

RECEIVED

AUG 29 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION

**WITHDRAWAL
OF
APPLICATION FOR TRANSFER OF WATER RIGHT(S)**

I/We, Valley View Dairy LLC and _____,
(Applicant's Printed Name) (Applicant's Printed Name)

_____ and _____,
(Applicant's Printed Name) (Applicant's Printed Name)

hereby withdraw our Application for Transfer No. 81656 of Water Right

No(s). 36-7471

Signed this 28 day of August, 20 17.

Irene Vindu Dept. - Libson
(Signature/Title of Applicant)

Valley View Dairy LLC
369 N 1250 W
Paul ID 83347

(Signature/Title of Applicant)

(Signature/Title of Applicant)

(Signature/Title of Applicant)

✓ data-entry done
by JB & CS.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 08 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION

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

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

Check all that apply:

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

1. APPLICANT(S) VALLEY VIEW DAIRY LLC Phone (208) 280-1687

2. MAILING ADDRESS 369 N 1250 W City Paul

State Idaho Zip 83347 Email _____

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

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

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

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

3. LIST WATER RIGHT NUMBER(S) 36-7471

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

4. **TOTAL AMOUNT OF WATER** transferred is 0.08 cubic feet per second and/or 34.0 acre-feet per annum.
(diversion rate) (storage volume)

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

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

[illegible]

WITHDRAWN

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

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

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☐ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

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

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

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

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

Trone VanderVest-Gibson
Signature of applicant or authorized agent

Trone VanderVest-Gibson
Print name and title if applicable

4-11-17
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

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

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by DM

Date 5-8-2017

Fee paid \$225 Date 5-8-2017

Received by DM

Receipt # 8036112

Preliminary review by _____

Date _____

Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐

Name on W-9 _____

W-9 forwarded to fiscal? Yes ☐ No ☐

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

5 Fees to be applied to new x-fer rec'd:
8/30/2017

[Close](#)

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

3/17/2017

WATER RIGHT NO. 36-7471

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	VANDERVEGT DAIRY LLC 369 N 1250 W PAUL, ID 83347 (208) 280-1687
Original Owner	CHARLES E TAYLOR RR 1 BOX 10 DECLO, ID 83323 (208)654-2101

Priority Date: 05/03/1974

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	0.08 CFS	33.8 AFA
STOCKWATER	1/01	12/31	0.02 CFS	0.2 AFA
Total Diversion			0.08 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NENE Lt 1|Sec. 06|Township 09S|Range 22E|MINIDOKA County

Licensed Diversion Capacity: 0.08

Place(s) of use:

Place of Use Legal Description: IRRIGATION MINIDOKA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
09S	22E	6	1	NENE	10									

Place of Use Legal Description: STOCKWATER same as IRRIGATION

Total Acres: 10

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.
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,
5. SF2 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.

Dates:

Licensed Date: 11/27/1992

Decreed Date:

Permit Proof Due Date: 10/1/1990

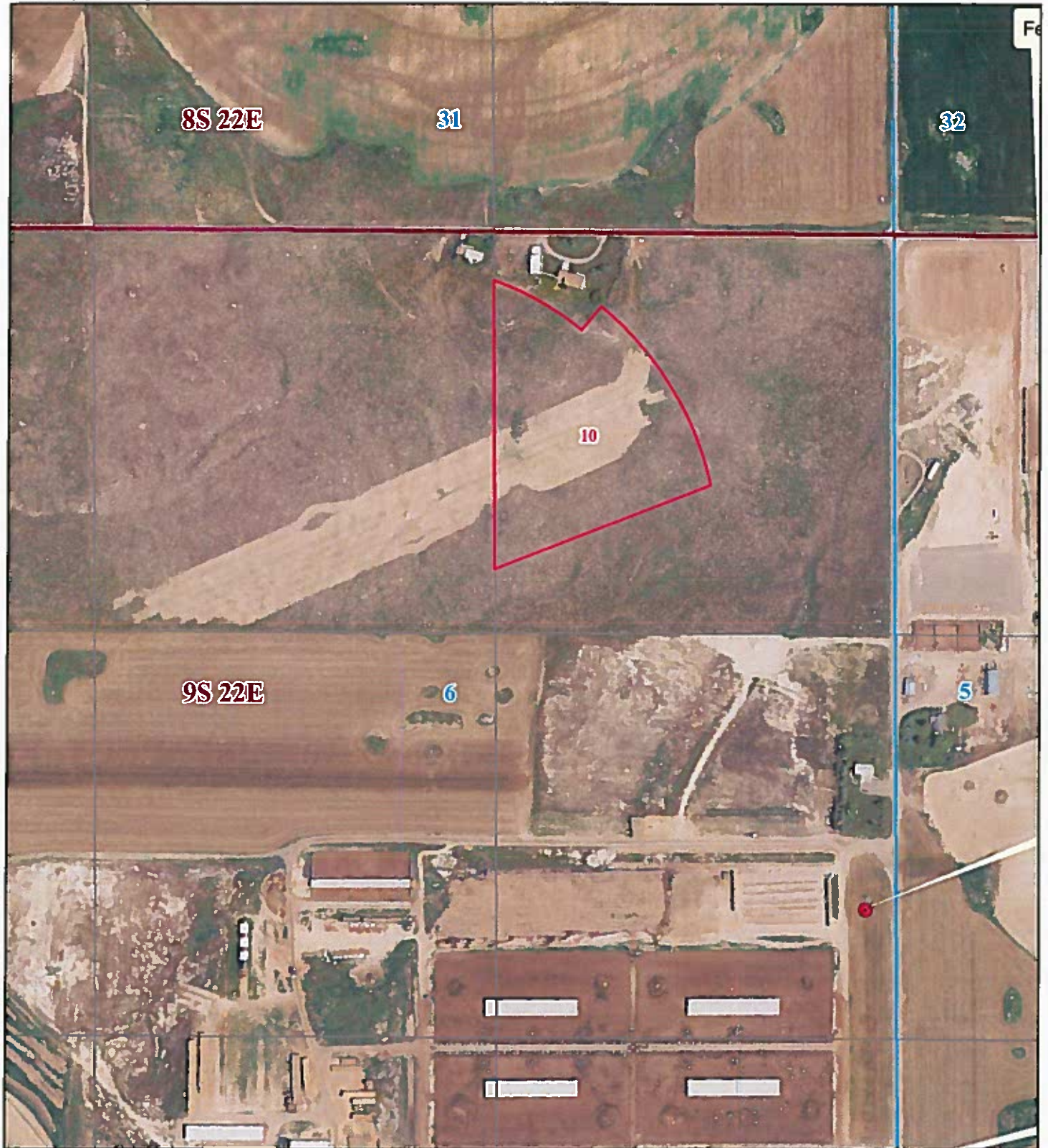
Permit Proof Made Date: 9/26/1990

Permit Approved Date: 6/7/1974

Permit Moratorium Expiration Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Water Supply Bank Enrollment Date Accepted:
Water Supply Bank Enrollment Date Removed:
Application Received Date: 05/03/1974
Protest Deadline Date:
Number of Protests: 0

Other Information:
State or Federal:
Owner Name Connector: AND/OR
Water District Number: 130
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Close



0 125 250 500 Feet

**VANDERVEGT DAIRY
36-7471 POU TRANSFER
NAIP 2015 AERIAL PHOTO.**

Legend

- Point of Diversion
- 36-7471 New POU



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 # 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 *PT*

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:

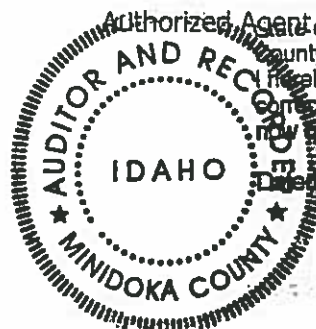
TOWNSHIP 9 SOUTH, RANGE 22 EAST, BOISE MERIDIAN, MINIDOKA COUNTY,
IDAHO

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



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

Date: May 3, 2017

PATTY TEMPLE
Clerk, Auditor & Recorder
By *P. Temple* Deputy

)

) ss.

)

On this 20th day of March

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal,

STEVEN D. PETERSON
NOTARY PUBLIC
STATE OF IDAHO

NOTARY PUBLIC FOR IDAHO

Residing at: Twin Falls, Id

My Commission Expires: 5-2-2018

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

QUITCLAIM DEED

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:

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

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

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. Peltier
NOTARY PUBLIC FOR IDAHO
Residing at: Twin Falls, ID
My Commission Expires: 5-2-2008

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
Dated May 3, 2017

Exhibit A

PATTY TEMPLE
Clerk, Auditor & Recorder

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 ½" rebar;
Thence South 00°22'58" West for a distance of 254.25 feet to a ½" rebar;
Thence South 86°09'21" West for a distance of 429.44 feet to a ½" rebar;
Thence North 04°28'39" West for a distance of 287.74 feet to a ½" rebar;
Thence North 04°28'39" West for a distance of 17.30 feet to a ½" 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 ½ inch rebar;

Thence South 04°17'57" East (South 04°28'39" East rec.) for a distance of 65.13 feet to a ½ inch rebar;

Thence South 00°30'04" West for a distance of 218.80 feet to a ½ inch rebar;
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Thence North 37°14'16" West for a distance of 356.54 feet to a ½ 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 N½NE¼ of said section more particularly described as follows:

Beginning at the Northeast corner of Said section said corner marked by
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Thence North 04°28'39" West for a distance of 17.30 feet to a ½" rebar;
Thence South 89°40'38" East along section line for a distance of 454.12

feet to the Point of Beginning.

No. W 71337 Return to: SECRETARY OF STATE 450 N 4th STREET PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	Due no later than Feb 28, 2017 Annual Report Form	2. Registered Agent and Office (NOT A P.O. BOX) IRENE VANDERVEGT-GIBSON 4098 HIDDEN LAKES RD KIMBERLY ID 83341 3. <u>New</u> Registered Agent Signature.																																			
1. Mailing Address: Correct in this box if needed. VANDERVEGT DAIRY, LLC IRENE VANDERVEGT-GIBSON 4098 HIDDEN LAKES RD KIMBERLY ID 83341																																					
4. Limited Liability Companies: Enter Names and Addresses of Managers OR Members. See Instructions. <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Manager or Member</th> <th style="text-align: left;">Name</th> <th style="text-align: left;">Street or PO Address</th> <th style="text-align: left;">City</th> <th style="text-align: left;">State</th> <th style="text-align: left;">Country</th> <th style="text-align: left;">Postal Code</th> </tr> </thead> <tbody> <tr> <td>Manager ☐ Member ☒</td> <td>Irene Vander-Veg-</td> <td>Gibson</td> <td>4098 Hidden Lakes Rd.</td> <td>Kimberly</td> <td>Id.</td> <td>83341</td> </tr> <tr> <td>Manager ☐ Member ☐</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Manager ☐ Member ☒</td> <td>Steve VanderVeg</td> <td>369 N. 1250 W.</td> <td>Paul</td> <td>Id.</td> <td></td> <td>83347</td> </tr> <tr> <td>Manager ☐ Member ☐</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>			Manager or Member	Name	Street or PO Address	City	State	Country	Postal Code	Manager ☐ Member ☒	Irene Vander-Veg-	Gibson	4098 Hidden Lakes Rd.	Kimberly	Id.	83341	Manager ☐ Member ☐							Manager ☐ Member ☒	Steve VanderVeg	369 N. 1250 W.	Paul	Id.		83347	Manager ☐ Member ☐						
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5. Organized Under the Laws of: IDAHO W 71337	6. <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Signature: <u>Irene Vander-Veg-Gibson</u></td> <td style="width: 40%;">Date: <u>12-26-16</u></td> </tr> <tr> <td>Name (type or print): <u>Irene Vander-Veg-Gibson</u></td> <td>Title: <u>Member</u></td> </tr> </table>		Signature: <u>Irene Vander-Veg-Gibson</u>	Date: <u>12-26-16</u>	Name (type or print): <u>Irene Vander-Veg-Gibson</u>	Title: <u>Member</u>																															
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Issued 12/21/2016 by TLB

126814

INSTRUCTIONS FOR THE IDAHO ANNUAL REPORT FORM

Block 1: Entity name may not be altered through the use of this form. Pay special attention to the mailing address. If the correct mailing address is not given in Block 1, strike it out and write in the correct address. **Note:** To ensure future mailings, the corrected address **must** be inside Block 1.



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

September 6, 2017

VALLEY VIEW DAIRY LLC
369 N 1250 W
PAUL ID 83347

Re: Withdrawal of Application for Transfer No. 81656
Water Right No(s): 36-7471

Re: Withdrawal of Application for Transfer No. 81662
Water Right No(s): 36-16467, 36-16469, 36-16471

Dear Applicant(s):

Thank you for your recent withdrawal of the above referenced applications. Please note, the filing fees paid on May 8, 2017 by Brockway Engineering, have been applied to Application for Transfer 81882, filed on August 30, 2017.

Please feel free to contact our office at 208-736-3033 if you have additional questions in this matter. Also, more information about water rights and other matters administered by this agency is available on the Internet at www.idwr.idaho.gov.

Sincerely,


Denise Maline
Administrative Assistant

cc: Brockway Engineering PLLC

FEE MEMORANDUM

Date: May 16, 2017
To: Valley View Dairy, LLC transfer #81656 file
From: Jim Bitzenburg
Re: Receipting/disposition of fees paid

This transfer was filed to correct the authorized point of diversion for right 36-7471 (0.08 cfs) and to change the ownership of the right from Vandervegt Dairy LLC to Valley View Dairy LLC. The flow rate of 0.08 cfs equates to a transfer fee of \$200.00 with the change of ownership adding another \$25.00 for a total of \$225.00, which was paid by Brockway Engineering with check #14018 on the date the transfer was filed, May 8, 2017, receipt #S036112.



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

MAY 08 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION

May 4, 2017

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

Re: Valley View Dairy LLC

Dear Mr. Skinner:

Valley View Dairy LLC desires to correct the authorized point of diversion for water right 36-7471. The ownership of water right 36-7471 needs to be updated also.

No additional changes for 36-7471 are proposed at this time.

Please contact me if you have any questions.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Irene Vandervegt

Enc: Aerial Map, Quit Claim Deed, Brockway Engineering Check # 14018 for \$225.00.

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

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

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506