

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 80023**

This is to certify that: **DIAMOND B DAIRY LP**
4500 E BURGUNDY CT
NAMPA, ID 83686

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
2-10528	WR/DECREE	7/1/1953	1.660 cfs	N/A	N/A	158.0	SNAKE RIVER

Purpose of Transfer (Changes Proposed)

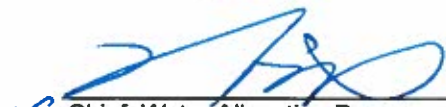
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
2-10528	NO	NO	NO	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
2-10528	2-10528	1.660 cfs	N/A	N/A	142.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		1.660 cfs	N/A	N/A	142.0	N/A	N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 29th day of March, 2017.



Chief, Water Allocation Bureau

WATER RIGHT NO. 2-10528

As Modified by Transfer No. 80023

In accordance with the approval of Transfer No. 80023, Water Right No. 2-10528 is now described as follows:

Right Holder: DIAMOND B DAIRY LP
4500 E BURGUNDY CT
NAMPA, ID 83686

Priority Date: 7/1/1953

Source: SNAKE RIVER

Tributary: COLUMBIA RIVER

BENEFICIAL USE

IRRIGATION

From

04/01

to

To

10/31

Diversion Rate

1.660 cfs

1.660 cfs

LOCATION OF POINT(S) OF DIVERSION

SNAKE RIVER
SNAKE RIVER

L5 (SENW)
L6 (NWSE)

Sec 8 Twp 01N Rge 03W CANYON County
Sec 8 Twp 01N Rge 03W CANYON County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	03W	8			31.0	12.0	23.0			25.0					29.0	22.0			142.0
										L 5						L 6			

POU Total Acres: 142.0

CONDITIONS OF APPROVAL

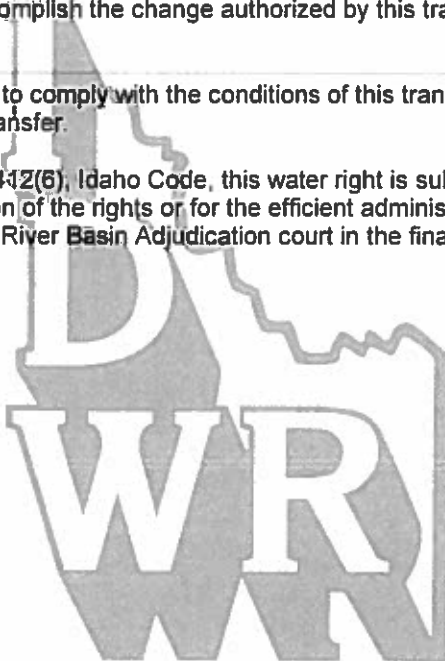
1. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
2. Rights 2-10266, 2-10268, 2-10528 and 2-10529 when combined shall not exceed a total diversion rate of 3.266 cfs.
3. The right holder shall cease irrigation of 16 acres previously authorized under this right, and consolidate use of water on the remaining 142 acres.
4. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
5. Use of this right is combined with water from Wilder Irrigation District.

Transfer No. 80023

WATER RIGHT NO. 2-10528
As Modified by Transfer No. 80023

CONDITIONS OF APPROVAL

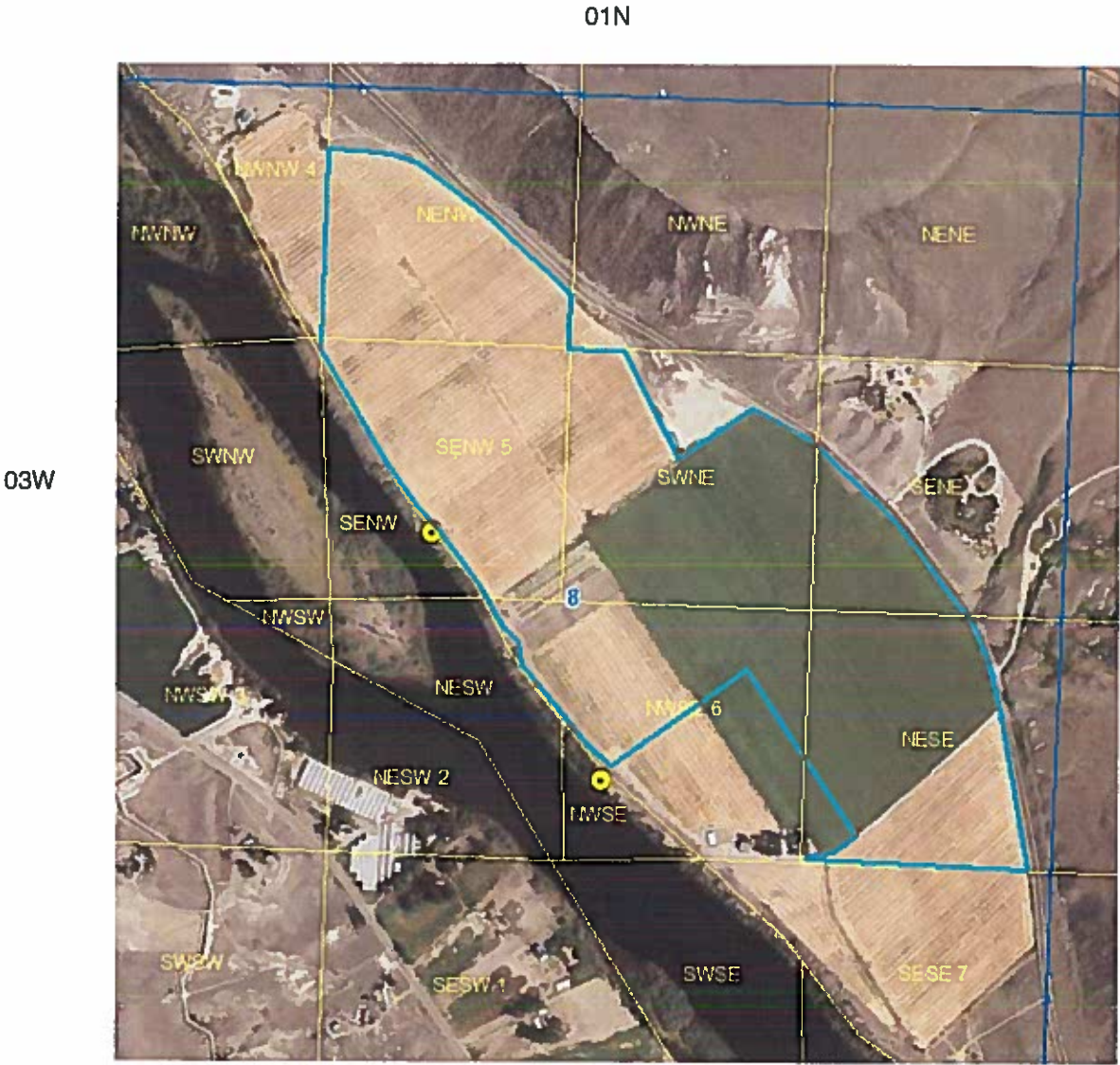
6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 3/1 and after 11/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 6/15/2009.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



State of Idaho
Department of Water Resources
Attachment to Water Right Transfer No. 80023

2-10528

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



Check all that apply:

TRANSFER No. 80023

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 pumps from Snake River with mainlines to irrigation system. Measuring devices and lockable controlling work can be installed if required.

- b. Who owns the property at the point(s) of diversion? Applicant (Lot 5 point). Ver Hagen (Lot 6 point)
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Lot 6 point is currently authorized as a diversion point for this right.

- 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 ¼ ¼ of section information. The [Map Tool](#), available at maps.idwr.idaho.gov/TransferApplicationLayouts/ provides a satisfactory template for creating the required map.

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


Signature of applicant or authorized agent

David Butler Owner
Print name and title if applicable

3-21-15
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 4 pages of attachments.

Received by CS

Date 4/10/15

Fee paid \$580⁰⁰ Date 4/10/15

Received by CS

Receipt # WD43000

Preliminary review by RS

Date Completed 12-8-16

Active in the Water Supply Bank? Yes ☐ No ☒

W-9 received? Yes ☐ No ☒

Name on W-9 X

W-9 forwarded to fiscal? Yes ☐ No ☒

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

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TRANSFER No. 80023

CloseIDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

4/8/2015

WATER RIGHT NO. 2-10266

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DAVID L SMARTT 16057 MAP ROCK RD CALDWELL, ID 83605 (208)896-4585
Original Owner	ELAINE L ALLEN 10728 HWY 78 MELBA, ID 83641-4122 (208)896-4538
Original Owner	JOS SALTZER 215 E HAWAII NAMPA, ID 83651

Priority Date: 07/01/1953

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SNAKE RIVER	COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	1.966 CFS	
Total Diversion			1.966 CFS	

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8002-3

Location of Point(s) of Diversion:

SNAKE RIVER|NWSE Lt 6|Sec. 08|Township 01N|Range 03W|CANYON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION CANYON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01N	03W	8		SWNE	39		SENE	12						
				NENW	31	5	SENE	25						
				NESE	31	6	NWSE	35	7	SESE	13.7			

Total Acres: 186.7

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. P21 This right is a split from former right 2-10232.
3. E52 The rights listed below are limited to a total combined diversion rate of 2.18 cfs. Combined Right Nos.: 2-10211, 2-10233, 2-10265, and 2-10266.
4. F06 The following rights are also diverted through point of diversion described above: 2-10211, 2-10233, 2-10265, and 2-10266.
The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
5. S39 Use of this right is combined with water from Wilder Irrigation District.
7. E62 This right when combined with Right No. 2-10268 shall provide no more than .02 cfs per acre.
8. E51 Right Nos. 2-10266 and 2-10268 are limited to a total combined diversion rate of 3.266 cfs.

Dates:

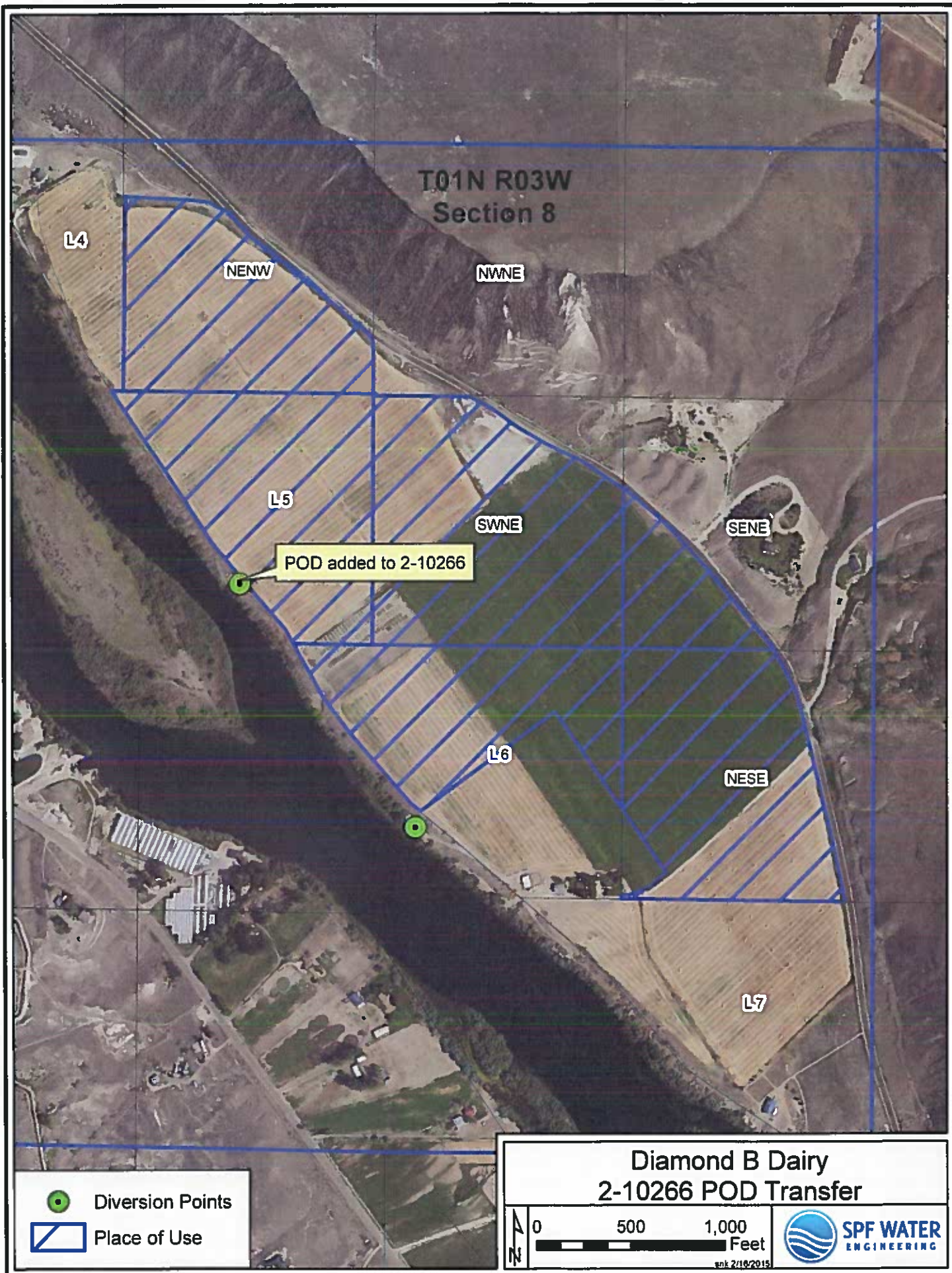
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80023

Licensed Date:**Decreed Date:** 06/15/2009**Enlargement Use Priority Date:****Enlargement Statute Priority Date:****Water Supply Bank Enrollment Date Accepted:****Water Supply Bank Enrollment Date Removed:****Application Received Date:****Protest Deadline Date:****Number of Protests:** 0**Other Information:****State or Federal:** S**Owner Name Connector:****Water District Number:****Generic Max Rate per Acre:****Generic Max Volume per Acre:****Combined Acres Limit:****Combined Volume Limit:****Combined Rate Limit:** 3.266**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**

19.5

80023





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

March 29, 2017

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

DIAMOND B DAIRY LP
4500 E BURGUNDY CT
NAMPA ID 83686

Re: Transfer No: 80023
Water Right No(s): 2-10528

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

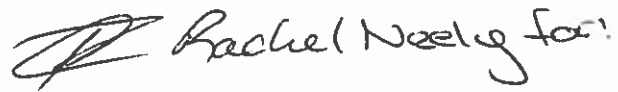
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208)334-2190.

Sincerely,

A handwritten signature in black ink that reads "Rachel Neely for:". The signature is written in a cursive, flowing style.

Nick Miller

Western Regional Manager

Enclosure

CC:

SPF WATER ENGINEERING LLC
C/O SCOTT N KING
300 E MALLARD DR STE 350
BOISE ID 83706

CERTIFICATE OF SERVICE

I hereby certify that on March 29, 2017 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**Re: Transfer No.: 80023
Water Right No(s): 2-10528**

**DIAMOND B DAIRY LP
4500 E BURGUNDY CT
NAMPA ID 83686**

**SPF WATER ENGINEERING LLC
C/O SCOTT N KING
300 E MALLARD DR STE 350
BOISE ID 83706**



**Rachel Neely
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held.
- ii. The final agency action was taken.
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

TO: Transfer No. 80023
FROM: Rachel Sommer
DATE: March 2, 2017
RE: Evaluation of Application

Summary of Application Proposal

The following proposal is to be met following a transfer approval in the name of Diamond B Dairy LP.

- This transfer proposes to add one point of diversion to a system consisting of one pump in the Snake River for their portion of split right 2-10266.
 - On April 10, 2015, Diamond B Dairy LP submitted an ownership change for a portion of right 2-10266. The ownership change was completed splitting the right and creating right 2-10528 to represent the applicant's portion.

Location of Application Proposal

The proposal is located off of Map Rock Rd south-west of Skyline Rd and W Stage Coach Rd north of the Snake River in Nampa ID.

Summary of Information Submitted

Authority to File:

The property and water right reflects ownership of Diamond B Dairy LP. On February 24, 2017 a Certified Copy of Resolution of Diamond B Dairy LP and a Consent of Lieu of a Special Meeting of the General Partners was received by the Department authorizing David Butler to act on behalf of the partnership for this transfer pertaining to Water Right No. 2-10266; the transfer was signed by David Butler.

Water Right Validity:

Right 2-10528 was decreed in the SRBA on 6/15/2009.

A portion of the right presumed valid; beneficial use confirmed by aerial imagery from 2011, 2013, and 2015.

Right 2-10528 authorizes irrigation of 39 acres in the SWNE and 31 acres in the NENW of 1N, 3W, Section 8. Aerial imagery identifies 31 acres irrigated in the SWNE and 23 acres irrigated in the NENW. The applicants were contacted via email October 19, 2016 to discuss the possible forfeiture of the 16 acres not irrigated. Multiple discussions with SPF Water Engineering (applicant's consultants) and an email from David Butler (applicant) on December 2, 2016 concluded the applicants consolidated the acres of irrigation though the right has been and will continue to be appropriated at the full diversion rate. The department will move forward processing this transfer consolidating the 158 acres to 142 acres; the rate will not be affected.

Injury to Other Water Rights:

No injury to other water rights should occur through this transfer as long as the right holder abides by the amount of water and combined use limitations for each right in this transfer.

Enlargement of Use:

No enlargement should occur under the proposed transfer application. The application proposes to add one point of diversion to the existing system; no proposal is being sought to change any other elements under the above mentioned right. Enlargement is not a concern when adding a new point of diversion to a system if action is taken to ensure existing combined use limitations prior to the transfer filing are maintained on any transfer approval issued.

Overlapping POU/POD:**POU overlap –**

- ▶ Overlap exists between rights 2-10266, 2-10268, 2-10528 and 2-10529. The existing rate combined use condition not to exceed 3.266 cfs will be maintained on right 2-10528 through an approval of this transfer considering the applicant is not proposing to remove this right from the existing system.
- ▶ Before right 2-10528 was split from 2-10266, combined use limits were on rights 2-10211, 2-10233, 2-10265, and 2-10266 stating the rights were not to exceed 2.18 cfs. Because the face value of these rights is 2.18 cfs having conditions limiting the rights is unnecessary. The limiting condition will be removed from right 2-10528, however, the combined limit data entry will be maintained because the condition is on other rights not involved in this transfer.

POD overlap –

- ▶ Rights 2-10267, 2-10268, 2-10528 (upon a transfer approval), and 2-10529 divert water from a POD located in the L5(SENW) of 1N, 3W, SEC 8.
- ▶ Rights 2-10211, 2-10233, 2-10265, and 2-10528 divert water from a POD located in the L6(NWSE) of 1N, 3W, SEC 8.

Local Public Interest:

It is within the local public interest to allow property owners to develop their property as long as their application is processed without issues.

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.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

Summary of Application Approval / Denial

The application is consistent with criteria of I. C. § 42-222 and should be processed. Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

RECEIVED

FEB 24 2017

WATER RESOURCES
WESTERN REGION

CERTIFIED COPY OF RESOLUTION OF
DIAMOND B DAIRY LIMITED PARTNERSHIP,
an Arizona limited partnership
("Partnership")

STATE OF ARIZONA)
) ss.
County of Coconino)

RESOLVED, that DAVID BUTLER is hereby authorized to enter into, execute and deliver, in the name and on behalf of the Partnership, any and all documentation and instruments that may be deemed necessary for the application for point of diversion transfer on a portion of water right 2-10266 and the IDWR's inclination to approve the transfer with a 16 acre reduction in the place of use without further act or resolution by the General Partner.

BRETT BUTLER, being first duly sworn, deposes and says upon oath:

That he is the Trustee of the BUTLER LIVING TRUST, created April 19, 1982 general partner of DIAMOND B DAIRY LIMITED PARTNERSHIP and that as such has custody of the books and records of the Partnership, including the minute book of resolutions adopted by the General Partners of the Partnership and he certifies that the foregoing is a true, full and correct copy of the original resolution adopted by the General Partner of the Partnership by Consent in Lieu of Special Meeting dated the 23 day of February, 2017.

DIAMOND B DAIRY LIMITED
PARTNERSHIP, an Arizona limited
partnership

By: BUTLER LIVING TRUST,
created April 19, 1982,
general partner

By: Brett Butler
BRETT BUTLER, Trustee

SUBSCRIBED AND SWORN to before me this 23 day of February,
2017.

[Signature]
Notary Public

My commission expires:
4/5/19

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RECEIVED
FEB 24 2017
WATER RESOURCES
WESTERN REGION

**DIAMOND B DAIRY LIMITED PARTNERSHIP,
an Arizona limited partnership**

**Consent in Lieu of a Special Meeting
of the General Partners**

The undersigned, being the sole General Partner of DIAMOND B DAIRY LIMITED PARTNERSHIP, an Arizona limited partnership ("Partnership"), hereby consents to the adoption of and does hereby adopt the following resolution and declares it to be in full force and effect.

RESOLVED, that DAVID BUTLER is hereby authorized to enter into, execute and deliver, in the name and on behalf of the Partnership, any and all documentation and instruments that may be deemed necessary for the application for point of diversion transfer on a portion of water right 2-10266 and the IDWR's inclination to approve the transfer with a 16 acre reduction in the place of use without further act or resolution by the General Partner.

DATED this 27 day of February, 2017.

DIAMOND B DAIRY LIMITED
PARTNERSHIP, an Arizona limited
partnership

By: BUTLER LIVING TRUST,
created April 19, 1982,
general partner

By: Brett Butler
BRETT BUTLER, Trustee

Sommer, Rachel

From: Sommer, Rachel
Sent: Monday, January 30, 2017 4:52 PM
To: 'Scott King'; 'djb21069@aol.com'
Subject: RE: 80023 Transfer Application

Dear Applicant and Interested Party,

Additional information is needed to fully evaluate your proposal. Please submit documentation confirming David butler is authorized to sign on behalf of the applicant, Diamond B Dairy Limited Partnership, by **February 28, 2017**.

Please let me know if you have questions.

Sincerely,

Rachel Sommer | Water Resource Agent
Idaho Dept. of Water Resources | Western Regional Office
208.334.2190 | 2735 Airport Way, Boise ID 83705

Sommer, Rachel

From: Sommer, Rachel
Sent: Friday, December 02, 2016 1:07 PM
To: 'djb21069@aol.com'
Subject: RE: Diamond B water rights

David,

Thank you for responding to my email dated October 19, 2016.

I will continue processing your transfer by consolidating the acres; the rate will not be affected the consolidation.

Please let me know if you have questions.

Sincerely,

Rachel Sommer | Water Resource Agent
Idaho Dept. of Water Resources | Western Regional Office
208.334.2190 | 2735 Airport Way, Boise ID 83705

From: djb21069@aol.com [<mailto:djb21069@aol.com>]
Sent: Friday, December 02, 2016 12:38 PM
To: Sommer, Rachel
Subject: Diamond B water rights

Dear Rachel,

This email regards Diamond B Dairy Limited Partnership's application for point of diversion transfer on a portion of water right 2-10266 and your October 19, 2016 email to Scott King stating IDWR's inclination to approve the transfer with a 16 acre reduction in the place of use. We have consolidated acres on this farm but have maintained diverting at the full diversion rate and do not intend to divert at a lower flow rate. I acknowledge a reduction of 16 acres of irrigated area provided the full flow rate remains authorized for diversion.

Thank you,
David Butler

Sommer, Rachel

From: Sommer, Rachel
Sent: Wednesday, October 19, 2016 12:04 PM
To: 'sking@spfwater.com'
Subject: 80023 Transfer Application

Dear Scott King,

The Idaho Department of Water Resources (IDWR) received the above referenced application for transfer in the name of Diamond B Dairy Limited partnership. The purpose of this email is to request information pertaining to a partial forfeiture of the water right in the transfer.

Water Right 2-10266 has been split creating right 2-10528 to identify Diamond B Dairy's portion of the right. Right 2-10528 authorizes irrigation of 39 acres in the SWNE and 31 acres in the NENW of 1N, 3W, Section 8. Aerial imagery identifies 31 acres irrigated in the SWNE and 23 acres irrigated in the NENW. The Department is inclined to move forward processing the transfer forfeiting the 16 acres unless disputes to these findings are received within thirty (30) days.

Please contact me if you have questions regarding this matter.

Sincerely,

Rachel Sommer | Water Resource Agent
Idaho Dept. of Water Resources | Western Regional Office
208.334.2190 | 2735 Airport Way, Boise ID 83705



SPF WATER
ENGINEERING

April 8, 2015

RECEIVED

APR 10 2015

WATER RESOURCES
WESTERN REGION

Angie Grimm
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

***Subject: Notice of Change in Water Right Ownership
Application for Transfer***

Dear Angie,

Enclosed on behalf of Diamond B Farms, LLC, is a Notice of Change in Water Right Ownership for portions of irrigation water rights 2-10266 and 2-10268 and all of in-stream stockwater right 2-10058 appurtenant to Diamond B property. Also enclosed is an Application for Transfer proposing an additional point of diversion be added to applicant's resulting portion of water right 63-10266.

Check No. 0111 for \$805 is enclosed for the filing fees; \$225 for the ownership change notice and \$580 for the transfer application. Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,

Scott King, P.E.
Supervising Engineer

Cc: David Butler
Mike Creamer

Enclosures

SPF file number: 1139.0010