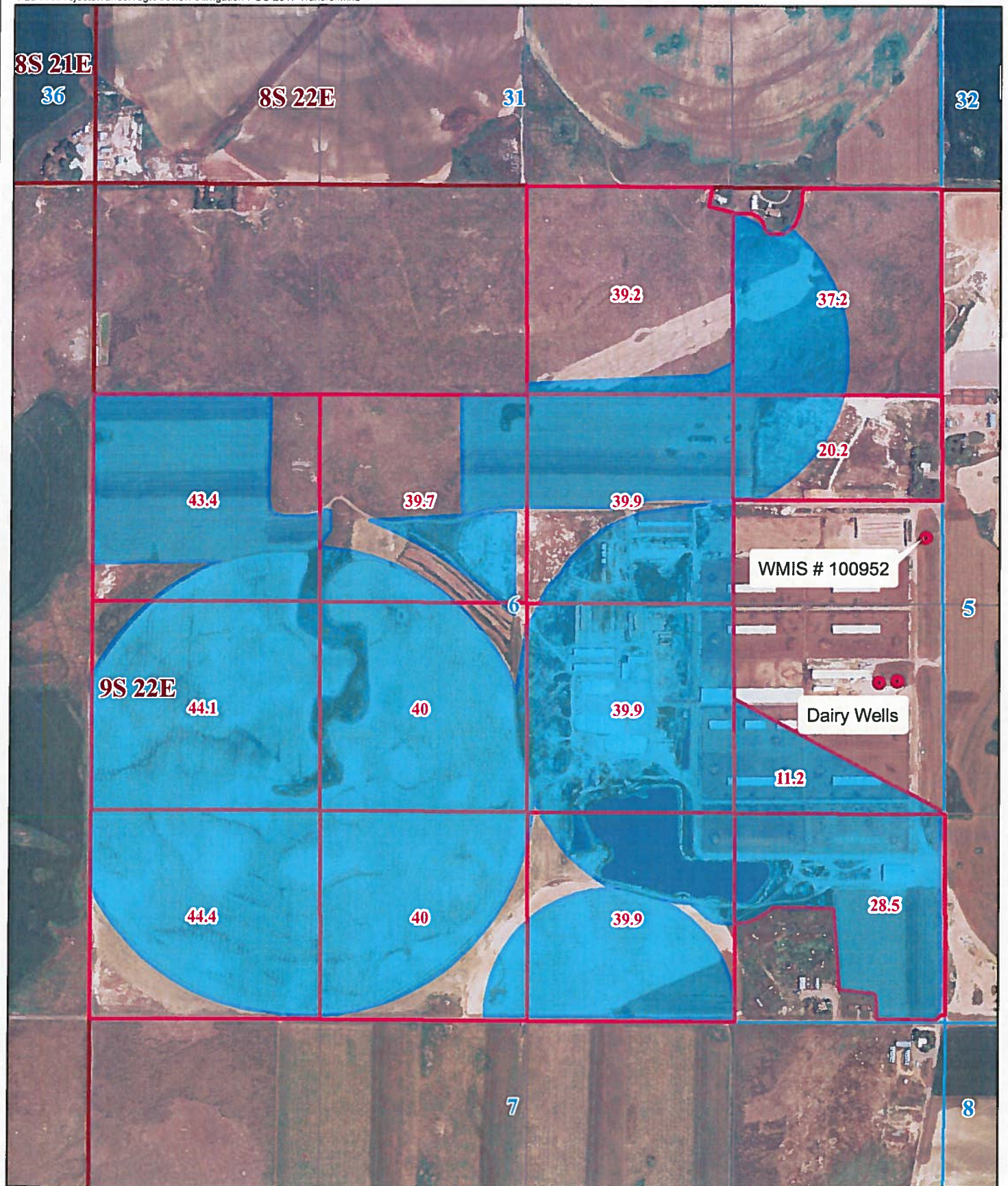
Total Acres: 14.5

Conditions of Approval:

1. 214 Prior to the diversion and use of water under Transfer approval 80573, 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.
2. R05 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.
3. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. R02 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. 213 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. T19 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.
8. X27 This right is limited to the irrigation of 7.7 acres within the authorized place of use in a single irrigation season.
9. R64 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.

Decreed Date: 8/27/2001

→ Fees applied from 5036112  
( \$880- )



0 250 500 1,000 Feet

BROCKWAY ENGINEERING, PLLC.  
GWS - Date: 8/25/2017

**VALLEY VIEW DAIRY LLC  
PPU & POU TRANSFER  
NAIP 2015 AERIAL PHOTO.**

**TRANSFER 81882**

**Legend**

- Point of Diversion
- Large\_IRR\_POU
- Irrigation PPU



RECORDING REQUESTED BY:  
Peterson Law Office, PLLC

AND WHEN RECORDED MAIL TO:  
Peterson Law Office, PLLC  
P.O. Box 5827  
Twin Falls, ID 83303



State of Idaho  
County of Minidoka  
I hereby certify the foregoing to be a true and  
correct copy of the original Quitclaim Deed  
now on file or recorded in my office in Rupert, ID  
Dated May 3, 20 17  
PATTY TEMPLE  
Clerk, Auditor & Recorder  
By S. Oster Deputy  
Instrument # 537278  
MINIDOKA COUNTY, RUPERT, IDAHO  
8-19-2016 09:59:08 AM No. of Pages: 3  
Recorded for: PETERSON LAW OFFICE  
PATTY TEMPLE Fee: 16.00  
Ex-Officio Recorder Deputy Ja

### QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS THAT:

IRENE VANDERVEGT GIBSON, a married individual dealing in her sole and separate property, hereinafter referred to as "Grantor," hereby conveys, releases, transfers, remises and forever Quit-claims all her right, title and interest in certain real property located in Minidoka County, Idaho, unto VALLEY VIEW DAIRY, LLC, an Idaho Limited Liability Company, hereinafter referred to as "Grantee," whose address is 4098 Hidden Lakes Rd, Kimberly, Idaho 83341 in and to the real property located in Minidoka County, Idaho, legally described on Exhibit A, attached hereto and incorporated in full herein.

IN WITNESS WHEREOF I have set my hand this 15 day of August, 2016.

Irene Vandervegt Gibson  
IRENE VANDERVEGT GIBSON

STATE OF IDAHO )  
County of Twin Falls ) ss.

On this 15<sup>th</sup> day of August, 2016, before me, the undersigned, a Notary Public in and for the said County and State, personally appeared IRENE VANDERVEGT GIBSON known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Jennifer J. Haskins  
Notary Public  
State of Idaho

Jennifer J. Haskins  
NOTARY PUBLIC FOR IDAHO  
Residing at: Twin Falls  
My commission expires: 06-02-2022

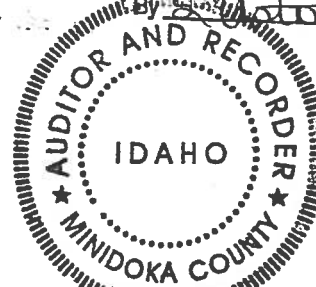
State of Idaho  
County of Minidoka  
I hereby certify the foregoing to be a true and  
correct copy of the original Quit Claim Deed  
now on file or recorded in my office in Rupert, ID

Exhibit A

Dated May 3, 2017

PATTY TEMPLE  
Clerk, Auditor & Recorder

By [Signature] Deputy



PARCEL NO. 1:

TOWNSHIP 9 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,  
MINIDOKA COUNTY, IDAHO

Section 6: Lots 1 and 2

SAVE AND EXCEPT the following described tracts:

Tract No. 1:

Beginning at the Northeast corner of Said section said  
corner marked by a U.S. Reclamation Service iron pipe with brass cap; Thence North 89°40'38" West along section line for a  
distance of 872.90 feet to the Point of Beginning;

Thence South 00°22'58" West for a distance of 18.52 feet to a 1/2" rebar;  
Thence South 00°22'58" West for a distance of 254.25 feet to a 1/2" rebar;  
Thence South 86°09'21" West for a distance of 429.44 feet to a 1/2" rebar;  
Thence North 04°28'39" West for a distance of 287.74 feet to a 1/2" rebar;  
Thence North 04°28'39" West for a distance of 17.30 feet to a 1/2" rebar;  
Thence South 89°40'38" East along section line for a distance of 454.12

feet to the Point of Beginning.

Tract No. 2:

Beginning at the Northeast section corner of Section 6, said corner marked by a 5/8 inch rebar;  
thence North 89°29'56" West (North 89°40'38" West rec.) along the North section line for a distance of 1327.02 feet to the POINT OF  
BEGINNING;

Thence South 04°17'57" East (South 04°28'39" East rec.) for a distance of 17.30 feet to a 1/2 inch  
rebar;

Thence South 04°17'57" East (South 04°28'39" East rec.) for a distance of 65.13 feet to a 1/2 inch  
rebar;

Thence South 00°30'04" West for a distance of 218.80 feet to a 1/2 inch rebar;  
Thence North 89°29'56" West for a distance of 241.66 feet to a 1/2 inch rebar;  
Thence North 37°14'16" West for a distance of 356.54 feet to a 1/2 inch rebar;  
Thence North 00°30'04" East for a distance of 18.99 feet to the North section line;  
Thence South 89°29'56" East along said line for a distance of 452.99 feet to the POINT OF

BEGINNING.

PARCEL NO. 2:

TOWNSHIP 9 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,  
MINIDOKA COUNTY, IDAHO

Section 6: Part of the N1/2NE1/4 of said section more particularly described as follows:

Beginning at the Northeast corner of Said section said corner marked by  
a U.S. Reclamation Service iron pipe with brass cap; Thence North 89°40'38" West along section line for a distance of  
872.90 feet to the Point of Beginning;

Thence South 00°22'58" West for a distance of 18.52 feet to a 1/2" rebar;  
Thence South 00°22'58" West for a distance of 254.25 feet to a 1/2" rebar;  
Thence South 86°09'21" West for a distance of 429.44 feet to a 1/2" rebar;  
Thence North 04°28'39" West for a distance of 287.74 feet to a 1/2" rebar;  
Thence North 04°28'39" West for a distance of 17.30 feet to a 1/2" rebar;  
Thence South 89°40'38" East along section line for a distance of 454.12

feet to the Point of Beginning.

RECORDING REQUESTED BY:  
STEVEN D. PETERSON

AND WHEN RECORDED  
MAIL TO:  
Steven D. Peterson, P.C.  
PO Box 5827  
Twin Falls, ID 83303-5827

Instrument # 530895

MINIDOKA COUNTY, RUPERT, IDAHO  
3-23-2015 11:33:29 AM No. of Pages: 2  
Recorded for: PETERSON LAW OFFICE, PLLC  
PATTY TEMPLE Fee: 13.00  
Ex-Officio Recorder Deputy *dw*

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## QUITCLAIM DEED

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### KNOW TO ALL MEN BY THESE PRESENTS THAT:

That VANDERVEGT DAIRY, LLC, an Idaho Limited Liability Company, hereinafter "Grantor" hereby conveys, releases, transfers, remises and forever Quit-claims all her right, title and interest in and to certain real property located in Minidoka County, Idaho, unto VALLEY VIEW DAIRY, LLC, an Idaho Limited Liability Company, hereinafter "Grantee", whose address is 4098 Hidden Lakes Dr, Kimberly, Idaho, real property legally described as follows, to wit:

### SEE ATTACHED EXHIBIT A

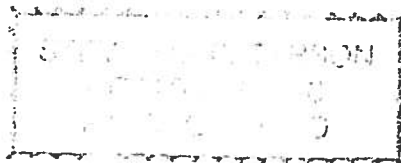
IN WITNESS WHEREOF, We have set our hands hereto this 20 day of March, 2015.

*Irene Vandervegt - Gibson*  
IRENE VANDERVEGT GIBSON,  
Authorized Agent

STATE OF IDAHO )  
County of Twin Falls ) ss.  
)

On this 20th day of March, 2015, before me, a Notary Public in and for said county and state, personally appeared IRENE VANDERVEGT GIBSON, Authorized Agent for VANDERVEGT DAIRY, LLC known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same on behalf of said LLC.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the same day and year in this certificate first above written.



*Steven D. Peterson*  
NOTARY PUBLIC FOR IDAHO  
Residing at: Twin Falls, ID  
My Commission Expires: 5-2-2018

# EXHIBIT

A

## PARCEL NO. 1:

TOWNSHIP 9 SOUTH, RANGE 22 EAST, BOISE MERIDIAN,  
MINIDOKA COUNTY, IDAHO

Section 6: Lots 5, 6 and 7; SE $\frac{1}{4}$ NW $\frac{1}{4}$ ; S $\frac{1}{2}$ NE $\frac{1}{4}$ ; E $\frac{1}{2}$ SW $\frac{1}{4}$  and SE $\frac{1}{4}$ .

SAVE AND EXCEPT the following described tracts:

### Tract No. 1:

Beginning at the Southeast corner of Section 6, said corner marked by a 5/8 inch rebar; thence North 89°42'13" West along the South section line for a distance of 660.00 feet to the POINT OF BEGINNING;  
Thence North 89°42'13" West continuing along said line for a distance of 595.35 feet;  
Thence North 00°06'41" East for a distance of 30.00 feet to a 1/2 inch rebar;  
Thence North 00°06'41" East for a distance of 488.60 feet to a 1/2 inch rebar;  
Thence South 89°42'13" East for a distance of 563.16 feet to a 1/2 inch rebar;  
Thence South 09°49'08" East for a distance of 192.85 feet to a 1/2 inch rebar;  
Thence South 00°17'47" West for a distance of 298.74 feet to a 1/2 inch rebar;  
Thence South 00°17'47" West for a distance of 30.00 feet to the POINT OF BEGINNING.

### Tract No. 2:

That part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , more particularly described as follows:

Beginning at the Southeast corner of said Section 6; thence North 0°19'15" West along the East section line of said Section 6 for 3285.84 feet to a point, which point shall be known as the TRUE POINT OF BEGINNING;  
Thence North 89°45'33" West for 430.00 feet;  
Thence North 0°19'15" West for 660.00 feet to a point on the North boundary line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Thence South 89°45'33" East along said North boundary line for 430.00 feet to a point on the East section line of said Section 6;  
Thence South 0°19'15" East along said East section line for 660.00 feet to the TRUE POINT OF BEGINNING.

### Tract No. 3:

Part of the SE $\frac{1}{4}$  of Section 6, more particularly described as follows:

Beginning at the Southeast corner of Section 6, said corner marked by a 5/8 inch rebar; thence North 0°08'00" West along section line for 859.66 feet to a 1/2 inch rebar which shall be the POINT OF BEGINNING;  
Thence South 89°47'55" West for 460.05 feet to a 1/2 inch rebar;  
Thence North 18°12'15" East for 232.19 feet to a 1/2 inch rebar;  
Thence North 41°06'54" East for 436.62 feet to a 1/2 inch rebar;  
Thence North 89°14'25" East for 99.13 feet to a 1/2 inch rebar on section line;  
Thence South 0°08'00" East along section line for 549.22 feet to the POINT OF BEGINNING.

## PARCEL NO. 2:

TOWNSHIP 9 SOUTH, RANGE 22 EAST, BOISE MERIDIAN,  
MINIDOKA COUNTY, IDAHO

Section 6: That part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , described more particularly as follows:

Beginning at the Southeast corner of said Section 6; thence North 0°19'15" West along the East section line of said Section 6 for 3285.84 feet to a point, which point shall be known as the TRUE POINT OF BEGINNING;  
Thence North 89°45'33" West for 430.00 feet;  
Thence North 0°19'15" West for 660.00 feet to a point on the North boundary line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Thence South 89°45'33" East along said North boundary line for 430.00 feet to a point on the East section line of said Section 6;  
Thence South 0°19'15" East along said East section line for 660.00 feet to the TRUE POINT OF BEGINNING.

All of PPV  
is Valley View  
Dairy.

Dis of Paul Lot  
in the SE SE

PARCEL NO. 3:  
TOWNSHIP 9 SOUTH, RANGE 22 EAST, BOISE MERIDIAN,  
MINIDOKA COUNTY, IDAHO

Section 6: That part of the SE¼, more particularly described as follows:

Beginning at the Southeast corner of Section 6, said corner marked by a 5/8 inch rebar; thence North 0°08'00" West along section line for 859.66 feet to a ½ inch rebar which shall be the POINT OF BEGINNING;  
Thence South 89°47'55" West for 460.05 feet to a ½ inch rebar;  
Thence North 18°12'15" East for 232.19 feet to a ½ inch rebar;  
Thence North 41°06'54" East for 436.62 feet to a ½ inch rebar;  
Thence North 89°14'25" East for 99.13 feet to a ½ inch rebar on section line;  
Thence South 0°08'00" East along section line for 549.22 feet to the POINT OF BEGINNING

PARCEL NO. 4:  
TOWNSHIP 9 SOUTH, RANGE 22 EAST, BOISE MERIDIAN,  
MINIDOKA COUNTY, IDAHO

Section 8: Farm Unit A, Tract A of the North Side Pumping Division, Minidoka Project, Idaho (as shown by plat, dated September 27, 1957, on file in the office of the County Recorder, Minidoka County, Idaho).

PARCEL NO. 5:  
TOWNSHIP 9 SOUTH, RANGE 22 EAST, BOISE MERIDIAN,  
MINIDOKA COUNTY, IDAHO

Section 5: Lots 1, 2, 3 and S½N½ and S½ SAVE AND EXCEPTING the following described tract:

Beginning at the Southeast corner of Section 5, said corner marked by a 5/8 inch rebar; thence North 00°10'34" West along the east line of Section 5 for a distance of 473.18 feet to the Point of Beginning;  
Thence North 88°24'18" West for a distance of 16.96 feet to a ½ inch rebar;  
Thence North 88°24'18" West for a distance of 315.61 feet to a ½ inch rebar;  
Thence along a non-tangent curve to the left for a distance of 556.78 feet to a ½ inch rebar, said curve having a radius of 1329.85 feet, a delta angle of 23°59'19", and a long chord bearing of North 30°10'22" East for a distance of 552.72 feet;  
Thence South 89°52'14" East for a distance of 40.70 feet to a ½ inch rebar;  
Thence South 89°52'14" East for a distance of 12.44 feet to the east line of Section 5;  
Thence South 00°10'34" East along said line for a distance of 486.97 feet to the Point of Beginning.

PARCEL NO. 6:  
TOWNSHIP 9 SOUTH, RANGE 22 EAST, BOISE MERIDIAN,  
MINIDOKA COUNTY, IDAHO

Section 8: Part of Farm Unit B, Tract B of the North Side Pumping Division, Minidoka Project, Idaho (as shown by plat, dated September 27, 1957, on file in the office of the County Recorder, Minidoka County, Idaho), more particularly described as follows:

Beginning at the Northeast corner of Section 8, said corner marked by a 5/8 inch rebar which shall be the Point of Beginning;  
Thence South 00°11'34" East along the East line of Section 8 for a distance of 1353.82 feet to a ½ inch rebar;  
Thence South 89°57'23" West for a distance of 16.84 feet to a ½ inch rebar;  
Thence South 89°57'23" West for a distance of 1200.12 feet to a ½ inch rebar on the West line of Tract B;  
Thence North 00°23'04" West along the West line of Tract B for a distance of 1367.97 feet to a 5/8 inch rebar at Corner No. 2 of Tract B;  
Thence South 89°22'52" East along the North line of Section 8 for a distance of 1221.66 feet to the Point of Beginning.

RECORDING REQUESTED BY:  
STEVEN D. PETERSON

AND WHEN RECORDED  
MAIL TO:  
Steven D. Peterson, P.C.  
PO Box 5827  
Twin Falls, ID 83303-5827

Instr. # 530897

MINIDOKA COUNTY, RUPERT, IDAHO  
3-23-2015 11:44:20 AM No. of Pages: 2  
Recorded for: PETERSON LAW OFFICE, PLLC  
PATTY TEMPLE Fee: 13.00  
Ex-Officio Recorder Deputy

## QUITCLAIM DEED

### KNOW TO ALL MEN BY THESE PRESENTS THAT:

That VANDERVEGT DAIRY, LLC, an Idaho Limited Liability Company, hereinafter "Grantor" hereby conveys, releases, transfers, remises and forever Quit-claims all her right, title and interest in and to certain real property located in Minidoka County, Idaho, unto VALLEY VIEW DAIRY, LLC, an Idaho Limited Liability Company, hereinafter "Grantee", whose address is 4098 Hidden Lakes Dr, Kimberly, Idaho, real property legally described as follows, to wit:

TOWNSHIP 9 SOUTH, RANGE 22 EAST, BOISE MERIDIAN, MINIDOKA COUNTY,  
IDAHO

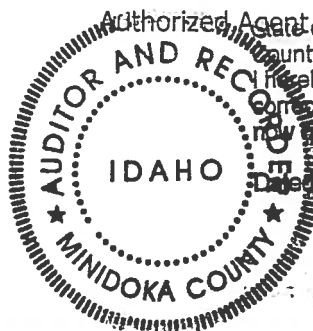
SECTION 6: Parts of Lots 1 and 2, more particularly described as follows:

Beginning at the Northeast section corner of Section 6, said corner marked by a 7 inch rebar; thence North 89°29'56" West (North 89°40'38" West rec.) along the North section line for a distance of 1327.02 feet to the POINT OF BEGINNING.  
Thence South 04°17'57" East (South 04°28'39" East rec.) for a distance of 17.30 feet to a 1/2 inch rebar;  
Thence South 04°17'57" East (South 04°28'39" East rec.) for a distance of 65.13 feet to a 1/2 inch rebar;  
Thence South 00°30'04" West for a distance of 218.80 feet to a 1/2 inch rebar;  
Thence North 89°29'56" West for a distance of 241.66 feet to a 1/2 inch rebar;  
Thence North 37°14'16" West for a distance of 356.54 feet to a 1/2 inch rebar;  
Thence North 00°30'04" East for a distance of 18.99 feet to the North section line;  
Thence South 89°29'56" East along said line for a distance of 452.99 feet to the POINT OF BEGINNING.

IN WITNESS WHEREOF, We have set our hands hereto this 20th day of March, 2015.

Irene Vandervegt Gibson  
IRENE VANDERVEGT GIBSON,

Authorized Agent of Idaho  
County of Minidoka



I hereby certify the foregoing to be a true and correct copy of the original Quitclaim Deed now on file or recorded in my office in Rupert, ID

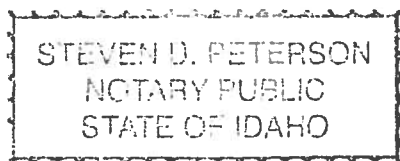
Dated: May 3, 20 17

PATTY TEMPLE  
Clerk, Auditor & Recorder  
By 2 Astor Deputy

STATE OF IDAHO )  
 ) ss.  
County of Twin Falls )

On this 20th day of March, 2015, before me, a Notary Public in and for said county and state, personally appeared IRENE VANDERVEGT GIBSON, Authorized Agent for VANDERVEGT DAIRY, LLC known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same on behalf of said LLC.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal,  
the same day and year in this certificate first above written.



  
 NOTARY PUBLIC FOR IDAHO  
 Residing at: Twin Falls, Id  
 My Commission Expires: 5-2-2018

|                                                                                                                                                                            |                                                                                                                                                 |                                                                                                                                  |                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| No. <b>W 6519</b>                                                                                                                                                          | Due no later than Jul 31, 2016<br><b>Annual Report Form</b>                                                                                     |                                                                                                                                  | 2. Registered Agent and Office<br>(NOT A P.O. BOX)<br>IRENE VANDERVEGT<br>4098 HIDDEN LAKE DR<br>KIMBERLY ID 83341 |
| Return to:<br>SECRETARY OF STATE<br>450 N 4th STREET<br>PO BOX 83720<br>BOISE, ID 83720-0080<br><br><b>NO FILING FEE IF<br/>         RECEIVED BY DUE<br/>         DATE</b> | 1. Mailing Address: Correct in this box if needed.<br>VALLEY VIEW DAIRY, L.L.C.<br>IRENE VANDERVEGT<br>4098 HIDDEN LAKE DR<br>KIMBERLY ID 83341 |                                                                                                                                  | 3. <u>New</u> Registered Agent Signature.                                                                          |
| 4. Limited Liability Companies: Enter Names and Addresses of Managers OR Members. See Instructions.                                                                        |                                                                                                                                                 |                                                                                                                                  |                                                                                                                    |
| Manager or Member      Name      Street or PO Address      City      State      Country      Postal Code                                                                   |                                                                                                                                                 |                                                                                                                                  |                                                                                                                    |
| Manager <input type="checkbox"/> Member <input checked="" type="checkbox"/> Irene VanderVegt 4098 Hidden Lake Dr. Kimberly, Idaho 83341 USA                                |                                                                                                                                                 |                                                                                                                                  |                                                                                                                    |
| Manager <input type="checkbox"/> Member <input type="checkbox"/>                                                                                                           |                                                                                                                                                 |                                                                                                                                  |                                                                                                                    |
| Manager <input type="checkbox"/> Member <input checked="" type="checkbox"/> Steve VanderVegt 369 N. 1250 W. Paul Id. 83347 USA                                             |                                                                                                                                                 |                                                                                                                                  |                                                                                                                    |
| Manager <input type="checkbox"/> Member <input type="checkbox"/>                                                                                                           |                                                                                                                                                 |                                                                                                                                  |                                                                                                                    |
| 5. Organized Under the Laws of:<br><br><div style="text-align: center; font-weight: bold; font-size: large;">             IDAHO<br/>             W 6519           </div>   |                                                                                                                                                 | 6. Signature: <u>Irene VanderVegt</u> Date: <u>5-27-16</u><br>Name (type or print): <u>Irene VanderVegt</u> Title: <u>member</u> |                                                                                                                    |
| Issued 05/23/2016 by DK1                                                                                                                                                   |                                                                                                                                                 | 127790                                                                                                                           |                                                                                                                    |

INSTRUCTIONS FOR THE IDAHO ANNUAL REPORT FORM



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](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

October 11, 2017

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

*via hand delivery*

RE: Transfer No. 81882  
Water Right No(s). 36-7471, etc.

Dear Nathan:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the water master, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

A handwritten signature in blue ink that reads "Denise Maline". The signature is written in a cursive, flowing style.

Denise Maline  
Administrative Assistant

Enclosure(s)

# MEMORANDUM

**Date:** October 6, 2017  
**To:** Transfer #81882, Valley View Dairy, LLC file  
**From:** Jim Bitzenburg  
**Re:** Evaluation of Sufficiency of Information Submitted

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Application for transfer proposes to modify an existing irrigation Permissible Place of Use (PPU) for six ground water rights which currently irrigate 374.2 acres on ground located approximately 4.0 to 5.0 miles north and 6.5 to 7.5 miles west of Paul. The applicant seeks to include all irrigable land it owns in Section 6, T09S, R22E, within the 507.6 acre PPU. The six rights, two of which have domestic components, and one of which has a stockwater component, have a combined diversion rate of 6.33 cfs, and after the transfer, will irrigate 374.2 acres within the proposed 507.6 acre PPU.

The six rights currently have as many as two different authorized points of diversion (POD) attributed to them, but in reality, all are only diverted from one existing POD. This transfer will modify the PODs for the six rights to reflect the fact that only one POD is used for all six rights. The correct POD is located approximately 4.7 miles north and 6.5 miles west of Paul.

- **Authority to File:**  
The Department's database indicates that the water rights involved are owned by Vandervegt Dairy, LLC and Irene Vandervegt-Gibson. Deeds have been submitted which support a requested change of ownership to Valley View Dairy, LLC. Application was signed by Irene Vandervegt-Gibson and the latest Annual Report for Valley View Dairy, LLC, showing she is a member of the LLC is in the application supporting documents.
- **Water Right Validity:**  
The six water rights involved have all either been decreed in the SRBA or have been licensed. Aerial imagery appears to show the rights have been used recently and 99.8 acres have been leased into the Water Supply Bank. Therefore, forfeiture does not appear to be an issue.
- **Injury to Other Water Rights:**  
None anticipated or foreseen. Authorized PODs are being dropped to reflect only one POD is actually diverting water. No increase in irrigated acreage, volume, or rate.
- **Enlargement of Use:**  
None anticipated.
- **Local Public Interest:**  
No issues anticipated.
- **Beneficial Use/Conservation of Water Resources:**  
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**  
None Anticipated
- **Effect of the Agricultural Base of the Area:**  
None Anticipated

**Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.**

## TRANSFER SYNOPSIS

**Date:** October 6, 2017  
**To:** Transfer #81882, Valley View Dairy, LLC file  
**From:** Jim Bitzenburg  
**Re:** Summary of transfer

---

Application for transfer proposes to modify an existing irrigation Permissible Place of Use (PPU) for six ground water rights which currently irrigate 374.2 acres on ground located approximately 4.0 to 5.0 miles north and 6.5 to 7.5 miles west of Paul. The applicant seeks to include all irrigable land it owns in Section 6, T09S, R22E, within the 507.6 acre PPU. The six rights, two of which have domestic components, and one of which has a stockwater component, have a combined diversion rate of 6.33 cfs, and after the transfer, will irrigate 374.2 acres within the proposed 507.6 acre PPU.

The six rights currently have as many as two different authorized points of diversion (POD) attributed to them, but in reality, all are only diverted from one existing POD. This transfer will modify the PODs for the six rights to reflect the fact that only one POD is used for all six rights. The correct POD is located approximately 4.7 miles north and 6.5 miles west of Paul.

The six rights have a combined diversion rate of 6.33 cfs, a combined annual diversion volume of 1490.8 AF, and are limited to the irrigation of 374.2 acres. The following is a breakdown of the components of the rights:

| <u>36-16467</u> | <u>Use</u> | <u>Period</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Acre Limit</u> |
|-----------------|------------|---------------|-----------------------|---------------|-------------------|
|                 | Irrigation | 3/15 to 11/15 | 1.21 cfs              | 243.2 AF      | 60.8 acres        |
|                 | Domestic   | 1/1 to 12/31  | <u>0.04 cfs</u>       |               |                   |
|                 |            |               | 1.21 cfs              |               |                   |
| <u>36-16469</u> |            |               |                       |               |                   |
|                 | Irrigation | 3/15 to 11/15 | 2.18 cfs              | 633.6 AF      | 158.4 acres       |
| <u>36-16471</u> |            |               |                       |               |                   |
|                 | Irrigation | 3/15 to 11/15 | 2.61 cfs              | 522.0 AF      | 130.5 acres       |
|                 | Domestic   | 1/1 to 12/31  | <u>0.04 cfs</u>       |               |                   |
|                 |            |               | 2.61 cfs              |               |                   |
| <u>36-17062</u> |            |               |                       |               |                   |
|                 | Irrigation | 3/15 to 11/15 | 0.14 cfs              | 30.8 AF       | 7.7 acres         |
| <u>36-17063</u> |            |               |                       |               |                   |
|                 | Irrigation | 4/01 to 10/15 | 0.11 cfs              | 27.2 AF       | 6.8 acres         |
| <u>36-7471</u>  |            |               |                       |               |                   |
|                 | Irrigation | 4/01 to 10/31 | 0.08 cfs              | 33.8 AF       | 10.0 acres        |
|                 | Stockwater | 1/01 to 12/31 | <u>0.02 cfs</u>       | <u>0.2 AF</u> |                   |
|                 |            |               | 0.08 cfs              | 34.0 AF       |                   |

A 99.8 acre portion of the rights is currently leased into the Water Supply Bank with a lease contract expiration date of 12/31/2018. Deeds supplied with the application support a requested change of ownership from Irene Vandervegt-Gibson to Valley View Dairy, LLC.

Since the transfer is located within Water District 130, comments will be solicited from Nathan Erickson, the Watermaster of WD-130.

## MEMORANDUM

**Date:** September 1, 2017  
**To:** Transfer 81882  
**From:** James Bitzenburg  
**Re:** Legal Notice Not Required

Legal Notice Not Required  
9/1/2017

Pursuant to Section 42-222, Idaho Code, the Department has discretion to provide public notice as deemed appropriate. The water right changes proposed through this transfer application do not appear to change the effect on the original or hydraulically connected water source or affect other water rights. Therefore, staff review of the transfer application found no cause to require public notice. This application will continue processing without advertisement and be forwarded for approval consideration.

Application proposes dropping some PODs, changing some PODs to nearby locations, and creating a PPU for all of the rights in a contiguous area, so advertising is not deemed necessary.

## FEE MEMORANDUM

**Date:** September 1, 2017  
**To:** Valley View Dairy, LLC transfer #81882 file  
**From:** Jim Bitzenburg  
**Re:** Receipting/disposition of fees paid

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Transfer 81882 was filed after transfers 81656 and 81662 (also in the name of Valley View Dairy, LLC) were withdrawn and the fees charged and paid for those first two transfers are being applied to this transfer as requested by the applicant's representative. This transfer is changing PODs on some rights and creating a PPU for all of the rights, so the fee calculation is fairly complex.

For rights 36-16467, 36-16469, and 36-16471. I compared the land list, by quarter-quarter, of the PPU as it is now (392.9 acres), to the proposed PPU land list (507.4 acres) and came up with 114.5 acres changing. I then divided that number by the acre limit of each right, and multiplied that figure by the flow rate of the right. Totaling up the flow rate from those calculations gives me the flow rate to base the fee upon.

**36-16471**

$114.5 \text{ acres} / 130.5 \text{ acres} = 0.877394636 \times 2.61 \text{ cfs} = 2.29 \text{ cfs}$

**36-16467**

$114.5 \text{ acres} / 60.8 \text{ acres} = 1.88 \times 1.21 \text{ cfs} = (\text{more than cfs total, charge for entire rate}) = 1.21 \text{ cfs}$

**36-16469**

$114.5 \text{ acres} / 158.4 \text{ acres} = 0.722853535 = 1.58 \text{ cfs}$

The total cfs changing for those three rights is **5.08 cfs**

Right 36-7471 is changing from one POD to another, so the full flow rate of the right is charged, which is **0.08 cfs**.

Rights 36-17062 and 36-17063 are moving into a PPU which is greater than their acre limits, so their full flow rates are being charged ( $0.11 \text{ plus } 0.14 = \mathbf{0.25 \text{ cfs}}$ ).

This totals a flow rate of 5.41 cfs and from the fee schedule, \$900.00 is to be charged. Ownership changes have been requested for the 6 rights, which, at \$25/right totals \$150.00 for a total fee of \$1050.00. After applying the fees from the first two transfers of \$880.00 (receipt S036112) a balance of \$170.00 was due. This was paid by Brockway Engineering with check 14194, receipt S036325, with the new transfer application.



**BROCKWAY**  
ENGINEERING  
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

AUG 29 2017

DEPT OF WATER RESOURCES  
SOUTHERN REGION

August 29, 2017

Jim Bitzenburg  
Idaho Department of Water Resources  
650 Addison Ave. W., Ste. 500  
Twin Falls, ID 83301

Re: Valley View Dairy LLC

Dear Mr. Bitzenburg:

At your request water right transfers #81656 and #81662 are being withdrawn.

A new water right transfer that includes water rights 36-16467, 36-16469, 36-16471, 36-7471, 36-17062 and 36-17063 has been prepared and is being submitted to IDWR at this time. This transfer proposes to create a permissible place of use for all irrigation water rights and to update the current POD.

A total of \$880.00 has been paid to IDWR currently to process transfers #81656 and #81662. Please apply the \$880.00 that has been paid towards the processing fee for this new transfer. An amount of \$170.00 additional payment is required to process the new transfer.

Water right ownership change forms are being submitted for water rights 36-4037, 36-7363B, 36-2114, 36-4038, 36-7283, 36-7289, 36-17012 and 36-17013. A change of ownership fee of \$200.00 is required.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Irene Vandervegt

Enc: Transfer Withdrawal Forms, Aerial Map, Ownership Change Documents, Brockway  
Engineering Check # 14194 for \$370.00

CHARLES E.  
BROCKWAY,  
PH.D., P.E.

CHARLES G.  
BROCKWAY,  
PH.D., P.E.

2016 NORTH  
WASHINGTON  
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