

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 81276

AUG 24 2016

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

RECEIVED

OCT 18 2016

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.

Name of Applicant(s) South 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.
- ☒ ☐ #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 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: _____

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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DEPT OF WATER RESOURCES
SOUTHERN REGIONAUG 24 2016 APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1DEPT OF WATER RESOURCES
SOUTHERN REGIONName of Applicant(s) South View Dairy LLCPhone (208) 536-2947Mailing address P.O. Box 200 Wendell, ID 83355

Email _____

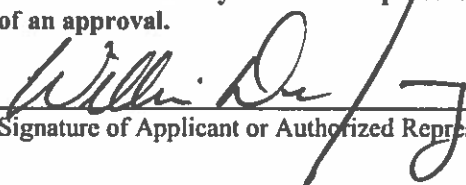
- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the 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 RepresentativeName of Representative TSK Enterprises LLC Attn: Gary FunderburgPhone (208) 320-0897Mailing address PMB 617 255 Blue Lakes Blvd. North Twin Falls, ID 83301Email tskenterprise@cableone.net

- ☐ 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.


Signature of Applicant or Authorized Representative

William De Jong
Print Name and Title if applicable

8-23-16
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 Split rights, Create PPU

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 seeks to create a permissible place of use for existing irrigation water rights and split off a portion to provide additional volume for the dairy operation. A portion of the irrigated land will be dried up to offset the proposed new use at the dairy identified in the companion transfer. This is transfer #1 of 2.

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 (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	See attachment			_____ to _____	_____
☐ ☐				_____ to _____	_____
☐ ☐				_____ to _____	_____
☐ ☐				_____ to _____	_____
☐ ☐				_____ to _____	_____
☐ ☐				_____ to _____	_____
☐ ☐				_____ to _____	_____
☐ ☐				_____ to _____	_____
☐ ☐				_____ to _____	_____

Total authorized under rights 4.58 cfs and/or 916.8 acre-feet.

2. Total amount of water proposed to be transferred or changed 4.58 cubic feet per second and/or 916.8 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 #

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	
08S	15E	33												1	38	28	40	37	144
09S	15E	4					38	32		38									108
							L3	L4											
Total Acres (for irrigation use)																			252ppu

Application for Transfer of Water Right Part 1B

1	<u>Right Number</u>	<u>Amount</u>	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All or Part		(cfs/ac-ft)			
x	<u>36-16595</u>	<u>0.49 / 128.1</u>	<u>Irrigation</u>	<u>03/15</u> to <u>11/15</u>	<u>Ground Water - ESPA</u>
x	<u>36-16597</u>	<u>0.25 / 52.8</u>	<u>Irrigation</u>	<u>03/15</u> to <u>11/15</u>	<u>Ground Water - ESPA</u>
x	<u>36-16599</u>	<u>0.14 / 30.3</u>	<u>Irrigation</u>	<u>03/15</u> to <u>11/15</u>	<u>Ground Water - ESPA</u>
x	<u>36-16601</u>	<u>0.02 / 15.1</u>	<u>Irrigation</u>	<u>03/15</u> to <u>11/15</u>	<u>Ground Water - ESPA</u>
x	<u>36-16603</u>	<u>0.2 / 64</u>	<u>Irrigation</u>	<u>03/15</u> to <u>11/15</u>	<u>Ground Water - ESPA</u>
x	<u>36-16605</u>	<u>0.42 / 98.2</u>	<u>Irrigation</u>	<u>03/15</u> to <u>11/15</u>	<u>Ground Water - ESPA</u>
x	<u>36-16607</u>	<u>0.32 / 64</u>	<u>Irrigation</u>	<u>03/15</u> to <u>11/15</u>	<u>Ground Water - ESPA</u>
x	<u>36-16609</u>	<u>0.5 / 248.2</u>	<u>Irrigation</u>	<u>03/15</u> to <u>11/15</u>	<u>Ground Water - ESPA</u>
x	<u>36-16611</u>	<u>0.15 / 33.8</u>	<u>Irrigation</u>	<u>03/15</u> to <u>11/15</u>	<u>Ground Water - ESPA</u>
x	<u>36-16613</u>	<u>0.14 / 30.3</u>	<u>Irrigation</u>	<u>03/15</u> to <u>11/15</u>	<u>Ground Water - ESPA</u>
x	<u>36-16615</u>	<u>0.17 / 38.4</u>	<u>Irrigation</u>	<u>03/15</u> to <u>11/15</u>	<u>Ground Water - ESPA</u>
x	<u>36-16619</u>	<u>1.42 / 546.5</u>	<u>Irrigation</u>	<u>03/15</u> to <u>11/15</u>	<u>Ground Water - ESPA</u>
x	<u>36-16695</u>	<u>0.3 / 64.4</u>	<u>Irrigation</u>	<u>03/15</u> to <u>11/15</u>	<u>Ground Water - ESPA</u>

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, mainline and center pivot irrigation system. Diversions reported under wmis ID 100548

- b. Who owns the property at the point(s) of diversion? Applicant

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: Metropolitan Life Insurance Co.

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:

Total irrigation under these water rights will be limited to 229.2 acres within the permissible place of use

- 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:

none

- g. 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 leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

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

Current Water Right No.: 36-16595

Current Owner: SOUTH VIEW DAIRY LLC

Priority Date: 1/23/1950

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.51 CFS	132 AF
	<u>Total Diversion</u>	0.51 CFS	132 AF

Location of Point(s) of Diversion

GROUND WATER NE1/4SE1/4SE1/4 Sec. 33, Twp 08S, Rge 15E B.M.
GOODING County

Place of Use

IRRIGATION Within GOODING County

T08S R15E S33		SESW	0.20	T08S R15E S33		NESE	40.00
T08S R15E S33		NWSE	25.00	T08S R15E S33		SWSE	31.00
T08S R15E S33		SESE	33.00	T09S R15E S4	Lot 3	NENW	40.00
T09S R15E S4	Lot 4	NWNW	30.00	T09S R15E S4		SENW	37.00

Total Acres: 236.2

Conditions of Approval:

1. The rights listed above are also diverted through the point of diversion listed above.
2. X35 Rights 36-16595, 36-16597, 36-16599, 36-16601, 36-16603, 36-16605, 36-16607, 36-16609, 36-16611, 36-16613, 36-16615, 36-16619 and 36-16695 when combined shall not exceed a total diversion rate of 4.74 cfs, a total annual maximum diversion volume of 944.8 af at the field headgate, and the irrigation of 236.2 acres.
3. 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.
4. X27 This right is limited to the irrigation of 33.0 acres within the place of use described above in a single irrigation season.

Decreed Date: 8/2/2002

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

Current Water Right No.: 36-16601

Current Owner: SOUTH VIEW DAIRY LLC

Priority Date: 12/2/1955

Origin: Water Right

Status: Active

Basis: Decreed

SourceTributary

GROUND WATER

Beneficial UseFrom ToDiversion RateAnnual Volume

IRRIGATION

03/15 to 11/15

0.03 CFS

15.6 AF

Total Diversion

0.03 CFS

15.6 AF

Location of Point(s) of Diversion

GROUND WATER

NE1/4SE1/4SE1/4

Sec. 33, Twp 08S, Rge 15E B.M.

GOODING County

Place of UseIRRIGATION Within GOODING County

T08S R15E S33	SESW	0.20	T08S R15E S33	NESE	40.00
T08S R15E S33	NWSE	25.00	T08S R15E S33	SWSE	31.00
T08S R15E S33	SESE	33.00	T09S R15E S4	Lot 3	NENW 40.00
T09S R15E S4	Lot 4	NWNW 30.00	T09S R15E S4	SENW	37.00

Total Acres: 236.2

Conditions of Approval:

1. X27 This right is limited to the irrigation of 3.9 acres within the place of use described above in a single irrigation season.
2. The rights listed above are also diverted through the point of diversion listed above.
3. 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.
4. X35 Rights 36-16595, 36-16597, 36-16599, 36-16601, 36-16603, 36-16605, 36-16607, 36-16609, 36-16611, 36-16613, 36-16615, 36-16619 and 36-16695 when combined shall not exceed a total diversion rate of 4.74 cfs, a total annual maximum diversion volume of 944.8 af at the field headgate, and the irrigation of 236.2 acres.

Decreed Date: 8/2/2002

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

Current Water Right No.: 36-16603

Current Owner: SOUTH VIEW DAIRY LLC
Priority Date: 7/18/1961
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.21 CFS	66 AF
	<u>Total Diversion</u>	0.21 CFS	66 AF

Location of Point(s) of Diversion

GROUND WATER NE1/4SE1/4SE1/4 Sec. 33, Twp 08S, Rge 15E B.M.
GOODING County

Place of Use

IRRIGATION Within GOODING County

T08S R15E S33	SESW	0.20	T08S R15E S33	NESE	40.00
T08S R15E S33	NWSE	25.00	T08S R15E S33	SWSE	31.00
T08S R15E S33	SESE	33.00	T09S R15E S4	Lot 3	NENW 40.00
T09S R15E S4	Lot 4	NWNW 30.00	T09S R15E S4	SENW	37.00

Total Acres: 236.2

Conditions of Approval:

1. X27 This right is limited to the irrigation of 16.5 acres within the place of use described above in a single irrigation season.
2. X35 Rights 36-16595, 36-16597, 36-16599, 36-16601, 36-16603, 36-16605, 36-16607, 36-16609, 36-16611, 36-16613, 36-16615, 36-16619 and 36-16695 when combined shall not exceed a total diversion rate of 4.74 cfs, a total annual maximum diversion volume of 944.8 af at the field headgate, and the irrigation of 236.2 acres.
3. The rights listed above are also diverted through the point of diversion listed above.
4. 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: 8/2/2002

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

Current Water Right No.: 36-16605

Current Owner: SOUTH VIEW DAIRY LLC
Priority Date: 6/7/1965
Origin: Water Right
Status: Active
Basis: Decreed

Source

GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.43 CFS	101.2 AF
	<u>Total Diversion</u>	0.43 CFS	101.2 AF

Location of Point(s) of Diversion

GROUND WATER NE1/4SE1/4SE1/4 Sec. 33, Twp 08S, Rge 15E B.M.
GOODING County

Place of Use

IRRIGATION Within GOODING County

T08S R15E S33	SESW	0.20	T08S R15E S33	NESE	40.00
T08S R15E S33	NWSE	25.00	T08S R15E S33	SWSE	31.00
T08S R15E S33	SESE	33.00	T09S R15E S4	Lot 3	NENW 40.00
T09S R15E S4	Lot 4	NWNW 30.00	T09S R15E S4	SENW	37.00
Total Acres: 236.2					

Conditions of Approval:

1. 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.
2. X27 This right is limited to the irrigation of 25.3 acres within the place of use described above in a single irrigation season.
3. The rights listed above are also diverted through the point of diversion listed above.
4. X35 Rights 36-16595, 36-16597, 36-16599, 36-16601, 36-16603, 36-16605, 36-16607, 36-16609, 36-16611, 36-16613, 36-16615, 36-16619 and 36-16695 when combined shall not exceed a total diversion rate of 4.74 cfs, a total annual maximum diversion volume of 944.8 af at the field headgate, and the irrigation of 236.2 acres.

Decreed Date: 8/2/2002

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

Current Water Right No.: 36-16607

Current Owner: SOUTH VIEW DAIRY LLC

Priority Date: 2/26/1973

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.33 CFS	66 AF
	<u>Total Diversion</u>	0.33 CFS	66 AF

Location of Point(s) of Diversion

GROUND WATER NE1/4SE1/4SE1/4 Sec. 33, Twp 08S, Rge 15E B.M.
GOODING County

Place of Use

IRRIGATION Within GOODING County

T08S R15E S33	SESW	0.20	T08S R15E S33	NESE	40.00
T08S R15E S33	NWSE	25.00	T08S R15E S33	SWSE	31.00
T08S R15E S33	SESE	33.00	T09S R15E S4	Lot 3	NENW 40.00
T09S R15E S4	Lot 4	NWNW 30.00	T09S R15E S4	SENW	37.00

Total Acres: 236.2

Conditions of Approval:

1. X35 Rights 36-16595, 36-16597, 36-16599, 36-16601, 36-16603, 36-16605, 36-16607, 36-16609, 36-16611, 36-16613, 36-16615, 36-16619 and 36-16695 when combined shall not exceed a total diversion rate of 4.74 cfs, a total annual maximum diversion volume of 944.8 af at the field headgate, and the irrigation of 236.2 acres.
2. X27 This right is limited to the irrigation of 16.5 acres within the place of use described above in a single irrigation season.
3. The rights listed above are also diverted through the point of diversion listed above.
4. 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: 8/2/2002

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

Current Water Right No.: 36-16609

Current Owner: SOUTH VIEW DAIRY LLC
Priority Date: 8/2/1973
Origin: Water Right
Status: Active
Basis: Decreed

Source

GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.52 CFS	255.8 AF
	<u>Total Diversion</u>	0.52 CFS	255.8 AF

Location of Point(s) of Diversion

GROUND WATER NE1/4SE1/4SE1/4 Sec. 33, Twp 08S, Rge 15E B.M.
GOODING County

Place of Use

IRRIGATION Within GOODING County

T08S R15E S33	SESW	0.20	T08S R15E S33	NESE	40.00
T08S R15E S33	NWSE	25.00	T08S R15E S33	SWSE	31.00
T08S R15E S33	SESE	33.00	T09S R15E S4	Lot 3 NENW	40.00
T09S R15E S4	Lot 4 NWNW	30.00	T09S R15E S4	SENW	37.00

Total Acres: 236.2

Conditions of Approval:

1. X27 This right is limited to the irrigation of 167.0 acres within the place of use described above in a single irrigation season.
2. 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.
3. The rights listed above are also diverted through the point of diversion listed above.
4. X35 Rights 36-16595, 36-16597, 36-16599, 36-16601, 36-16603, 36-16605, 36-16607, 36-16609, 36-16611, 36-16613, 36-16615, 36-16619 and 36-16695 when combined shall not exceed a total diversion rate of 4.74 cfs, a total annual maximum diversion volume of 944.8 af at the field headgate, and the irrigation of 236.2 acres.

Decreed Date: 8/2/2002

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

Current Water Right No.: 36-16611

Current Owner: SOUTH VIEW DAIRY LLC
Priority Date: 5/28/1974
Origin: Water Right
Status: Active
Basis: Decreed

Source

GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.16 CFS	34.8 AF
	<u>Total Diversion</u>	0.16 CFS	34.8 AF

Location of Point(s) of Diversion

GROUND WATER NE1/4SE1/4SE1/4 Sec. 33, Twp 08S, Rge 15E B.M.
GOODING County

Place of Use

IRRIGATION Within GOODING County

T08S R15E S33	SESW	0.20	T08S R15E S33	NESE	40.00
T08S R15E S33	NWSE	25.00	T08S R15E S33	SWSE	31.00
T08S R15E S33	SESE	33.00	T09S R15E S4	Lot 3	NENW 40.00
T09S R15E S4	Lot 4	NWNW 30.00	T09S R15E S4	SENW	37.00

Total Acres: 236.2

Conditions of Approval:

1. X27 This right is limited to the irrigation of 8.7 acres within the place of use described above in a single irrigation season.
2. X35 Rights 36-16595, 36-16597, 36-16599, 36-16601, 36-16603, 36-16605, 36-16607, 36-16609, 36-16611, 36-16613, 36-16615, 36-16619 and 36-16695 when combined shall not exceed a total diversion rate of 4.74 cfs, a total annual maximum diversion volume of 944.8 af at the field headgate, and the irrigation of 236.2 acres.
3. 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.
4. The rights listed above are also diverted through the point of diversion listed above.

Decreed Date: 8/2/2002

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

Current Water Right No.: 36-16613

Current Owner: SOUTH VIEW DAIRY LLC
Priority Date: 2/4/1976
Origin: Water Right
Status: Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.15 CFS	31.2 AF
	<u>Total Diversion</u>	0.15 CFS	31.2 AF

Location of Point(s) of Diversion

GROUND WATER NE1/4SE1/4SE1/4 Sec. 33, Twp 08S, Rge 15E B.M.
 GOODING County

Place of Use

IRRIGATION Within GOODING County

T08S R15E S33	SESW	0.20	T08S R15E S33	NESE	40.00
T08S R15E S33	NWSE	25.00	T08S R15E S33	SWSE	31.00
T08S R15E S33	SESE	33.00	T09S R15E S4	Lot 3	NENW 40.00
T09S R15E S4	Lot 4	NWNW 30.00	T09S R15E S4	SENW	37.00

Total Acres: 236.2

Conditions of Approval:

1. X27 This right is limited to the irrigation of 7.8 acres within the place of use described above in a single irrigation season.
2. X35 Rights 36-16595, 36-16597, 36-16599, 36-16601, 36-16603, 36-16605, 36-16607, 36-16609, 36-16611, 36-16613, 36-16615, 36-16619 and 36-16695 when combined shall not exceed a total diversion rate of 4.74 cfs, a total annual maximum diversion volume of 944.8 af at the field headgate, and the irrigation of 236.2 acres.
3. The rights listed above are also diverted through the point of diversion listed above.
4. 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: 8/2/2002

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

Current Water Right No.: 36-16619

Current Owner: SOUTH VIEW DAIRY LLC

Priority Date: 12/11/1969

Origin: Water Right

Status: Active

Basis: Decreed

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	1.47 CFS	563.2 AF
	<u>Total Diversion</u>	1.47 CFS	563.2 AF

Location of Point(s) of Diversion

GROUND WATER NE1/4SE1/4SE1/4 Sec. 33, Twp 08S, Rge 15E B.M.
GOODING County

Place of UseIRRIGATION Within GOODING County

T08S R15E S33	SESW	0.20	T08S R15E S33	NESE	40.00
T08S R15E S33	NWSE	25.00	T08S R15E S33	SWSE	31.00
T08S R15E S33	SESE	33.00	T09S R15E S4	Lot 3	NENW 40.00
T09S R15E S4	Lot 4	NWNW 30.00	T09S R15E S4	SENW	37.00

Total Acres: 236.2

Conditions of Approval:

1. X35 Rights 36-16595, 36-16597, 36-16599, 36-16601, 36-16603, 36-16605, 36-16607, 36-16609, 36-16611, 36-16613, 36-16615, 36-16619 and 36-16695 when combined shall not exceed a total diversion rate of 4.74 cfs, a total annual maximum diversion volume of 944.8 af at the field headgate, and the irrigation of 236.2 acres.
2. M01 A measuring device of a type approved by IDWR shall be maintained as part of the diverting works.
3. 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.
4. The rights listed above are also diverted through the point of diversion listed above.
5. X27 This right is limited to the irrigation of 140.8 acres within the place of use described above in a single irrigation season.

Decreed Date: 8/2/2002

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

Current Water Right No.: 36-16695

Current Owner: SOUTH VIEW DAIRY LLC
Priority Date: 11/23/1956
Origin: Water Right
Status: Active
Basis: Decreed

Source

GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.31 CFS	66.4 AF
	<u>Total Diversion</u>	0.31 CFS	66.4 AF

Location of Point(s) of Diversion

GROUND WATER NE1/4SE1/4SE1/4 Sec. 33, Twp 08S, Rge 15E B.M.
GOODING County

Place of Use

IRRIGATION Within GOODING County

T08S R15E S33	SESW	0.20	T08S R15E S33	NESE	40.00
T08S R15E S33	NWSE	25.00	T08S R15E S33	SWSE	31.00
T08S R15E S33	SESE	33.00	T09S R15E S4	Lot 3	NENW 40.00
T09S R15E S4	Lot 4	NWNW 30.00	T09S R15E S4	SENW	37.00

Total Acres: 236.2

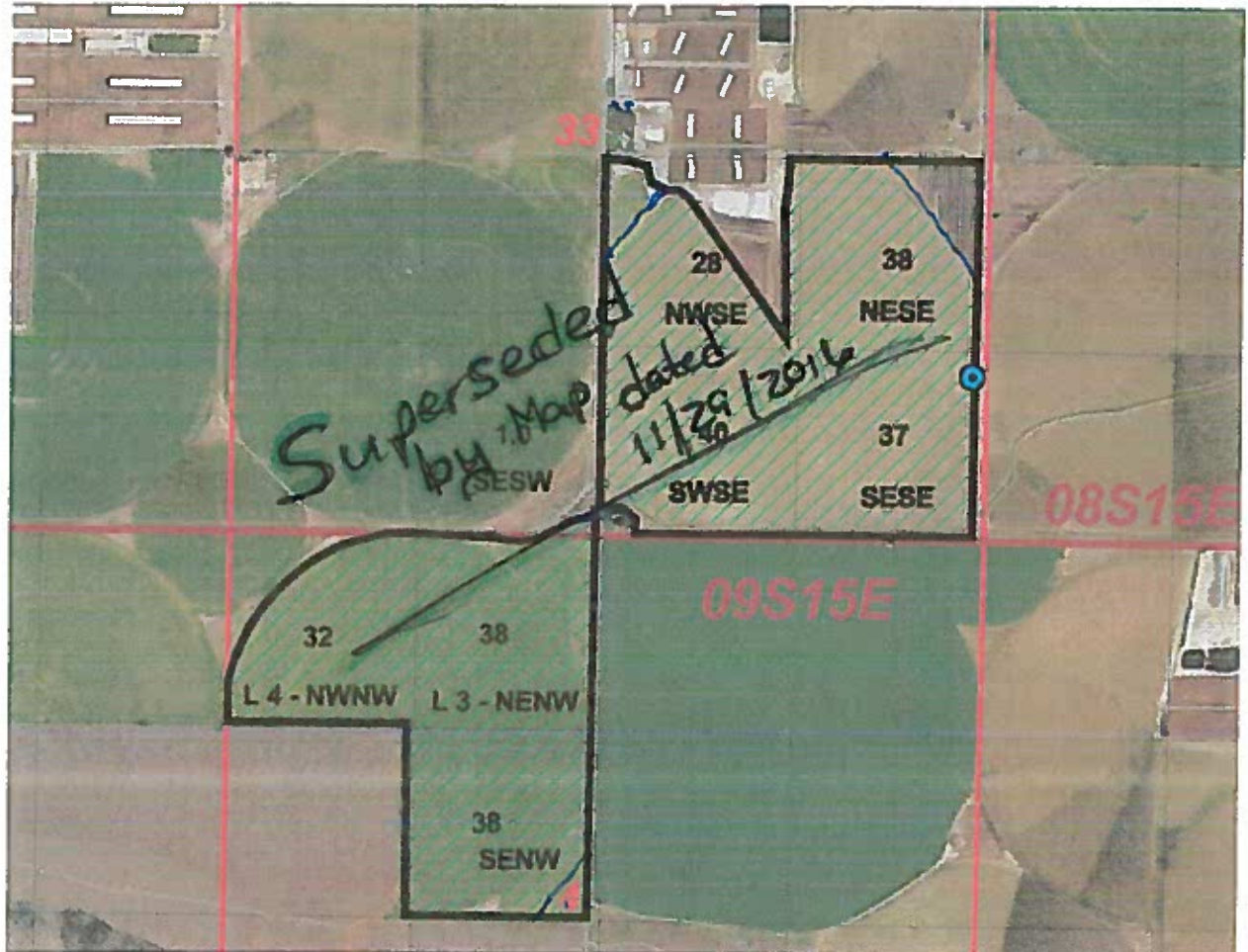
Conditions of Approval:

1. X27 This right is limited to the irrigation of 16.6 acres within the place of use described above in a single irrigation season.
2. 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.
3. X35 Rights 36-16595, 36-16597, 36-16599, 36-16601, 36-16603, 36-16605, 36-16607, 36-16609, 36-16611, 36-16613, 36-16615, 36-16619 and 36-16695 when combined shall not exceed a total diversion rate of 4.74 cfs, a total annual maximum diversion volume of 944.8 af at the field headgate, and the irrigation of 236.2 acres.
4. The rights listed above are also diverted through the point of diversion listed above.

Decreed Date: 8/2/2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Application for Transfer of Water Right
Part 3



JCH - 8/22/2016

NAIP 2015 Aerial Photo

0.25 0 0.25 0.5 0.75 1 Miles

-  Existing Well (WMIS ID 100548)
-  Proposed Permissible Place of Use
-  Township & Range
-  Sections
-  Gooding County 40's
-  Proposed Irrigation



Attachment #7
(South View Dairy LLC)

TRANSFER 81276

TRANSFER 81276

RECEIVED

OCT 14 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION



MetLife Agricultural Finance
Central Regional Office
10801 Mastin Blvd., Suite 120
Overland Park, KS 66210
Phone: (913) 338-0629
Fax: (913) 661-2267
www.metlife.com/ag

John C. Espenmiller, Regional Director
Phone: (913) 661-2233
Email: jespenmiller@metlife.com

October 11, 2016

Kevin J. Harshberger, Asst. Regional Director
Phone: (913) 661-2249
Email: khharshberger@metlife.com

Idaho Department of Water Resources
Southern Regional Office
650 Addison Ave W. Suite 500
Twin Falls, ID 83301-5858

David C. Russell, Director
Phone: (913) 661-2266
Email: drussell@metlife.com

Re Metropolitan Life Insurance Company ("MetLife") Loan 196499 – South View Dairy, LLC; William Jan DeJong and Renee DeJong; South View Farms, LLC; and VISSER TRUST 2 (the "Borrower") Gooding & Jerome Counties, Idaho

Application for Transfer of Water Rights Nos. – 36-16595, 36-16597, 36-16599, 36-16601, 36-16603, 36-16605, 36-16607, 36-16609, 36-16611, 36-16613, 36-16615, 36-16619, and 36-16695

Dear Sir or Madam:

MetLife holds a security interest in the water right numbers listed above ("Water Rights") and has been asked to consent to the transfer of these Water Rights to permit the creation of a permissible place of general use and to change the nature of use and point of diversion for a portion of the rights to provide additional stock and commercial consumptive water uses from other existing South View Dairy, LLC properties wells.

This letter serves as written acknowledgment and consent to the Applications for Transfer of Water Rights as fully described in the signed State of Idaho Department of Water Resources Applications for Transfer of Water Right Transfer ("Applications") (as attached).

**METROPOLITAN LIFE INSURANCE
COMPANY**

By: 
Name: John C. Espenmiller
Its: Director

October 11, 2016

Encl.

TRANSFER 81276

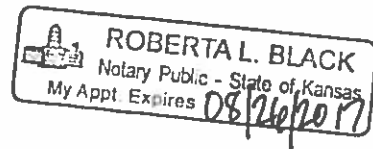
STATE OF Kansas)
) ss.
COUNTY OF Johnson

Before me, a Notary Public in and for said County and State, personally appeared John C. Espenmiller, the Director of Metropolitan Life Insurance Company, and acknowledged the execution of the foregoing instrument on behalf of said holders, and who, has been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 11th day of October, 2016.

Robertal L. Black
(Notary Public)

My Commission Expires: 8/26/2017



Copies to: South View Dairy (w/o encl.)
Clear Creek Land and Management (w/o encl.)
Kassie Kampen (w/o encl.)

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Transfer No: 81276
Water Right No: 36-16595, etc.
Applicant Name: South View Dairy LLC

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application
b) ☐ I do not oppose approval of this application under the following terms:
c) ☐ I oppose approval of this application(s) for the following reasons:
d) ☐ Additional comment:

Dated: January 23, 2017

Water District 130



Nathan Erickson, Watermaster

MEMORANDUM

Date: November 30, 2016
To: Transfer 81276 File
From: Benny Walker
Re: Evaluation of Sufficiency of Information Submitted

Transfer proposes to create a 252 acre permissible place of use (PPU) for 13 ground water irrigation rights located on a farm approximately 6.0 to 7.0 miles south and 0.5 miles east to 0.5 miles west of the center of the City of Wendell. The 13 ground water rights allow for the diversion of 4.55 cfs, 916.8 af and the irrigation of 229.2 acres within the 252 acre PPU. The diversion of the 4.55 cfs will be from the existing well at the proposed place of use. The rights involved with the transfer are located within the ESPA smooth model boundary area; a ground water model analysis was not required because there is no change for the existing point of diversion. Therefore this transfer will be processed without being advertised. These rights are within water district 130, therefore watermaster comments will be requested.

- **Authority to File:**
Applicant is listed as current owner on IDWR records. The applicant submitted a letter from the lien holder giving their consent for the transfer.
- **Water Right Validity:**
The rights involved in this transfer were decreed in 2002. Review of recent aerial photography indicates that these rights appear to have been used in recent years. Therefore forfeiture does not appear to be an issue.
- **Injury to Other Water Rights:**
None anticipated. No hydrological impact, no change is proposed to the point of diversion
- **Enlargement of Use:**
None anticipated. The water rights will be limited to 229.2 acres within the proposed 252 acre permissible place of use.
- **Local Public Interest:**
No negative impacts anticipated. Recommend no advertising process.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water
- **Effect on Economy of the Local Area:**
None anticipated.
- **Effect of the Agricultural Base of the Local 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.

MEMORANDUM

Date: November 30, 2016
To: Transfer 81276
From: Benny Walker
Re: Legal Notice Not Required

Legal Notice Not Required
11/30/2016

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.

MEMORANDUM

TO: Transfer # 81276 File

FROM: Benny Walker

DATE: November 30, 2016

SUBJECT: Filing Fee

The filing fee of, \$820.00, for this transfer is based on the amount of water proposed to be transferred or changed, 4.55 cfs. The transfer fee schedule for a transfer involving 4.01-5.00 cfs indicates that the filing fee is \$820.00. The applicant submitted a fee of \$820.00 for this transfer. (Receipt S035693).

Walker, Benny

From: Jason Helms [jasoncivil@alumni.nd.edu]
Sent: Monday, November 28, 2016 1:57 PM
To: Walker, Benny
Subject: South View transfer revisions for Gary Funderburg
Attachments: Southview_transfer2_revised_p3_2016-1128.pdf; Southview_transfer2_7a_revised_2016-1128.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Benny,

I understand you met with Gary last week about the South View transfers and I have attached revised transfer pages based on the conversation I had with him.

Let me know if you need anything else.

Thanks,

Jason C. Helms, P.E.

JCH Engineering & Consulting, PLLC
(208) 308-2109

RECEIVED

AUG 24 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

**TSK ENTERPRISES LLC
255 BLUE LAKES BLVD NTH
PMB 617
TWIN FALLS, IDAHO 83301**

RECEIVED

OCT 18 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

**CEL-208 320-0897
GARY L. FUNDERBURG**

August 23, 2016

TO: Idaho Dept. of Water Res.
650 Addison Ave W.
Suite 500
Twin Falls, Idaho 83301

Enclosure: Two transfers for Southview Dairy's
Two Check of \$450.00 / \$820.00

Att: Corey Skinner

Please find enclosed two transfer application along with the filing fees, for Southview Dairy's which were completed Jason Helms P.E. on behalf of TSK ENTERPRISES LLC. If you have any questions of the transfers please contact me. .

Thank you,
TSK ENTERPRISES LLC
GARY FUNDERBURG

RECEIVED

August 22, 2016

AUG 24 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

Jason C. Helms, P.E.

6755 N. Albert Lane
Idaho Falls, ID 83401
(208) 308-2109
jasoncivil@alumni.nd.edu

Idaho Department Of Water Resources
Southern Region
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RECEIVED

OCT 18 2016

DEPT OF WATER RESOURCES
SOUTHERN REGION

Re: South View Dairy Application For Transfer of Water Right

Dear Water Resource Agent,

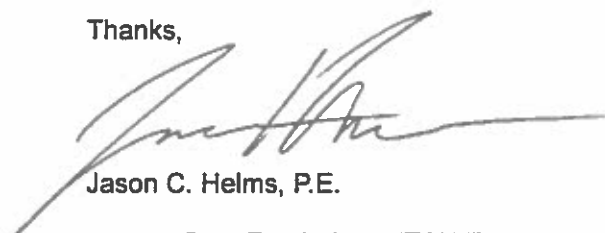
Please find attached two Applications for Water Right Transfer prepared on behalf of South View Dairy. One transfer seeks to create a permissible place of use generally within the existing water right place of use while the second transfer seeks to change the nature of use and point of diversion for a portion of the irrigation water rights to provide additional stock and commercial consumptive water uses within the nearby dairy. These water rights have been split similarly in previous transfers #74874 and #74720 so it may be beneficial to combine the totals by priority to prevent increasing round-off errors and I would be glad to assist in that effort.

The estimate of crop consumptive use was evaluated over an eight year period (2008-2015) based on ET_{Idaho} 2012 estimated growing season precipitation deficit for reported crops interpolated between the Buhl, Hagerman and Jerome weather stations. Additional consideration was given to cover crops reported in the 2015 season. Refer to Attachment #8 for details.

The existing and proposed points of diversion lie within adjacent ESPA model cells as shown on Attachment #7a so no ESPA analysis was performed but can be provided if necessary.

If you have any questions or would find any GIS information shown in the attachments helpful with processing please call me at the number listed above at your convenience.

Thanks,



Jason C. Helms, P.E.

cc: Gary Funderburg (TSK Enterprises)

Attachments

- Transfer creating PPU (4.58 cfs 916.8 afa / 229.2 ac)
- Transfer to additional stock & commercial uses (0.16 cfs 19.5 afa (c.u))
- Application Fee: (#1: \$820 ; #2: \$200 + \$250) Total: \$1,270