

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER**RECEIVED****AUG 06 2015**

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 2A reports are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Name of Applicant(s) OAK VALLEY LAND CO LLC**Check whether each item below is attached (Yes) or not applicable (N/A) for the proposed transfer.**

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

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

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

AUG 06 2015

DEPT OF WATER RESOURCES
SOUTHERN REGIONAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant OAK VALLEY LAND CO LLCPhone (208)280-6453Mailing Address 468 S 800 W, BURLEY ID 83318

Email _____

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

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

☐ No Representative

Name of Representative _____

Phone _____

Mailing Address _____

Email _____

☐ Send all correspondence for this application to the representative and not to the applicant.

OR

☐ Send original correspondence to the applicant and copies to the representative.☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.



Signature of Applicant or Authorized Representative



Print Name and Title if applicable

8-6-15

Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1.	Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
	45-14307	No	No	Yes	Yes	No	No
	45-14309	No	No	Yes	Yes	No	No
	45-14311	No	No	Yes	Yes	No	No

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**

Application proposes drilling a new well for uses associated with a dairy. The two existing wells will be used for emergency backup. Transfer also proposes changing the place of use to reflect the current place of use.

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

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

Summary of Water Rights After the Approved Change

Transferred Right (All or Part)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	Original Right (Remaining Portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
45-14307	0.830 cfs	201.5 af	N/A	N/A		N/A	N/A	N/A	N/A
45-14309	0.750 cfs	189.7 af	N/A	N/A		N/A	N/A	N/A	N/A
45-14311	1.020 cfs	133.4 af	N/A	N/A		N/A	N/A	N/A	N/A

**COMBINED
TOTALS**

1.610 cfs 337.4 af N/A N/A N/A N/A N/A N/A

2. Total amount of water proposed to be transferred or changed 1.61 cubic feet per second and/or _____ acre-feet per annum

3. Points(s) of Diversion:

☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)

☒ As shown in Part 1.

☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5.**

4. Place of Use:

☐ No changes to place of use are proposed. (Proceed to #5.)

☒ As shown in Part 1.

☐ See Attachment.

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

Proposed Water Right No. 45-14307

Current Water Right Owner
OAK VALLEY LAND CO
LLC
468 S 800 W
BURLEY, ID 83318

Priority Date: 5/21/1962

Origin: Water Right

Basis: Decreed

Status Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
COMMERCIAL	01/01	12/31	0.830 CFS	201.5 AFA	Dairy
STOCKWATER	01/01	12/31	0.830 CFS	201.5 AFA	Dairy
Total Diversion			0.830 CFS	201.5 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NENENE	Sec. 19 Twp 11S Rge 22E CASSIA County
GROUND WATER	NWSWNE	Sec. 19 Twp 11S Rge 22E CASSIA County
GROUND WATER	NENENW	Sec. 19 Twp 11S Rge 22E CASSIA County

Describe the proposed diversion system

Point of diversion #2 Existing well, motor, pump, mainline to storage tank, lines from tank to dairy (irrigation well/backup dairy well)

New Well

Point of diversion #3 Existing well, motor, pump, mainline to storage tank, lines from tank to dairy (irrigation well/backup dairy well)

Place of Use: COMMERCIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	22E	19	X		X	X													

Place of Use: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	22E	19	X		X	X													

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

Proposed Water Right No. 45-14309

Current Water Right Owner OAK VALLEY LAND CO
 LLC
 468 S 800 W
 BURLEY, ID 83318

Priority Date: 9/11/1967

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
COMMERCIAL	01/01	12/31	0.750 CFS	189.7 AFA	Dairy
STOCKWATER	01/01	12/31	0.750 CFS	189.7 AFA	Dairy
Total Diversion			0.750 CFS	189.7 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NENENE	Sec. 19 Twp 11S Rge 22E CASSIA County
GROUND WATER	NWSWNE	Sec. 19 Twp 11S Rge 22E CASSIA County
GROUND WATER	NENENW	Sec. 19 Twp 11S Rge 22E CASSIA County

Describe the proposed diversion system

Point of diversion #2 Existing well, motor, pump, mainline to storage tank, lines from tank to dairy (irrigation well/backup dairy well)

New Well

Point of diversion #3 Existing well, motor, pump, mainline to storage tank, lines from tank to dairy (irrigation well/backup dairy well)

Place of Use: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	22E	19	X		X	X													

Place of Use: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	22E	19	X		X	X													

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

Proposed Water Right No. 45-14311

Current Water Right Owner OAK VALLEY LAND CO
 LLC
 468 S 800 W
 BURLEY, ID 83318

Priority Date: 11/24/1981

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
COMMERCIAL	01/01	12/31	1.020 CFS	133.4 AFA	Dairy
STOCKWATER	01/01	12/31	1.020 CFS	133.4 AFA	Dairy
Total Diversion			1.020 CFS	133.4 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NENENE	Sec. 19 Twp 11S Rge 22E CASSIA County
GROUND WATER	NWSWNE	Sec. 19 Twp 11S Rge 22E CASSIA County
GROUND WATER	NENENW	Sec. 19 Twp 11S Rge 22E CASSIA County

Describe the proposed diversion system

Point of diversion #2 Existing well, motor, pump, mainline to storage tank, lines from tank to dairy (irrigation well/backup dairy well)

New Well

Point of diversion #3 Existing well, motor, pump, mainline to storage tank, lines from tank to dairy (irrigation well/backup dairy well)

Place of Use: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	22E	19	X		X	X													

Place of Use: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	22E	19	X		X	X													

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

Underground diversion to Dairy facility, and state water

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

DAK Valley Land

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

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

No, ☐ If Yes, ☒

Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: Met Life Insurance Co.

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

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

N/A

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

N/A

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

Yes

☐☐☐☐

No

☒☒☒☒

undergone a period of five or more consecutive years of non-use,

currently leased to the Water Supply Bank,

currently used in a mitigation plan limiting the use of water under the right, or

currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

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

Current Water Right No. 45-14307

Current Water Right Owner
OAK VALLEY LAND CO
LLC
468 S 800 W
BURLEY, ID 83318

Priority Date: 5/21/1962

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
COMMERCIAL	01/01	12/31	0.830 CFS	201.5 AFA	Dairy
STOCKWATER	01/01	12/31	0.830 CFS	201.5 AFA	Dairy
Total Diversion			0.830 CFS	201.5 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NENENE	Sec. 19 Twp 11S Rge 22E CASSIA County
GROUND WATER	NENENW	Sec. 19 Twp 11S Rge 22E CASSIA County
GROUND WATER	NWNENE	Sec. 19 Twp 11S Rge 22E CASSIA County

Describe the proposed diversion system

Point of diversion #2 Existing well, motor, pump, mainline to storage tank, lines from tank to dairy (irrigation well/backup dairy well)

Point of diversion #3 Existing well, motor, pump, mainline to storage tank, lines from tank to dairy (irrigation well/backup dairy well)

Point of diversion #1 New well to be drilled, motor, pump, pipeline to storage tank, lines from tank to barn and corrals (main dairy well)

Point of diversion #1 New well to be drilled, motor, pump, pipeline to storage tank, lines from tank to barn and corrals (main dairy well)

Place of Use: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	22E	19	X																0.0

Place of Use: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	22E	19	X	X	X	X													0.0

Conditions/Remarks:

1. Rights 45-14307, 45-14309 and 45-14311 when combined shall not exceed a total diversion rate of 1.61 cfs, a total annual maximum diversion volume of 337.4 af.
2. Prior to diversion and use of water under Transfer approval 73736, the right holder shall install and maintain acceptable measuring devices at the authorized points of diversion, in accordance with Department specifications.
3. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.

Conditions/Remarks:

4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
7. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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.

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

Current Water Right No. 45-14309

Current Water Right Owner
OAK VALLEY LAND CO
LLC
468 S 800 W
BURLEY, ID 83318

Priority Date: 9/11/1967

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
COMMERCIAL	01/01	12/31	0.750 CFS	189.7 AFA	Dairy
STOCKWATER	01/01	12/31	0.750 CFS	189.7 AFA	Dairy
Total Diversion			0.750 CFS	189.7 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NENENE	Sec. 19 Twp 11S Rge 22E CASSIA County
GROUND WATER	NENENW	Sec. 19 Twp 11S Rge 22E CASSIA County
GROUND WATER	NWNENE	Sec. 19 Twp 11S Rge 22E CASSIA County

Describe the proposed diversion system

Point of diversion #2 Existing well, motor, pump, mainline to storage tank, lines from tank to dairy (irrigation well/backup dairy well)

Point of diversion #3 Existing well, motor, pump, mainline to storage tank, lines from tank to dairy (irrigation well/backup dairy well)

Point of diversion #1 New well to be drilled, motor, pump, pipeline to storage tank, lines from tank to barn and corrals (main dairy well)

Point of diversion #1 New well to be drilled, motor, pump, pipeline to storage tank, lines from tank to barn and corrals (main dairy well)

Place of Use: COMMERCIAL

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	22E	19	X																0.0

Place of Use: STOCKWATER

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	22E	19	X	X	X	X													0.0

Conditions/Remarks:

1. Rights 45-14307, 45-14309 and 45-14311 when combined shall not exceed a total diversion rate of 1.61 cfs, a total annual maximum diversion volume of 337.4 af.
2. Prior to diversion and use of water under Transfer approval 73736, the right holder shall install and maintain acceptable measuring devices at the authorized points of diversion, in accordance with Department specifications.
3. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.

Conditions/Remarks:

4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
7. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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.

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

Current Water Right No. 45-14311

Current Water Right Owner
OAK VALLEY LAND CO
LLC
468 S 800 W
BURLEY, ID 83318

Priority Date: 11/24/1981

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
COMMERCIAL	01/01	12/31	1.020 CFS	133.4 AFA	Dairy
STOCKWATER	01/01	12/31	1.020 CFS	133.4 AFA	Dairy
Total Diversion			1.020 CFS	133.4 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NENENE	Sec. 19 Twp 11S Rge 22E CASSIA County
GROUND WATER	NENENW	Sec. 19 Twp 11S Rge 22E CASSIA County
GROUND WATER	NWNENE	Sec. 19 Twp 11S Rge 22E CASSIA County

Describe the proposed diversion system

Point of diversion #2 Existing well, motor, pump, mainline to storage tank, lines from tank to dairy (irrigation well/backup dairy well)

Point of diversion #3 Existing well, motor, pump, mainline to storage tank, lines from tank to dairy (irrigation well/backup dairy well)

Point of diversion #1 New well to be drilled, motor, pump, pipeline to storage tank, lines from tank to barn and corrals (main dairy well)

Point of diversion #1 New well to be drilled, motor, pump, pipeline to storage tank, lines from tank to barn and corrals (main dairy well)

Place of Use: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	22E	19				X													0.0

Place of Use: STOCKWATER

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	22E	19	X	X	X	X													0.0

Conditions/Remarks:

1. Rights 45-14307, 45-14309 and 45-14311 when combined shall not exceed a total diversion rate of 1.61 cfs, a total annual maximum diversion volume of 337.4 af.
2. Prior to diversion and use of water under Transfer approval 73736, the right holder shall install and maintain acceptable measuring devices at the authorized points of diversion, in accordance with Department specifications.
3. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

Conditions/Remarks:

4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
7. The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. 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.

☐ 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 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**.

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

[illegible]

Transfer Contains 14 pages and attachments.
Received By JR Date 8/30/15 Prelim. Check By Date
Fee Paid \$ 1160.00 Date 8/6/15 Received By Dm Receipt # 5034949
Add'l Fee Paid Date Received By Receipt #

No. W 39598	Due no later than May 31, 2015 Annual Report Form		2. Registered Agent and Address (NO PO BOX)	
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. OAK VALLEY LAND COMPANY, L.L.C. MIKE AARDEMA 468 SOUTH 800 WEST BURLEY ID 83318		MIKE AARDEMA 4109 HIDDEN LAKES DR KIMBERLY 83341	
			3. <u>New</u> Registered Agent Signature:*	
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.				
Office Held	Name	Street or PO Address	City	State
MEMBER	MIKE AARDEMA	4109 HIDDEN LAKES DR	KIMBERLY	ID
Country	Postal Code	USA	83341	
5. Organized Under the Laws of: ID W 39598		6. Annual Report must be signed.* Signature: LAURA J EDWARDS Name (type or print): LAURA J EDWARDS Date: 03/23/2015 Title: CFO		
Processed 03/23/2015		* Electronically provided signatures are accepted as original signatures.		

TRANSFER 80315

305279

1754(2)

TTL#53343 / LTR#40754

TitleFact, Inc.
163 Fourth Avenue North
P O Box 486
Twin Falls, Idaho 83303

**** SPACE ABOVE FOR RECORDER ****

WARRANTY DEED

FOR VALUE RECEIVED MICHAEL D. AARDEMA, a married man dealing with his sole and separate property, hereinafter called the grantor, hereby grants, bargains, sells and conveys unto OAK VALLEY LAND COMPANY, L.L.C., an Idaho Limited Liability Company, hereinafter called grantee, whose address is: 1989 Tamarack Loop, Twin Falls, Idaho 83301, the following described premises, in Cassia County, Idaho, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: November 8, 2005

Michael D. Ardema
MICHAEL D. AARDEMA

STATE OF IDAHO
County of Twin Falls

On this 10TH day of November, 2005, before me, a Notary Public in and for said State, personally appeared MICHAEL D. AARDEMA, known or identified to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year first above written.

Kathy C. Easterday
Notary Public for Idaho
Residing at ELER
Commission expires: 1-29-07

KATHY C. EASTERDAY
NOTARY PUBLIC
STATE OF IDAHO

TRANSFER 80315

EXHIBIT "A"

PARCEL NO. 1:

Township 11 South, Range 21 East of the Boise Meridian, Cassia County, Idaho

Section 13: ALL

EXCEPT the NE $\frac{1}{4}$ NE $\frac{1}{4}$

ALSO EXCEPT part of the SW $\frac{1}{4}$ NW and part of NW $\frac{1}{4}$ SW $\frac{1}{4}$ more particularly described as follows:

BEGINNING at the West quarter corner of said Section 13;

THENCE North 0°16'00" West for 190 feet to a point;

THENCE East for 545 feet to a point;

THENCE South 62°00' East for 503 feet to a point;

THENCE South 61°30' West for 639.6 feet to a point;

THENCE West for 427 feet, more or less, to a point on the West section line of said Section 13;

THENCE North 0°16'00" West for 355 feet to the POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM the following described tract:

BEGINNING at the Northwest corner of said Section 13, said corner marked by a $\frac{1}{4}$ -inch rebar which shall be the POINT OF BEGINNING;

THENCE South 89°58'45" East along the North line of Section 13 for a distance of 1531.21 feet;

THENCE South 89°05'08" West for a distance of 1531.33 feet to the West line of Section 13;

THENCE North 00°10'19" West along the West line of Section 13 for a distance of 25.00 feet to the POINT OF BEGINNING.

Township 11 South, Range 21 East of the Boise Meridian, Cassia County, Idaho

Section 14: ALL

EXCEPTING THEREFROM the following described tract:

BEGINNING at the Northeast corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 14;

THENCE South 0°16'00" East along section line for 692.66 feet to a point which shall be the TRUE POINT OF BEGINNING;

THENCE South 0°16'00" East along section line for 357.34 feet to a point;

THENCE Westerly parallel with the North line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ for 400.00 feet to a point;

THENCE North 0°16'00" West for 357.34 feet to a point;

THENCE Easterly parallel with the North line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ for 400.00 feet to the TRUE POINT OF BEGINNING.

Section 15: E $\frac{1}{4}$

Section 23: E $\frac{1}{4}$

Section 24: W $\frac{1}{4}$; W $\frac{1}{4}$ E $\frac{1}{4}$; NE $\frac{1}{4}$ NE $\frac{1}{4}$

Section 24: Part of the E $\frac{1}{4}$ SE $\frac{1}{4}$ described as follows:

BEGINNING at the Southwest corner of the E $\frac{1}{4}$ SE $\frac{1}{4}$

THENCE running East along the South boundary of said E $\frac{1}{4}$ SE $\frac{1}{4}$, 660 feet;

THENCE running Northwesterly to the Southwest corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$;

THENCE running South along the West boundary of said E $\frac{1}{4}$ SE $\frac{1}{4}$ to the Southwest corner of said E $\frac{1}{4}$ SE $\frac{1}{4}$ to the POINT OF BEGINNING.

PARCEL NO. 1A:

An easement for a buried PVC irrigation pipeline for the benefit of Section 24, Township 11 South, Range 21 East of the Boise Meridian as created by Agreement and Grant of Easement for an Irrigation Pipeline by and between Glen E. Larson and Carol Larson, husband and wife, Grantor, and Glen R. Kunau and Dona Kunau, husband and wife, water user, dated March 27, 1996, and recorded April 12, 1996, as Instrument No. 242187, on Film No. 275, records of Cassia County, Idaho, across the following described Parcel:

Township 11 South, Range 22 East of the Boise Meridian, Cassia County, Idaho

Section 18: Part of the SW $\frac{1}{4}$, described as follows:

BEGINNING at a point on section line 1532.64 feet North 0°14' West from the Southwest corner of said

Section 18, which shall be the TRUE POINT OF BEGINNING;

THENCE North 0°14' West along section line for 1121.88 feet to a point;

THENCE North 89°46' East for 2704.02 feet to a point;

THENCE South 45°18' West for 1603.37 feet to a point;

THENCE South 89°45' West for 1560.91 feet to the TRUE POINT OF BEGINNING.

PARCEL NO. 2:

Township 11 South, Range 22 East of the Boise Meridian, Cassia County, Idaho
Section 18: A parcel beginning at a point on section line 1560.91 feet North 89°45' East from the Southwest corner of said Section 18, which shall be the TRUE POINT OF BEGINNING;
THENCE North 0°14' West for 1532.64 feet to a point;
THENCE North 45°18' East for 1603.37 feet to a point;
THENCE South 0°10' East for 2655.5 feet to a point on section line;
THENCE South 89°45' West along section line for 1141.13 feet to the TRUE POINT OF BEGINNING.

LESS the following described tract:

Part of the SE¼SW¼ described as follows:

BEGINNING at the Southwest corner of said Section 18;
THENCE North 89°45' East for 1560.91 to the TRUE POINT OF BEGINNING;
THENCE North 0°14' West for 1532.64 feet to a point;
THENCE North 45°13' East for 616.2 feet to a point;
THENCE South 0°10' East for 1953 feet, more or less, to a point on the South section line of said Section 18;
THENCE South 89°45' West for 450 feet to the TRUE POINT OF BEGINNING.

PARCEL NO. 3:

Township 11 South, Range 22 East of the Boise Meridian, Cassia County, Idaho
Section 17: S½
Section 20: E½, NW¼
Section 18: SE¼

PARCEL NO. 4:

Township 11 South, Range 21 East of the Boise Meridian, Cassia County, Idaho
Section 23: W¼
Section 22: E½, EXCEPTING THEREFROM, the following described tract:
COMMENCING at the Northwest corner of said E½;
THENCE East 100 feet along the North boundary line to a point;
THENCE Southwesterly 141.2 feet, more or less, to a point which is 100 feet South from the Northwest corner;
THENCE North along the West boundary line 100 feet to the POINT OF BEGINNING.

PARCEL NO. 5:

Township 11 South, Range 21 East of the Boise Meridian, Cassia County, Idaho
Section 22: W¼ and a parcel in the Northwest corner of the E½ of said Section 22, described as follows:
COMMENCING at the Northwest corner of said E½;
THENCE East 100 feet along the North boundary line to a point;
THENCE Southwesterly 141.2 feet, more or less, to a point which is 100 feet South from the Northwest corner;
THENCE North along the West boundary line 100 feet to the POINT OF BEGINNING.

PARCEL NO. 6:

Township 11 South, Range 21 East of the Boise Meridian, Cassia County, Idaho
Section 13: Part of the SW¼NW¼ and part of NW¼SW¼, more particularly described as follows:
BEGINNING at the West quarter corner of said Section 13;
THENCE North 0°16'00" West for 190 feet to a point;
THENCE East for 545 feet to a point;
THENCE South 62°00' East for 503 feet to a point;
THENCE South 61°30' West for 639.6 feet to a point;
THENCE West for 427 feet, more or less, to a point on the West section line of said Section 13;
THENCE North 0°16'00" West for 355 feet to the POINT OF BEGINNING.

PARCEL NO. 7:

Township 11 South, Range 21 East of the Boise Meridian, Cassia County, Idaho

Section 14: Part of the NE $\frac{1}{4}$ SE $\frac{1}{4}$, more particularly as follows:

BEGINNING at the Northeast corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 14;

THENCE South 0°16'00" East along section line for 692.66 feet to a point which shall be the TRUE POINT OF BEGINNING;

THENCE South 8°16'00" East along section line for 357.34 feet to a point;

THENCE Westerly parallel with the North line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ for 400.00 feet to a point;

THENCE North 0°16'00" West for 357.34 feet to a point;

THENCE Easterly parallel with the North line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ for 400.00 feet to the TRUE POINT OF BEGINNING.

PARCEL NO. 8:

Township 11 South, Range 22 East of the Boise Meridian, Cassia County, Idaho

Section 18: Part of the SW $\frac{1}{4}$ more particularly described as follows:

BEGINNING at the Southwest corner of said Section 18 which shall be the TRUE POINT OF BEGINNING;

THENCE North 0°14' West along section line for 1532.64 feet to a point;

THENCE North 89°54' East for 1560.91 feet to a point;

THENCE South 0°14' East for 1532.64 feet to a point on section line;

THENCE South 89°45' West along section line for 1560.91 feet to the TRUE POINT OF BEGINNING.

PARCEL NO. 9:

Township 11 South, Range 22 East of the Boise Meridian, Cassia County, Idaho

Section 19: Part of the N $\frac{1}{2}$ more particularly described as follows:

BEGINNING at the North quarter section corner of said Section 19, said corner marked by a $\frac{1}{2}$ -inch rebar;

THENCE South 89°45'45" West along the North line of Section 19 for a distance of 235.52 feet to a $\frac{1}{2}$ inch rebar which shall be the POINT OF BEGINNING;

THENCE South 57°18'10" West for a distance of 246.13 feet to a $\frac{1}{2}$ inch rebar;

THENCE South 03°09'35" West for a distance of 62.62 feet to a $\frac{1}{2}$ inch rebar;

THENCE South 63°05'13" West for a distance of 75.18 feet to a $\frac{1}{2}$ inch rebar;

THENCE North 75°54'21" West for a distance of 500.89 feet to a $\frac{1}{2}$ inch rebar;

THENCE North 00°35'32" West for a distance of 104.37 feet to a $\frac{1}{2}$ inch rebar on the North line of Section 19;

THENCE North 89°45'45" East along the North line of Section 19 for a distance of 764.51 feet to the POINT OF BEGINNING.

PARCEL NO. 10:

Township 11 South, Range 22 East of the Boise Meridian, Cassia County, Idaho

Section 18: Part of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ more particularly described as follows:

BEGINNING at the Southwest corner of said Section 18;

THENCE North 89°45' East for 1560.91 feet to the TRUE POINT OF BEGINNING;

THENCE North 0°14' West for 1532.64 feet to a point;

THENCE North 45°13' East for 616.2 feet to a point;

THENCE South 0°10' East for 1953 feet, more or less, to a point on the South Section line of said Section 18;

THENCE South 89°45' West for 450 feet, more or less, to the TRUE POINT OF BEGINNING.

Data and Deed Call Listing of File:

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009=/SE,SE,SE,13,11S,21E	069=@0 w,e,24,11s,21e	129=/SE,SE,SE,18,11S,22E
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012=S00W 2640.00	072=/N90W 1320.00	132=S00W 2640.00
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Data and Deed Call Listing of File:

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180=s0.10e 1953

181=s89.45w 450

Agricultural Investments
10801 Mastin Blvd., Suite 120
Overland Park, KS 66210

RECEIVED

AUG 28 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

MetLife

Idaho Department of Water Resources
Southern Regional Office
650 Addison Ave W. Suite 500
Twin Falls, ID 83301-5858

Jake Espenmiller
Regional Director
Central Regional Office

(913) 661-2233
(913) 661-2267 FAX
(515) 210-8696 CELL
jespenmiller@metlife.com
www.metlife.com/ag

Re Metropolitan Life Insurance Company ("MetLife") Loan 197438, 197439 and 197834 – Oak Valley Dairy, LLC and Oak Valley Land Company, LLC (the "Borrowers") Cassia County, Idaho

Application for Transfer of Water Right No. 45-13924, 45-13926, 45-13928, 45-13930, 45-13932, 45-13934, 45-13936, 45-13938, 45-14167, 45-14169, 45-14306, 45-14308, 45-14310, 45-14307, 45-14309, 45-14311, 45-13941, 45-13943, and 45-13945

Dear Sir or Madam:

MetLife holds a security interest in water right numbers 45-13924, 45-13926, 45-13928, 45-13930, 45-13932, 45-13934, 45-13936, 45-13938, 45-14167, 45-14169, 45-14306, 45-14308, 45-14310, 45-14307, 45-14309, 45-14311, 45-13941, 45-13943, and 45-13945 (the "Water Rights") and has been asked to consent to permit the changing of the point of use and the addition of a point of diversion, as described in the Application for Transfer of Water Rights.

This letter serves as written acknowledgment and consent to the Application for Transfer of Water Rights as fully described in the unsigned State of Idaho Department of Water Resources Application for Transfer of Water Rights Transfer ("Applications") (as attached).

Consent is subject to receipt and acceptance by MetLife legal counsel of the signed Applications

ORIGINAL

TRANSFER 80315

**METROPOLITAN LIFE INSURANCE
COMPANY**

By: John C. Espenmiller
Name: John C. Espenmiller
Its: Director

August 24th, 2015

Encl.
JCE/kpk

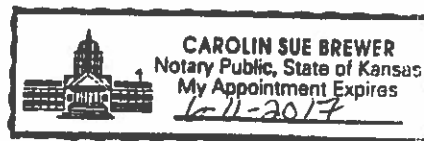
STATE OF Kansas)
) ss.
COUNTY OF Johnson

Before me, a Notary Public in and for said County and State, personally appeared John C. Espenmiller, the Director of Metropolitan Life Insurance Company, and acknowledged the execution of the foregoing instrument on behalf of said holders, and who, has been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 24th day of August, 2015.

Carol Sue Brewer
(Notary Public)

My Commission Expires: 6-11-2017



Copies to: Clear Creek Land and Management

Agricultural Investments
10801 Mastin Blvd., Suite 120
Overland Park, KS 66210

E-mail:
RECEIVED

AUG 24 2015

DEPT OF WATER RESOURCES
SOUTHERN REGION

MetLife

Idaho Department of Water Resources
Southern Regional Office
650 Addison Ave W. Suite 500
Twin Falls, ID 83301-5858

Jake Espenmiller
Regional Director
Central Regional Office

(913) 661-2233
(913) 661-2267 FAX
(515) 210-8696 CELL
jespenmiller@metlife.com
www.metlife.com/ag

Re Metropolitan Life Insurance Company ("MetLife") Loan 197438, 197439 and 197834 – Oak Valley Dairy, LLC and Oak Valley Land Company, LLC (the "Borrowers") Cassia County, Idaho

Application for Transfer of Water Right No. 45-13924, 45-13926, 45-13928, 45-13930, 45-13932, 45-13934, 45-13936, 45-13938, 45-14167, 45-14169, 45-14306, 45-14308, 45-14310, 45-14307, 45-14309, 45-14311, 45-13941, 45-13943, and 45-13945

Dear Sir or Madam:

MetLife holds a security interest in water right numbers 45-13924, 45-13926, 45-13928, 45-13930, 45-13932, 45-13934, 45-13936, 45-13938, 45-14167, 45-14169, 45-14306, 45-14308, 45-14310, 45-14307, 45-14309, 45-14311, 45-13941, 45-13943, and 45-13945 (the "Water Rights") and has been asked to consent to permit the changing of the point of use and the addition of a point of diversion, as described in the Application for Transfer of Water Rights.

This letter serves as written acknowledgment and consent to the Application for Transfer of Water Rights as fully described in the unsigned State of Idaho Department of Water Resources Application for Transfer of Water Rights Transfer ("Applications") (as attached).

Consent is subject to receipt and acceptance by MetLife legal counsel of the signed Applications

TRANSFER 80315

**METROPOLITAN LIFE INSURANCE
COMPANY**

By: John C. Espenmiller
Name: John C. Espenmiller
Its: Director

August 24th, 2015

Encl.
JCE/kpk

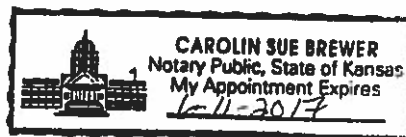
STATE OF Kansas)
) ss.
COUNTY OF Johnson)

Before me, a Notary Public in and for said County and State, personally appeared John C. Espenmiller, the Director of Metropolitan Life Insurance Company, and acknowledged the execution of the foregoing instrument on behalf of said holders, and who, has been duly sworn, stated that the representations therein contained are true.

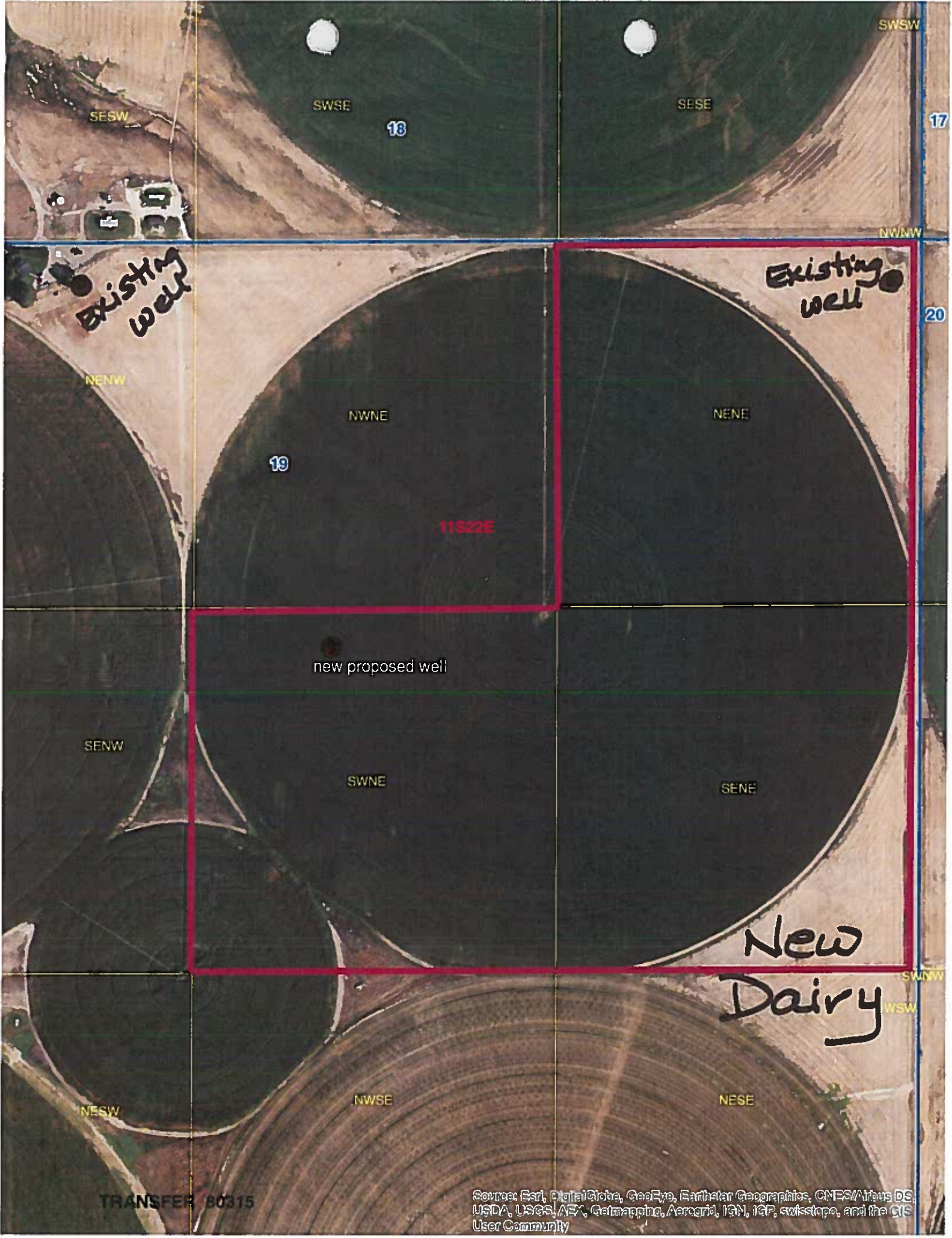
Witness my hand and Notarial Seal this 24th day of August, 2015.

Carol Sue Brewer
(Notary Public)

My Commission Expires: 6-11-2017



Copies to: Clear Creek Land and Management



TRANSFER 80315

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, IGP, swisstopo, and the GIS User Community

Maline, Denise

From: Maline, Denise
Sent: Friday, August 28, 2015 1:34 PM
To: 'Brian Higgs'
Subject: Comment letters for 80291, 80315, 80316 - Oak Valley Land Co
Attachments: Comment Letter to WM140 for 80291, 80315, 80316.docx; Transfer 80291.pdf; Transfer 80315.pdf; Transfer 80316.pdf

Brian,

Attached is a cover letter, recommendation forms and copies of applications for transfer 80291, 80315 & 80316 all in the name of Oak Valley Land Co.

Please review the information and provide any necessary comments within 21 days. Please feel free to contact our office if you have any questions regarding this information.

Thank you in advance,

Denise @ IDWR



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 28, 2015

BRIAN HIGGS
WATER DISTRICT #140
355 W 500 S
BURLEY, ID 83318

Via e-mail

RE: Transfer No. 80315
Water Right No(s). 45-14307, 45-14309, 45-14311

RE: Transfer No. 80291
Water Right No(s): 45-13924, 45-13926, 45-13928, 45-13930, 45-13932, 45-13934,
45-13936, 45-13938, 45-14167, 45-14169, 45-14306, 45-14308,
45-14310

RE: Transfer No. 80316
Water Right No(s): 45-13941, 45-13943, 45-13945

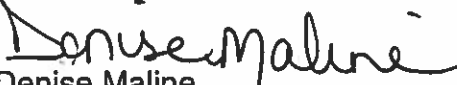
Dear Mr. Higgs:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,


Denise Maline
Administrative Assistant

Enclosure(s)



State of Idaho

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 27, 2015

OAK VALLEY LAND CO LLC
468 S 800 W
BURLEY, ID 83318

RE: Transfer No. 80315
Water Right No(s). 45-14307, 45-14309, 45-14311

RE: Transfer No. 80291
Water Right No(s): 45-13924, 45-13926, 45-13928, 45-13930, 45-13932, 45-13934, 45-13936,
45-13938, 45-14167, 45-14169, 45-14306, 45-14308, 45-14310

RE: Transfer No. 80316
Water Right No(s): 45-13941, 45-13943, 45-13945

Dear Applicant(s):

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

A legal notice of application number 80315 has been prepared and is scheduled for publication in the **TIMES NEWS on 9/3/2015 and 9/10/2015**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**September 21, 2015**).

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

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

The department is also processing application numbers 80291 and 80316 listed above; however these applications do not require legal advertisement. If these applications are approved, the Department will send you a copy of the approval documents.

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

Sincerely,

Denise Maline
Administrative Assistant



State of Idaho

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 27, 2015

METROPOLITAN LIFE INSURANCE CO
10801 MASTIN BLVD STE 930
OVERLAND PARK, KS 66210

Re: Transfer No. 80315
Water Right No(s). 45-14307, 45-14309, 45-14311

Re: Transfer No. 80291
Water Right No(s): 45-13924, 45-13926, 45-13928, 45-13930, 45-13932, 45-13934,
45-13936, 45-13938, 45-14167, 45-14169, 45-14306, 45-14308,
45-14310

Re: Transfer No. 80316
Water Right No(s): 45-13941, 45-13943, 45-13945

Dear Security Interest Holder:

The above referenced transfer applications are currently being processed by the Department. The application files can be viewed via our website at www.idwr.idaho.gov , under the *Water Right Search* tab.

Please review all of the applications, and submit any necessary comments or concerns to this office within 21 days. If the department has not received any response from you within 21 days; we will presume that you do not oppose approval of the application and that you have no comments or concerns for the department to consider.

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

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

Maline, Denise

From: Maline, Denise
Sent: Thursday, August 27, 2015 1:54 PM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News Cover Letter.docx; Times News Ad.doc

Attached please find (1) legal notice being submitted for publication on September 3rd & 10th, 2015. Please feel free to contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

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



State of Idaho

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 27, 2015

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

RE: Application For Permit No.(s): 47-17639, 47-17645

RE: Transfer No. 80315
Water Right No(s): 45-14307, 45-14309, 45-14311

RE: Transfer No. 80339
Water Right No(s): 36-13320

RE: Transfer No. 80346
Water Right No(s): 36-15159, 36-16858, 36-2016, 36-7136, 36-7163, 36-7452, 36-7453

Dear Legal Notice Department:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before September 21, 2015. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

47-17639

TWIN FALLS SCHOOL DISTRICT #411

201 MAIN AVE W

TWIN FALLS, ID 83301-6103

Point of Diversion NESESW S28 T10S R17E TWIN FALLS County Source GROUND WATER Tributary

Use: COOLING 01/01 to 12/31 0.38 CFS

Use: HEATING 01/01 to 12/31 0.38 CFS

Total Diversion: 0.38 CFS

Date Filed: 7/2/2015

Place Of Use: HEATING, COOLING

T10S R17E S28 SESW

The application seeks to appropriate 0.379 cfs of groundwater for heating and cooling uses associated with the new South Hills Middle School to be built north of East 3600 North Rd. and 0.43 miles east of Washington St. South, on the south side of Twin Falls. A new well will be drilled at the site and water will be diverted, used, and reinjected at the site.

47-17645

CITY OF TWIN FALLS

TROY VITEK

324 HANSEN ST E

TWIN FALLS, ID 83301

Point of Diversion NESW S33 T09S R17E TWIN FALLS County Source GROUND WATER Tributary

Use: INDUSTRIAL 01/01 to 12/31 0.06 CFS

Total Diversion: 0.06 CFS

Date Filed: 8/13/2015

Place Of Use: INDUSTRIAL

T09S R17E S33 NESW

Application for permit seeks to divert 0.06 cfs for Industrial use from a new well in the Snake River Canyon located 0.6 mile west and 0.4 mile north of the intersection of Blue Lakes Boulevard and Pole Line Road in Twin Falls. Water will be used for Industrial purposes in an odor control facility for the City of Twin Falls wastewater collection system and then discharged to the Snake River.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 80315

OAK VALLEY LAND CO LLC, 468 S 800 W, BURLEY, ID 83318; has filed Application No. 80315 for changes to the following water rights within CASSIA County(s): Right No(s). 45-14307, 45-14309, 45-14311. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes drilling a new well for commercial and stockwater uses at a new dairy facility located approximately 5.4 to 6.0 mi. south and 6.0 to 6.5 mi. west of the Overland and Main St. intersection in Burley. The new well and two existing wells will divert up to 1.61 cfs and 337.4 AF for uses associated with the new dairy.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 80339

WESTERN MORTGAGE & REALTY CO, PO BOX 3110, PASCO, WA 99302-3110; has filed Application No. 80339 for changes to the following water rights within MINIDOKA County(s): Right No(s). 36-13320. The purpose of the transfer is to change a portion of the above rights as follows: The application proposes adding commercial use as a beneficial use to an existing 0.11 cfs stock water right, moving the existing point of diversion to an existing well in an adjacent 40 acre tract (approximately 800 feet away), adding an existing well as a second point of diversion in the previously mentioned 40 acre tract, and changing the place of use to adjacent lands to reflect actual locations of use on property located approximately 13.5 miles north and 3.5 miles west of Rupert.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 80346**

SAND SPRINGS LP, PO BOX 8, DUNDEE, IL 60118; has filed Application No. 80346 for changes to the following water rights within GOODING County(s): Right No(s). 36-15159, 36-16858, 36-2016, 36-7136, 36-7163, 36-7452, 36-7453. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes creating a 1556.6 acre permissible place of use for a water right that allows for the diversion of 3.30 cfs from springs tributary to Sand Springs Creek, two water rights that allow for the diversion of 2.84 cfs from Sand Springs Creek, and four water rights that allow for the diversion of 10.63 cfs of groundwater. The proposed permissible place of use is located on property approximately 3.2 to 4.7 miles south and 4.9 to 7.3 miles west of the center of Wendell. The application also proposes to add the existing point of diversion from Sand Springs Creek as an authorized point of diversion for the water right that currently allows for the diversion of water from springs tributary to Sand Springs Creek. This added point of diversion is located downstream of where the springs flow into Sand Springs Creek. The application proposes using up to 16.77 cfs from the various rights/sources to irrigate up to 1,013.0 acres within the proposed 1556.6 acre permissible place of use.

Permits will be subject to all prior water rights. For additional information concerning the property locations, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. For additional information on new permits, please see www.idwr.idaho.gov/WaterManagement/WaterRights/#NewListings. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before September 21, 2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
Published on September 3rd & 10th, 2015

MEMORANDUM

Date: August 21, 2015
To: Transfer 80315 File
From: Jana Reeder
Re: Evaluation of Sufficiency of Information Submitted

Application proposes adding a new point of diversion and correcting the place of use for three existing ground water rights for a dairy operation located approximately 5.5 mi. south and 6.0 mi. west of the Overland and Main St. intersection in Burley. The transfer proposes diverting 1.61 cfs and 337.4 AFA from three wells, one new primary well to be drilled and two existing wells that will provide back-up for stockwater and commercial uses associated with a new dairy facility.

The points of diversion and the place of use are located within the ESPA, the Oakley Fan and Oakley-Kenyon CGWAs and also Water District 140 so watermaster comments will be necessary. The three wells are all located in adjacent cells and are within 1/2 mile of each other so a model analysis was not necessary.

- **Authority to File:**
The applicant is listed as the current owner of water rights 45-14307, 45-14309 and 45-14311 according to IDWR records. The application includes a warranty deed showing the applicant's ownership of the new land involved with the transfer.
- **Water Right Validity:**
Water rights 45-14307, 45-14309 and 45-14311 were decreed in 10/16/2009.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No negative impact anticipated. Transfer subject to public advertisement.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on Economy of the Local Area:**
None anticipated.
- **Effect of the Agricultural Base of the Local Area:**
None anticipated.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

MEMORANDUM

Date: August 20, 2015

To: Transfer 80315

From: Jana Reeder

Re: Fee Memo

The fee of \$580.00 is based on the flow rate of 1.61 cfs.

Reeder, Jana

5.4 - 6 mi S.
6.0 - 6.5 mi W.

From: Reeder, Jana
Sent: Wednesday, August 19, 2015 2:22 PM
To: 'Leslie Iversen'
Subject: RE: Oak Valley Land Company LLC Water Right Transfers
Attachments: 80291a.pdf; 80315.pdf; 80316.pdf

Leslie,

Here are the scanned copies of Mike's Transfers.. let me know if you need anything else.

Jana

From: Leslie Iversen [<mailto:liversen@clearcreekag.com>]
Sent: Wednesday, August 19, 2015 2:02 PM
To: Reeder, Jana
Subject: Oak Valley Land Company LLC Water Right Transfers

Jana,

I was able to locate the transfers on the IDWR website. Unfortunately they do not give me the data that MetLife requires. MetLife will need copies of the actual requests that were submitted and signed by Mr. Aardema. Can you possibly send those to me via email for Transfer #80315, 80316 and 80291? I have the scope of the why's but will need these transfer papers to submit and get an approval from MetLife.

Thanks so much!

Leslie Iversen

Clear Creek Land & Mortgage
409 Shoshone Street S, Suite 25
PO Box 1598 (mailing)
Twin Falls, Idaho 83303
208.734.6622 phone
208.734.0745 fax
liversen@clearcreekag.com

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