

RECEIVED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESTransfer No. 79846

FEB 20 2015

WATER RESOURCES  
WESTERN REGIONMINIMUM REQUIREMENTS CHECKLIST  
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

AMENDED

RECEIVED  
AUG 26 2015  
WATER RESOURCES  
WESTERN REGION

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](http://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](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. 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

IN FILE # 51-7373

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FEB 20 2015

WATER RESOURCES  
WESTERN REGIONSTATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER No. 79846

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1

Name of Applicant(s) HIGH PLAINS DAIRY, LLC Phone 208-537-9101  
 Mailing 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 Representative

Name of Representative PAUL ARRINGTON, BARKER ROSHOLT & SIMPSON, LLP Phone 208-733-0700  
 Mailing address 195 RIVER VISTA PLACE, SUITE 204, TWIN FALLS, ID 83301 Email 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

Date

  
 Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

2/13/15

## 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**.

REMOVE POINT OF DIVERSION FROM WATER RIGHT. INCREASE PLACE OF USE TO INCLUDE  
THE ENTIRE DAIRY PROPERTY.

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<br>(cfs/ac-ft) | Nature of Use | Period of Use | Source & Tributary |
|-----------------------------------------------------------------------------|--------------|-----------------------|---------------|---------------|--------------------|
| All or Part<br><input checked="" type="checkbox"/> <input type="checkbox"/> | 51-7373      | 0.57 CFS              | COMM/STOCK    | 1/1 to 12/31  | GROUNDWATER        |
| <input checked="" type="checkbox"/> <input type="checkbox"/>                | 51-7374      | 0.47 CFS              | COMM/STOCK    | 1/1 to 12/31  | GROUNDWATER        |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |
| <input type="checkbox"/> <input type="checkbox"/>                           |              |                       |               | to            |                    |

Total authorized under rights 1.04 cfs and/or 171 acre-feet.

2. Total amount of water proposed to be transferred or changed 1.04 cubic feet per second and/or 171 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 # |
|-------|-----|----|----|----|-----|-----|-----|------------|-------------|---------------------|
|       |     | SE | SE | SW | 1   | 10S | 12E | TWIN FALLS | GROUNDWATER |                     |
|       |     | SE | SE | 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   |      |    |    |    |      |    |    |    | S/C  |    |    | S/C |      | S/C | S/C |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |     |      |     |     |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |     |      |     |     |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |     |      |     |     |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |     |      |     |     |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |     |      |     |     |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |     |      |     |     |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |     |      |     |     |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |     |      |     |     |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |     |      |     |     |    |             |
| Total Acres (for irrigation use) |     |     |      |    |    |    |      |    |    |    |      |    |    |     |      |     |     |    |             |

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER No. 79846

## 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:

WELLS PUMP TO PIPELINE IN DAIRY BARNS AND CORRALS

- 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**

- |                          |                                     |                                                                                               |
|--------------------------|-------------------------------------|-----------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | undergone a period of five or more consecutive years of non-use,                              |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently leased to the Water Supply Bank,                                                    |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently used in a mitigation plan limiting the use of water under the right, or             |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

Page 5 of 9

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

Current Water Right No.: 51-7373

Current Owner: HIGH PLAINS DAIRY LLC

Priority Date: 10/25/1951

Origin: Water Right

Status: Active

Basis: Decreed

SourceTributary

GROUND WATER

| <u>Beneficial Use</u> | <u>From To</u>         | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|------------------------|-----------------------|----------------------|
| COMMERCIAL            | 01/01 to 12/31         | 0.57 CFS              | 135 AF               |
| STOCKWATER            | 01/01 to 12/31         | 0.57 CFS              | 135 AF               |
|                       | <u>Total Diversion</u> | 0.57 CFS              | 135 AF               |

Location of Point(s) of Diversion

|                   |                 |                               |
|-------------------|-----------------|-------------------------------|
| GROUND WATER      | SE1/4SE1/4SW1/4 | Sec. 1, Twp 10S, Rge 12E B.M. |
| TWIN FALLS County |                 |                               |
| GROUND WATER      | SW1/4SE1/4SW1/4 | Sec. 1, Twp 10S, Rge 12E B.M. |
| TWIN FALLS County |                 |                               |
| GROUND WATER      | SE1/4SE1/4SW1/4 | Sec. 1, Twp 10S, Rge 12E B.M. |
| TWIN FALLS County |                 |                               |

Place of UseCOMMERCIAL Within TWIN FALLS County

|              |      |              |      |
|--------------|------|--------------|------|
| T10S R12E S1 | SESW | T10S R12E S1 | SWSE |
|--------------|------|--------------|------|

STOCKWATER Within TWIN FALLS County

|              |      |              |      |
|--------------|------|--------------|------|
| T10S R12E S1 | NESW | T10S R12E S1 | SESW |
| T10S R12E S1 | NWSE | T10S R12E S1 | SWSE |

Page 10 of 9Conditions of Approval:

1. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. C18 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.
3. The total instantaneous diversion of water from all points of diversion under Transfer 5617 shall not exceed 1.04 cfs, nor a total combined annual volume of 171.0 af.
4. T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
5. 081 Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
6. The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water may also be applied for irrigation purposes to satisfy water quality requirements on lands not owned by the right holder in Sections 35 and 36, T9S, R12E, and Section 1 and 2, T10S, R12E. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by these water rights.
7. Approval of Transfer 5617 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
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.

Decreed Date: 11/27/2009

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

Current Water Right No.: 51-7374

Current Owner: HIGH PLAINS DAIRY LLC

Priority Date: 11/21/1960

Origin: Water Right

Status: Active

Basis: Decreed

**Source****Tributary**

GROUND WATER

| <b><u>Beneficial Use</u></b> | <b><u>From To</u></b>         | <b><u>Diversion Rate</u></b> | <b><u>Annual Volume</u></b> |
|------------------------------|-------------------------------|------------------------------|-----------------------------|
| STOCKWATER                   | 1/01 to 12/31                 | 0.47 CFS                     | 111 AF                      |
| COMMERCIAL                   | 1/01 to 12/31                 | 0.47 CFS                     | 111 AF                      |
|                              | <b><u>Total Diversion</u></b> | 0.47 CFS                     | 111 AF                      |

**Location of Point(s) of Diversion**

|                   |                 |                               |
|-------------------|-----------------|-------------------------------|
| GROUND WATER      | SW1/4SE1/4SW1/4 | Sec. 1, Twp 10S, Rge 12E B.M. |
| TWIN FALLS County |                 |                               |
| GROUND WATER      | SE1/4SE1/4SW1/4 | Sec. 1, Twp 10S, Rge 12E B.M. |
| TWIN FALLS County |                 |                               |
| GROUND WATER      | SE1/4SE1/4SW1/4 | Sec. 1, Twp 10S, Rge 12E B.M. |
| TWIN FALLS County |                 |                               |

**Place of Use****STOCKWATER Within TWIN FALLS County**

|              |      |              |      |
|--------------|------|--------------|------|
| T10S R12E S1 | NESW | T10S R12E S1 | SESW |
| T10S R12E S1 | NWSE | T10S R12E S1 | SWSE |

**COMMERCIAL Within TWIN FALLS County**

|              |      |              |      |
|--------------|------|--------------|------|
| T10S R12E S1 | SESW | T10S R12E S1 | SWSE |
|--------------|------|--------------|------|

Page 8 of 9**Conditions of Approval:**

1. 081 Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
2. C18 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.
3. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. Approval of Transfer 5617 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
5. The total instantaneous diversion of water from all points of diversion under Transfer 5617 shall not exceed 1.04 cfs, nor a total combined annual volume of 171.0 af.
6. T17 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
7. 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.
8. The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water may also be applied for irrigation purposes to satisfy water quality requirements on lands not owned by the right holder in Sections 35 and 36, T9S, R12E, and Section 1 and 2, T10S, R12E. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by these water rights.

Decreed Date: 11/27/2009

**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:

**FOR DEPARTMENT USE ONLY**

Transfer contains 59 pages and 52 attachments.

Received by CS Date 2/20/15 Preliminary check by PK Date 5-21-2015

Fee paid \$500<sup>00</sup> Date 2/20/15 Received by CS 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)

State of Idaho  
Department of Water Resources

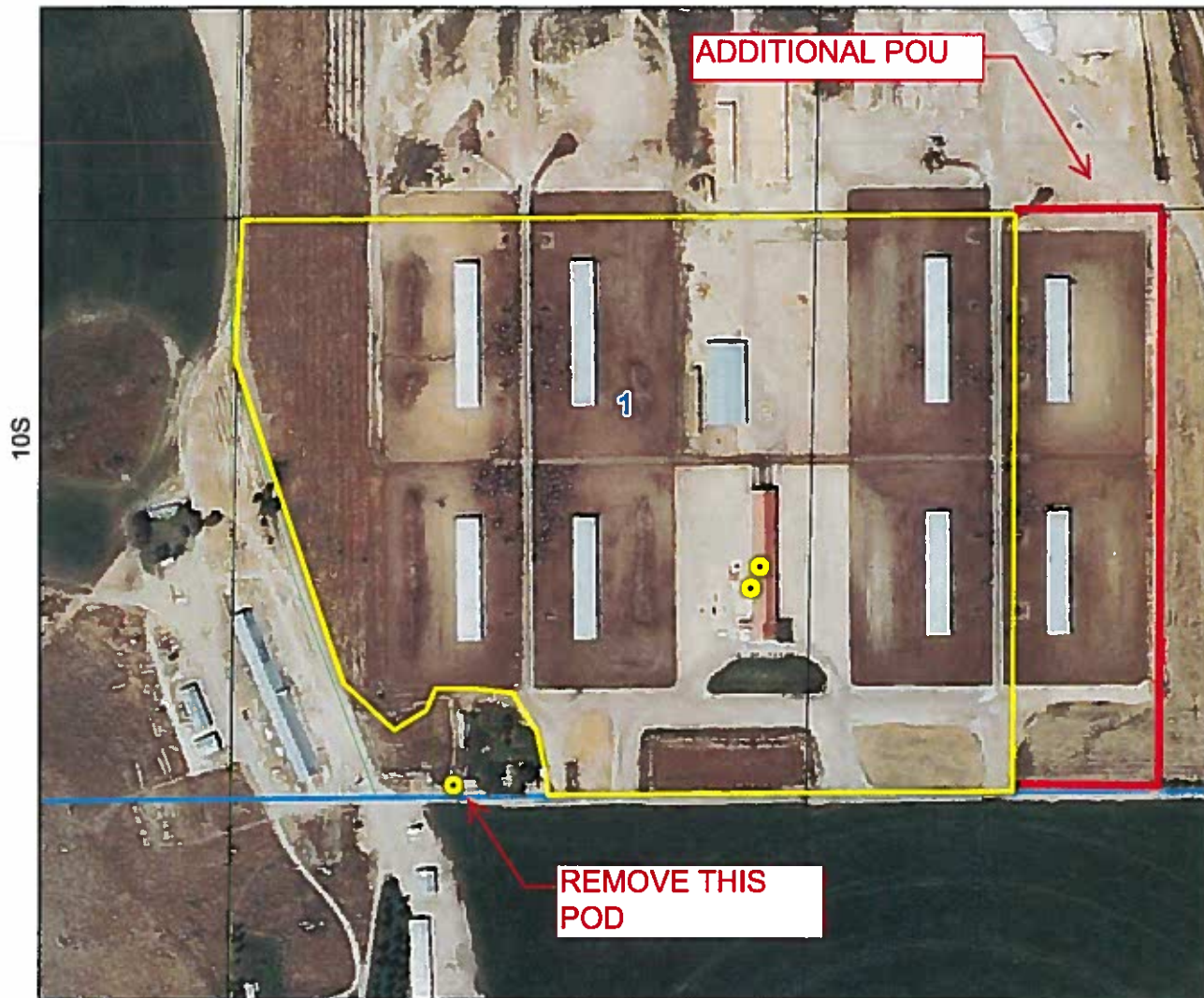
# Water Right

51-7373 & 51-7374

COMMERCIAL

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.

12E



● Point of Diversion

Place Of Use Boundary

Townships

PLS Sections

Quarter Quarters

Taxlots

0 0.05 0.1 0.2 Miles



RECEIVED

APR 15 2009

RECEIVED

APR 15 2009

WATER RESOURCES  
WESTERN REGIONDEPT. OF WATER RESOURCES  
SOUTHERN REGIONSTATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**Notice of Security Interest in a Water Right****And Request for Notification of a Change in Ownership or Any Proposed  
Or Final Action to Amend, Transfer, or Otherwise Modify a Water Right**Please print or type. Attach pages with additional information. Instructions are on the back of this page.  
Incomplete forms will be returned.

1. Water Right No(s):
- 47-2382, 47-17504, 47-17505, 47-17506, 47-17507, 51-7373, 51-7374,  
51-13051, and 51-13053

Adjudication Claim No(s): \_\_\_\_\_

2. The following
- REQUIRED**
- information must be submitted with this form:

A) Evidence of the security interest. This may be a copy of a **DEED of TRUST, MORTGAGE, CONTRACT OF SALE** or other legal document indicating your interest in the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**B) A **FEE of \$25.00 per water right** or adjudication claim.

3. Name and Mailing Address of Person or Company holding Security Interest

McFinney Agri-Finance, LLCP.O. Box 1598Twin Falls, ID 83303-1598

4. Name of Water Right Owner/Claimant(s)

High Plains Dairy, LLC

5. Expiration Date of Notification Period
- May 1, 2029

6. Is this a Renewal of Request for Notification?
- ☐
- YES
- ☒
- NO

7. Signature(s) of Security Interest holder(s)
- McFinney Agri-Finance, LLC
- 
- (and title if applicable)

By: Hiram FinneyMEMBER  
Hiram Finney, Member**For Office Use Only**Received by [Signature]Date 4-15-09Fee \$225Received by [Signature]Date 4/16/09Receipt No. 5030821Processed by AJ

Date \_\_\_\_\_

WR [Signature]Date 4-20-09

SCANNED

SUPPORT DATA

APR 27 2009

IN FILE # 47-2382

TRANSFER No. 798410

RECEIVED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. 79846

FEB 20 2015

## MINIMUM REQUIREMENTS CHECKLIST

\* SUPERCEDED BY :  
AMENDED TRANSFER  
APP. 8-26-2015WATER RESOURCES  
WESTERN REGION

## 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](http://www.idwr.idaho.gov).

Name of Applicant(s) HIGH PLAINS DAIRY, 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 #1-10.**

- ☐ ☒ #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](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. 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: \_\_\_\_\_

RECEIVED

FEB 20 2015

WATER RESOURCES  
WESTERN REGIONSTATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER No. 79846

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1Name of Applicant(s) HIGH PLAINS DAIRY, LLC Phone 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**.

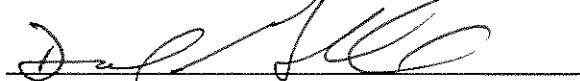
Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

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



Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Print Name and Title if applicable

Date

2/13/15  
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**.

REMOVE POINT OF DIVERSION FROM WATER RIGHT. INCREASE PLACE OF USE TO INCLUDE  
THE ENTIRE DAIRY PROPERTY.

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.                                                                          | <u>Right Number</u> | <u>Amount</u><br>(cfs/ac-ft) | <u>Nature of Use</u> | <u>Period of Use</u> | <u>Source &amp; Tributary</u> |
|-----------------------------------------------------------------------------|---------------------|------------------------------|----------------------|----------------------|-------------------------------|
| All or Part<br><input checked="" type="checkbox"/> <input type="checkbox"/> | 51-7373             | 0.57 CFS                     | COMM/STOCK           | 1/1 to 12/31         | GROUNDWATER                   |
| <input checked="" type="checkbox"/> <input type="checkbox"/>                | 51-7374             | 0.47 CFS                     | COMM/STOCK           | 1/1 to 12/31         | GROUNDWATER                   |
| <input type="checkbox"/> <input type="checkbox"/>                           |                     |                              |                      | to                   |                               |
| <input type="checkbox"/> <input type="checkbox"/>                           |                     |                              |                      | to                   |                               |
| <input type="checkbox"/> <input type="checkbox"/>                           |                     |                              |                      | to                   |                               |
| <input type="checkbox"/> <input type="checkbox"/>                           |                     |                              |                      | to                   |                               |
| <input type="checkbox"/> <input type="checkbox"/>                           |                     |                              |                      | to                   |                               |
| <input type="checkbox"/> <input type="checkbox"/>                           |                     |                              |                      | to                   |                               |
| <input type="checkbox"/> <input type="checkbox"/>                           |                     |                              |                      | to                   |                               |

Total authorized under rights 1.04 cfs and/or 171 acre-feet.

2. Total amount of water proposed to be transferred or changed 1.04 cubic feet per second and/or 171 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 # |
|-------|-----|----|----|----|-----|-----|-----|------------|-------------|---------------------|
|       |     | SE | SE | SW | 1   | 10S | 12E | TWIN FALLS | GROUNDWATER |                     |
|       |     | SE | SE | 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   |      |    |    |    |      |    |    |    |      |    |    | 5  |      |    | 5  |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
|                                  |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |
| Total Acres (for irrigation use) |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |             |

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER No. 79846

## 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:

WELLS PUMP TO PIPELINE IN DAIRY BARNS AND CORRALS

- 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:



# 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 5 attachments.

Received by CS Date 2/20/15 Preliminary check by PK Date 5-21-2015

Fee paid \$500<sup>00</sup> Date 2/20/15 Received by CS 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](mailto: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, SE¼SW¼, 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, NE¼SW¼, 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](http://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](http://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.

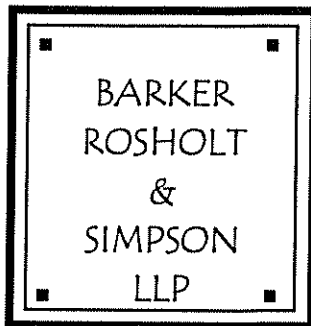
Sincerely,

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)*

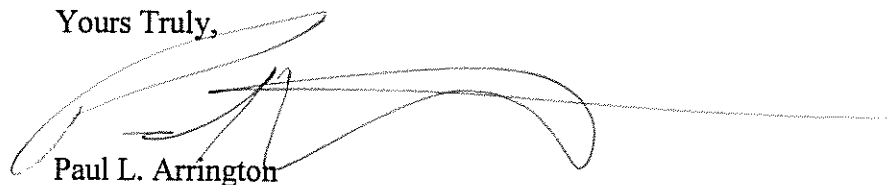
Dear Patrick:

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

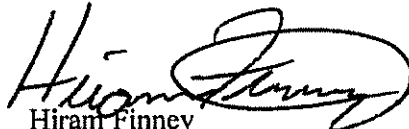
**RE: High Plains Dairy, LLC**

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.

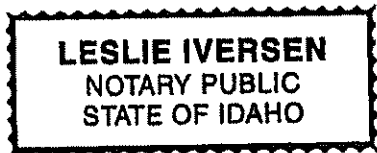
McFinney has reviewed the Applications for Transfer of Water Rights Nos. 79846 and 79847 filed by High Plains and Gandolfo. McFinney consents to the transfers requested thereby provided all PODs and POU's for such water rights fall within the Property and there is no decrease in the amount of water authorized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

Sincerely,

 MEMBER  
Hiram Finney  
Member

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

On this 24<sup>th</sup> 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 for the State of Idaho  
Residing at: Filer, ID  
My Commission Expires: 10/11, 2017

Exhibit A

**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



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](http://www.idwr.idaho.gov)

July 30, 2015

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

HIGH PLAINS DAIRY  
PO BOX 780  
CASTLEFORD ID 83321

COPY

RE: Additional Information Request for Transfer 79846

Dear Applicant:

On February 20, 2015, you filed an application for transfer to remove a point of diversion and increase the place of use to include the whole dairy in Section 1, Township 10 South, Range 12 East. I am contacting you today to request additional information regarding the place of use as well as a potential security interest in water rights 51-7373 & 51-7374.

Part 1 Section B describes the water rights after the proposed changes are made. On the application you submitted, stockwater is identified in the SESW  $\frac{1}{4}$  and SWSE  $\frac{1}{4}$ . Currently, both water rights have a stockwater place of use within the NESW  $\frac{1}{4}$ , NWSE  $\frac{1}{4}$ , SESW  $\frac{1}{4}$  and SWSE  $\frac{1}{4}$ . This application then proposes to *reduce* the place of use for stockwater. Please review Part 1 Section B and identify each quarter-quarter you wish to include in the right once the transfer is processed on the attached amended transfer application. Additionally, to identify the commercial use component of both rights, indicate any commercial use with a "C".

Page 1 of the transfer application is a checklist for the applicant to complete. Item #6 requests a notarized statement of agreement signed by an authorized representative from any lien holder with security interest in the water right. The application was marked N/A, however records on file indicate that a security interest was filed by McFinney Agri-Finance, LLC in 2009, expiring May 1, 2029.

If you wish to reduce the stockwater use from four to two quarter-quarter's as described in your February 20<sup>th</sup> application, please return a notarized letter from McFinney Agri-Finance, LLC recognizing the proposed changes. If you want to keep the four QQ sections currently identified on the water rights, mark appropriately on the amended application and return the document to my office. In this case or if the security interest is no longer valid, a notarized letter from the interested party is not necessary.

Please submit the requested information for the application to be processed. You may seek additional time to provide the information by making a written request to interrupt processing for up to six months. The application will be voided without a timely written reply within the next thirty (30) days. Refunds are not issued for voided applications. Please contact me at 208-334-2190 for additional information. Thank you for your attention to these matters.

Respectfully,

Patrick Kelly

Water Resource Agent  
2735 Airport Way  
Boise, Idaho 83705  
p: 208.334.2190  
[patrick.kelly@idwr.idaho.gov](mailto:patrick.kelly@idwr.idaho.gov)

Enclosure(s): Amended transfer application 79846

RECEIVED

JUN 15 2015

WATER RESOURCES  
WESTERN REGION

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

*RE: Authority to Sign*

Dear Mr. Kelly

David C. Gandolfo is a managing member of High Plains Dairy, LLC. He signed the Application for Transfer on behalf of the LLC. Mr. Gandolfo is authorized to sign documents on behalf of the LLC.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Gandolfo", with a long horizontal flourish extending to the right.

David Gandolfo  
High Plains Dairy, LLC



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](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

May 26, 2015

HIGH PLAINS DAIRY LLC  
PO BOX 780  
CASTLEFORD ID 83321

RE: Authority to sign for transfer application 79846

Dear Applicant,

On February 20, 2015, you filed an application for transfer to remove a point of diversion and increase the place of use to include the entire dairy property in the SE¼ SW¼ & SW¼ SE¼ of Section 1, Township 10 South, Range 12 East of Twin Falls County. After review of the document additional information is required to complete the application process. The transfer application was signed without a printed name or title. Documentation is needed to establish that the signatory is a representative of the applicant and is authorized to sign on the behalf of High Plains Dairy LLC.

Please submit the requested information for the application to be processed. You may seek additional time to provide the information by making a written request to interrupt processing for up to six months. The application will be voided without a timely written reply within the next thirty (30) days. Refunds are not issued for voided applications.

IDWR forms and other information are available on the Internet at [www.idwr.idaho.gov](http://www.idwr.idaho.gov).

Please contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Respectfully,

Patrick Kelly  
Water Resource Agent

Enclosure(s):

## MEMORANDUM

TO: Transfer No. 79846  
FROM: Patrick Kelly  
DATE: May 21, 2015  
RE: Evaluation of Application

---

The transfer proposes to remove a POD and describe the POU which will include all property to which commercial use is applied on the dairy under water rights 51-7373 & 51-7374. The commercial POU will be updated to include the farthest east dairy structure on the property. The stockwater use shape will be reduced to areas on the dairy. This transfer does not actually change the POU QQ's on either right, but updates the POU shape on record. The transfer is required to remove one of the three wells from the rights.

Representative for the dairy 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 51-7373 & 51-7374 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 11/27/2009. Beneficial use has been established by dairy operations since that date, not subject to forfeiture.

#### **Injury to Other Water Rights:**

The POD's are within the Blue Gulch Critical GWMA and trust water area. This transfer should not adversely impact water users within the region since the existing appropriations are already within these boundaries. Injury to other water rights is not apparent.

#### **Enlargement of Use:**

The transfer proposes to add areas of the dairy not within the active POU. However, changes to rate, volume or an improved source are not found in transfer application. No enlargement should occur.

#### **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.

Section B(4) of the transfer application only indicated stockwater on two QQ's and did not include commercial use. Information was requested to better describe both uses. The amended application reflected the shape on the map submitted by the applicant.

Original application stated no lien on Part 1 B (5c). Data entry on file indicates that there is a security interest for the rights by McFinney Ag. A letter from McFinney Agri-Finance LLC was received acknowledging awareness of such a transfer and consent to such a process as long as all POU/POD sites are within the property and there is no decrease in the amount of water authorized under such rights.

#### **Discussion**

Overlap review found a number of irrigation rights in the area including 57-13051 & 57-13053. These are High Plains Dairy irrigation rights associated with current transfer 79847. They are not pertinent to the stockwater & commercial rights of this transfer.

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

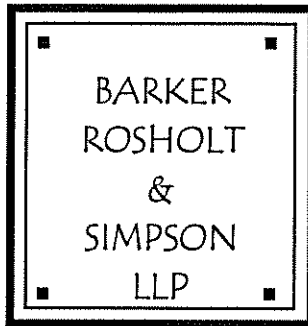
Decreed records were migrated prior to processing of transfer application.

#### **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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brs@idahowaters.com

*Paul L. Arrington*  
pla@idahowaters.com

February 17, 2015

RECEIVED

FEB 20 2015

WATER RESOURCES  
WESTERN REGION

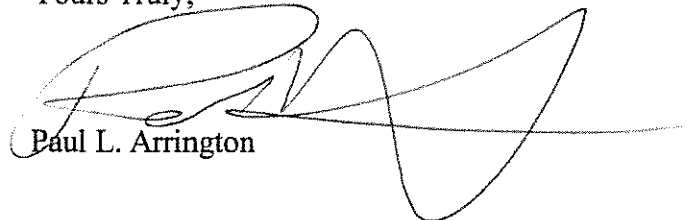
Nick Van Dyke  
Idaho Department of Water Resources  
2735 Airport Way  
Boise, Idaho 83705-5082

*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.