

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 80026**

This is to certify that: **SUNVIEW DAIRY LLC**
6600 SW BLANKSMA RD
MOUNTAIN HOME, ID 83647

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>
61-12270	WR/DECREED	2/21/1971	0.260 cfs	64.0 af	N/A	N/A	GROUND WATER
61-2186	WR/DECREED	2/3/1966	3.160 cfs	510.5 af	60.0	920.0	GROUND WATER
61-7222	WR/DECREED	4/14/1975	0.040 cfs	5.5 af	N/A	N/A	GROUND WATER

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

<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>
61-2220	WR/DECREED	4/10/1967	6.400 cfs	1280.0 af	320.0	920.0	GROUND WATER
61-7060	WR/DECREED	6/20/1969	6.400 cfs	1280.0 af	320.0	920.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
61-12270	NO	NO	YES	NO	NO	NO
61-2186	NO	NO	YES	NO	YES	YES
61-7222	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
61-12270	61-12270	0.260 cfs	64.0 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
61-2186	61-2186	3.160 cfs	465.0 af	14.5	920.0	N/A	N/A	N/A	N/A	N/A
61-7222	61-7222	0.040 cfs	5.5 af	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		3.460 cfs	534.5 af	14.5	920.0		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 61-2186

Transfer No. 80026

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 80026

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 February, 2016.

[Signature]
for Chief, Water Allocation Bureau



WATER RIGHT NO. 61-2186**As Modified by Transfer No. 80026**

In accordance with the approval of Transfer No. 80026, Water Right No. 61-2186 is now described as follows:

Right Holder: SUNVIEW DAIRY LLC
6600 SW BLANKSMA RD
MOUNTAIN HOME, ID 83647

Priority Date: 2/3/1966

Source: GROUND WATER

BENEFICIAL USE

	From	To	Diversion Rate	Diversion Volume
COMMERCIAL	01/01	to 12/31	1.480 cfs	214.9 af
IRRIGATION	04/01	to 10/31	0.290 cfs	58.0 af
STOCKWATER	01/01	to 12/31	2.300 cfs	328.6 af
			3.160 cfs	465.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESE	Sec 6	Twp 05S Rge 06E	ELMORE County
GROUND WATER	NESE	Sec 6	Twp 05S Rge 06E	ELMORE County
GROUND WATER	NESE	Sec 6	Twp 05S Rge 06E	ELMORE County
GROUND WATER	NWSE	Sec 6	Twp 05S Rge 06E	ELMORE County
GROUND WATER	NWSE	Sec 6	Twp 05S Rge 06E	ELMORE County
GROUND WATER	NWSE	Sec 6	Twp 05S Rge 06E	ELMORE County
GROUND WATER	SESE	Sec 6	Twp 05S Rge 06E	ELMORE County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	06E	7	X	X	X	X													
05S	06E	8					X	X	X	X									

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	05E	12	38.0	39.0	38.0	39.0													154.0
05S	06E	6									40.0	40.0	39.0	39.0	38.0	38.0	38.0	38.0	310.0
05S	06E	7	39.0	39.0	32.0	39.0	39.0	39.0	38.0	39.0									304.0
05S	06E	8	39.0	39.0	39.0	35.0													152.0

Right Acre Limit: 14.5

POU Total Acres: 920.0

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	06E	7	X	X	X	X													

Transfer No. 80026

WATER RIGHT NO. 61-2186
As Modified by Transfer No. 80026

PLACE OF USE: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	06E	8					X	X	X	X									

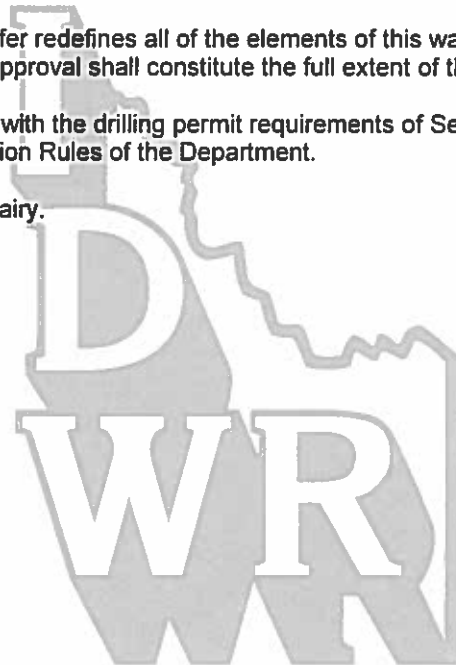
CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the total amount of water diverted for irrigation use and shall annually report the information to the Department.
5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 3/7/2005.
6. The stockwater and commercial use when combined shall not exceed a total diversion rate of 2.87 cfs, a total annual maximum diversion volume of 407.0 af.
7. This right is limited to the irrigation of 14.5 acres within the place of use described above in a single irrigation season.
8. Rights 61-2186, 61-2220 and 61-7060 when combined shall not exceed the irrigation of 654.5 acres within the place of use described above in a single irrigation season.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
10. The following rights are diverted through points of diversion described above: 61-2186, 61-2220, 61-7060, 61-7222, and 61-12270.
11. Prior to use of water for commercial and stockwater purposes under Right 61-2186, the right holder shall install a measuring device on the dairy mainline to measure the amount of water diverted for dairy use and shall annually report the diversion to the department. The right holder shall obtain prior approval from the department of the type of measuring device to install.

WATER RIGHT NO. 61-2186
As Modified by Transfer No. 80026

CONDITIONS OF APPROVAL

12. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
13. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality monitoring and/or permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
14. 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.
15. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
16. Commercial use is for a dairy.



WATER RIGHT NO. 61-7222**As Modified by Transfer No. 80026**

In accordance with the approval of Transfer No. 80026, Water Right No. 61-7222 is now described as follows:

Right Holder: SUNVIEW DAIRY LLC
6600 SW BLANKSMA RD
MOUNTAIN HOME, ID 83647

Priority Date: 4/14/1975

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
COMMERCIAL	01/01	to 12/31	0.010 cfs	1.6 af
STOCKWATER	01/01	to 12/31	0.030 cfs	3.9 af
			0.040 cfs	5.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESE	Sec 6	Twp 05S Rge 06E	ELMORE County
GROUND WATER	NESE	Sec 6	Twp 05S Rge 06E	ELMORE County
GROUND WATER	NESE	Sec 6	Twp 05S Rge 06E	ELMORE County
GROUND WATER	NWSE	Sec 6	Twp 05S Rge 06E	ELMORE County
GROUND WATER	NWSE	Sec 6	Twp 05S Rge 06E	ELMORE County
GROUND WATER	NWSE	Sec 6	Twp 05S Rge 06E	ELMORE County
GROUND WATER	SESE	Sec 6	Twp 05S Rge 06E	ELMORE County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	06E	7	X	X	X	X													
05S	06E	8					X	X	X	X									

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	06E	7	X	X	X	X													
05S	06E	8					X	X	X	X									

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 80026

WATER RIGHT NO. 61-7222
As Modified by Transfer No. 80026

CONDITIONS OF APPROVAL

3. 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.
4. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality standards of the Department of Environmental Quality.
5. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
6. The following rights are diverted through points of diversion described above: 61-2186, 61-2220, 61-7060, 61-7222, and 61-12270.
7. Prior to use of water under this right, the right holder shall install a measuring device to the dairy mainline to measure the amount of water diverted to the dairy and shall annually report the diversion to the department. The right holder shall obtain prior approval from the department of the type of measuring device to install.
8. Commercial use is for a dairy.

WATER RIGHT NO. 61-12270
As Modified by Transfer No. 80026

In accordance with the approval of Transfer No. 80026, Water Right No. 61-12270 is now described as follows:

Right Holder: SUNVIEW DAIRY LLC
 6600 SW BLANKSMA RD
 MOUNTAIN HOME, ID 83647

Priority Date: 2/21/1971

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
COMMERCIAL	01/01	to 12/31	0.260 cfs	64.0 af
STOCKWATER	01/01	to 12/31	0.260 cfs	64.0 af
			0.260 cfs	64.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESE	Sec 6	Twp 05S Rge 06E	ELMORE County
GROUND WATER	NESE	Sec 6	Twp 05S Rge 06E	ELMORE County
GROUND WATER	NESE	Sec 6	Twp 05S Rge 06E	ELMORE County
GROUND WATER	NWSE	Sec 6	Twp 05S Rge 06E	ELMORE County
GROUND WATER	NWSE	Sec 6	Twp 05S Rge 06E	ELMORE County
GROUND WATER	NWSE	Sec 6	Twp 05S Rge 06E	ELMORE County
GROUND WATER	SESE	Sec 6	Twp 05S Rge 06E	ELMORE County

PLACE OF USE: COMMERCIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	06E	7	X	X	X	X													
05S	06E	8					X	X	X	X									

PLACE OF USE: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	06E	7	X	X	X	X													
05S	06E	8					X	X	X	X									

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 80026

WATER RIGHT NO. 61-12270
As Modified by Transfer No. 80026

CONDITIONS OF APPROVAL

3. 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.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. This right does not grant any right-of-way or easement across the land of another.
6. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
8. The following rights are diverted through point(s) of diversion described above: 61-2186, 61-2220, 61-7060, 61-7222, and 61-12270.
9. Commercial use is for a dairy.

WATER RIGHT NO. 61-2220**As Modified by Transfer No. 80026**

In accordance with the approval of Transfer No. 80026, Water Right No. 61-2220 is now described as follows:

Right Holder: SUNVIEW DAIRY LLC
6600 SW BLANKSMA RD
MOUNTAIN HOME, ID 83647

Priority Date: 4/10/1967

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	6,400 cfs	1280.0 af
			6,400 cfs	1280.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESE	Sec 6	Twp 05S Rge 06E	ELMORE County
GROUND WATER	NESE	Sec 6	Twp 05S Rge 06E	ELMORE County
GROUND WATER	NESE	Sec 6	Twp 05S Rge 06E	ELMORE County
GROUND WATER	NWSE	Sec 6	Twp 05S Rge 06E	ELMORE County
GROUND WATER	NWSE	Sec 6	Twp 05S Rge 06E	ELMORE County
GROUND WATER	NWSE	Sec 6	Twp 05S Rge 06E	ELMORE County
GROUND WATER	SESE	Sec 6	Twp 05S Rge 06E	ELMORE County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05S	05E	12	38.0	39.0	38.0	39.0													154.0
05S	06E	6									40.0	40.0	39.0	39.0	38.0	38.0	38.0	38.0	310.0
05S	06E	7	39.0	39.0	32.0	39.0	39.0	38.0	38.0	39.0									304.0
05S	06E	8	39.0	39.0	39.0	35.0													152.0

Right Acre Limit: 320.0

POU Total Acres: 920.0

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.

Transfer No. 80026

WATER RIGHT NO. 61-2220

As Modified by Transfer No. 80026

CONDITIONS OF APPROVAL

4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 3/7/2005.
7. This right is limited to the irrigation of 320 acres within the place of use described above in a single irrigation season.
8. Rights 61-2186, 61-2220 and 61-7060 when combined shall not exceed the irrigation of 654.5 acres within the place of use described above in a single irrigation season.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
10. The following rights are diverted through points of diversion described above: 61-2186, 61-2220, 61-7060, 61-7222, and 61-12270.

WATER RIGHT NO. 61-7060**As Modified by Transfer No. 80026**

In accordance with the approval of Transfer No. 80026, Water Right No. 61-7060 is now described as follows:

Right Holder: SUNVIEW DAIRY LLC
6600 SW BLANKSMA RD
MOUNTAIN HOME, ID 83647

Priority Date: 6/20/1969

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/01	to 10/31	6.400 cfs	1280.0 af
			6.400 cfs	1280.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	NESE	Sec 6	Twp 05S Rge 06E	ELMORE County
GROUND WATER	NESE	Sec 6	Twp 05S Rge 06E	ELMORE County
GROUND WATER	NESE	Sec 6	Twp 05S Rge 06E	ELMORE County
GROUND WATER	NWSE	Sec 6	Twp 05S Rge 06E	ELMORE County
GROUND WATER	NWSE	Sec 6	Twp 05S Rge 06E	ELMORE County
GROUND WATER	NWSE	Sec 6	Twp 05S Rge 06E	ELMORE County
GROUND WATER	SESE	Sec 6	Twp 05S Rge 06E	ELMORE 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	
05S	05E	12	38.0	39.0	38.0	39.0													154.0
05S	06E	6									40.0	40.0	39.0	39.0	38.0	38.0	38.0	38.0	310.0
05S	06E	7	39.0	39.0	32.0	39.0	39.0	38.0	38.0	39.0									304.0
05S	06E	8	39.0	39.0	39.0	35.0													152.0

Right Acre Limit: 320.0

POU Total Acres: 920.0

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. 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.

Transfer No. 80026

WATER RIGHT NO. 61-7060
As Modified by Transfer No. 80026

CONDITIONS OF APPROVAL

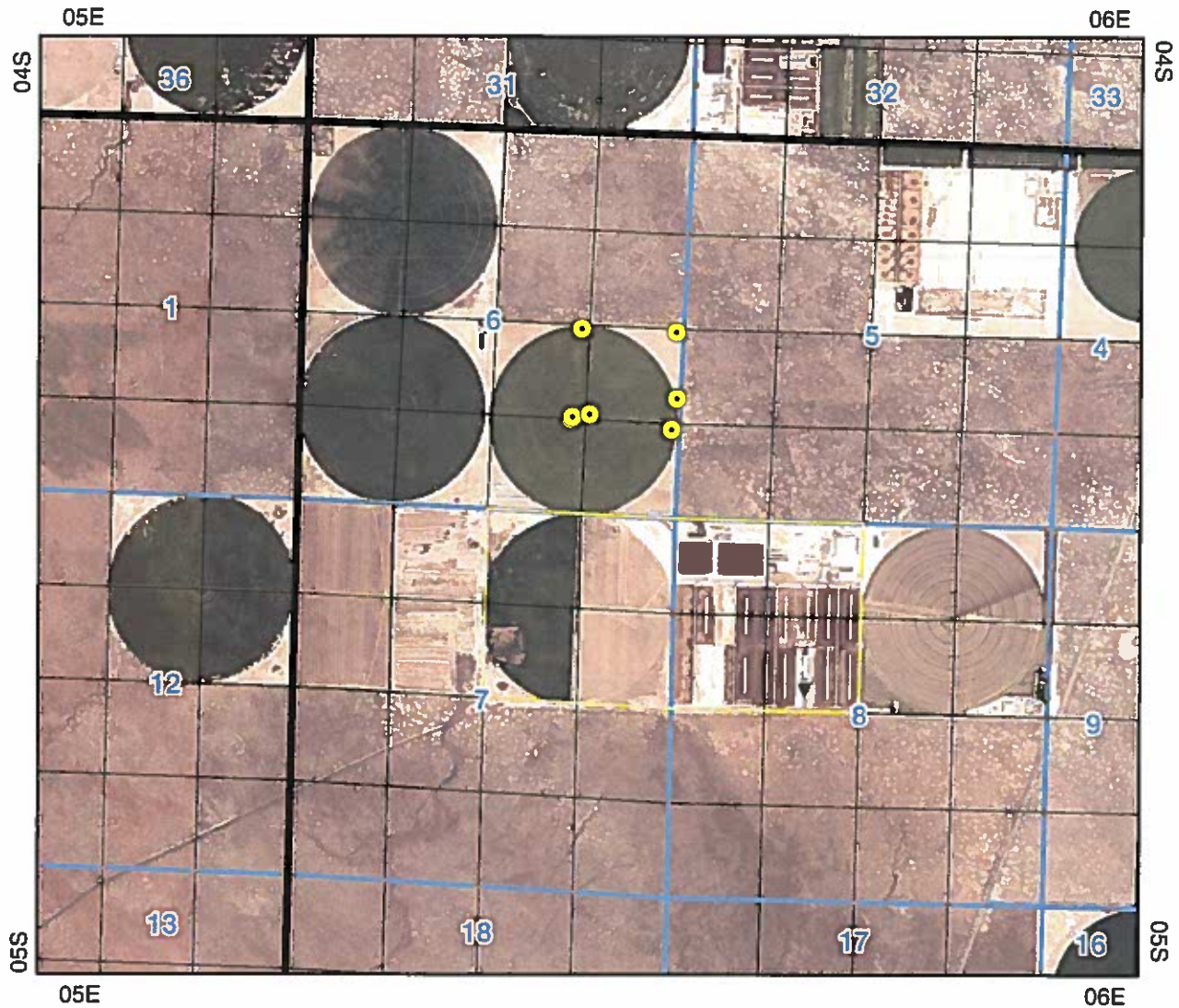
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
6. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 3/7/2005.
7. This right is limited to the irrigation of 320 acres within the place of use described above in a single irrigation season.
8. Rights 61-2186, 61-2220 and 61-7060 when combined shall not exceed the irrigation of 654.5 acres within the place of use described above in a single irrigation season.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
10. The following rights are diverted through points of diversion described above: 61-2186, 61-2220, 61-7060, 61-7222, and 61-12270.

State of Idaho
Department of Water Resources

Attachment to Application for Transfer 80026

61-2186, 61-7222 & 61-12270

This map depicts the COMMERCIAL and STOCKWATER place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Points of Diversion
- Place of Use
- Townships
- PLS Sections

0 0.3 0.6 1.2 Miles

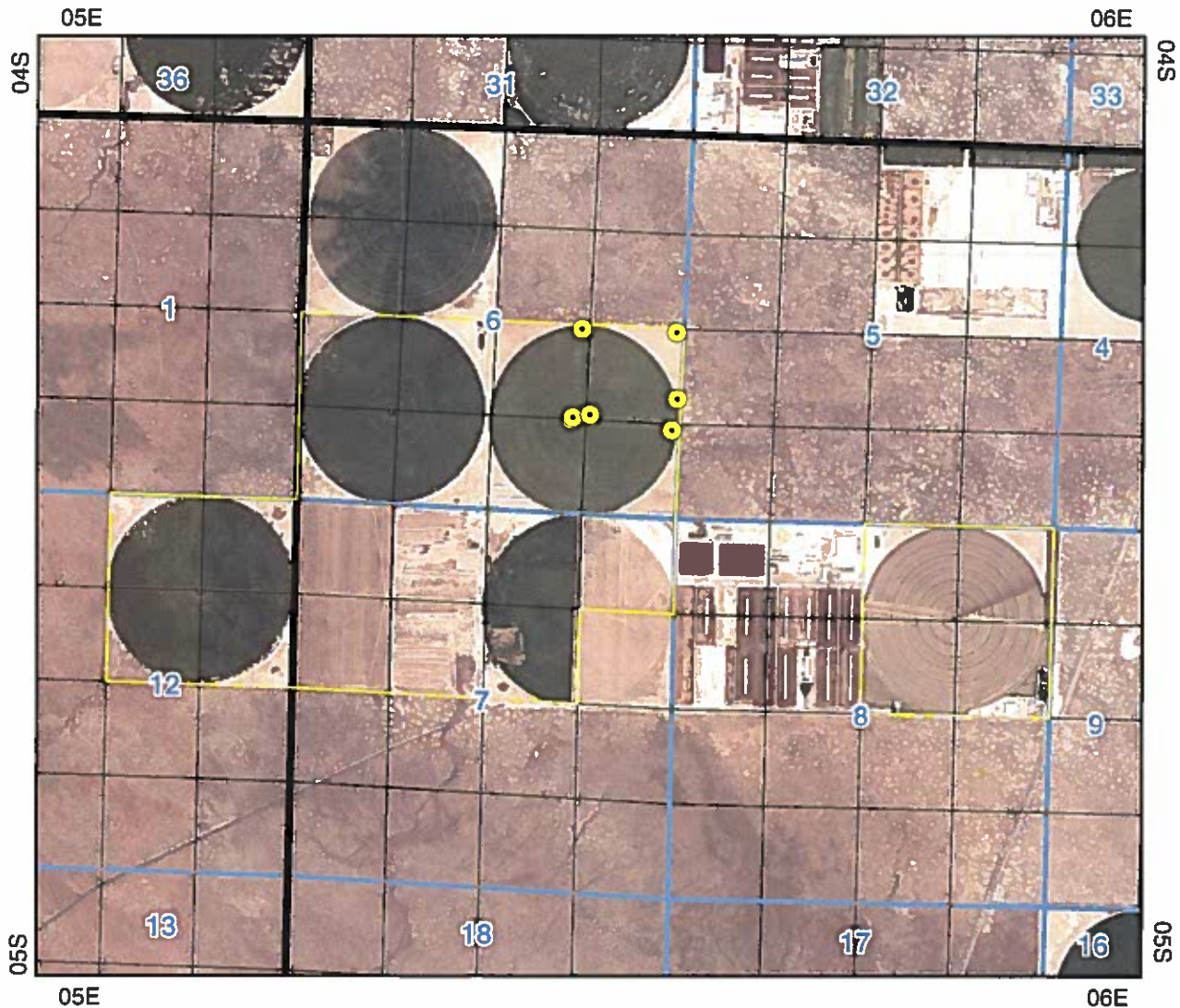


State of Idaho
Department of Water Resources

Attachment to Application for Transfer 80026

61-2186

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



- Points of Diversion
- Place of Use
- Townships
- PLS Sections

0 0.3 0.6 1.2 Miles





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

February 29, 2016

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

SUNVIEW DAIRY LLC
6600 SW BLANKSMA RD
MOUNTAIN HOME ID 83647

Re: Transfer No: 80026
Water Right No(s): 61-2186, 61-2220 , 61-7060 , 61-7222, 61-12270

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,



Nick Miller for:

Nick Miller

Western Regional Manager

Enclosure

CC:

AGTEC ENGINEERING
1993 TAMARACK LOOP
TWIN FALLS ID 83301

CERTIFICATE OF SERVICE

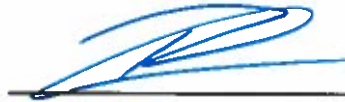
I hereby certify that on February 29, 2016 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 80026

Water Right No(s): 61-2186, 61-2220 , 61-7060 , 61-7222, 61-12270

**SUNVIEW DAIRY LLC
6600 SW BLANKSMA RD
MOUNTAIN HOME ID 83647**

**AGTEC ENGINEERING
1993 TAMARACK LOOP
TWIN FALLS ID 83301**



**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.

Public Notice

The following applications have been filed to appropriate the public waters of the State of Idaho:

63-34140
PARADISE HOMEOWNERS ASSN INC
2752 SUNDANCE DR
TWIN FALLS, ID 83301

Points of Diversion NWSWNE SWSWNE
SESWNE S33 T03N R10E ELMORE County
Source PARADISE HOT SPRINGS Tributary
GROUSE CREEK

Use: HEATING 01/01 to 12/31 0.2 CFS
Total Diversion: 0.2 CFS
Date Filed: 9/21/2015
Place of Use: HEATING
T03N R10E S33 NWNE SWNE
L1(NENW) L4(SENW)
61-12303
INTERMOUNTAIN DEVELOPMENT
CORP
PO BOX 624
MOUNTAIN HOME, ID 83647
Points of Diversion NWNE SWNE S15
T03S R06E ELMORE County Source
GROUND WATER
Use: DOMESTIC 01/01 to 12/31 0.88
CFS
Use: FIRE PROTECTION 01/01 to 12/31
1.11 CFS
Total Diversion: 1.99 CFS
Date Filed: 7/22/2015
Places of Use: DOMESTIC, FIRE PRO-
TECTION
T03S R06E S15 NWNE SWNE

NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
TRANSFER NO. 80026

SUNVIEW DAIRY LLC, 6600 SW
BLANKSMA RD, MOUNTAIN HOME, ID
83647; has filed Application No. 80026 for
changes to the following water rights within
ELMORE County(s): Right No(s). 61-12270,
61-2186, 61-7222; to see a full description
of these rights and the proposed transfer,
please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx.

The transfer proposes to change the nature
of use of 182.0 af for irrigation use authorized
under 61-2186 to stockwater and commercial
purposes for expansion of existing dairy. A
change to the place of use will expand com-
mercial/stockwater use under rights 61-2186,
61-7222 & 61-12270.

The site is located within Elmore County,
West of Hwy 51, 3.25 miles north of the Snake
River.

Permits will be subject to all prior water
rights. For additional information concerning
the property location, contact Western Region
office at 208-334-2190; or for a full description
of the right(s) or proposed transfer (s) please
see www.idwr.idaho.gov/WaterManagement/WaterRights. Protests may be submitted based
on the criteria of Idaho Code §§ 42-203A and
42-222. Any protest against the approval of the
application(s) must be filed with the Director,
Dept. of Water Resources, Western Region,
2735 Airport Way, Boise, ID 83705 together
with a protest fee of \$25.00 for each appli-
cation on or before 1/25/2016. The protestant
must also send a copy of the protest to the ap-
plicant.

GARY SPACKMAN, Director
First Publication: January 6, 2016
Last Publication: January 13, 2016

AFFIDAVIT OF PUBLICATION

County of Elmore } ss.
State of Idaho

I, Brenda M. Fincher, do solemnly swear that I am the
Publisher of the:

Mountain Home News

A weekly newspaper of general circulation, published once
a week, in Mountain Home, Idaho, that the notice attached
hereto which is a part of publication thereof; was
published in said newspaper for 2 consecutive
weeks, the first publication having been made on the
16th day of Jan, 2016, and the last publication
having been made on the 13th day of Jan, 2016;
every Wednesday issue of the paper during the period and
time of publication and that the notice was published in
the paper proper and not in a supplement thereof.

And I further swear that the said Mountain Home News
has been continuously and uninterruptedly published in
said Elmore County during the period of 78 consecutive
weeks prior to the first publication of the attached notice.

Brenda M Fincher

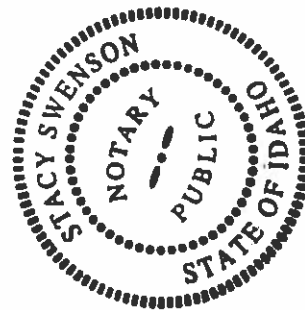
Publisher

Subscribed and sworn to me this 14th day of Jan
2016.

Notary Public

Residing in Mountain Home, Elmore County, Idaho.

My commission expires 11-17-2017.



RECEIVED

JAN 21 2016

WATER RESOURCES
WESTERN REGION