

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 79847

FEB 20 2015

WATER RESOURCES
WESTERN REGIONMINIMUM 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) HIGH PLAINS 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: _____

SUPPORT DATA

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER No. 79847

FEB 20 2015

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1WATER RESOURCES
WESTERN REGIONName of Applicant(s) HIGH PLAINS DAIRY, LLCPhone 208-537-9101Mailing address P.O. BOX 780, CASTLEFORD, ID 83321

Email _____

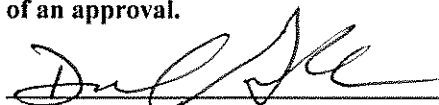
- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the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

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

☐ No RepresentativeName of Representative PAUL ARRINGTON, BARKER ROSHOLT & SIMPSON, LLPPhone 208-733-0700Mailing address 195 RIVER VISTA PLACE, SUITE 204, TWIN FALLS, ID 83301Email PLA@IDAHOWATERS.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.


 Signature of Applicant or Authorized Representative

 Print Name and Title if applicable

2/13/15
 Date

 Signature of Applicant or Authorized Representative

 Print Name and Title if applicable

 Date

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion
☐ Change nature of use
 - ☐ Add diversion point(s)
☐ Change period of use
 - ☐ Change place of use
☒ Other CREATE PPU
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.

CHANGE POD TO NEW WELL THAT WILL BE DRILLED ON APPLICANT'S PROPERTY. CREATE PERMISSIBLE PLACE OF USE.

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 ☒ ☐	51-13051	0.74 CFS	IRRIGATION	3/15 to 11/15	GROUNDWATER
☒ ☐	51-13053	0.73 CFS	IRRIGATION	3/15 to 11/15	GROUNDWATER
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 1.47 cfs and/or 232.4 acre-feet.

2. Total amount of water proposed to be transferred or changed 1.47 cubic feet per second and/or 232.4 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 #
			NE	SW	1	10S	12E	TWIN FALLS	GROUNDWATER	

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	
10S	12E	1			9.9					40	7.2				1		7		65.1
Total Acres (for irrigation use)																			65.1

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:

NEW WELL WILL BE DRILLED AND CONNECTED TO PIPE AND IRRIGATION SYSTEM ON POU

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

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

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

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: N/A

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:

N/A

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

NONE

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

Yes No

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

If yes, describe:

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

Current Water Right No.: 51-13051

Current Owner: HIGH PLAINS DAIRY LLC

Priority Date: 11/21/1960

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.74 CFS	232.4 AF
	<u>Total Diversion</u>	0.74 CFS	232.4 AF

Location of Point(s) of Diversion

GROUND WATER SE1/4NE1/4 Sec. 12, Twp 10S, Rge 12E B.M.
TWIN FALLS County

Place of Use

IRRIGATION Within TWIN FALLS County

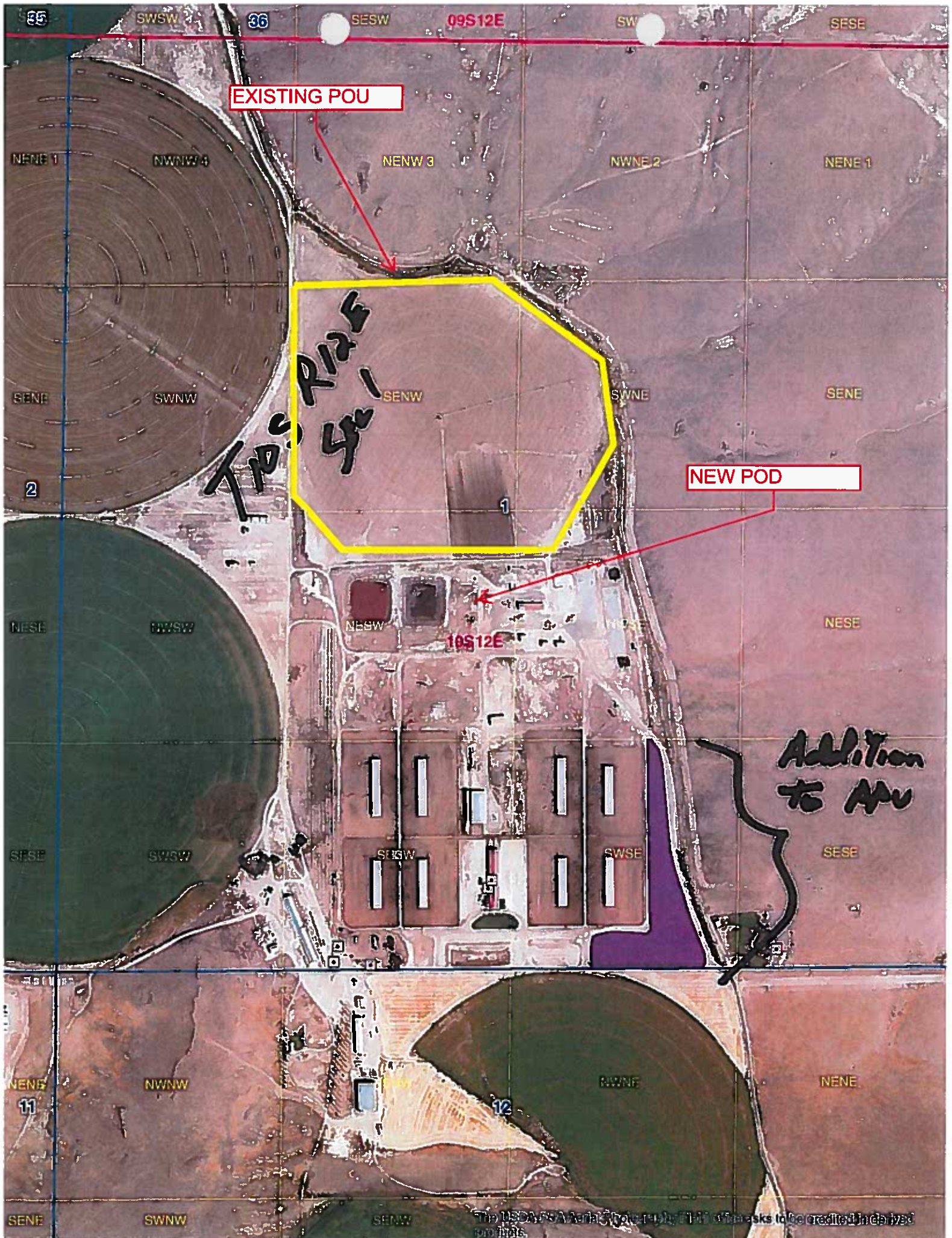
T10S R12E S1	SWNE	9.90	T10S R12E S1	SENE	40.00
T10S R12E S1	NESW	7.20	T10S R12E S1	NWSE	1.00

Total Acres: 58.1

Conditions of Approval:

1. P21 This right is a split from former right 51-13012 and right 51-13036.
2. E53 Use of this right with right no. 51-13053 is limited to a total combined annual diversion volume of 232.4 af.
3. E62 This right when combined with Right No. 51-13053 shall provide no more than .02 cfs per acre.
4. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
5. E55 Use of this right with right no. 51-13053 is limited to the irrigation of a combined total of 58.1 acres in a single irrigation season.

Decreed Date: 9/28/2007



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 5 pages and 3 attachments.

Received by AS Date 2/20/15 Preliminary check by Patrick Kelly Date 5-21-2015

Fee paid \$580⁰⁰ Date 2/20/15 Received by AS Receipt # W042839

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

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

Neely, Rachel

From: Neely, Rachel
Sent: Friday, October 09, 2015 11:24 AM
To: 'LEGALS@MAGICVALLEY.COM'
Subject: Twin Falls Legal Ad
Attachments: Twin Falls Cover Ad.docx; Twin Falls Ad.docx

Good Afternoon Legal Clerk,

Please see the attached ads for publication on 10/15/15 & 10/22/15.

Please confirm these are okay to publish as shown.

Thank you,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

October 9, 2015

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

RE: Application for Transfer No. 79846
Application for Transfer No. 79847

Dear Legal Notice Department:

Please publish the enclosed legal notices on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notices 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 11/2/2015. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosure(s)

PROPOSED CHANGE OF WATER RIGHT(S)

High Plains Dairy of PO Box 780 Castleford, ID 83321, filed a Transfer Application **79846** for Water Rights 51-7373 and 51-7374 with a 1951 priority from groundwater. The applicant proposes to remove a Point of Diversion within Township 10 South, Range 12 East, Section 1, SE $\frac{1}{4}$ SW $\frac{1}{4}$, B.M. The rights authorize 1.04 cfs for commercial and stockwater use located in Blue Gulch, 12 miles west of Buhl.

High Plains Dairy of PO Box 780 Castleford ID 83321, filed a Transfer Application **79847** for ground water rights with a 1951 priority date. The applicant proposes to change the Point of Diversion to drill a new well and create a 65.1 acre permissible place of use within Township 10 South, Range 12 East, Section 1, NE $\frac{1}{4}$ SW $\frac{1}{4}$, B.M. The rights authorize a combined use limit of 232.4 af on 58.1 acres for irrigation use located 12 miles west of Buhl.

For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s) or proposed transfer(s), please see www.idwr.idaho.gov/WaterManagement/WaterRights. Protests may be submitted based on the criteria of Idaho Code § 42-222. Any protest against the proposed change(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 11/02/2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 10/15/2015 and 10/22/2015.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

October 9, 2015

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

HIGH PLAINS DAIRY LLC
PO BOX 780
CASTLEFORD, ID 83321

Applications for Transfers No's: 79846 & 79847

Dear Applicant(s):

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

Legal notices of the applications have been prepared and are scheduled for publication in the TIMES NEWS on 10/15/2015 and 10/22/2015. Protests to either application may be submitted for a period ending ten (10) days after the second publication.

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

Please contact this office if you have any questions regarding these applications.

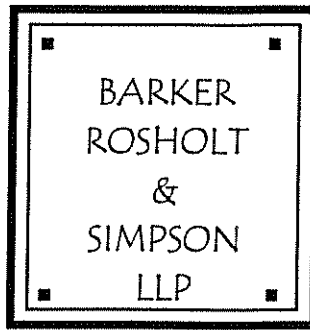
Sincerely,

Rachel Neely
Administrative Assistant

CC:
BARKER ROSHOLT & SIMPSON LLO
ATTN PAUL ARRINGTON
195 RIVER VISTA PLACE STE 204
TWIN FALLS, ID 83301

Albert P. Barker
John A. Rosholt
John K. Simpson
Travis L. Thompson
Shelley M. Davis
Paul L. Arrington*
Scott A. Magnuson

* Licensed in Idaho & Washington



195 River Vista Place, Suite 204
Twin Falls, Idaho 83301
(208) 733-0700 telephone
(208) 735-2444 facsimile

1010 West Jefferson, Suite 102
Post Office Box 2139
Boise, Idaho 83701-2139
(208) 336-0700 telephone
(208) 344-6034 facsimile
brs@idahowaters.com

Paul L. Arrington
pla@idahowaters.com

August 24, 2015

Patrick Kelly
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

RECEIVED

AUG 26 2015

WATER RESOURCES
WESTERN REGION

RE: *Applications for Transfer (High Plains Dairy)*

Dear Patrick:

Pursuant to your letter, dated July 30, 2015, attached are the following documents:

1. Transfer Application, with identification of place of use for both Stockwater and Commercial uses; and
2. Letter from McFinney Ag approving the changes contemplated in the High Plains Dairy transfers.

Please let me know if you need anything else.

Yours Truly,



Paul L. Arrington

PLA/jn

cc: Client (via email)

Encs.

McFINNEY AGRI-FINANCE, LLC

P.O. Box 1598
Twin Falls, Idaho 83303-1598

August 21, 2015

RECEIVED

AUG 26 2015

WATER RESOURCES
WESTERN REGION

Paul Arrington
Barker Rosholt & Simpson, LLP
195 River Vista Place, Suite 204
Twin Falls, ID 83301-3029

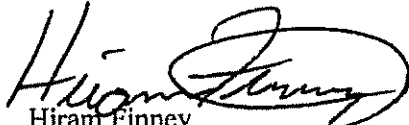
RE: High Plains Dairy, LLC

To Whom It May Concern:

McFinney Agri-Finance, LLC ("McFinney") acknowledges that it has a Mortgage on real property owned by High Plains Dairy, LLC ("High Plains") David Gandolfo and Jayme Gandolfo (collectively, "Gandolfo"), described on Exhibit A hereto (the "Property"). McFinney's security includes all water rights appurtenant to the Property, including IDWR Water Right Nos. 51-7373, 51-7374, 51-13051 and 51-13053, evidenced by a Notice of Security Interest in a Water Right filed with the IDWR on April 15, 2009.

McFinney has reviewed the Applications for Transfer of Water Rights Nos. 79846 and 79847 filed by High Plains and Gandolfo. McFinney consents to the transfers requested thereby provided all PODs and POUs for such water rights fall within the Property and there is no decrease in the amount of water authorized under such water rights.

Sincerely,

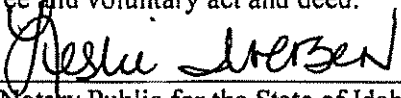
 MEMBER
Hiram Finney
Member

STATE OF IDAHO)

County of TWIN FALLS) ss.

On this 24th day of August, 2015, before me, a notary public for the State of Idaho, personally appeared Hiram Finney, known or identified to me to be the person listed above and a member of **McFinney Agri-Finance, LLC**, and acknowledged to me on this day under oath, that, being informed of the contents of this document, he executed the same on behalf of such entity as his free and voluntary act and deed.

LESLIE IVERSEN
NOTARY PUBLIC
STATE OF IDAHO


Notary Public for the State of Idaho
Residing at: Filer, ID
My Commission Expires: 10/11, 2017

PARCEL NO. 1

Township 9 South, Range 13 East, Boise Meridian, Twin Falls County, Idaho
Section 17: SW¼SW¼
SUBJECT TO Highway District right of way.

PARCEL NO. 2

Township 9 South, Range 13 East, Boise Meridian, Twin Falls County, Idaho
Section 18: E½SW¼; SE¼
SUBJECT TO Highway District right of way.

PARCEL NO. 3

Township 10 South, Range 12 East, Boise Meridian, Twin Falls County, Idaho,
Section 1: A tract of land being more particularly described as follows:
BEGINNING at the Southeast corner of said Section 1;
THENCE South 88°46'06" West a distance of 1331.84 feet along the southerly boundary of said
Section 1 to the TRUE POINT OF BEGINNING;
THENCE South 88°46'06" West a distance of 1301.47 feet along the southerly boundary of said
Section 1 to the South quarter corner of said Section 1;
THENCE South 88°46'06" West a distance of 638.61 feet along the southerly boundary of said
Section 1;
THENCE North 01°58'04" West a distance of 94.62 feet;
THENCE North 50°25'19" West a distance of 163.07 feet;
THENCE South 89°34'22" West a distance of 61.92 feet;
THENCE South 00°31'21" East a distance of 202.08 feet to the southerly boundary of said
Section 1;
THENCE South 88°46'06" West a distance of 129.06 feet along the southerly boundary of said
Section 1 to a point 10.00 feet easterly from the east edge of a farm road;
THENCE along a line parallel with and 10.00 feet easterly from the east edge of said farm road
the following courses and distances: North 21°24'32" West a distance of 518.43 feet;
THENCE North 16°32'06" West a distance of 450.55 feet;
THENCE North 13°11'58" West a distance of 93.48 feet;
THENCE North 06°13'48" West a distance of 79.73 feet;
THENCE North 00°36'25" East a distance of 1483.77 feet;
THENCE North 00°49'34" West a distance of 1571.95 feet;
THENCE North 01°23'53" West a distance of 143.87 feet;
THENCE North 02°07'38" East a distance of 83.38 feet to a point approximately 10.00 feet
northerly from the north edge of a farm road;
THENCE Easterly and Southerly approximately parallel with and 10.00 feet northerly from said
farm road the following courses and distances: North 72°36'37" East a distance of 29.31
feet;
THENCE South 82°19'23" East a distance of 35.81 feet;

THENCE South 44°07'29" East a distance of 34.66 feet;
THENCE South 50°53'58" East a distance of 59.92 feet;
THENCE South 55°17'47" East a distance of 273.43 feet;
THENCE South 62°27'49" East a distance of 136.10 feet;
THENCE South 75°44'26" East a distance of 53.78 feet;
THENCE South 87°14'34" East a distance of 174.40 feet;
THENCE North 86°09'57" East a distance of 83.36 feet;
THENCE North 77°22'58" East a distance of 62.99 feet;
THENCE North 66°18'04" East a distance of 60.06 feet;
THENCE North 53°16'23" East a distance of 38.15 feet;
THENCE South 71°53'34" East a distance of 41.76 feet;
THENCE South 56°21'03" East a distance of 57.09 feet;
THENCE South 77°02'22" East a distance of 87.58 feet;
THENCE South 64°08'42" East a distance of 93.78 feet;
THENCE South 60°30'20" East a distance of 132.48 feet;
THENCE South 80°16'46" East a distance of 47.76 feet;
THENCE South 73°26'32" East a distance of 53.46 feet;
THENCE South 66°05'15" East a distance of 62.62 feet;
THENCE South 58°20'31" East a distance of 201.49 feet;
THENCE South 54°19'29" East a distance of 193.48 feet;
THENCE South 36°14'20" East a distance of 67.86 feet;
THENCE South 09°02'44" East a distance of 51.26 feet;
THENCE South 11°08'27" West a distance of 67.88 feet;
THENCE South 16°47'30" East a distance of 46.81 feet;
THENCE South 05°43'04" East a distance of 98.77 feet;
THENCE South 08°53'12" East a distance of 57.26 feet;
THENCE South 15°41'54" East a distance of 52.00 feet;
THENCE South 23°45'12" East a distance of 159.42 feet;
THENCE South 17°55'27" East a distance of 58.81 feet;
THENCE South 02°03'14" West a distance of 432.26 feet;
THENCE South 03°01'38" East a distance of 49.46 feet;
THENCE South 10°55'07" East a distance of 98.37 feet;
THENCE South 16°47'02" East a distance of 125.90 feet;
THENCE South 15°54'54" East a distance of 413.77 feet;
THENCE South 19°47'20" East a distance of 108.97 feet;
THENCE South 25°19'59" East a distance of 78.29 feet;
THENCE South 21°16'57" East a distance of 69.92 feet;
THENCE South 12°21'12" East a distance of 74.88 feet;
THENCE South 04°27'10" East a distance of 135.57 feet;
THENCE South 10°56'02" East a distance of 510.22 feet;
THENCE South 01°21'36" East a distance of 200.21 feet;
THENCE South 05°15'49" East a distance of 69.52 feet;
THENCE South 11°02'55" East a distance of 126.76 feet;
THENCE South 20°20'22" East a distance of 298.89 feet;

THENCE South 24°52'04" East a distance of 338.33 feet to the TRUE POINT OF BEGINNING.

SAVE AND EXCEPT

Part of Section 1 in Township 10 South, Range 12 East of the Boise Meridian, Twin Falls County, State of Idaho.

BEGINNING at the South ¼ corner of Section 1 in Township 10 South, Range 12 East Boise Meridian said corner marked by a 5/8 inch rebar;
THENCE South 88°50'26" West (S 88°46'06" W, Rec.) along the South line of Section 1 for a distance of 827.66 feet to a ½ inch rebar which shall be the POINT OF BEGINNING;
THENCE South 88°50'26" West (S 88°46'06" W, Rec.) along the South line of Section 1 for a distance of 129.06 to a line 10.00 feet Easterly from the East edge of a farm road;
THENCE North 21°23'36" West (N 21°24'32" W, Rec.) along said line for a distance of 107.68 feet;
THENCE North 88°50'25" East for a distance of 167.56 feet to a ½ inch rebar;
THENCE South 00°26'53" East (S 00°31'21" E, Rec.) for a distance of 101.04 feet to the POINT OF BEGINNING.

AND SUBJECT TO

An Easement Agreement dated August 11, 2014, executed by High Plains Dairy, L.L.C., an Idaho limited liability company in favor of Standlee Family Limited Partnership, an Idaho limited partnership, recorded on September 25, 2014 in Twin Falls County, Idaho as Instrument No. 2014-016174 (as amended by the Partial Substitution Agreement entered on or about October 2014 by and among High Plains Dairy, L.L.C., an Idaho limited liability company, Standlee Family Limited Partnership, an Idaho limited partnership, and Global Ag Properties USA LLC, a Delaware limited liability company, whose address is 8500 Andrew Carnegie Blvd., Charlotte, NC 28262 and recorded in Twin Falls County, Idaho as Instrument No. _____ on October ____, 2014).

PARCEL NO.4

Part of Section 1 in Township 10 South, Range 12 East of the Boise Meridian, Twin Falls County, State of Idaho.

BEGINNING at the S¼ corner of Section 1 in Township 10 South, Range 12 East, Boise Meridian said corner marked by a 5/8 inch rebar;
THENCE South 88°50'26" West (S 88°46'06" W, Rec.) along the South line of Section 1 for a distance of 638.61 feet to a ½ inch rebar which shall be the POINT OF BEGINNING;
THENCE South 88°50'26" West for a distance of 189.05 feet to a ½ inch rebar;

THENCE North 00°26'53" West (N 00°31'21" W, Rec.) for a distance of 202.09 feet to a ½ inch rebar;
THENCE North 89°38'57" East (N 89°34'22" E, Rec.) for a distance of 61.92 feet to a ½ inch rebar;
THENCE South 50°20'45" East (S 50°25'19" E, Rec.) for a distance of 163.07 feet to a ½ inch rebar;
THENCE South 01°53'29" East (S 01°58'04" E, Rec.) for a distance of 94.62 feet to the POINT OF BEGINNING.

PARCEL NO. 5

A non-exclusive perpetual access easement, pursuant to an Easement Agreement dated August 11, 2014, executed by Standlee Family Limited Partnership, an Idaho limited partnership in favor of High Plains Dairy, L.L.C., an Idaho limited liability company, recorded on September 25, 2014 in Twin Falls County, Idaho as Instrument No. 2014-016174 (as amended by the Partial Substitution Agreement entered on or about October 2014 by and among High Plains Dairy, L.L.C., an Idaho limited liability company, Standlee Family Limited Partnership, an Idaho limited partnership, and Global Ag Properties USA LLC, a Delaware limited liability company, whose address is 8500 Andrew Carnegie Blvd., Charlotte, NC 28262 and recorded in Twin Falls County, Idaho as Instrument No. _____ on October ___, 2014), over the following described real property:

Part of the NE¼ of Section 12 in Township 10 South, Range 12
East of the Boise Meridian, Twin Falls County, State of Idaho.

A right of Ingress and Egress over and across the NE¼ of Section
12 being 30 feet wide, 15 feet on each side of the following
described centerline:

Beginning at the Northeast Corner of Section 12 in T.10 S., R.12
E., B.M. said corner marked by a ¾" rebar; Thence South 88
degrees 44 minutes 42 seconds West along the north line of
Section 12 for a distance of 1364.10 feet to the centerline of a
road which shall be the Point of Beginning;

Thence South 20 degrees 07 minutes 18 seconds East along
said centerline for a distance of 127.32 feet;

Thence South 09 degrees 54 minutes 46 seconds East along
said centerline for a distance of 952.98 feet;

Thence South 19 degrees 33 minutes 18 seconds East along
said centerline for a distance of 415.42 feet;

Thence South 24 degrees 56 minutes 09 seconds East along
said centerline for a distance of 76.05 feet;

Thence South 39 degrees 26 minutes 00 seconds East along
said centerline for a distance of 102.35 feet;

Thence South 55 degrees 27 minutes 23 seconds East along
said centerline for a distance of 52.13 feet;

Thence South 66 degrees 18 minutes 30 seconds East along
said centerline for a distance of 50.04 feet;

Thence South 73 degrees 00 minutes 49 seconds East along
said centerline for a distance of 213.54 feet;

Thence South 86 degrees 18 minutes 54 seconds East along
said centerline for a distance of 626.09 feet to the east line
of Section 12 which shall be the Point of Terminus;

Together with any and all water, water rights, ditches and ditch rights, storage rights and permits, licenses, certificates or shares of stock belonging or in any way appurtenant to the real property described in this Exhibit A, whether now owned or hereafter acquired, whether now existing or hereafter arising, and all proceeds from the sale or other disposition of any such property. Such water rights shall include, without limitation, the following:

Idaho Department of Water Resources

Number	Priority Date	Source	Diversion Rate	Use
47-2382	12/13/1963	Ground Water	1.34 CFS	Irrigation
47-17504	11/21/1960	Ground Water	0.13 CFS	Stockwater
47-17505	10/25/1951	Ground Water	0.13 CFS	Stockwater
47-17506	11/21/1960	Ground Water	0.59 CFS	Irrigation
47-17507	10/25/1951	Ground Water	0.69 CFS	Irrigation
51-7373	10/25/1951	Ground Water	0.57 CFS	Stockwater (0.57 CFS) and Commercial (0.57 CFS)
51-7374	11/21/1960	Ground Water	0.47 CFS	Stockwater (0.47 CFS) and Commercial (0.47 CFS)
51-13047	*			
51-13048	**			
51-13049	***			
51-13050	****			
51-13051	11/21/1960	Ground Water	0.74 CFS	Irrigation
51-13053	10/25/1951	Ground Water	0.73 CFS	Irrigation

*Water Right No. 51-13047 - a "parent right" of Water Right No. 47-17504

**Water Right No. 51-13048 - a "parent right" of Water Right Nos. 51-13051 and 47-17506

***Water Right No. 51-13049 - a "parent right" of Water Right No. 47-17505

****Water Right No. 51-13050 - a "parent right" of Water Right Nos. 51-13053 and 47-17507

MEMORANDUM

TO: Transfer No. 79847
FROM: Patrick Kelly
DATE: May 21, 2015
RE: Evaluation of Application

The transfer proposes to change the POD to a new well that will be drilled on applicants property. The transfer also seeks to create a permissible place of use.

The dairy is just west of Blue Gulch in Twin Falls County. The proposed place of use to add to the water rights is a field on the SE corner of High Plains Dairy land.

Contact person for the applicant is Paul Arrington of Barker Rosholt & Simpson at 195 River Vista Pl Suite 204 Twin Falls, ID 83301, 208-733-0700.

Summary of Information Submitted

Authority to File:

The Application for Transfer of Water Right (Application) was received on February 20, 2015. High Plains Dairy is the current water right owner of water rights 51-13051 & 51-13053 and land owner of the proposed place of use.

The application was signed without a printed name or title. Additional information was received by High Plains Dairy June 15, 2015 stating that David Gandolfo is a managing member of the dairy and has authority to sign on their behalf.

Water Right Validity:

Rights presumed to be valid since the rights were decreed on 9/28/2007. Aerial photography shows beneficial use has been established by irrigated land since that date, the combined use limit of 58.1 acres are not subject to forfeiture.

Injury to Other Water Rights:

Transfer proposes to drill new well on property to take the place of existing two POD's. Proposed POD is within the Blue Gulch Critical Groundwater Area. Because the transfer assumes the use of the water from the new well is hydraulically connected to the original POD, injury to other water users is not apparent.

Enlargement of Use:

Changes in rate of volume under irrigation use not found in transfer application. Permissible place of use will still limit the irrigation of 58.1 acres in a single irrigation season.

Local Public Interest:

Review staff has no information to suggest this application is inconsistent with the local public interest.

Beneficial Use/Conservation of Water Resources:

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

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Additional Information/Analysis

Additional information is required to confirm the authority to file. The transfer applications were signed without a printed name or title. IDSOS database shows a Registered Agent of Timothy Stover. A letter will be required identifying the signature and granted authority to sign for High Plains Dairy.

Watermaster comments will not be requested since High Plains Dairy is located outside of a water district.

Data entry had to be corrected for water rights 47-2382, 51-13051 & 51-13053. Rights 51-13051 & 51-13053 were referencing a combined use with 47-2382 in the database, but conditions of the license did not indicate an association with the Basin 47 right. Combined use limits were mistaken at some point during transfer 75087. See transfer 75087 for further information.

Discussion

Overlap review showed no irrigation rights at the proposed place of use where land is currently being irrigated. Transfer application does not indicate new well (POD) will be associated with any other rights.

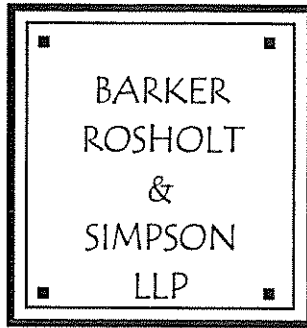
51-13051 & 51-13053 were both decreed 9/28/2007. Transfer process does not update record type, as the adjudicated files have already been pushed over to the water right side.

Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

Albert P. Barker
John A. Rosholt
John K. Simpson
Travis L. Thompson
Shelley M. Davis
Paul L. Arrington*
Scott A. Magnuson

* Licensed in Idaho & Washington



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(208) 336-0700 telephone
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brs@idahowaters.com

Paul L. Arrington
pla@idahowaters.com

February 17, 2015

RECEIVED

FEB 20 2015

WATER RESOURCES
WESTERN REGION

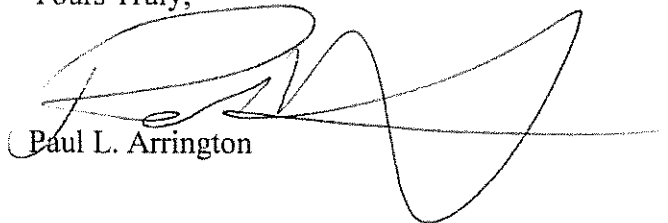
Nick Van Dyke
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

RE: Applications for Transfer

Dear Nick:

Attached are the Applications for Transfer that we have been discussing over the past few weeks. Also, please find a check for \$1,160 for the application fees. Please let me know if you need anything else.

Yours Truly,



Paul L. Arrington

PLA/jn

Encs.