

RECEIVED

NOV 03 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

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

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

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

hereby withdraw our Application for Transfer No. 80467 of Water Right

No(s). 36-15690, 36-15692 and 36-15694

Signed this 28th day of October, 20 15.

HULME DAIRY LLC
2275 E 600 S
HAZELTON, ID 83335

Delene M. Ochs, mgr
(Signature/Title of Applicant)

(Signature/Title of Applicant)

(Signature/Title of Applicant)

(Signature/Title of Applicant)

*data entry done
11/4/2015 DM*

SUPPORT DATA
IN FILE # 36-15690

RECEIVED

OCT 22 2015

DEPT OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 80467**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 www.idwr.idaho.gov.

Name of Applicant(s) Hulme Dairy LLCCheck whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes ☒ N/A ☐ * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☐ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☐ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☒ ☐ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☐ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☐ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☐ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☒ ☐ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☐ ☐ #10 Other. Please describe: _____

WITHDRAWN

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 22 2015

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

DEPT OF WATER RESOURCES
SOUTHERN REGION

Name of Applicant(s) Hulme Dairy LLC Phone 208-961-0700
Mailing address 2275 East 600 South Hazelton, Idaho 83335 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 Greg Sullivan Phone 208-736-8543
Mailing address 2016 North Washington St Suite 4 Twin Falls, Idaho 83301 Email greg.sullivan@brockwayeng.com

- ☐ 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.

Debra Meeks
Signature of Applicant or Authorized Representative

Debra Meeks, partner
Print Name and Title if applicable

10/9/15
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____

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 transfer proposes to finalize an accomplished transfer of these water rights to an existing dairy facility. Transfer 71454 was approved in 2005 but the water was never used for irrigation. It was used at the dairy facility. The dairy facility has two wells with existing mainlines and delivery systems.

*three - see attached
email dated 10-26-2015*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	36-15690	0.11/21.8	Stockwater	1/01 to 12/31	Ground Water
☐ ☐		0.11/21.8	Commercial	1/01 to 12/31	Ground Water
☒ ☐	36-15692	0.08/12.2	Stockwater	1/01 to 12/31	Ground Water
☐ ☐		0.08/12.2	Commercial	1/01 to 12/31	Ground Water
☒ ☐	36-15694	0.04/12.7	Stockwater	1/01 to 12/31	Ground Water
☐ ☐		0.04/12.7	Commercial	1/01 to 12/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.13 cfs and/or 46.7 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.13 cubic feet per second and/or 33.5 acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
			SW	SE	4	09S	20E	Jerome	Ground Water	
			SE	SE	4	09S	20E	Jerome	Ground Water	
			SE	SE	4	09S	20E	Jerome	Ground Water	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	20E	4													S/C	S/C	S/C	S/C	
Total Acres (for irrigation use)																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

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

Existing wells, mainlines and delivery system.

- b. Who owns the property at the point(s) of diversion? Hulme Dairy LLC

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it Attachment #6. List the name of the entity and type of lien: No Mortgage Holder

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

Land currently covered by these water rights will be irrigated by canal shares.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

36-15666, 36-15668, 36-15670, 36-15690, 36-15692, 36-15694, 36-15702, 36-15704, 36-15706, 36-14421 and 36-14077.

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

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 1.

Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ www.idwr.idaho.gov, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: _____

1. amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
 amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

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

Current Water Right No.: 36-15690

Current Owner: RONALD A HULME

Priority Date: 10/18/1968

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 10/31	0.11 CFS	29.2 AF
	<u>Total Diversion</u>	0.11 CFS	29.2 AF

Location of Point(s) of Diversion

GROUND WATER

NE1/4NW1/4 Sec. 9, Twp 09S, Rge 20E B.M.

JEROME County

Place of Use

IRRIGATION Within JEROME County

T09S R20E S9	NWNE	13.30
Total Acres: 13.3		

Conditions of Approval:

1. X27 This right is limited to the irrigation of 7.3 acres within the place of use described above in a single irrigation season.
2. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
3. X61 The period of use for the irrigation described in this approval may be extended to 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 after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than December 29, 1997, the date a partial decree was entered for this right.
4. 131 Prior to the diversion and use of water under Transfer approval 71454, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
5. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.

6. 114 The model used to calculate depletion effects and mitigation for the Milner to King Hill reach may also show gains in other reaches of the Snake River. Such gains have not been quantified at this time. The right holder retains the right to seek quantification of such gains resulting from Transfer approval 71454. Protestants retain the right to object to the quantification of such gains. If such reach gains are quantified and acknowledged by the Department, credits for such gains shall be available for use only after the Department has implemented a system for administering such credits.
7. Rights 36-15690 and 36-15692 when combined shall not exceed 0.11 cfs.
8. 113 Beginning on the date of approval of Transfer 71454, Rights 36-15690, 36-15692, and 36-15694 when combined are limited to the following schedule of allowed diversion rate and volume. The right holder shall file a notice of intent with the Department prior to increasing the annual diversion volume each time an increase according to the schedule is sought.

Years 2005 through 2006 the rights are limited to 0.15 cfs and 53.2 afa.
Years 2007 through 2012 the rights are limited to 0.12 cfs and 42.6 afa.
Years 2013 through 2031 the rights are limited to 0.13 cfs and 45.2 afa.
Years 2032 and beyond the rights are limited to 0.13 cfs and 45.8 afa.
9. R43 The right holder shall maintain lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
10. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
11. X35 Rights 36-15690, 36-15692, and 36-15694 when combined shall not exceed a total diversion rate of 0.15 cfs, a total annual maximum diversion volume of 53.2 af at the field headgate, and the irrigation of 13.3 acres.
12. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. 067 The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
14. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
15. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Decreed Date: 12/29/1997

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

Current Water Right No.: 36-15692

Current Owner: RONALD A HULME

Priority Date: 12/3/1966

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 10/31	0.08 CFS	16.4 AF
	<u>Total Diversion</u>	0.08 CFS	16.4 AF

Location of Point(s) of Diversion

GROUND WATER
JEROME County

NE1/4NW1/4 Sec. 9, Twp 09S, Rge 20E B.M.

Place of Use

IRRIGATION Within JEROME County

T09S R20E S9 NWNE 13.30
Total Acres: 13.3

Conditions of Approval:

1. 113 Beginning on the date of approval of Transfer 71454, Rights 36-15690, 36-15692, and 36-15694 when combined are limited to the following schedule of allowed diversion rate and volume. The right holder shall file a notice of intent with the Department prior to increasing the annual diversion volume each time an increase according to the schedule is sought.

Years 2005 through 2006 the rights are limited to 0.15 cfs and 53.2 afa.
Years 2007 through 2012 the rights are limited to 0.12 cfs and 42.6 afa.
Years 2013 through 2031 the rights are limited to 0.13 cfs and 45.2 afa.
Years 2032 and beyond the rights are limited to 0.13 cfs and 45.8 afa.
2. X35 Rights 36-15690, 36-15692, and 36-15694 when combined shall not exceed a total diversion rate of 0.15 cfs, a total annual maximum diversion volume of 53.2 af at the field headgate, and the irrigation of 13.3 acres.
3. Rights 36-15690 and 36-15692 when combined shall not exceed 0.11 cfs.
4. X27 This right is limited to the irrigation of 4.1 acres within the place of use described above in a single irrigation season.
5. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

6. 114 The model used to calculate depletion effects and mitigation for the Milner to King Hill reach may also show gains in other reaches of the Snake River. Such gains have not been quantified at this time. The right holder retains the right to seek quantification of such gains resulting from Transfer approval 71454. Protestants retain the right to object to the quantification of such gains. If such reach gains are quantified and acknowledged by the Department, credits for such gains shall be available for use only after the Department has implemented a system for administering such credits.
7. R43 The right holder shall maintain lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
8. T08 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. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
10. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
12. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
13. 131 Prior to the diversion and use of water under Transfer approval 71454, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
14. X61 The period of use for the irrigation described in this approval may be extended to 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 after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than December 29, 1997, the date a partial decree was entered for this right.
15. 067 The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.

Decreed Date: 12/29/1997

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

Current Water Right No.: 36-15694

Current Owner: RONALD A HULME

Priority Date: 2/18/1971

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION

04/01 to 10/31

0.04 CFS

17 AF

Total Diversion

0.04 CFS

17 AF

Location of Point(s) of Diversion

GROUND WATER

NE1/4NW1/4

Sec. 9, Twp 09S, Rge 20E B.M.

JEROME County

Place of Use

IRRIGATION Within JEROME County

T09S R20E S9

NWNE

13.30

Total Acres: 13.3

Conditions of Approval:

1. X61 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 January 2, 1998, the date a partial decree was entered for this right.
2. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
3. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. T08 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. 067 The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
6. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
7. 113 Beginning on the date of approval of Transfer 71454, Rights 36-15690, 36-15692, and 36-15694 when combined are limited to the following schedule of allowed diversion rate and volume. The right holder shall file a notice of intent with the Department prior to increasing the annual diversion volume each time an increase according to the schedule is sought.

Years 2005 through 2006 the rights are limited to 0.15 cfs and 53.2 afa.
Years 2007 through 2012 the rights are limited to 0.12 cfs and 42.6 afa.
Years 2013 through 2031 the rights are limited to 0.13 cfs and 45.2 afa.
Years 2032 and beyond the rights are limited to 0.13 cfs and 45.8 afa.
8. R43 The right holder shall maintain lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
9. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
10. 114 The model used to calculate depletion effects and mitigation for the Milner to King Hill reach may also show gains in other reaches of the Snake River. Such gains have not been quantified at this time. The right holder retains the right to seek quantification of such gains resulting from Transfer approval 71454. Protestants retain the right to object to the quantification of such gains. If such reach gains are quantified and acknowledged by the Department, credits for such gains shall be available for use only after the Department has implemented a system for administering such credits.
11. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. X35 Rights 36-15690, 36-15692, and 36-15694 when combined shall not exceed a total diversion rate of 0.15 cfs, a total annual maximum diversion volume of 53.2 af at the field headgate, and the irrigation of 13.3 acres.
13. 131 Prior to the diversion and use of water under Transfer approval 71454, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.

Page 12 of _____

Decreed Date: 1/2/1998

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.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

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 right(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**.

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:

[illegible]**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments.

Received by DM Date 10-22-2015 Preliminary check by _____ Date _____

Fee paid \$275- Date 10-22-2015 Received by DM Receipt # SD35064

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____



0 150 300 600 Feet

HULME DAIRY LLC

TRANSFER MAP - 36-15690, 36-15692, 36-15694

NAIP 2013 AERIAL

- Legend**
- Points_of_Diversion
 - Stock Commercial POU
 - ladesc
 - twship
 - Sections

BROCKWAY ENGINEERING, PLLC.
ALR - Date: 10/6/2015

Allowed Stock and Commerical water used at Dairy

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Irrigation Water Rights													
Irrigation Volume in Acre Feet Annually													
Transfer 69270 WRs			100				80					85	
Transfer 71454 WRs			53.2				42.6					45.2	
Total Consumptive Volume in Acre Feet Annually													
			114.4				91.5					97.2	

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
S/C Water Rights													
Years 1-3													
Years 4-6													
Years 7-11													
Years 12 and beyond													
Transfer 69306 WRs			61.8			64.5			67.2			69.9	
Transfer 69306 WRs													
Transfer 69306 WRs													
Transfer 69306 WRs													
Transfer 69306 WRs													
Consumptive use of 2.538 af/acres													
Domestic & Stockwater Right													
36-14077	14	14	14	14	14	14	14	14	14	14	14	14	14

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
WMIS Total Water Use (Acre Feet Annually)													
	91	131	115	120	110	176	113	145	104	172	196	226	0
Over Water Use (Acre Feet Annually)													
	14.9	55.7	-75.4	-72.8	-59.8	5.5	-60.2	-27.3	-69.0	-1.2	14.4	45.2	-

Total Acres 25
CFS 0.25
AFA 85
Acres sold/ Trans 25.0
1.0000 %
3.4 AFA/acre
773.6 mm
2.54 ft/season 74.6%
63.5 AFA

Water Right	Original Water Rights				Stock/Commercial Transfer Amount				Remaining Irrigation Amount		
	cfs	AFA	Acre Limit		Consumptiv	Total			cfs	AFA	Acres
36-15666	0.2	54.8	13.7		0.20	40.9	54.8	13.7	0.00	0.0	0.0
36-15668	0.16	16.2	7.8	25	0.16	12.1	16.2	7.8	0.00	0.0	0.0
36-15670	0.04	14	25		0.04	10.5	14.0	25.0	0.00	0.0	0.0
Additive Totals	0.4	85	46.5	25	0.40	63.5	85.0	46.5	0.00	0.0	0.0
Allowed Totals	0.25	85	25		0.25	63.5	85.0	25.0	0.00	0.0	0.0

Total Acres 13.3
CFS 0.13
AFA 45.2
Acres sold/ Trans 13.3
1.0000 %
3.398496 AFA/acre
773.6 mm
2.538 ft/season 74.7%
33.8 AFA

Water Right	Original Water Rights				Stock/Commercial Transfer Amount				Remaining Irrigation Amount		
	cfs	AFA	Acre Limit		Consumptiv	Total			cfs	AFA	Acres
36-15690	0.11	29.2	7.3		0.11	21.8	29.2	7.3	0.00	0.0	0.0
36-15692	0.08	16.4	4.1	13.3	0.08	12.2	16.4	4.1	0.00	0.0	0.0
36-15694	0.04	17	13.3		0.04	12.7	17.0	13.3	0.00	0.0	0.0
Additive Totals	0.23	62.6	24.7	13.3	0.23	46.7	62.6	24.7	0.00	0.0	0.0
Allowed Totals	0.13	45.2	13.3		0.13	33.8	45.2	13.3	0.00	0.0	0.0

Total Consumptive Volume Available in 2015 97.2

State of Idaho
Department of Water Resources

Water Right

36-15690 , 36-15692 and 36-15694

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



0 0.035 0.07 0.14 Miles

-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections



QUITCLAIM DEED

For value received, The Hulme Living Trust, as grantor hereby quitclaims unto Hulme Dairy LLC the grantee whose current address is 2275 East 600 South Hazelton, Idaho 83335, all of the grantor's right, title, and interest in and to the following described water rights situated in Jerome County, Idaho.

All of water right 36-15690, priority date 10/18/1968, for 0.11 cfs, 29.2 acre feet annually and 7.3 acres with a beneficial use of Irrigation.

All of water right 36-15692, priority date 12/3/1966, for 0.08 cfs, 16.4 acre feet annually and 4.1 acres with a beneficial use of Irrigation.

All of water right 36-15694, priority date 2/18/1971, for 0.04 cfs, 17.0 acre feet annually and 13.3 acres with a beneficial use of Irrigation.

See Exhibit A for details of the place of use of the 36-15690, 36-15692 and 36-15694 in Township 9 South Range 20 East Section 9 in Cassia County, Idaho.

Grantor has caused this quitclaim deed to be executed this 9th day of October, 2015.

By: Debra Meele
<GRANTOR>

Trustee
<TITLE>

By: _____
<GRANTOR>

<TITLE>

State of Idaho)
) S.S.
County of Twin Falls)

On this 9th day of October, in the year of 2015, before me, a Notary Public, personally appeared Debra Weeks, proved to me on The basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.

S
E
A
L



Sheila D. Daniels
Notary Public
In and for said State and County
8/6/2019
My Commission Expires on

QUITCLAIM DEED

For value received, The Hulme Living Trust, as grantor hereby quitclaims unto Hulme Dairy LLC the grantee whose current address is 2275 East 600 South Hazelton, Idaho 83335, all of the grantor's right, title, and interest in and to the following described water rights situated in Jerome County, Idaho.

All of water right 36-15690, priority date 10/18/1968, for 0.11 cfs, 29.2 acre feet annually and 7.3 acres with a beneficial use of Irrigation.

All of water right 36-15692, priority date 12/3/1966, for 0.08 cfs, 16.4 acre feet annually and 4.1 acres with a beneficial use of Irrigation.

All of water right 36-15694, priority date 2/18/1971, for 0.04 cfs, 17.0 acre feet annually and 13.3 acres with a beneficial use of Irrigation.

See Exhibit A for details of the place of use of the 36-15690, 36-15692 and 36-15694 in Township 9 South Range 20 East Section 9 in Cassia County, Idaho.

Grantor has caused this quitclaim deed to be executed this 13 day of OCTOBER, 2015.

By: Michael Hulme
<GRANTOR>

TRUSTEE
<TITLE>

By: _____
<GRANTOR>

<TITLE>

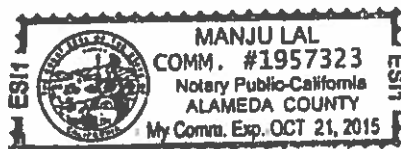
State of California)
County of Alameda) S.S.

On this 13 day of October, in the year of 20 15, before me, a Notary Public, personally appeared Michele Hulme, proved to me on The basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.

Manju Lal

Notary Public
In and for said State and County

S
E
A
L



Oct. 21, 2015

My Commission Expires on

Exhibit A

State of Idaho
Department of Water Resources

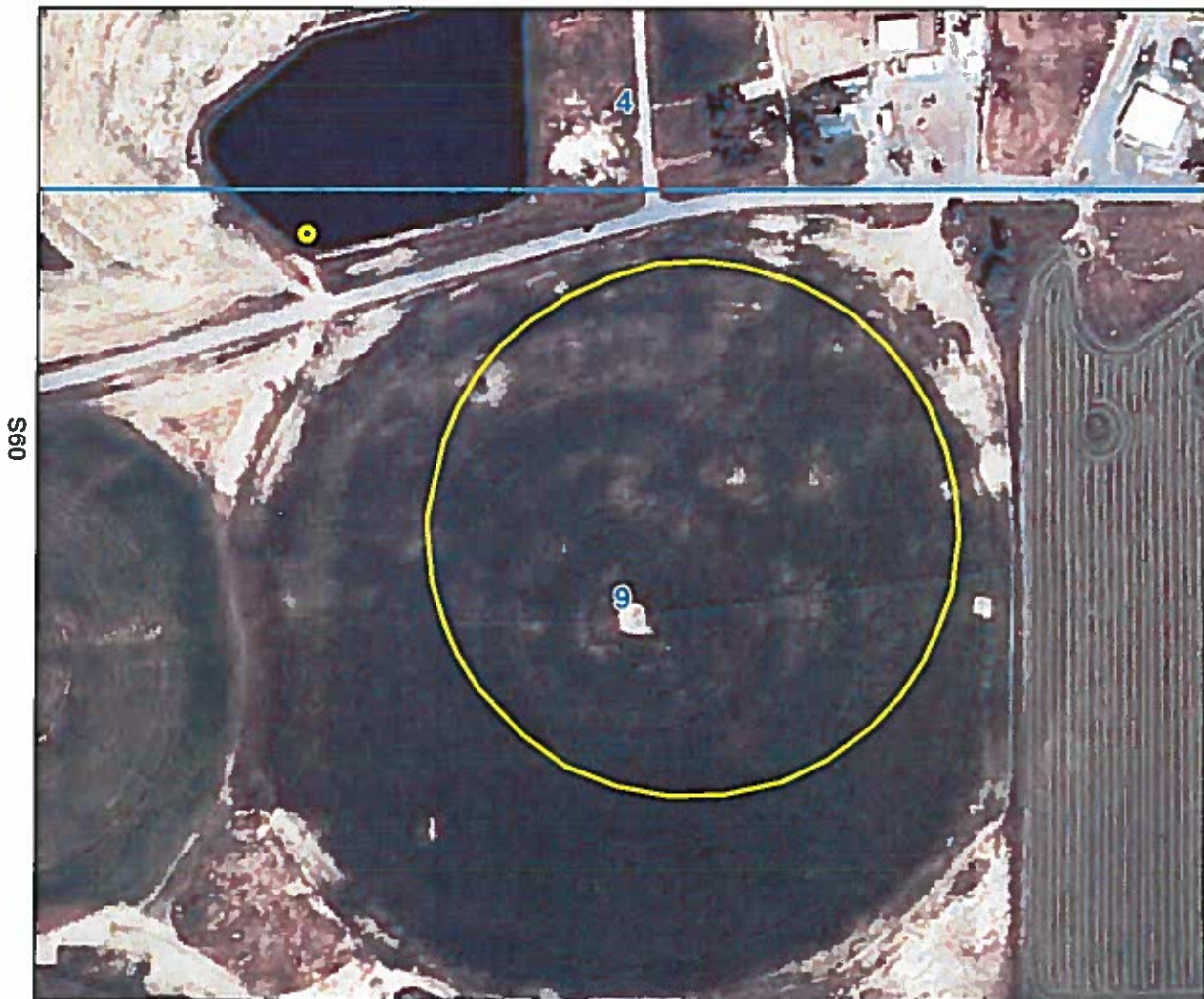
Water Right

36-15690, 36-15692 and 36-15694

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

20E



0 0.035 0.07 0.14 Miles

- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections



Map produced on August 07, 2015

TRANSFER 80467

LAST WILL AND TESTAMENT

OF

RONALD A. HULME

I, RONALD A. HULME, a resident of the County of Alameda, State of California, being of sound and disposing mind and memory, do make, publish and declare this to be my Last Will and Testament, hereby revoking all Wills and Codicils heretofore made by me.

FIRST: I declare that I am married to MARY ANN HULME; that I have four (4) living children, namely: MICHELE HULME, KEVIN R. HULME, DEBRA MEEKS, and MELISSA McCLELLAN; and one (1) deceased child, namely; JENNIFER PATRICE HULME [who was not survived by issue].

SECOND: It is my intention by this Will to dispose of my separate property. I do not intend hereby to exercise any power of appointment which I may have arising from that Trust Agreement described hereinafter in Paragraph THIRD. I hereby bequeath to my then surviving natural born and legally adopted issue, by right of representation, any stock I may then have in any "S" tax option corporation.

THIRD: (1) All the rest, residue and remainder of my Estate of every kind or nature and wherever situated, both real and personal, I give, devise and bequeath to the individual or bank then acting as Trustee under that certain indenture of Trust designated as THE HULME LIVING TRUST dated January 10, 1991, as amended by First Amendment dated January 11, 1993, as amended in its entirety by Second Amendment signed earlier this day and bearing the same date as this Will, of which I am the Trustor and Trustee, to be combined with the other assets of said Trust and held, administered and distributed as part of that Trust, according to the terms thereof and any amendments made to it prior to my death. It is my intent, if it be permissible, not to create a separate Trust by this Will and not to subject THE HULME LIVING TRUST or the property added to it by this Subparagraph (1) to the jurisdiction of the probate court.

(2) If for any reason the disposition in Subparagraph (1) is not operative or is invalid, or if the Trust referred to in that subparagraph fails or has been revoked, then I give the residue and remainder of my Estate to the individual or bank which would have been Trustee of such Trust had such Trust been operative, valid and unrevoked at my death, to be held, administered and distributed under the terms

and conditions of THE HULME LIVING TRUST which is incorporated herein by reference.

(3) Anything else herein to the contrary notwithstanding, should any portion of such Trust be terminable upon my death, the disposition made in this Paragraph THIRD shall be made directly to the beneficiaries for whom the outright distribution from the Trust shall be made, and the remainder which will remain in such Trust, if any, shall pass into such Trust under the provisions of Paragraph THIRD (1) or (2) as the case may be.

FOURTH: I hereby nominate and appoint MICHELE HULME and DEBRA MEEKS as Co-Executors of this my Last Will and Testament. In the event either MICHELE HULME or DEBRA MEEKS is unable or unwilling to act as such Executor, then I nominate and appoint the survivor of them and MELISSA McCLELLEN as Co-Executors hereof. In the event any of the aforementioned is unable or unwilling to act as such Executor, then I nominate and appoint the survivor of them and KEVIN R. HULME as Co-Executors hereof. In the event any of the aforementioned is unable or unwilling to act as such Co-Executor, then I nominate and appoint the survivor of them as sole Executor hereof. I direct that my Executor serve as such without bond or securities whatsoever. The term "Executor" shall apply regardless of gender. I hereby authorize my Executor to sell, with or with-

CERTIFICATION OF TRUST
PROBATE CODE SECTION 18100.5

The undersigned hereby certifies as follows:

1. THE HULME LIVING TRUST was created on January 10, 1991, as amended in its entirety by Second Amendment To Trust Agreement Dated January 27, 2014, for the benefit of the Trustor hereinafter named.

2. RONALD A. HULME, is the Trustor (Settlor) of said Trust, and RONALD A. HULME was designated as Trustee to serve until his death, resignation or incompetence. RONALD A. HULME died on May 15, 2014.

3. Upon the death of RONALD A. HULME, the named Successor Co-Trustees are MICHELE HULME and DEBRA MEEKS.

4. The signatures of the currently acting Co-Trustees are required to transact business of the Trust.

5. The Trust is currently using federal tax identification number: 46-7534433.

6. Trust Assets should be titled as follows:

MICHELE HULME and DEBRA MEEKS, CO-TRUSTEES,
THE HULME LIVING TRUST
DATED: JANUARY 10, 1991

7. MICHELE HULME and DEBRA MEEKS, CO-TRUSTEES, or any successor Trustee, shall have the power and authority to manage and control the trust property in such manner as the Trustee or successor Trustee may deem advisable, and shall have, enjoy, and exercise the power to purchase, grant, bargain, sell and convey, lease, encumber and hypothecate, real and personal property, and the power to invest in corporate obligations of every kind, and stocks, preferred or common; and to buy, sell, trade and deal in, stocks, bonds and securities of every nature including "short" sales and including puts, calls, straddles and other options of every kind, on margin, and commodities, commodity options and commodity futures of every nature, on margin or otherwise; and for such purpose to maintain and operate margin and commodity accounts with brokers; and in connection therewith, to borrow money and to pledge any and all stocks, bonds, securities, commodities and contracts for the future delivery thereof, held or purchased by the Trustee, with such brokers as security for loans and advances made to the Trustee, except to the extent that such management would cause includability of an irrevocable Trust in the estate of a Trustee. No stock in an "S" tax option corporation may be included in this Trust. The Trustor may personally borrow funds from an outside lender and pledge trust assets.



CERTIFICATE OF ORGANIZATION LIMITED LIABILITY COMPANY

FILED EFFECTIVE

(Instructions on back of application)

2014 DEC 24 AH 10: 23

SECRETARY OF STATE
STATE OF IDAHO

1. The name of the limited liability company is:

Hulme Dairy LLC

2. The complete street and mailing addresses of the initial designated office:

2275 E 600 S Hazelton, Id 83335

(Street Address)

(Mailing Address, if different than street address)

3. The name and complete street address of the registered agent:

Debra Meeks

(Name)

2275 E 600 S Hazelton, Id 83335

(Street Address)

4. The name and address of at least one member or manager of the limited liability company:

Name

Address

Debra Meeks

2275 E 600 S Hazelton, Id 83335

Michele Hulme

17834 Parker Rd Castro Valley, Ca 94546

5. Mailing address for future correspondence (annual report notices):

2275 E 600 S Hazelton, Id 83335

6. Future effective date of filing (optional):

Signature of a manager, member or authorized person.

Signature

Debra Meeks

Typed Name: Debra Meeks

Signature

Typed Name:

Secretary of State use only

IDAHO SECRETARY OF STATE

12/24/2014 05:00

CK:1070 CT:304466 BH:1454344

1@ 100.00 = 100.00 ORGAN LLC #2

W145767



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. "BUTCIP" OTTER
Governor

GARY SPACKMAN
Director

November 4, 2015

HULME DAIRY LLC
2275 E 600 S
HAZELTON, ID 83335

Re: Withdrawal of Application for Transfer No. 80466
Water Right No.(s): 36-15666, 36-15668, 36-15670

Re: Withdrawal of Application for Transfer No. 80467
Water Right No.(s): 36-15690, 36-15692, 36-15694

Dear Applicant(s):

Thank you for your recent withdrawal of the above referenced applications. Please note, the filing fees paid by Brockway Engineering on October 22, 2015 for the above referenced applications, will be applied to your Application for Transfer filed on November 3, 2015.

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

Sincerely,

Denise Maline
Administrative Assistant
Southern Region

cc: Brockway Engineering



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

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

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

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

RECEIVED

OCT 22 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

October 20, 2015

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

Re: Hulme Dairy LLC

Dear Mr. Merritt:

Hulme Dairy LLC is submitting to IDWR at this time two transfer applications to finalize the accomplished transfers of irrigation to stock and commercial water for an existing dairy facility. The dairy facility is located north of Hazelton, Idaho.

The first transfer includes water rights 36-15690, 36-15692 and 36-15694. The ownership of these water rights will be changed to Hulme Dairy LLC. The beneficial use will change to stock and commercial water. The period of use will be changing to 1/01 through 12/31. The POU and POD will also be changing. The associated transfer and change of ownership fee for these water rights is \$275.00.

The second transfer includes water rights 36-1566, 36-15668 and 36-15670. The ownership of these water rights will be changed to Hulme Dairy LLC. The beneficial use will change to stock and commercial water. The period of use will be changing to 1/01 through 12/31. The POU and POD will also be changing. The associated transfer and change of ownership fee for these water rights is \$575.00.

No ESPA Model analysis was necessary for these transfers due to the proximity of the existing dairy wells and the proposed irrigation wells that were never drilled.

The change of ownership fee of \$100.00 for 36-15704, 36-15706 and 36-14421 is included in the submitted check to.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Sullivan", written over a faint horizontal line.

Greg Sullivan, M.S., Engineer

Cc: Gary Meeks

Enc: Quit Claim Deeds, Exhibit As, Change of Ownership Form, Transfer Applications,
Brockway Engineering Check # 12949 for \$950.00