Rev. 07/11

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 80416

RECEIVED
FEB 16 2016
DEPT OF WATER RESOURCES
SOUTHERN REGION

AMENDED

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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

Name of Applicant(s) IDAHO DAIRY HOLDINGS LLC

Check 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 #1-9.

- ☑ ☐ #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 transfer 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).
- ☐ ☑ #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 http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm .
- ☐ ☑ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☑ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☑ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☐ #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.)
- ☐ ☑ #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 Other. Please describe: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
FEB 16 2016
DEPT OF WATER RESOURCES
SOUTHERN REGION

AMENDED

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant IDAHO DAIRY HOLDINGS LLC Phone

Mailing Address PO BOX 609, TURNER ME 04282 Email

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

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

☐ No Representative

Name of Representative TSK ENTERPRISES LLC Phone (208) 320-0897

Mailing Address GARY L. FUNDERBURG
255 BLUE LAKES BLVD NTH
PMB 617, TWIN FALLS ID 83301 Email

☐ 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	Print Name and Title if applicable	Date
Wayne E. Cummings	Wayne E. Cummings, Mgr	2/10/16

A. PURPOSE OF TRANSFER

1.

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
47-2496B	No	No	No	Yes	No	Yes
47-12300	No	No	Yes	Yes	No	No
47-17286	No	No	No	Yes	No	No
47-17288	No	No	No	Yes	No	No
47-17290	No	No	No	Yes	No	No

Transfer No. 80416

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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**

The application proposes to change the ownership and update the points of diversion for water right 47-12300. In addition the application proposes to add two existing points of diversion to the remaining water rights to provide the full amount of water allowed under these water rights for the dairy.

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

1. Detailed Water Right Description(s) Attached labeled Part 1.

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
47-2496B	0.270 cfs	83.6 af	N/A	N/A		N/A	N/A	N/A	N/A
47-17286	0.130 cfs	11.2 af	N/A	N/A		N/A	N/A	N/A	N/A
47-17288	0.050 cfs	9.3 af	N/A	N/A		N/A	N/A	N/A	N/A
47-17290	0.170 cfs	11.5 af	N/A	N/A		N/A	N/A	N/A	N/A
47-12300	0.040 cfs	14.6 af	N/A	N/A		N/A	N/A	N/A	N/A
COMBINED TOTALS	0.660 cfs	126.6 af	N/A	N/A		N/A	N/A	N/A	N/A

2. Total amount of water proposed to be transferred or changed 0.66 cubic feet per second and/or _____ acre-feet per annum

3. Points(s) of Diversion:
   - ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
   - ☑ As shown in Part 1.
   - ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5.**

4. Place of Use:
   - ☐ No changes to place of use are proposed. (Proceed to #5.)
   - ☑ As shown in Part 1.
   - ☐ See Attachment.

Transfer No. 80416

Proposed Water Right No. 47-2496B

Current Water Right Owner

IDAHO DAIRY
HOLDINGS LLC
PO BOX 609
TURNER, ME 04280

Priority Date: 12/13/1943

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
COMMERCIAL	01/01	12/31	0.270 CFS	83.6 AFA	
STOCKWATER	01/01	12/31	0.270 CFS	83.6 AFA	
Total Diversion			0.270 CFS	83.6 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SESENE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	NESESE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	NESESE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	SESESE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County

Place of Use: COMMERCIAL

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	19E	31													X			X	

Place of Use: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	19E	31													X			X	

Proposed Water Right No. 47-17286

Current Water Right Owner

IDAHO DAIRY
HOLDINGS LLC
PO BOX 609
TURNER, ME 04280

Priority Date: 12/13/1943

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
COMMERCIAL	01/01	12/31	0.130 CFS	11.2 AFA	
STOCKWATER	01/01	12/31	0.130 CFS	11.2 AFA	
Total Diversion			0.130 CFS	11.2 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SESENE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	NESESE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	NESESE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	SESESE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County

Place of Use: COMMERCIAL

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	19E	31													X			X	

Place of Use: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	19E	31													X			X	

Transfer No. 80416

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes

Proposed Water Right No. 47-17288

Current Water Right Owner

IDAHO DAIRY
HOLDINGS LLC
PO BOX 609
TURNER, ME 04280

Priority Date: 5/31/1947

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
COMMERCIAL	01/01	12/31	0.050 CFS	9.3 AFA	
STOCKWATER	01/01	12/31	0.050 CFS	9.3 AFA	
Total Diversion			0.050 CFS	9.3 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SESENE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	NESESE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	NESESE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	SESESE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County

Place of Use: COMMERCIAL

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	19E	31													X			X	

Place of Use: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	19E	31													X			X	

Transfer No. 80416

Proposed Water Right No. 47-17290

Current Water Right Owner

IDAHO DAIRY
HOLDINGS LLC
PO BOX 609
TURNER, ME 04280

Priority Date: 3/15/1956

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
COMMERCIAL	01/01	12/31	0.170 CFS	11.5 AFA	
STOCKWATER	01/01	12/31	0.170 CFS	11.5 AFA	
Total Diversion			0.170 CFS	11.5 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SESENE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	NESESE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	NESESE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	SESESE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County

Place of Use: COMMERCIAL

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	19E	31													X			X	

Place of Use: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	19E	31													X			X	

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes

Proposed Water Right No. 47-12300

Current Water Right Owner

IDAHO DAIRY
HOLDINGS LLC
PO BOX 609
TURNER, ME 04280

Priority Date: 12/31/1940

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
DOMESTIC	1/01	12/31	0.040 CFS	14.6 AFA	
Total Diversion			0.040 CFS	14.6 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SESENE	Sec. 31 Twp 11S Rge 19E	TWIN FALLS County
GROUND WATER	NESESE	Sec. 31 Twp 11S Rge 19E	TWIN FALLS County
GROUND WATER	NESESE	Sec. 31 Twp 11S Rge 19E	TWIN FALLS County
GROUND WATER	SESESE	Sec. 31 Twp 11S Rge 19E	TWIN FALLS County

Place of Use: DOMESTIC

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	19E	31				X									X			X	

Transfer No. 80416

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
All four wells will be connected together, and a measuring device and lockable controlling works are already in place.

b. Who owns the property at the point(s) of diversion
The 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?
No, ☑ **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: _____
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. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
No change to the place of use or purpose of use is proposed.

e. Describe the use of any other water right(s) for the same purpose or land, or same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
An existing well proposed to be added to the system is also used as an irrigation well.

f. 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:

Current Water Right No. 47-2496B

Current Water Right Owner

IDAHO DAIRY
HOLDINGS LLC
PO BOX 609
TURNER, ME 04280

Priority Date: 12/13/1943

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
COMMERCIAL	01/01	12/31	0.270 CFS	78.8 AFA	
DOMESTIC	01/01	12/31	0.060 CFS	1.8 AFA	
IRRIGATION	04/01	10/31	0.030 CFS	4.0 AFA	
STOCKWATER	01/01	12/31	0.270 CFS	78.8 AFA	
Total Diversion			0.270 CFS	84.6 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NESESE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	NESESE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County

Place of Use: COMMERCIAL

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	19E	31													X			X	0.0

Place of Use: DOMESTIC

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	19E	31																X	0.0

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
11S	19E	31																1.0	1.0

Right Acre Limit: 1.0

POU Total Acres: 1.0

Place of Use: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	19E	31													X			X	0.0

Conditions/Remarks:

1. 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.

Conditions/Remarks:

2. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands below.

3. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.

4. 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.

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 determine the amount of water diverted from power records and shall annually report the information to the Department.

6. Commercial use is for a dairy operation.

7. The right holder shall accomplish the change authorized by this transfer within one (1) 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. Rights 47-2496B, 47-7529, 47-17285, 47-17286, 47-17287, and 47-17288 when combined shall not exceed a total diversion volume of 1009.9 af.

10. Domestic use is for 3 homes. Irrigation of lawn, garden and landscaping associated with the homes is authorized under the irrigation component of this right.

11. 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 the date of this approval.

Current Water Right No. 47-17286

Current Water Right Owner

IDAHO DAIRY
HOLDINGS LLC
PO BOX 609
TURNER, ME 04280

Priority Date: 12/13/1943

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
COMMERCIAL	01/01	12/31	0.130 CFS	11.2 AFA	
STOCKWATER	01/01	12/31	0.130 CFS	11.2 AFA	
Total Diversion			0.130 CFS	11.2 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NESESE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	NESESE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County

Place of Use: COMMERCIAL

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	19E	31													X			X	0.0

Place of Use: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	19E	31													X			X	0.0

Conditions/Remarks:

1. 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. Commercial use is for a dairy operation.

3. 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.

4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

6. 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 determine the amount of water diverted from power records and shall annually report the information to the Department.

Conditions/Remarks:

7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.

8. Right Nos. 47-2496B, 47-7529, 47-17285, 47-17287 and 47-17288 are limited to a total combined annual diversion volume of 1009.9 AF.

9. The rights listed below are limited to a total combined diversion rate of 0.35 cfs and to a total combined annual diversion volume of 28.4 AF. Combined Right Nos.: 47-17286, 47-17288, 47-17290

Current Water Right No. 47-17288

Current Water Right Owner

IDAHO DAIRY
HOLDINGS LLC
PO BOX 609
TURNER, ME 04280

Priority Date: 5/31/1947

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
COMMERCIAL	01/01	12/31	0.050 CFS	9.3 AFA	
STOCKWATER	01/01	12/31	0.050 CFS	9.3 AFA	
Total Diversion			0.050 CFS	9.3 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NESESE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	NESESE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County

Place of Use: COMMERCIAL

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	19E	31													X			X	0.0

Place of Use: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	19E	31													X			X	0.0

Conditions/Remarks:

1. 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.

2. Commercial use is for a dairy operation.

3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

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 determine the amount of water diverted from power records and shall annually report the information to the Department.

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. 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.

Conditions/Remarks:

7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

8. Rights 47-2496B, 47-7529, 47-17285, 47-17286, 47-17287, and 47-17288 when combined shall not exceed a total diversion volume of 1009.9 af.

9. Rights 47-17286, 47-17288, and 47-17290 when combined shall not exceed a total diversion rate of 0.35 cfs, nor a total annual maximum diversion volume of 28.4 af.

Current Water Right No. 47-17290

Current Water Right Owner

IDAHO DAIRY
HOLDINGS LLC
PO BOX 609
TURNER, ME 04280

Priority Date: 3/15/1956

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
COMMERCIAL	01/01	12/31	0.170 CFS	11.5 AFA	
STOCKWATER	01/01	12/31	0.170 CFS	11.5 AFA	
Total Diversion			0.170 CFS	11.5 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NESESE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	NESESE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County

Place of Use: COMMERCIAL

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	19E	31													X			X	0.0

Place of Use: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	19E	31													X			X	0.0

Conditions/Remarks:

1. 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. 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 determine the amount of water diverted from power records and shall annually report the information to the Department.

3. 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.

4. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.

5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Transfer No. 80416

Conditions/Remarks:

7. Commercial use is for a dairy operation.

8. Rights 47-17286, 47-17288, and 47-17290 when combined shall not exceed a total diversion rate of 0.35 cfs, nor a total annual maximum diversion volume of 28.4 af.

Current Water Right No. 47-12300

Current Water Right Owner

L & S LAND HOLDINGS
LLC
2930 S 2300 E
WENDELL, ID 83355

Priority Date: 12/31/1940

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

Beneficial Use	From	To	Diversion Rate	Subuse Code
DOMESTIC	1/01	12/31	0.040 CFS	
Total Diversion			0.040 CFS	

Source and Point(s) of Diversion:

GROUND WATER SESENE Sec. 31 Twp 11S Rge 19E TWIN FALLS County

Describe the proposed diversion system

WELL AND PUMP

Place of Use: DOMESTIC

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	19E	31				X													0.0

Conditions/Remarks:

1. THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. RP 11S19E317200

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements)

☑ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a.**

☐ 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. Label it **Attachment #7b.** If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

☑ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a.**

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

N/A

FOR DEPARTMENT USE ONLY

Transfer Contains 19 pages and 1 attachments.

Received By DM Date 11/12/2015 Prelim. Check By _____ Date _____

Fee Paid $525.00 Date 11/12/2015 Receipted By DM Receipt # S035101

Add'l Fee Paid $250.00 Date 2/16/2016 Receipted By BW Receipt # S035274

 Transfer No. 80416

AMENDED APPLICATION FOR TRANSFER OF WATER RIGHT
Attachment #8a

Water right 47-2496B authorizes 1.8 AF for in house domestic use for 3 homes, and 4.0 AF for the irrigation of 1 acre associated with these homes. The 3 homes and the 1 acre of irrigation have been removed and are no longer in use. The 1.8 AF for domestic use will be changed to stockwater and commercial uses. The 4.0 AF for 1 acre of irrigation provided a consumptive use of 3.0 AF that will be converted to stockwater and commercial uses. This is based on a precipitation deficit value of 3.0 AF for turf grass in the SE Twin Falls area according to U. of I. Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho.

State of Idaho

Office of the Secretary of State

LIMITED LIABILITY COMPANY REINSTATEMENT CERTIFICATE

I, BEN YSURSA, Secretary of State of the State of Idaho, hereby certify that the certificate of organization of **IDAHO DAIRY HOLDINGS LLC**, file number W 132756 , a limited liability company organized under the laws of the State of Idaho, was administratively dissolved on September 4, 2014, for failure to file the required annual report form by the date due.

I FURTHER CERTIFY That the limited liability company has on December 8, 2014, been reinstated on the records of this office, and that its certificate of organization in the State of Idaho are hereby restored.

Dated: December 8, 2014

Ben Ysursa

SECRETARY OF STATE

By _____

TRANSFER 80416

217

APPLICATION FOR REINSTATEMENT

FILED EFFECTIVE

To the SECRETARY OF STATE, STATE OF IDAHO

2014 DEC 8 AM 10:02

SECRETARY OF STATE
STATE OF IDAHO

1. The name of the Idaho limited liability company applying for reinstatement following administrative dissolution or forfeiture, if available, is:

IDAHO DAIRY HOLDINGS LLC

2. The date of its organization was: January 7, 2014
3. The limited liability company hereby applies for reinstatement. If the entity name is unavailable, a certificate of amendment for a name change must be attached.

Signature: Wayne E Cummings

Manager or Member: WAYNE E. CUMMINGS

Date: 12/3/14

(must be signed by a manager or member of the LLC)

Secretary of State use only

IDAHO SECRETARY OF STATE
12/08/2014 05:00
CK:1325 CT:180414 BH:1452043
1@ 30.00 = 30.00 CORP REINS #4

TRANSFER 80416

No. W 132756	Reinstatement Annual Report Form ADMIN DISSOLVED 09/04/2014	2. Registered Agent and Office **(NOT A P.O. BOX)** ~~Need to Appoint~~ Barker Rosholt & Simpson, LLP c/o Paul L. Arrington 195 River Vista Place, Suite 204 Twin Falls, Idaho 83301-3029
Return to: SECRETARY OF STATE 450 N 4th STREET PO BOX 83720 BOISE, ID 83720-0080	**1. Mailing Address: Correct in this box if needed.** IDAHO DAIRY HOLDINGS LLC GIVENS PURSLEY CORPORATE SERVICES LLC 601 W BANNOCK ST BOISE ID 83702	3. New ~~Registered Agent Signature.~~
REINSTATEMENT FEE DUE: $30.00		

4. Limited Liability Companies: Enter Names and Addresses of Managers OR Members. See Instructions.

Manager or Member	Name	Street or PO Address	City	State	Country	Postal Code
Manager ☐ Member ☑	Agricultural Investment-Fund II, LLC	127 Conley Drive,	Chestertown,	MD		21620
Manager ☐ Member ☐						
Manager ☐ Member ☐						
Manager ☐ Member ☐						

5. Organized Under the Laws of:	6.
IDAHO W 132756	Signature: Wayne E. Cummings Date: 12/3/14 Name (type or print): ~~L. Edward Miller~~ WAYNE E CUMMINGS Title: MANAGER

Issued 11/24/2014 by online 0

TRANSFER 80416

INSTRUCTIONS FOR THE IDAHO ANNUAL REPORT FORM

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

Block 2: To change the registered agent or office, strike the incorrect information and write in the correct information. **Note:** The office of the registered agent must be at a street address in Idaho. **not a Post Office Box or Personal Mail Box.**

ELECTRONICALLY RECORDED
STAMPED FIRST PAGE NOW
INCORPORATED AS PART OF
THE ORIGINAL DOCUMENT.

21 Lelell - A

TWIN FALLS COUNTY
RECORDED FOR:
TITLEONE - BURLEY
01:36:21 PM 04-09-2015
2015005399
NO. PAGES 5 FEE: $22.00
KRISTINA GLASCOCK
COUNTY CLERK
DEPUTY: JWD
Electronically Recorded by Simplifile

Please record and return to:
Paul L. Arrington
Barker Rosholt & Simpson, LLP
195 River Vista Place, Suite 204
Twin Falls, ID 83301

SPECIAL WARRANTY DEED

FOR VALUE RECEIVED, the receipt and sufficiency of which is hereby acknowledged, **HLF CLIENT SERVICES, LLC,** an Arkansas limited liability company, whose address is c/o Gregory M. Hopkins, Esq., Hopkins Law Firm, 1000 West Second Street, Little Rock, Arkansas 72201, the "Grantor," hereby grants, bargains, sells, and conveys unto **IDAHO DAIRY HOLDINGS, LLC**, an Idaho limited liability company, whose address is 2960 N. 4200 E., Hansen, Idaho 83334, the "Grantee," the following described premises located in Twin Falls County, Idaho, to wit:

TOWNSHIP 11 SOUTH, RANGE 19 EAST OF THE BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO

Section 31: E1/2

Section 34: W1/2

Together with all water rights appurtenant thereto, including but not limited to the water rights shown on **EXHIBIT A** attached hereto.

TO HAVE AND TO HOLD, unto Grantee, its successors and assigns forever.

SUBJECT TO the following: (a) general taxes and assessments, which are not yet due and payable; and (b) the encumbrances, easements, restrictions and matters set forth on EXHIBIT B attached hereto and incorporated herein (collectively the "Permitted Exceptions").

Grantor warrants that during its time of holding title to the Property, it has not conveyed any interest in the Property to any person other than Grantee, and that the Property is free from all encumbrances created or suffered by Grantor, except the Permitted Exceptions, and that Grantor will warrant and defend the same against all lawful claims of all persons claiming by, through or under Grantor.

TRANSFER 80416

21 6641 - A

Please record and return to:
Paul L. Arrington
Barker Rosholt & Simpson, LLP
195 River Vista Place, Suite 204
Twin Falls, ID 83301

SPECIAL WARRANTY DEED

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Section 31: **E1/2**

Section 34: **W1/2**

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TRANSFER 80416

IN WITNESS WHEREOF, the parties have executed the within instrument as of the 24 day of March, 2015.

GRANTOR

HLF CLIENT SERVICES, LLC

By: Gregory M. Hopkins

Its: Manager

STATE OF Arkansas)
) ss.
County of Pulaski)

On this 24th day of March, 2015, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Gregory M. Hopkins, Manager of HLF CLIENT SERVICES, LLC, an Arkansas limited liability company, known to me to be such Grantor and the person whose name is subscribed to the within and foregoing instrument, and who acknowledged to me that he executed the same on behalf of the company.

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

NOTARY PUBLIC - ARKANSAS
ANITA L. CROSS
No. 12350881
COMM. EXP. 10-18-2016
PULASKI COUNTY

Anita L. Cross

NOTARY PUBLIC for Pulaski County, AR

Residing at: Little Rock, Arkansas

Commission Expires: 10-18-2016

Exhibit A

Water Right

47-8436
45-10084
45-10097
45-10149
45-11040
47-2496B
47-17286
47-17288
47-17290
45-14371
45-14372
45-14373
45-14374
47-17091
47-17092
47-17364
47-17365

EXHIBIT B

1. Taxes for 2014 and subsequent years, a lien, but not yet due or payable.

2. Rights-of-way for ditches, tunnels and telephone and transmission lines constructed by authority of the United States, as granted to the United States under provisions of Section 58-604, Idaho Code.

3. Assessments of the American Falls Reservoir District and the rights and powers of said District as by law provided.

4. Liens, levies, and assessments of the Twin Falls Canal Company, and the rights, powers, and easements of said Company as by law provided.

5. Assessments of the Artesian Irrigation, Inc. and the rights and powers of said District as by law provided.

6. Assessments of the Dry Creek District and the rights and powers of said District as by law provided.

7. Assessments of the Rock Creek District and the rights and powers of said District as by law provided.

8. Assessments of the Southwest Irrigation District and the rights and powers of said District as by law provided.

9. Assessments of the Strong Ditch District and the rights and powers of said District as by law provided.

10. Assessments of the Milner Canal District and the rights and powers of said District as by law provided.

11. County road rights of way.

12. Power Line Easement given by L. Kenneth Larsen and Capitola L. Larsen, his wife, to Idaho Power Company, a corporation, recorded October 21, 1948 as Instrument Number 385093, Twin Falls County records. (Covers the NW¼NE¼ and SW¼NE¼ of Section 31, Township 11 South, Range 19 East of the Boise Meridian)

13. Power Line Easement given by L. Kenneth Larsen and Capitola L. Larsen, his wife, to Idaho Power Company, a corporation, recorded October 27, 1950 as Instrument Number 404031, Twin Falls County records. (Covers the SW¼NE¼ of Section 31, Township 11 South, Range 19 East of the Boise Meridian)

14. Power Line Easement given by R G High and Shirley L. High, his wife to Idaho Power Company, a corporation, recorded July 3, 1956 as Instrument Number 456126, Twin Falls County records. (Covers the S½NW¼ of Section 34, Township 11 South, Range 19 East of the Boise Meridian)

15. Power Line Easement given by S A High and Nina E. High, his wife to Idaho Power Company, a corporation, recorded July 3, 1956 as Instrument Number 456127, Twin Falls County records. (Covers the S½NW¼ of Section 34, Township 11 South, Range 19 East of the Boise Meridian)

16. Power Line Easement given by R S High and Laura C High, his wife to Idaho Power Company, a corporation, recorded July 3, 1956 as Instrument Number 456128, Twin Falls County records. (Covers the S½NW¼ of Section 34, Township 11 South, Range 19 East of the Boise Meridian)

17. Power Line Easement given by Garnett Kidd and Alice Kidd, his wife to Idaho Power Company, a corporation, recorded February 16, 1977 as Instrument Number 710139, Twin Falls County records. (Covers the NE¼ of Section 31, Township 11 South, Range 19 East of the Boise Meridian)

18. Power Line Easement given by Sean Kidd and Rita Kidd and Garnett Kidd and Alice Kidd to Idaho Power Company, a corporation, recorded September 11, 1977 as Instrument Number 722222, Twin Falls County records. (Covers the SW¼NE¼ of Section 31, Township 11 South, Range 19 East of the Boise Meridian)

19. Underground Power Line Easement given by Brent Funk to Idaho Power Company, a corporation, dated September 15, 1993, recorded August 15, 1994 as Instrument Number 1994-014529, records of Twin Falls County, Idaho. (Covers the SE¼SE¼ of Section 31, Township 11 South Range 19 East of the Boise Meridian)

20. A right of way across the South 60 feet and the East 30 feet thereof with right of ingress and egress to service a well and buried pipeline and a right of way across the South 20 feet of the West 147 feet thereof with right of ingress and egress to service a hydrant and buried pipeline, created in Warranty Deed from Clarence A. Degner and Lois A. Degner to Matthew S. Nail and Ana G. Nail recorded March 13, 1995 as Instrument No. 1995-003960, records of Twin Falls County, Idaho. (Covers SE¼ of Section 33 and NW¼ of Section 34, Township 11 South, Range 19 East, Boise Meridian)

21. Power Line Easement given by Luis Bettencourt to Idaho Power Company, a corporation, recorded June 22, 2007 as Instrument Number 2007-015044, Twin Falls County records. (Covers the SW¼ of Section 34, Township 11 South, Range 19 East of the Boise Meridian)

22. Power Line Easement given by Luis Bettencourt to Idaho Power Company, a corporation, recorded June 22, 2007 as Instrument Number 2007-015045, Twin Falls County records, (Covers the NW¼ of Section 34, Township 11 South, Range 19 East of the Boise Meridian)

23. Power Line Easement given by Luis Bettencourt to Idaho Power Company, a corporation, recorded November 14, 2007 as Instrument Number 2007-027496, Twin Falls County records. (Covers the SW¼ of Section 34, Township 11 South, Range 19 East of the Boise Meridian)

24. Power Line Easement given by Luis Bettencourt to Idaho Power Company, a corporation, recorded November14, 2007 as Instrument Number 2007-027519, Twin Falls County records. (Covers the SW¼ of Section 34, Township 11 South, Range 19 East of the Boise Meridian)

25. Power Line Easement given by Luis Bettencourt to Idaho Power Company, a corporation, recorded December 24, 2007 as Instrument Number 2007-030720, Twin Falls County records. (Covers the W½ of Section 34, Township 11 South, Range 19 East of the Boise Meridian)

26. Power Line Easement given by Luis M. Bettencourt and Sharon L. Bettencourt to Idaho Power Company, a corporation, recorded February 27, 2008 as Instrument Number 2008-004264, Twin Falls County records. (Covers the SE¼NW¼ of Section 34, Township 11 South, Range 19 East of the Boise Meridian)

27. Power Line Easement given by Luis M. Bettencourt and Sharon L. Bettencourt to Idaho Power Company, a corporation, recorded October 21, 2008 as Instrument Number 2008-022780, Twin Falls County records. (Covers the W½ of Section 34, Township 11 South, Range 19 East of the Boise Meridian)

28. Terms of Lease Agreement as disclosed by Memorandum of Lease Agreement by and between L & S Land Holdings, LLC, an Idaho limited liability company, Lessor, and Wybenga Dairy, LLC, an Idaho limited liability company, Lessee, dated June 6, 2013 and recorded June 10, 2013 as Instrument No. 2013-012708, records of Twin Falls County, Idaho.

29. Terms of Lease & Easement Agreement as disclosed by Memorandum of Lease & Easement Agreement between Bettencourt Dairies, LLC, an Idaho limited liability company and L&S Land Holdings, LLC, an Idaho limited liability company and Cargill, Incorporated, a Delaware corporation dated June 24, 2013 and recorded December 23, 2013 as Instrument No. 2013-025879, records of Twin Falls County, Idaho.
NonDisturbance and Attornment Agreement dated December 20, 2013 and recorded December 23, 2013 as Instrument No. 2013-025881, records of Twin Falls County, Idaho.
NonDisturbance and Attornment Agreement dated December 20, 2013 and recorded December 23, 2013 as Instrument No. 2013-025882, records of Twin Falls County, Idaho.
NonDisturbance and Attornment Agreement dated December 20, 2013 and recorded December 23, 2013 as Instrument No. 2013-025883, records of Twin Falls County, Idaho.
NonDisturbance and Attornment Agreement dated December 20, 2013 and recorded December 23, 2013 as Instrument No. 2013-025884, records of Twin Falls County, Idaho.

30. Access Easement Agreement between Bettencourt Dairies, LLC, an Idaho limited liability company and L&S Land Holdings, LLC, an Idaho limited liability company and Cargill, Incorporated, a Delaware corporation dated June 24, 2013 and recorded December 23, 2013 as Instrument No. 2013-025880, records of Twin Falls County, Idaho.
NonDisturbance and Attornment Agreement dated December 20, 2013 and recorded December 23, 2013 as Instrument No. 2013-025881, records of Twin Falls County, Idaho.
NonDisturbance and Attornment Agreement dated December 20, 2013 and recorded December 23, 2013 as Instrument No. 2013-025882, records of Twin Falls County, Idaho.
NonDisturbance and Attornment Agreement dated December 20, 2013 and recorded December 23, 2013 as Instrument No. 2013-025883, records of Twin Falls County, Idaho.
NonDisturbance and Attornment Agreement dated December 20, 2013 and recorded December 23, 2013 as Instrument No. 2013-025884, records of Twin Falls County, Idaho.

Recorded Electronically
ID 2014006376
County TWIN FALLS
Date 4/22/14 Time 2:35:57 P.M.
Simplifile.com 800.460.5657

4664-A

SPECIAL WARRANTY DEED

FOR VALUE RECEIVED, the receipt and sufficiency of which is hereby acknowledged **L & S LAND HOLDINGS, LLC**, an Idaho limited liability company, the "Grantor", hereby grants, bargains, sells, and conveys unto **HLF CLIENT SERVICES, LLC**, an Arkansas limited liability company, whose address is c/o Gregory M. Hopkins, Esq., Hopkins Law Firm, 1000 West Second Street, Little Rock, Arkansas 72201, the "Grantee", the following described premises located in Twin Falls County, Idaho, to wit:

TOWNSHIP 11 SOUTH, RANGE 19 EAST OF THE BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO

Section 31: **E½**

Section 34: **W½**

Together with all water rights appurtenant thereto, including but not limited to the water rights shown on **EXHIBIT A** attached hereto.

TO HAVE AND TO HOLD, unto Grantee, its successors and assigns forever.

SUBJECT TO the following: (a) general taxes and assessments, which are not yet due and payable; and (b) the encumbrances, easements, restrictions and matters set forth on **EXHIBIT B** attached hereto and incorporated herein (collectively the "Permitted Exceptions").

Grantor warrants that it is the owner in fee simple of the Property, that the Grantor has not conveyed any interest in the Property to any person other than Grantee, and that the Property is free from all encumbrances created or suffered by Grantor, except the Permitted Exceptions, and that Grantor will warrant and defend the same against all lawful claims of all persons claiming by, through or under Grantor.

IN WITNESS WHEREOF, the parties have executed the within instrument as of the 21 day of April, 2014.

"GRANTOR"
L & S LAND HOLDINGS, LLC, an Idaho limited liability company
By: **LUIS M. AND SHARON BETTENCOURT 2008 TRUST U/A/D 3/5/2008**,
a Revocable Trust, Member

By: _____
Luis M. Bettencourt, Trustee

By: _____
Sharon Bettencourt, Trustee

TRANSFER 80416

TWIN FALLS COUNTY
RECORDED FOR:
LAND TITLE AND ESCROW - BURL
02:35:57 PM 04-22-2014
2014006376
NO. PAGES 6 FEE: $25.00
KRISTINA GLASCOCK
COUNTY CLERK
DEPUTY: DJW
Electronically Recorded by Simplifile

4664-A

SPECIAL WARRANTY DEED

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TOWNSHIP 11 SOUTH, RANGE 19 EAST OF THE BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO

Section 31: E½

Section 34: W½

Together with all water rights appurtenant thereto, including but not limited to the water rights shown on **EXHIBIT A** attached hereto.

TO HAVE AND TO HOLD, unto Grantee, its successors and assigns forever.

SUBJECT TO the following: (a) general taxes and assessments, which are not yet due and payable; and (b) the encumbrances, easements, restrictions and matters set forth on **EXHIBIT B** attached hereto and incorporated herein (collectively the "Permitted Exceptions").

Grantor warrants that it is the owner in fee simple of the Property, that the Grantor has not conveyed any interest in the Property to any person other than Grantee, and that the Property is free from all encumbrances created or suffered by Grantor, except the Permitted Exceptions, and that Grantor will warrant and defend the same against all lawful claims of all persons claiming by, through or under Grantor.

IN WITNESS WHEREOF, the parties have executed the within instrument as of the 21 day of April, 2014.

"GRANTOR"
L & S LAND HOLDINGS, LLC, an Idaho limited liability company
By: **LUIS M. AND SHARON BETTENCOURT 2008 TRUST U/A/D 3/5/2008**,
a Revocable Trust, Member

By: Luis M. Bettencourt
Luis M. Bettencourt, Trustee

By: Sharon Bettencourt
Sharon Bettencourt, Trustee

TRANSFER 80416

STATE OF IDAHO)
)ss.
County of TWIN FALLS)

On this 21st day of April, 2014, before me, the undersigned, a Notary Public in and for said County and State, personally appeared LUIS M. BETTENCOURT and SHARON BETTENCOURT, Trustees of the Luis M. and Sharon Bettencourt 2008 Trust u/a/d March 5, 2008, Member of L & S LAND HOLDINGS, LLC., known to me to be the persons whose names are subscribed to the within and foregoing instrument, and who acknowledged to me that they executed the same on behalf of said trust as member of the company.

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

Larry Roberts
Notary Public
State of Idaho

NOTARY PUBLIC for Idaho
Residing at Twin Falls, Idaho
Commission Expires 6-30-15

EXHIBIT A

Water Right

47-4284*
47-8436
45-10084
45-10097
45-10149
47-10541
45-11040
47-11959
47-12135
47-12299
47-12574
47-14042
47-14043
47-14044
47-14470
47-14630
47-16379
47-2496B*
47-17286
47-17288
47-17290
45-14371
45-14372
45-14373
45-14374
47-17091
47-17092
47-17364
47-17365

EXHIBIT B

1. Taxes for 2014 and subsequent years.

2. Rights-of-way for ditches, tunnels and telephone and transmission lines constructed by authority of the United States, as granted to the United States under provisions of Section 58-604, Idaho Code.

3. Assessments of the American Falls Reservoir District and the rights and powers of said District as by law provided.

4. Liens, levies, and assessments of the Twin Falls Canal Company, and the rights, powers, and easements of said Company as by law provided.

5. Assessments of the Artesian Irrigation, Inc. and the rights and powers of said District as by law provided.

6. Assessments of the Dry Creek District and the rights and powers of said District as by law provided.

7. Assessments of the Rock Creek District and the rights and powers of said District as by law provided.

8. Assessments of the Southwest Irrigation District and the rights and powers of said District as by law provided.

9. Assessments of the Strong Ditch District and the rights and powers of said District as by law provided.

10. Assessments of the Milner Canal District and the rights and powers of said District as by law provided.

11. County road rights of way.

12. Power Line Easement given by L. Kenneth Larsen and Capitola L. Larsen, his wife, to Idaho Power Company, a corporation, recorded October 21, 1948 as Instrument Number 385093, Twin Falls County records. (Covers the NW¼NE¼ and SW¼NE¼ of Section 31, Township 11 South, Range 19 East of the Boise Meridian)

13. Power Line Easement given by L. Kenneth Larsen and Capitola L. Larsen, his wife, to Idaho Power Company, a corporation, recorded October 27, 1950 as Instrument Number 404031, Twin Falls County records. (Covers the SW¼NE¼ of Section 31, Township 11 South, Range 19 East of the Boise Meridian)

14. Power Line Easement given by R G High and Shirley L. High, his wife to Idaho Power Company, a corporation, recorded July 3, 1956 as Instrument Number 456126, Twin Falls County records. (Covers the S½NW¼ of Section 34, Township 11 South, Range 19 East of the Boise Meridian)

15. Power Line Easement given by S A High and Nina E. High, his wife to Idaho Power Company, a corporation, recorded July 3, 1956 as Instrument Number 456127, Twin Falls County records. (Covers the S½NW¼ of Section 34, Township 11 South, Range 19 East of the Boise Meridian)

16. Power Line Easement given by R S High and Laura C High, his wife to Idaho Power Company, a corporation, recorded July 3, 1956 as Instrument Number 456128, Twin Falls County records. (Covers the S½NW¼ of Section 34, Township 11 South, Range 19 East of the Boise Meridian)

17. Power Line Easement given by Garnett Kidd and Alice Kidd, his wife to Idaho Power Company, a corporation, recorded February 16, 1977 as Instrument Number 710139, Twin Falls County records. (Covers the NE¼ of Section 31, Township 11 South, Range 19 East of the Boise Meridian)

18. Power Line Easement given by Sean Kidd and Rita Kidd and Garnett Kidd and Alice Kidd to Idaho Power Company, a corporation, recorded September 11, 1977 as Instrument Number 722222, Twin Falls County records. (Covers the SW¼NE¼ of Section 31, Township 11 South, Range 19 East of the Boise Meridian)

19. Underground Power Line Easement given by Brent Funk to Idaho Power Company, a corporation, dated September 15, 1993, recorded August 15, 1994 as Instrument Number 1994-014529, records of Twin Falls County, Idaho. (Covers the SE¼SE¼ of Section 31, Township 11 South Range 19 East of the Boise

Meridian)

20. A right of way across the South 60 feet and the East 30 feet thereof with right of ingress and egress to service a well and buried pipeline and a right of way across the South 20 feet of the West 147 feet thereof with right of ingress and egress to service a hydrant and buried pipeline, created in Warranty Deed from Clarence A. Degner and Lois A. Degner to Matthew S. Nail and Ana G. Nail recorded March 13, 1995 as Instrument No. 1995-003960, records of Twin Falls County, Idaho. (Covers SE¼ of Section 33 and NW¼ of Section 34, Township 11 South, Range 19 East, Boise Meridian)

21. Power Line Easement given by Luis Bettencourt to Idaho Power Company, a corporation, recorded June 22, 2007 as Instrument Number 2007-015044, Twin Falls County records. (Covers the SW¼ of Section 34, Township 11 South, Range 19 East of the Boise Meridian)

22. Power Line Easement given by Luis Bettencourt to Idaho Power Company, a corporation, recorded June 22, 2007 as Instrument Number 2007-015045, Twin Falls County records, (Covers the NW¼ of Section 34, Township 11 South, Range 19 East of the Boise Meridian)

23. Power Line Easement given by Luis Bettencourt to Idaho Power Company, a corporation, recorded November 14, 2007 as Instrument Number 2007-027496, Twin Falls County records. (Covers the SW¼ of Section 34, Township 11 South, Range 19 East of the Boise Meridian)

24. Power Line Easement given by Luis Bettencourt to Idaho Power Company, a corporation, recorded November14, 2007 as Instrument Number 2007-027519, Twin Falls County records. (Covers the SW¼ of Section 34, Township 11 South, Range 19 East of the Boise Meridian)

25. Power Line Easement given by Luis Bettencourt to Idaho Power Company, a corporation, recorded December 24, 2007 as Instrument Number 2007-030720, Twin Falls County records. (Covers the W½ of Section 34, Township 11 South, Range 19 East of the Boise Meridian)

26. Power Line Easement given by Luis M. Bettencourt and Sharon L. Bettencourt to Idaho Power Company, a corporation, recorded February 27, 2008 as Instrument Number 2008-004264, Twin Falls County records. (Covers the SE¼NW¼ of Section 34, Township 11 South, Range 19 East of the Boise Meridian)

27. Power Line Easement given by Luis M. Bettencourt and Sharon L. Bettencourt to Idaho Power Company, a corporation, recorded October 21, 2008 as Instrument Number 2008-022780, Twin Falls County records. (Covers the W½ of Section 34, Township 11 South, Range 19 East of the Boise Meridian)

28. Terms of Lease Agreement as disclosed by Memorandum of Lease Agreement by and between L & S Land Holdings, LLC, an Idaho limited liability company, Lessor, and Wybenga Dairy, LLC, an Idaho limited liability company, Lessee, dated June 6, 2013 and recorded June 10, 2013 as Instrument No. 2013-012708, records of Twin Falls County, Idaho.

29. Terms of Lease & Easement Agreement as disclosed by Memorandum of Lease & Easement Agreement between Bettencourt Dairies, LLC, an Idaho limited liability company and L&S Land Holdings, LLC, an Idaho limited liability company and Cargill, Incorporated, a Delaware corporation dated June 24, 2013 and recorded December 23, 2013 as Instrument No. 2013-025879, records of Twin Falls County, Idaho.
NonDisturbance and Attornment Agreement dated December 20, 2013 and recorded December 23, 2013 as Instrument No. 2013-025881, records of Twin Falls County, Idaho.
NonDisturbance and Attornment Agreement dated December 20, 2013 and recorded December 23, 2013 as Instrument No. 2013-025882, records of Twin Falls County, Idaho.
NonDisturbance and Attornment Agreement dated December 20, 2013 and recorded December 23, 2013 as Instrument No. 2013-025883, records of Twin Falls County, Idaho.
NonDisturbance and Attornment Agreement dated December 20, 2013 and recorded December 23, 2013 as Instrument No. 2013-025884, records of Twin Falls County, Idaho.

30. Access Easement Agreement between Bettencourt Dairies, LLC, an Idaho limited liability company and L&S Land Holdings, LLC, an Idaho limited liability company and Cargill, Incorporated, a Delaware corporation dated June 24, 2013 and recorded December 23, 2013 as Instrument No. 2013-025880, records of Twin Falls County, Idaho.
NonDisturbance and Attornment Agreement dated December 20, 2013 and recorded December 23, 2013 as Instrument No. 2013-025881, records of Twin Falls County, Idaho.
NonDisturbance and Attornment Agreement dated December 20, 2013 and recorded December 23, 2013 as Instrument No. 2013-025882, records of Twin Falls County, Idaho.
NonDisturbance and Attornment Agreement dated December 20, 2013 and recorded December 23, 2013 as Instrument No. 2013-025883, records of Twin Falls County, Idaho.
NonDisturbance and Attornment Agreement dated December 20, 2013 and recorded December 23, 2013 as Instrument No. 2013-025884, records of Twin Falls County, Idaho.

Idaho Department of Water Resources

WMIS
Water Management Information System

Quick Search:

For assistance, email WMIS Info

Search Method: WMIS Number

WMIS Number 1000513

Search

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Point Of Diversion | PCC | Flow Meter | Time Clock | Alternate Contacts | Data Summary | Other | Logout

Flow Meter Water Usage

You are viewing 1000513

Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
2014	9031.00	18.05		end of year data collected by staff. jjr
Validated	**Totalizer End**	**Adjusted Acre Feet**	**Adjusted Max Flow Rate**	
Validated by IDWR	14912.00	18.05		
Calibration Data		**Acre Feet Qualifier**	**Preferred Method**	
Date: 1/1/2013 12:00:00 AM		No Monthly Recordings		
Factor 1.00				
Vol. Multiplier: 1000.0000				
Vol. Unit GAL				

Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
2013	3938.00	15.63		end of year data collected by staff. jjr
Validated	**Totalizer End**	**Adjusted Acre Feet**	**Adjusted Max Flow Rate**	
Validated by IDWR	9031.00	15.63		
Calibration Data		**Acre Feet Qualifier**	**Preferred Method**	
Date: 1/1/2013 12:00:00 AM		No Monthly Recordings	FM	
Factor 1.00				
Vol. Multiplier: 1000.0000				
Vol. Unit GAL				

Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
2012	0.00	12.09		
Validated	**Totalizer End**	**Adjusted Acre Feet**	**Adjusted Max Flow Rate**	
Validated by IDWR	3938.00	12.09		
Calibration Data		**Acre Feet Qualifier**	**Preferred Method**	
Date: 1/1/2013 12:00:00 AM		No Monthly Recordings	FM	
Factor 1.00				
Vol. Multiplier: 1000.0000				
Vol. Unit GAL				

Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
2011	0.00	0.00	0.00	no well found at this location per cknowles. jjr
Validated	**Totalizer End**	**Adjusted Acre Feet**	**Adjusted Max Flow Rate**	

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Validated by IDWR	0.00	0.00	0.00
Calibration Data		**Acre Feet Qualifier**	**Preferred Method**
		No Flow Measuring Device	

Idaho Department of Water Resources

WMIS
Water Management Information System

Quick Search:

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Search Method: WMIS Number
WMIS Number 1000514

Search

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Point Of Diversion PCC Flow Meter Time Clock Alternate Contacts Data Summary Other Logout

Flow Meter Water Usage

You are viewing 1000514

Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
2014	76126.00	178.96		end of year data collected by staff. jjr
Validated	**Totalizer End**	**Adjusted Acre Feet**	**Adjusted Max Flow Rate**	
Validated by IDWR	134441.00	178.96		

Calibration Data
Date: 1/1/2013 12:00:00 AM
Factor 1.00
Vol. Multiplier: 1000.0000
Vol. Unit GAL

Acre Feet Qualifier No Monthly Recordings
Preferred Method FM

Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
2013	24675.00	157.90		end of year data collected by staff. jjr
Validated	**Totalizer End**	**Adjusted Acre Feet**	**Adjusted Max Flow Rate**	
Validated by IDWR	76126.00	157.90		

Calibration Data
Date: 1/1/2013 12:00:00 AM
Factor 1.00
Vol. Multiplier: 1000.0000
Vol. Unit GAL

Acre Feet Qualifier No Monthly Recordings
Preferred Method FM

Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
2012	0.00	75.73		data from audit. cy
Validated	**Totalizer End**	**Adjusted Acre Feet**	**Adjusted Max Flow Rate**	
Validated by IDWR	24675.00	75.73		

Calibration Data
Date: 1/1/2013 12:00:00 AM
Factor 1.00
Vol. Multiplier: 1000.0000
Vol. Unit GAL

Acre Feet Qualifier No Monthly Recordings
Preferred Method FM

Report Year	Totalizer Start	Acre Feet Volume	Max Flow Rate (CFS)	Comments
2011	0.00	0.00	0.00	no well found at this location per cknowles. jjr
Validated	**Totalizer End**	**Adjusted Acre Feet**	**Adjusted Max Flow Rate**	

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Validated by IDWR	0.00	0.00	0.00
Calibration Data		**Acre Feet Qualifier**	**Preferred Method**
		No Flow Measuring Device	

ET*Idaho* 2009: Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho

Please send suggestions for improving this site to robison at kimberly dot uidaho dot edu *Copyright 2010, University of Idaho.*

Twin Falls 3 SE (NWS --109299)

Statistics based on thirty

For a different land cover or crop click on the above link.
You can highlight this table and copy via the clipboard to a Mircosoft Excel or OpenOffice spreadsheet to plot or otherwise work with this data.

Grass - Turf (lawns) - Irrigated

Precipitation Deficit (Click here for a graph)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season[a]	Non Growing Season[b]	Annual
Mean	mm/day												mm		
Monthly[c]	-0.10	0.01	0.20	1.60	4.06	5.34	6.54	5.60	4.24	2.40	-0.19	-0.31	917	-19	898
15-Day Moving Average[d]	-0.08	-0.01	0.18	1.51	4.08	5.31	6.55	5.58	4.16	2.51	-0.28	-0.27			
7-Day Moving Average[e]	-0.08	0.01	0.20	1.52	4.05	5.27	6.56	5.60	4.22	2.45	-0.22	-0.29			
3-Day Moving Average[f]	-0.10	0.02	0.20	1.56	4.05	5.30	6.54	5.60	4.25	2.41	-0.20	-0.31			
Standard Deviation	mm/day												mm		
Monthly	0.25	0.15	0.60	1.14	1.57	0.86	0.53	1.16	0.89	1.44	0.62	0.39	85	12	85
15-Day Moving Average	0.27	0.27	0.47	1.29	1.48	1.22	0.51	1.21	1.15	1.27	0.79	0.37			
7-Day Moving Average	0.40	0.42	0.59	1.56	1.94	1.76	0.71	1.39	1.49	1.66	1.09	0.54			
3-Day Moving Average	0.61	0.58	0.80	2.00	2.61	2.34	1.19	1.78	2.03	2.09	1.54	0.85			
20% Exceedance	mm/day												mm		
Monthly	0.01	0.09	0.22	2.51	4.89	6.09	6.85	6.17	4.95	3.06	0.26	-0.02	988	-9	955
15-Day Moving Average	0.18	0.28	0.46	3.45	6.22	6.80	7.21	6.64	5.67	4.38	1.07	0.11			
7-Day Moving Average	0.40	0.55	0.77	4.86	6.67	7.61	7.80	6.96	6.38	4.88	1.75	0.30			
3-Day Moving Average	0.59	0.73	1.24	6.66	8.06	9.15	8.69	8.21	7.43	6.17	2.28	0.46			
	mm/day												mm		

TRANSFER 80416

80% Exceedance															
Monthly	-0.26	-0.08	-0.06	0.41	2.98	4.59	6.17	5.19	3.17	1.67	-0.66	-0.59	871	-30	852
15-Day Moving Average	-0.55	-0.28	-0.39	-0.36	1.65	3.09	5.53	4.52	2.79	0.22	-1.32	-1.07			
7-Day Moving Average	-1.17	-0.73	-0.93	-0.96	-0.23	0.86	4.74	3.37	0.95	-0.47	-2.56	-1.94			
3-Day Moving Average	-2.12	-1.78	-1.96	-3.15	-4.86	-2.17	2.89	1.33	-1.63	-2.77	-5.96	-4.21			
Ave Highest P_{def}	mm/day												--		
15-Day Moving Average[g]	0.12	0.21	0.48	2.40	5.14	6.35	7.00	6.24	5.02	3.40	0.48	0.06			
7-Day Moving Average[h]	0.26	0.42	0.79	3.18	6.12	7.23	7.47	6.67	5.81	4.18	0.93	0.19			
3-Day Moving Average[i]	0.41	0.60	1.09	4.48	7.27	8.46	8.41	7.68	6.77	5.08	1.37	0.37			
Ave Lowest P_{def}	mm/day												--		
15-Day Moving Average[g]	-0.30	-0.20	-0.10	0.67	2.99	4.33	6.14	5.00	3.38	1.46	-0.80	-0.58			
7-Day Moving Average[h]	-0.70	-0.54	-0.45	-0.02	1.46	2.67	5.48	4.05	2.44	0.40	-1.66	-1.10			
3-Day Moving Average[i]	-1.42	-1.23	-1.33	-1.44	-1.28	0.55	4.08	2.53	0.61	-1.44	-3.71	-2.28			
Special normal distribution parameters for monthly, seasonal, and annual intervals													--		
Skew	-0.31	-0.62	0.98	0.28	-0.23	-0.13	-0.15	-0.81	-0.74	-0.23	1.17	-0.16	-0.65	-0.18	-0.74
Kurtosis	0.72	5.65	2.75	1.84	0.75	2.71	0.68	2.41	2.64	0.94	4.28	0.60	4.62	2.70	4.70

[a] Growing Season. This is usually the time from green up or planting in the spring to a killing frost or harvest in the fall. It is not applicable for entries without a growing season and will be blank.

[b] Nongrowing Season. This is usually the time from a killing frost or harvest in the fall to the of green up in the spring. It is not applicable for entries without a growing season.

[c] Mean of the average daily value for month

[d] Mean of the fourteen 15-day period averages contained in the month

[e] Mean of the twenty three 7-day period averages contained in the month

[f] Mean of the twenty seven 3-day period averages contained in the month

[g] Mean of the highest/lowest 15-day period average in month

[h] Mean of the highest/lowest 7-day period average in month

[i] Mean of the highest/lowest 3-day period average in month

This work and report were prepared by the University of Idaho Research and Extension Center at Kimberly, Idaho under contract with the Idaho Department of Water Resources. Work was supported by funding from IDWR and the Idaho Agricultural Experiment Station

and Idaho Engineering Experiment Station. The authors gratefully acknowledge the long-term evapotranspiration data collection and long-standing advice provided by Dr. James L. Wright, USDA-ARS Kimberly (ret.), the more than two decades of high quality agricultural weather data collection by the U.S. Bureau of Reclamation AgriMet system, and the very long-standing, routine data collection by the hundreds of cooperative weather station volunteers across the state who, for more than one-hundred years, have faithfully observed daily air temperature and precipitation.

The citation for the evapotranspiration data used from this site should be: *Allen, Richard G. and Clarence W. Robison, 2009.* ***Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho: Supplement updating the Time Series through December 2008****, Research Technical Completion Report, Kimberly Research and Extension Center, University of Idaho, Moscow, ID.*

Questions regarding the data should be addressed to Clarence W. Robison or Richard G. Allen, University of Idaho, Kimberly Research and Extension Center, 3793 North 3600 East, Kimberly, ID 83341. Telephone (208)-423-6610

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TRANSFER 80416

Aerial Photography Field office asks to be credited in derived

Rev. 07/11

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 80416

RECEIVED
NOV 12 2015
DEPT. OF WATER RESOURCES
SOUTHERN REGION

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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

Name of Applicant(s) IDAHO DAIRY HOLDINGS LLC

Check 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 #1-9.

☐ ☐ #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 transfer 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).

☐ ☐ #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 http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm .

☐ ☐ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)

☐ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)

☐ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.

☐ ☐ #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.)

☐ ☐ #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 Other. Please describe: _____

Superseded by Amended Application dated 2/16/16

Transfer No. 80416

RECEIVED

NOV 12 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant IDAHO DAIRY HOLDINGS LLC Phone _____

Mailing Address PO BOX 609, TURNER ME 04280 Email _____

☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.

☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.

☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.

☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

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

☐ No Representative

Name of Representative _____ Phone _____

Mailing Address _____ Email _____

☐ 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.

Wayne E. Cummings Mgr. WAYNE E. CUMMINGS 10/14/15

Signature of Applicant or Authorized Representative — Print Name and Title if applicable — Date

_____ _____ _____

Signature of Applicant or Authorized Representative — Print Name and Title if applicable — Date

Sign Here

A. PURPOSE OF TRANSFER

1.

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
47-2496B	No	No	No	Yes	No	No
47-12300	No	No	No	Yes	No	No
47-17286	No	No	No	Yes	No	No
47-17288	No	No	No	Yes	No	No
47-17290	No	No	No	Yes	No	No

RECEIVED
NOV 1 2 2015
DEPT OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant IDAHO DAIRY HOLDINGS LLC Phone _____

Mailing Address PO BOX 609. TURNER ME 04280 Email _____

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

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

☐ No Representative

Name of Representative _____ Phone _____

Mailing Address _____ Email _____

☐ 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	Print Name and Title if applicable	Date

Signature of Applicant or Authorized Representative	Print Name and Title if applicable	Date

A. PURPOSE OF TRANSFER

1.

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
47-2496B	No	No	No	Yes	No	No
47-12300	No	No	No	Yes	No	No
47-17286	No	No	No	Yes	No	No
47-17288	No	No	No	Yes	No	No
47-17290	No	No	No	Yes	No	No

 Transfer No. 80416

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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**

The application proposes to add two existing wells to the system. To update the ownership and points of diversion of water right 47-12300 and to provide the full amount of water allowed under these water rights for the dairy.

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

1. Detailed Water Right Description(s) Attached labeled Part 1.

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
47-2496B	0.270 cfs	84.6 af	N/A	1.0		N/A	N/A	N/A	N/A
47-17286	0.130 cfs	11.2 af	N/A	N/A		N/A	N/A	N/A	N/A
47-17288	0.050 cfs	9.3 af	N/A	N/A		N/A	N/A	N/A	N/A
47-17290	0.170 cfs	11.5 af	N/A	N/A		N/A	N/A	N/A	N/A
47-12300	0.040 cfs	14.6 af	N/A	N/A		N/A	N/A	N/A	N/A
COMBINED TOTALS	0.660 cfs	127.6 af	N/A	N/A		N/A	N/A	N/A	N/A

2. Total amount of water proposed to be transferred or changed 0.66 cubic feet per second and/or _____ acre-feet per annum

3. Points(s) of Diversion:
   - ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
   - ☑ As shown in Part 1.
   - ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5.**

4. Place of Use:
   - ☐ No changes to place of use are proposed. (Proceed to #5.)
   - ☑ As shown in Part 1.
   - ☐ See Attachment.

Transfer No. 80416

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes

Proposed Water Right No. 47-2496B

Current Water Right Owner

IDAHO DAIRY
HOLDINGS LLC
PO BOX 609
TURNER, ME 04280

Priority Date: 12/13/1943

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
COMMERCIAL	01/01	12/31	0.270 CFS	78.8 AFA	
DOMESTIC	01/01	12/31	0.060 CFS	1.8 AFA	
IRRIGATION	04/01	10/31	0.030 CFS	4.0 AFA	
STOCKWATER	01/01	12/31	0.270 CFS	78.8 AFA	
Total Diversion			0.270 CFS	84.6 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SESENE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	NESESE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	NESESE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	SESESE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County

Place of Use: COMMERCIAL

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	19E	31													X			X	

Place of Use: DOMESTIC

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	19E	31																X	

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
11S	19E	31																0.0	0.0

Place of Use: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	19E	31													X			X	

Transfer No. 80416

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes

Proposed Water Right No. 47-17286

Current Water Right Owner

IDAHO DAIRY
HOLDINGS LLC
PO BOX 609
TURNER, ME 04280

Priority Date: 12/13/1943

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
COMMERCIAL	01/01	12/31	0.130 CFS	11.2 AFA	
STOCKWATER	01/01	12/31	0.130 CFS	11.2 AFA	
Total Diversion			0.130 CFS	11.2 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NESESE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	NESESE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	SESESE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	SESENE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County

Place of Use: COMMERCIAL

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	19E	31													X			X	

Place of Use: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	19E	31													X			X	

Transfer No. 80416

Proposed Water Right No. 47-17288

Current Water Right Owner

IDAHO DAIRY
HOLDINGS LLC
PO BOX 609
TURNER, ME 04280

Priority Date: 5/31/1947

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
COMMERCIAL	01/01	12/31	0.050 CFS	9.3 AFA	
STOCKWATER	01/01	12/31	0.050 CFS	9.3 AFA	
Total Diversion			0.050 CFS	9.3 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SESESE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	SESENE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	NESESE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	NESESE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County

Place of Use: COMMERCIAL

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	19E	31													X			X	

Place of Use: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	19E	31													X			X	

Transfer No. 80416

Proposed Water Right No. 47-17290

Current Water Right Owner

IDAHO DAIRY
HOLDINGS LLC
PO BOX 609
TURNER, ME 04280

Priority Date: 3/15/1956

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
COMMERCIAL	01/01	12/31	0.170 CFS	11.5 AFA	
STOCKWATER	01/01	12/31	0.170 CFS	11.5 AFA	
Total Diversion			0.170 CFS	11.5 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SESENE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	NESESE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	NESESE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	SESESE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County

Place of Use: COMMERCIAL

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	19E	31													X			X	

Place of Use: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	19E	31													X			X	

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Transfer Right After Requested Changes

Proposed Water Right No. 47-12300

Current Water Right Owner
L & S LAND HOLDINGS
LLC
2930 S 2300 E
WENDELL, ID 83355

Priority Date: 12/31/1940

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
DOMESTIC	1/01	12/31	0.040 CFS	14.6 AFA	
Total Diversion			0.040 CFS	14.6 AFA	

Source and Point(s) of Diversion:

GROUND WATER	SESENE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	NESESE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	NESESE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	SESESE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County

Describe the proposed diversion system
WELL AND PUMP
WELL AND PUMP
WELL AND PUMP
WELL AND PUMP

Place of Use: DOMESTIC

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	19E	31				X													

Transfer No. 80416

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
All four wells will be connected together, and a measuring device and lockable controlling works are already in place.

b. Who owns the property at the point(s) of diversion
The 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?
No, ☑ **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:
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. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
No change to the place of use or purpose of use is proposed.

e. Describe the use of any other water right(s) for the same purpose or land, or same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
An existing well proposed to be added to the system is also used as an irrigation well.

f. 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:

Current Water Right No. 47-2496B

Current Water Right Owner

IDAHO DAIRY
HOLDINGS LLC
PO BOX 609
TURNER, ME 04280

Priority Date: 12/13/1943

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
COMMERCIAL	01/01	12/31	0.270 CFS	78.8 AFA	
DOMESTIC	01/01	12/31	0.060 CFS	1.8 AFA	
IRRIGATION	04/01	10/31	0.030 CFS	4.0 AFA	
STOCKWATER	01/01	12/31	0.270 CFS	78.8 AFA	
Total Diversion			0.270 CFS	84.6 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NESESE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	NESESE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County

Place of Use: COMMERCIAL

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	19E	31													X			X	0.0

Place of Use: DOMESTIC

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	19E	31																X	0.0

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
11S	19E	31																1.0	1.0

Right Acre Limit: 1.0

POU Total Acres: 1.0

Place of Use: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	19E	31													X			X	0.0

Conditions/Remarks:

1. 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.

Conditions/Remarks:

2. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre for irrigation of the lands below.

3. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.

4. 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.

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 determine the amount of water diverted from power records and shall annually report the information to the Department.

6. Commercial use is for a dairy operation.

7. The right holder shall accomplish the change authorized by this transfer within one (1) 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. Rights 47-2496B, 47-7529, 47-17285, 47-17286, 47-17287, and 47-17288 when combined shall not exceed a total diversion volume of 1009.9 af.

10. Domestic use is for 3 homes. Irrigation of lawn, garden and landscaping associated with the homes is authorized under the irrigation component of this right.

11. 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 the date of this approval.

Current Water Right No. 47-17286

Current Water Right Owner

IDAHO DAIRY
HOLDINGS LLC
PO BOX 609
TURNER, ME 04280

Priority Date: 12/13/1943

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
COMMERCIAL	01/01	12/31	0.130 CFS	11.2 AFA	
STOCKWATER	01/01	12/31	0.130 CFS	11.2 AFA	
Total Diversion			0.130 CFS	11.2 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NESESE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	NESESE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County

Place of Use: COMMERCIAL

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	19E	31													X			X	0.0

Place of Use: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	19E	31													X			X	0.0

Conditions/Remarks:

1. 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. Commercial use is for a dairy operation.

3. 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.

4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

6. 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 determine the amount of water diverted from power records and shall annually report the information to the Department.

Transfer No. 80416

Conditions/Remarks:

7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.

8. Right Nos. 47-2496B, 47-7529, 47-17285, 47-17287 and 47-17288 are limited to a total combined annual diversion volume of 1009.9 AF.

9. The rights listed below are limited to a total combined diversion rate of 0.35 cfs and to a total combined annual diversion volume of 28.4 AF. Combined Right Nos.: 47-17286, 47-17288, 47-17290

Current Water Right No. 47-17288

Current Water Right Owner

IDAHO DAIRY
HOLDINGS LLC
PO BOX 609
TURNER, ME 04280

Priority Date: 5/31/1947

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
COMMERCIAL	01/01	12/31	0.050 CFS	9.3 AFA	
STOCKWATER	01/01	12/31	0.050 CFS	9.3 AFA	
Total Diversion			0.050 CFS	9.3 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NESESE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	NESESE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County

Place of Use: COMMERCIAL

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	19E	31													X			X	0.0

Place of Use: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	19E	31													X			X	0.0

Conditions/Remarks:

1. 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.

2. Commercial use is for a dairy operation.

3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

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 determine the amount of water diverted from power records and shall annually report the information to the Department.

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. 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.

Conditions/Remarks:

7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

8. Rights 47-2496B, 47-7529, 47-17285, 47-17286, 47-17287, and 47-17288 when combined shall not exceed a total diversion volume of 1009.9 af.

9. Rights 47-17286, 47-17288, and 47-17290 when combined shall not exceed a total diversion rate of 0.35 cfs, nor a total annual maximum diversion volume of 28.4 af.

Current Water Right No. 47-17290

Current Water Right Owner

IDAHO DAIRY
HOLDINGS LLC
PO BOX 609
TURNER, ME 04280

Priority Date: 3/15/1956

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
COMMERCIAL	01/01	12/31	0.170 CFS	11.5 AFA	
STOCKWATER	01/01	12/31	0.170 CFS	11.5 AFA	
Total Diversion			0.170 CFS	11.5 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NESESE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County
GROUND WATER	NESESE	Sec. 31 Twp 11S Rge 19E TWIN FALLS County

Place of Use: COMMERCIAL

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	19E	31													X			X	0.0

Place of Use: STOCKWATER

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	19E	31													X			X	0.0

Conditions/Remarks:

1. 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. 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 determine the amount of water diverted from power records and shall annually report the information to the Department.

3. 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.

4. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.

5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Conditions/Remarks:

7. Commercial use is for a dairy operation.

8. Rights 47-17286, 47-17288, and 47-17290 when combined shall not exceed a total diversion rate of 0.35 cfs, nor a total annual maximum diversion volume of 28.4 af.

Current Water Right No. 47-12300

Current Water Right Owner
L & S LAND HOLDINGS
LLC
2930 S 2300 E
WENDELL, ID 83355

Priority Date: 12/31/1940
Origin: Water Right
Basis: Decreed
Status: Active
Source: GROUND WATER

Beneficial Use	From	To	Diversion Rate	Subuse Code
DOMESTIC	1/01	12/31	0.040 CFS	
Total Diversion			0.040 CFS	

Source and Point(s) of Diversion:
GROUND WATER SESENE Sec. 31 Twp 11S Rge 19E TWIN FALLS County

Describe the proposed diversion system
WELL AND PUMP
Place of Use: DOMESTIC

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	19E	31				X													0.0

Conditions/Remarks:

1. THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. RP 11S19E317200

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements)

☐ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a.**

☐ 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. Label it **Attachment #7b.** If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

☐ If you propose to change the nature of use or period of use of all or part of the rights(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a.**

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

N/A

FOR DEPARTMENT USE ONLY

Transfer Contains 19 pages and _____ attachments.

Received By DM Date 11-12-2015 Prelim. Check By _____ Date _____

Fee Paid $525- Date 11-12-2015 Receipted By DM Receipt # 5035101

Add'l Fee Paid _____ Date _____ Receipted By _____ Receipt # _____

Transfer No. 80416

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 25, 2016

IDAHO DAIRY HOLDINGS LLC
PO BOX 609
TURNER, ME 04282

RE: Transfer No. 80416
Water Right No(s). 47-12300, 47-17286, 47-17288, 47-17290, 47-2496B

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS on 3/3/2016 and 3/10/2016**. Protests to this application may be submitted for a period ending ten (10) days after the second publication **(March 21, 2016)**.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant

cc:

TSK ENTERPRISES LLC
GARY L FUNDERBURG
255 BLUE LAKES BLVD N PMB 617
TWIN FALLS, ID 83301

Maline, Denise

From: Maline, Denise
Sent: Thursday, February 25, 2016 1:56 PM
To: Times News
Subject: LEGAL NOTICES
Attachments: Times News Cover Letter.docx; Times News Ad.docx; SWC SWID Mit Plan Ad SWC call 2016.docx

Attached please find **(2)** legal notices being submitted for publication on March 3rd & 10th, 2016. Please feel free to contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline
Administrative Assistant
Idaho Dept of Water Resources, Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov

State of Idaho
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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 25, 2016

LEGAL NOTICE DEPARTMENT
TIMES NEWS
PO BOX 548
TWIN FALLS, ID 83303-0548

RE: Notice of Mitigation Plan Submitted by Southwest and Goose Creek Irrigation Districts in Response to the Surface Water Coalition Water Delivery Call

RE: Application For Permit No.(s): 36-17055

RE: Transfer No. 78300
Water Right No(s): 37-2549, 37-2550, 37-2761B, 37-7370, 37-7572, 37-7634, 37-8326, 37-8732

RE: Transfer No. 80416
Water Right No(s): 47-12300, 47-17286, 47-17288, 47-17290, 47-2496B

RE: Transfer No. 80638
Water Right No(s): 43-10019, 43-10045, 43-10046, 43-10787, 43-10795, 43-12923, 43-12933, 43-13301, 43-13303, 43-13305, 43-13405, 43-13448, 43-13450, 43-13452, 43-13454, 43-13456, 43-13458, 43-13460, 43-13462, 43-13490, 43-13492, 43-13494, 43-13496, 43-13498, 43-13500, 43-13502, 43-13504, 43-13506, 43-13508, 43-13510, 43-2317C, 43-2317E, 43-2321B, 43-2339C, 43-2339E, 43-2423C, 43-2423E, 43-2467C, 43-2467E, 43-2510C, 43-2510E, 43-2574B, 43-2574E, 43-2576B, 43-2576E, 43-4002C, 43-4002E, 43-4012B, 43-4012C, 43-4012D, 43-4013B, 43-4014A, 43-4014B, 43-4015B, 43-4060D, 43-4063D

RE: Transfer No. 80686
Water Right No(s): 45-12438, 45-12443, 45-12448, 45-12449, 45-12455, 45-12457, 45-12749, 45-12750, 45-132, 45-133, 45-2040, 45-2059, 45-2060, 45-2062, 45-2063, 45-93, 45-94

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before March 21, 2016. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

The following application(s) have been filed to appropriate the public waters of the State of Idaho:
36-17055
DAN LAFFERTY
PO BOX 16
WENDELL, ID 83355
Point of Diversion SENW S1 T08S R13E GOODING County Source GROUND WATER Tributary
Point of Diversion L3(SENW) S1 T08S R13E GOODING County Source GROUND WATER Tributary
Point of Diversion L3(NENW) S1 T08S R13E GOODING County Source GROUND WATER Tributary
Use: IRRIGATION 02/15 to 11/30 0.13 CFS
Total Diversion: 0.13 CFS
Date Filed: 2/3/2016
Place Of Use: IRRIGATION
T08S R13E S1 L3(NENW) L3(SENW)
Total Acres: 19
Application for permit to divert 0.13 cfs from a new well located approximately 3.7 miles south and 0.9 mile east of Hagerman to irrigate 7 acres within a 19 acre permissible place of use in the same immediate area. The application proposes mitigating the irrigation use by the non-use of a 7 acre portion of irrigation right 2-7018, which is currently appurtenant to ground located approximately 12.3 miles south and 2.5 miles west of the intersection of State Highways 67 and 51 in Mountain Home. The application proposes a single well to be drilled within one of the three tracts listed on the application.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78300

SOUTHFIELD PROPERTIES LLC, 3308 S 1600 E, WENDELL, ID 83355; has filed Application No. 78300 for changes to the following water rights within GOODING County(s): Right No(s). 37-2549, 37-2550, 37-2761B, 37-7370, 37-7572, 37-7634, 37-8326, 37-8732. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to move a 0.86 cfs (42.9 acre) portion of two ground water rights from a farm located approximately 3.8 to 3.7 miles west and 1.0 to 2.5 miles south of the center of the City of Gooding, (Main and 7th Ave) to a farm located approximately 6.0 to 7.0 miles west and 1.0 to 2.8 miles south of the City of Gooding. The five existing water rights on the farm and the additional 42.9 acres will allow for the irrigation of 629.9 acres within a 686 proposed permissible place of use.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80416

IDAHO DAIRY HOLDINGS LLC, PO BOX 609, TURNER, ME 04282; has filed Application No. 80416 for changes to the following water rights within TWIN FALLS County(s): Right No(s). 47-12300, 47-17286, 47-17288, 47-17290, 47-2496B. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes to add two existing ground water points of diversion to five water rights used at a dairy located approximately 7.5 to 8.0 miles south and 1.6 to 2.0 miles east of the city of Hansen. The five water rights will allow for the diversion of 0.66 cfs and 127.6 af from a total of four existing wells at the dairy. In addition the application proposes to change the nature of use for domestic and irrigation of one acre, 0.04 cfs, to stockwater and commercial uses.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80638

EAST VALLEY CATTLE LLC, 471 N 300 W, JEROME, ID 83338; has filed Application No. 80638 for changes to the following water rights within CASSIA County(s): Right No(s). 43-10019, 43-10045, 43-10046, 43-10787, 43-10795, 43-12923, 43-12933, 43-13301, 43-13303, 43-13305, 43-13405, 43-13448, 43-13450, 43-13452, 43-13454, 43-13456, 43-13458, 43-13460, 43-13462, 43-13490, 43-13492, 43-13494, 43-13496, 43-13498, 43-13500, 43-13502, 43-13504, 43-13506, 43-13508, 43-13510, 43-2317C, 43-2317E, 43-2321B, 43-2339C, 43-2339E, 43-2423C, 43-2423E, 43-2467C, 43-2467E, 43-2510C, 43-2510E, 43-2574B, 43-2574E, 43-2576B, 43-2576E, 43-4002C, 43-4002E, 43-4012B, 43-4012C, 43-4012D, 43-4013B, 43-4014A, 43-4014B, 43-4015B, 43-4060D, 43-4063D. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes the creation of a 9204.0 acre irrigation Permissible Place of Use (PPU) for fifty-four ground water rights and two surface water rights (Raft River) which currently irrigate 7363.0 acres on ground located approximately 7.0 to 14.3 miles north and 2.5 to 8.4 miles east of Malta. The rights are currently irrigating ground on three separate farms and this transfer will consolidate the rights into a single PPU in the same general area. One group of 38 rights irrigates 4631.0 acres with a 70.01 cfs flow rate, another group of 13 rights irrigates 2210.0 acres with a 39.03 cfs flow rate, and the final group of 5 rights irrigates 522.0 acres with a flow rate of 5.7 cfs.

After the transfer, 7363.0 acres will be irrigated within the proposed 9204.0 acre PPU. Currently, the rights in the three separate farms have distinct Points of Diversion (POD) for each farm. This transfer will add the ground water PODs from each farm to the other two farms so that each ground water right will have 32 PODs.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80686

OAKLEY CANAL CO, PO BOX 207, OAKLEY, ID 83346; has filed Application No. 80686 for changes to the following water rights within CASSIA County(s): Right No(s). 45-12438, 45-12443, 45-12448, 45-12449, 45-12455, 45-12457, 45-12749, 45-12750, 45-132, 45-133, 45-2040, 45-2059, 45-2060, 45-2062, 45-2063, 45-93, 45-94. The purpose of the transfer is to change a portion of the above rights as follows: Application filed to change the Oakley Canal Company's authorized service area boundary for 17 different water rights that allow for the total diversion of 1,520.992 cfs and storage of up 74,350 acre-feet in Goose Creek (Oakley) Reservoir. The proposed change consists of combining the company's currently authorized service area with lands located within the Southwest Irrigation District boundary creating a new authorized service area approximately 157,000 acres in size within Cassia and Twin Falls Counties. Published in the Times News, Idaho Statesman, Post Register & Lewiston Tribune.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx . For additional information on new permits, please see www.idwr.idaho.gov/WaterManagement/WaterRights/#New Listings. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls, ID 83301 together with a protest fee of $25.00 for each application on or before March 21, 2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on March 3rd & 10th, 2016

MEMORANDUM

Date: February 22, 2016

To: Transfer 80416 File

From: Benny Walker

Re: Evaluation of Sufficiency of Information Submitted

Application proposes to add two existing ground water points of diversion to five water rights used at a dairy located approximately 7.5-8.0 miles south and 1.6-2.0 miles east of the city of Hansen. The five water rights will allow for the diversion of 0.66 cfs and 127.6 af from a total of four existing wells at the dairy. In addition the application proposes to change the nature of use for domestic and irrigation of one acre, 0.04 cfs, to stockwater and commercial uses. The application also proposes to update the ownership and points of diversion of domestic water right 47-12300 and to provide the full amount of water 14.6 af allowed under this right. Water right 47-2496B authorizes 1.8 af for in house domestic use for 3 homes, and 4.0 af for the irrigation of 1 acre associated with these homes. The 3 homes and the 1 acre of irrigation have been removed and are no longer in use. The 1.8 af for domestic use will be changed to stockwater and commercial uses. The 4.0 af for 1 acre of irrigation provided a consumptive use of 3.0 af that will be converted to stockwater and commercial uses. This is based on a precipitation deficit value of 3.0 af for turf grass in the SE Twin Falls area according to the U. of I. Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho. Note that WMIS records indicate that this facility has diverted more than 127.6 AF per year. The existing wells involved in the transfer are within the Artesian City CGWA.

- **Authority to File:**
  The applicant is listed as the current owner of water rights 47-2496B, 47-17286, 47-17288, and 47-17290 according to department records. Ownership of water right 47-12300 will be changed into the applicants' name. Current tax lot information and department records from previous ownership changes for the water rights involved in this transfer included warranty deeds showing that the applicant is the owner of the lands pertaining to this transfer.

- **Water Right Validity:**
  Rights 47-2496B, 47-17286, 47-17288, and 47-17290 were decreed in the SRBA in 2010. Water right 47-12300 was decreed in1999. Current WMIS records show water use in recent years. Aerial photography also indicates current use. Therefore forfeiture of the right involved with the transfer does not appear to be an issue.

- **Injury to Other Water Rights:**
  None anticipated.

- **Enlargement of Use:**
  None anticipated. There is no change to the place of use

- **Local Public Interest:**
  No negative impact anticipated. Application will be subject to public notice and protest

- **Beneficial Use/Conservation of Water Resources:**
  Proposed uses are recognized as beneficial uses 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

TO: Transfer # 80416 File

FROM: Benny Walker

DATE: February 22, 2016

SUBJECT: Filing Fee

The filing fee of, $775.00, for this transfer is based on the amount of water proposed to be transferred or changed, 0.66 cfs. The transfer fee schedule for a transfer involving 0.21-1.00 cfs, indicates that the filing fee is $500.00. The fee for the ownership change of water right 47-12300 is an additional $25.00. In addition the fee for a change in nature of use from domestic use to stockwater and commercial uses is $250.00. The total fee for the application is $775.00. The applicant submitted fee of $525.00 with the original application, receipt #S035101. The additional fee of $250.00 was submitted by the applicant with the amended application, receipt #S035274.

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 5, 2016

Gary L. Funderburg
TSK Enterprises LLC
255 Blue Lakes Blvd Nth
PMB 617
Twin Falls, ID 83301

RE: Idaho Dairy Holdings Transfer Amended

Mr. Funderburg:

The Department of Water Resources (Department) has a transfer on file that you submitted on behalf of Idaho Dairy Holdings LLC to add two existing points of diversion to a dairy located in Twin Falls County. A recent review of the transfer prior to advertisement revealed a correction that needed to be made before the application could be advertised.

The Department determined that the current application as filed needed to be amended before being processed to change the points of diversion of all five water rights. Water right 47-2496B currently list a domestic use of 1.8 AF and an irrigation use of 4.0 AF for 3 homes and the irrigation of lawn, garden and landscaping associated with the homes. It is the Departments understanding that these 3 homes and irrigation are no longer in existence. Therefore to better serve the needs of the dairy it is proposed to change the nature or purpose of use from domestic and irrigation to stockwater and commercial uses. For this reason I've drafted an amended transfer application to change the domestic 1.8 AF and 3.0 AF of irrigation uses to stockwater and commercial uses for the dairy. The irrigation allowance of 4.0 AF will be reduced to 3.0 AF for the consumptive use value of one acre of irrigation. The application also proposes to change the place of use for water right 47-12300 to include the current dairy location.

Enclosed is the new transfer application for the applicant's review and signature. In addition, because of the change in nature or purpose of use, there will be an additional filing fee of $250.00 in order to process the change from domestic and irrigation to stockwater and commercial uses.

Please return the original amended application and the additional fee of $250.00 in order to continue processing. If you have any questions, or if I can be of any further assistance, feel free to contact me at your convenience.

Sincerely,

Benny Walker

Benny Walker
Water Resource Agent

Enclosures

TSK ENTERPRISE
255 BLUE LAKES BLVD NTH
PMB 617
TWIN FALLS, IDAHO 83301
CELL-208 320-0897
GARY L. FUNDERBURG
TSKEnterprise@cableone.com

RECEIVED
NOV 12 2015
DEPT OF WATER RESOURCES
SOUTHERN REGION

October 6, 2015

Idaho Dairy Holdings LLC
P.O. Box 609,
Turner, ME 04280

Chris,

I hope this letter finds you well. I was retained by Jack Herd of Idaho Dairy Holdings LLC, (HLF Client Services LLC) & Luis Bettencourt of L&S Holdings LLC (Bettencourt Dairies) to file a water transfer for two additional wells. Enclosed is an application for a Water Transfer to add extra points of diversion for the South Side Dairy in Hansen, Idaho.

To properly satisfy the requirements to complete this transfer, you will need to complete the following items:

1) **First page:** Identify the appropriate person who is registered with the State of Idaho under the Idaho Dairy Holdings LLC.
2) **Page 9 - Item *C***: Identify if there are any current liens, deeds of trust, mortgages or contracts. If there are, you will need to provide a notarized statement from the holder agreeing to the proposed changes on official letterhead signed by an authorized representative.
3) **Deliver a payment** to the *Idaho Department of Water Resources* in the amount of **$525.00** which includes a filing fee of $500.00 for the transfer and $25.00 for the ownership change (for water right 47-12300 now in the name of L&S Land Holdings).

Need Check

After completing the application, **return it to me at the address stated above.** Please do not hesitate to contact me with any questions that you may have and we appreciate your assistance with completing this transfer.

Sincerely,
Gary Funderburg

Attachment: Transfer Application
cc. Jack Herd (Hansen, Idaho)