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DEC 09 2014

DEPT OF WATER RESOURCES
SOUTHERN REGION

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DEC / 9 2014

DEPT OF WATER RESOURCES
SOUTHERN REGION

WITHDRAWAL

OF

APPLICATION FOR TRANSFER OF WATER RIGHT(S)

I/We, Antelope Springs Ranch and _____ ,
(Applicant's Printed Name) (Applicant's Printed Name)

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

hereby withdraw our Application for Transfer No. 79484 of Water Right

No(s). 47-16828

Signed this 9th day of December, 20 14.

Jared Brackett
1080 Three Creek Rd
Rogerson, ID 83302

 Partner Antelope Springs Ranch
(Signature/Title of Applicant)

(Signature/Title of Applicant)

(Signature/Title of Applicant)

(Signature/Title of Applicant)

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Rev 07/13

AUG 04 2014

DEPT OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 79484

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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

Name of Applicant(s) Antelope Springs Ranch

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 applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).**
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☒ ☐ #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 Other. Please describe: _____

Page 1 of Transfer No. 79484

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Antelope Springs Ranch Phone _____

Mailing address 1080 Three Creek Road Rogerson, Idaho 83302 Email _____

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

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

☐ No Representative

Name of Representative Greg Sullivan Brockway Engineering, PLLC Phone 208-736-8543

Mailing address 2016 North Washington St. Suite 4 Twin Falls, Idaho 83301 Email greg.sullivan@brockwayeng.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

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


Signature of Applicant or Authorized Representative

Marc Brockett
Print Name and Title if applicable

8-4-14
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

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

Transfer 21.0 acre feet annual of irrigation water to a dairy facility for stock and commercial water use. Existing wells are on the dairy facility and will be utilized in pumping the 21.0 afa to be transferred.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	47-16828	0.07/12.9	Stock/Commercial	1/01 to 12/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 1.39 cfs and/or 437.5 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.07 cubic feet per second and/or 12.9 acre-feet per annum.

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 #
			NW	SW	26	10S	14E	Twin Falls	Ground Water	
			NW	SW	26	10S	14E	Twin Falls	Ground Water	

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

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

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	14E	26										S,C							
Total Acres (for irrigation use)																			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

5. General Information:

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

Existing wells and diversion system.

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

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: Northwest Farm Credit Services

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:

The land currently covered by the 9.8 acres has been dried up because the 9.8 acres has been leased to the Water Supply Bank. No irrigation will occur on the 9.8 acres from ground water.

- e. 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:

47-7663F and 47-14200

- 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:

Page _____ of _____

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

Current Water Right No.: 47-16828

Current Owner: ANTELOPE SPRINGS RANCH
Priority Date: 10/22/1964
Origin: Water Right
Status: Water Supply Bank Active
Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	1.39 CFS	437.5 AF
	<u>Total Diversion</u>	1.39 CFS	437.5 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4NE1/4	Sec. 2,	Twp 15S,	Rge 14E B.M.
TWIN FALLS County				
GROUND WATER	SW1/4NE1/4SE1/4	Sec. 35,	Twp 14S,	Rge 14E B.M.
TWIN FALLS County				
(Rediversion)				

Place of Use

IRRIGATION Within TWIN FALLS County

T14S R14E S35	SWNE	17.00	T14S R14E S35	SENE	34.00
T14S R14E S35	NESE	26.00	T14S R14E S35	NWSE	36.00
T14S R14E S35	SWSE	12.00			

Total Acres: 125

Conditions of Approval:

1. 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.

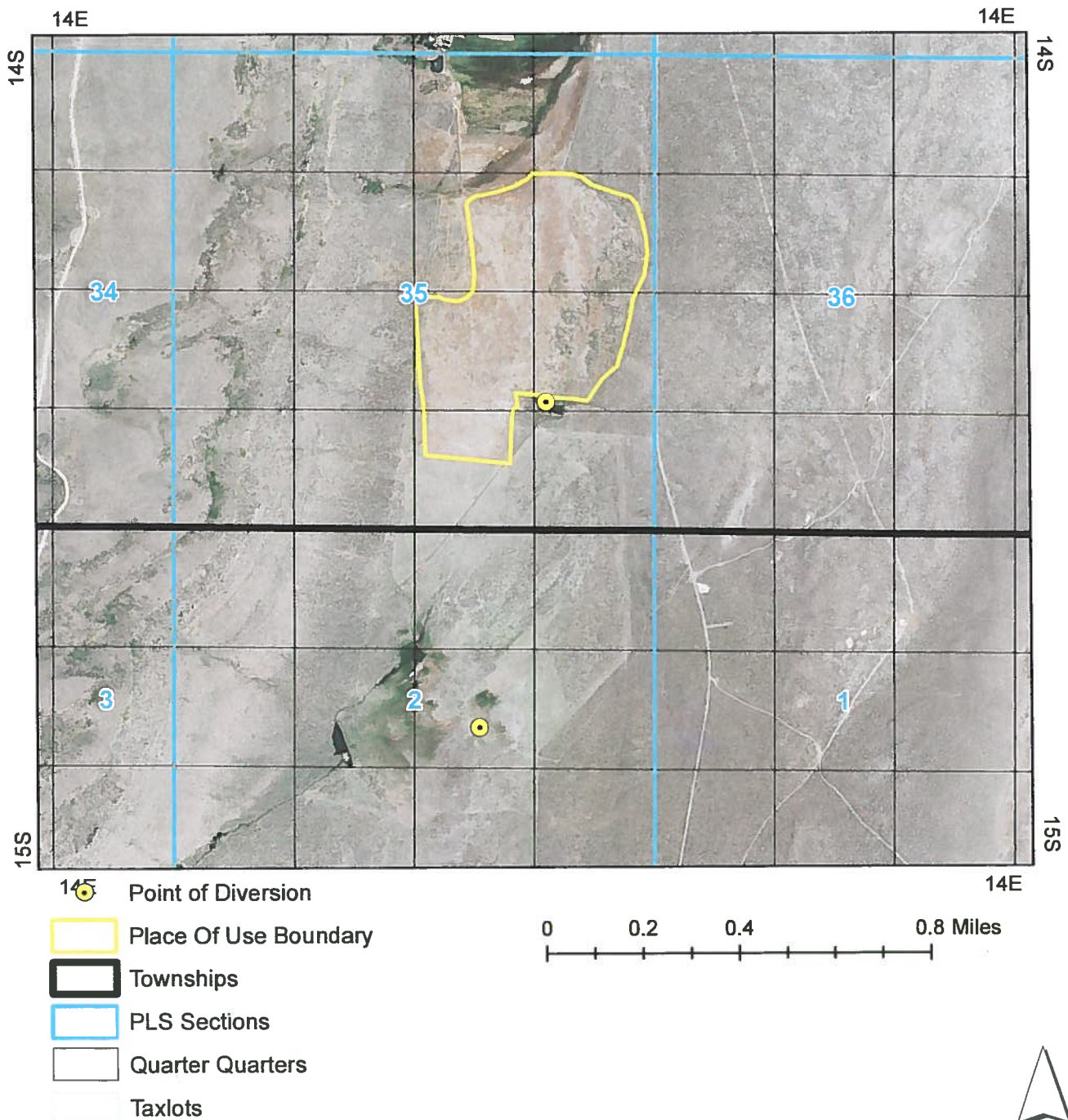
Decreed Date: 6/1/2010

State of Idaho
Department of Water Resources

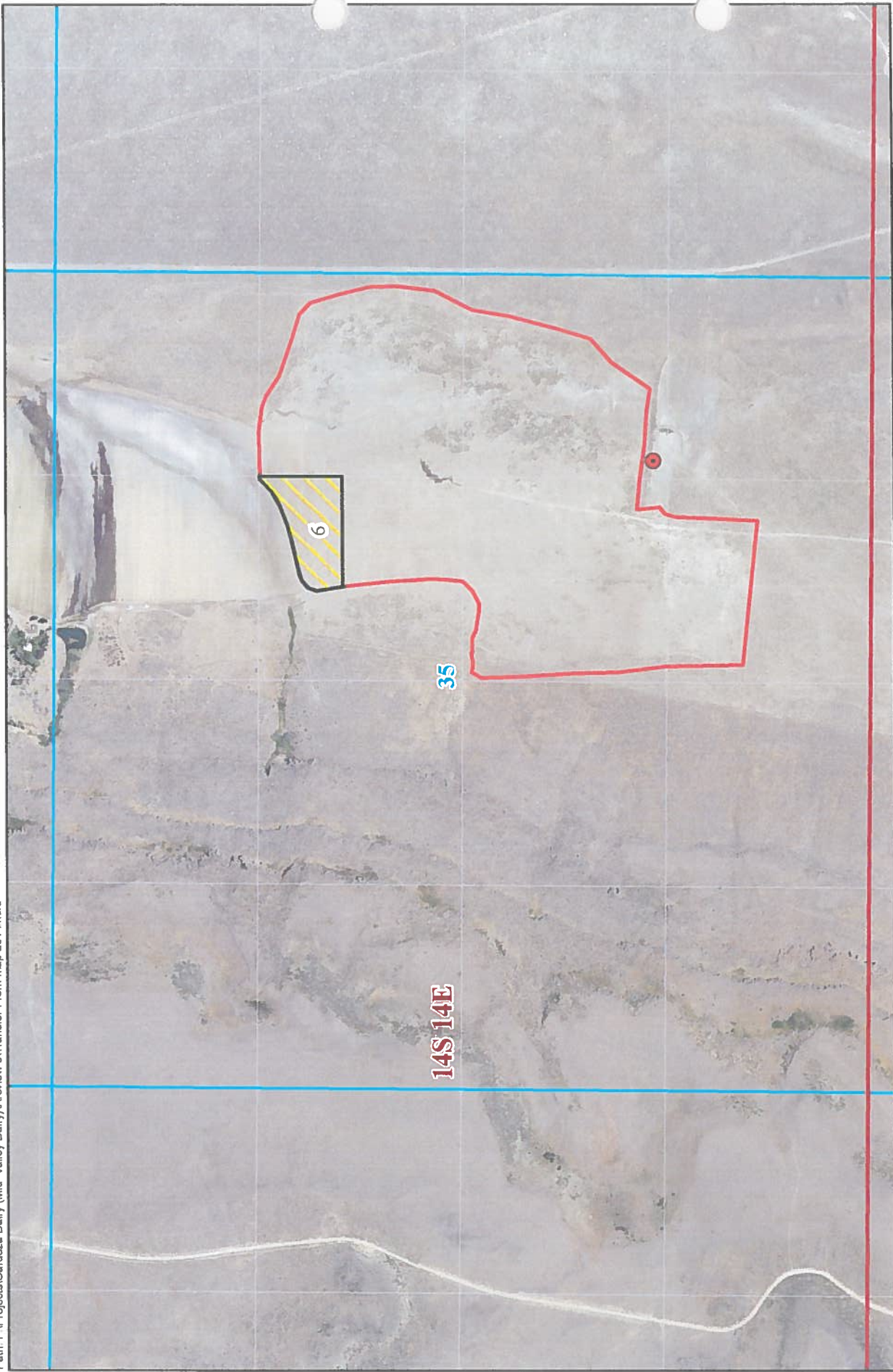
Water Right
47-16828

IRRIGATION

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



TRANSFER 79484



Legend

- WR_POD_47-16828
- Acres Transferring Off
- WR_POU_47-16828
- Township
- Sections
- QQ lines

**MID VALLEY DAIRY
TRANSFER (FROM) MAP
NAIP 2013 AERIAL**



0 250 500 1,000 Feet

**MID VALLEY DAIRY
TRANSFER MAP (TO LOCATION)
NAIP 2013 AERIAL**

Legend

- Points_of_Diversion
- Place of Use
- Township
- Sections
- QQ lines

TRANSFER 79484

CONTRACT OF AGREEMENT

To Whom It May Concern,

Antelope Spring Ranch is the current owner of water right 47-16828 and will provide a discharge rate of 0.07 cubic feet per second and an annual volume of 12.9 acre feet to a dairy facility owned by Mid-Valley Dairy, LLC. This water will be beneficially used as stock and commercial water on a dairy facility south of Buhl, Idaho. The dairy facility is located at Township 10 South Range 14 East Section 26 NWSW.

The ownership of the 0.07 cfs and 12.9 acre feet of stock and commercial water will be retained by Antelope Springs Ranch.

Antelope Springs Ranch:

Mike Smith
Name

Partner
Title

Date: *8-4-14*

Mid-Valley Dairy, LLC:

Steve Smith
Name

Partner/owner Mid Valley Dairy
Title

Date: *8-4-14*



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AUG 07 2014

August 6, 2014

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

Re: Antelope Springs Ranch #47-16828

To Whom it May Concern:

Northwest Farm Credit Services has a first lien position on the water right noted above. I understand that the owners have applied with IDWR to sell and transfer 0.07 cfs or 12.0 acre feet of that water right. The release of that portion of the water right from our collateral has been approved. Therefore, we have no objections to the transfer. We will remain lien-holder on the remaining water under #47-16828.

If I can answer any questions or concerns, feel free to give me a call.

Sincerely,

A handwritten signature in cursive script that reads "Bill Lickley".

Bill Lickley
Relationship Manager
(208)732-1033

TRANSFER 79484

TRANSFER 79484

Northwest Farm Credit Services, ACA, PCA, FLCA



CERTIFICATE OF ASSUMED BUSINESS NAME

Pursuant to Section 53-504, Idaho Code, the undersigned submits for filing a certificate of Assumed Business Name.

Please type or print legibly.

NOTE: See instructions on reverse before filing.

FILED EFFECTIVE

2003 FEB 26 PM 2:11

SECRETARY OF STATE
STATE OF IDAHO

1. The assumed business name which the undersigned use(s) in the transaction of business is:

Antelope Springs Ranch

2. The true name(s) and business address(es) of the entity or individual(s) doing business under the assumed business name:

Name

Complete Address

Marc Brackett

Antelope Springs, Rogerson, ID 83302

Jared Brackett

HC62 Box 550 Wells, NV. 89835

3. The general type of business transacted under the assumed business name is:

- | | |
|--|--|
| ☐ Retail Trade | ☐ Transportation and Public Utilities |
| ☐ Wholesale Trade | ☐ Construction |
| ☐ Services | ☒ Agriculture |
| ☐ Manufacturing | ☐ Mining |
| ☐ Finance, Insurance, and Real Estate | |

Submit Certificate of
Assumed Business
Name and \$20.00 fee to:

Secretary of State
700 West Jefferson
Basement West
PO Box 83720
Boise ID 83720-0080
208 334-2301

4. The name and address to which future correspondence should be addressed:

Marc Brackett

Antelope Springs Ranch

Rogerson, ID 83302

5. Name and address for this acknowledgment copy is (if other than # 4 above):

Washington Mutual Business Bank

PO Box 5379

Twin Falls, ID 83303

Phone number (optional):

Signature: _____

(signature required)

Printed Name: _____

Capacity/Title: _____

(see instruction # 8 on back of form)

Secretary of State use only

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Revised 09/2002

IDAHO SECRETARY OF STATE
02/26/2003 05:00
CK: 757845832 CT: 72853 BH: 665238
1 @ 20.00 = 20.00 ASSUM NAME # 2

TRANSFER 79484

D 62899

No. W 62987	Due no later than May 31, 2014 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. MID-VALLEY DAIRY, LLC EDIE NUNES 3650 N 1300 E BUHL ID 83316 USA		JOHN CARDOZO 3650 N 1300 E BUHL ID 83316			
			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	Country	Postal Code
MEMBER	JOHN CARDOZO	3650 N 1300 E	BUHL	ID	USA	83316
MEMBER	ELVIRA CARDOZO	3650 N 1300 E	BUHL	ID	USA	83316
MEMBER	LUIS NUNES	3650 N 1300 E	BUHL	ID	USA	83316
MEMBER	STEVE NUNES	3650 N 1300 E	BUHL	ID	USA	83316
5. Organized Under the Laws of: ID W 62987		6. Annual Report must be signed.* Signature: Edie Nunes Name (type or print): Edie Nunes Date: 04/13/2014 Title: Cfo				
Processed 04/13/2014		* Electronically provided signatures are accepted as original signatures.				

TRANSFER 79484

Mid Valley Dairy

Irrigation to Stock and Commercial Water Transfer Calculations

Current **0.00 AFA**
 Demand **12.91 AFA**
 Total Demand Plus % **12.91 AFA** **0%**
 Additional Water Needed **12.91 AFA**

Total Acres

125

Three Creek precipitation deficit for frequently cute alfalfa

CFS

1.39

656 mm

AFA

437.5

3.5 AFA/acre

2.15 ft/season

Acres sold/ Transferring

6.0

269.0 AFA

0.0480 %

12.9 AFA

Water Right

Amount

cfs

AFA

Acre Limit

cfs

Transfer Amount
 Consumptive Allowed Irrigation

AFA

Remaining Amount
 cfs AFA

47-16828

1.39

437.5

125

125

0.07

12.91

21.00

1.32

416.50

Total

1.39

437.5

125

125

0.07

12.91

1.32

416.50

125 acres

6.0 acres

119.0 acres

TRANSFER 79484

Existing Water Rights

AFA

47-7663F

35.4

47-14200

4.2

New Water Rights

47-16828

12.91

Total S/C Water

52.5

Agreement for Sale of Water Right

Date: 5-29-2014

Buyer: Mid Valley Dairy

Seller: Antelope Springs

Buyer to purchase from IDWR Right #47-16828 is 0.07 cfs, 21.0 acre feet annually and 6.0 acres of irrigation water.

The price shall be [REDACTED] cash at time of closing. Closing shall be no later than July 30, 2014 or upon written approval of IDWR and IDWR water bank. Buyer and seller will agree to extension if necessary to allow IDWR approval.

Ownership of the water right shall be transferred by quit claim deed at closing.

Upon closing, the water shall be transferred to buyers. IDWR will give a new water right number.

Details of the sale shall be completed by Brockway Engineering at Sellers expense.

Upon signing this agreement, Buyers shall deposit [REDACTED] earnest money into the Robert Jones Realty, Inc. trust account. If IDWR does not approve transfer & sale, then buyer's earnest money shall be returned to buyers.

Acceptance of terms:

Steve Munn 6-17-14
Buyer Dated

Mark Smith 6-11-14
Seller Dated

Buyer Dated

[Signature] 6-13-14
Seller Dated

[Close](#)

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

3/4/2014

WATER RIGHT NO. 47-7663F

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MID VALLEY FARM LLC 3650 N 1300 E BUHL, ID 83316 (208)543-8343
Directors Report Owner	JOHN W CARDOZO 3650 N 1300 E BUHL, ID 83316 (208)543-8343
Original Owner	BRUCE C KUNKEL 1645 N 2500 E TWIN FALLS, ID 83301 (208)655-4275

Priority Date: 08/21/1980

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	1/01	12/31	0.24 CFS	35.4 AFA
COMMERCIAL	1/01	12/31	0.24 CFS	35.4 AFA
Total Diversion			0.24 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SWNWSW|Sec. 26|Township 10S|Range 14E|TWIN FALLS County
 GROUND WATER|SWNWSW|Sec. 26|Township 10S|Range 14E|TWIN FALLS County

Place(s) of use:

Place of Use Legal Description: STOCKWATER TWIN FALLS County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
10S	14E	26		NWSW										

Place of Use Legal Description: COMMERCIAL TWIN FALLS County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
10S	14E	26		NENW			SWNW			SENE				
				NESW			NWSW							

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NO. 47-14200 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 39.3 AF FOR STOCKWATER.
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. 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.
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. After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department. The water used for commercial purposes under this approval is applied to and irrigates land listed in the place of use to satisfy water quality requirements. Water shall not irrigate growing plants unless the water is first beneficially used in the dairy as authorized by these water rights. Commercial use is for a dairy located within NWSW, S26, T10S, R14E. Two (2) points of diversion are located within

NWSW, S26, T10S, R14E. Right 47-14200 may also be diverted from the points of diversion described above.

6. T08 Failure of the right holder to comply with the conditions of transfer 5509 is cause for the Director to rescind approval of the transfer.
7. 082 The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
8. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
9. T07 The right holder shall accomplish the change authorized by transfer 5509 within one (1) year of the date of the approval.

Dates:

Licensed Date:

Decreed Date: 06/02/2009

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

[Close](#)

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

3/5/2014

WATER RIGHT NO. 47-14200

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ELVIRA CARDOZO 3640 N 1300 E BUHL, ID 83316 (208)543-8343
Current Owner	JOHN W CARDOZO 3650 N 1300 E BUHL, ID 83316 (208)543-8343
Original Owner	ESTHER J LOMAN RT 4 BOX 413 BUHL, ID 83316 (208)543-5768

Priority Date: 06/15/1930

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	1/01	12/31	0.07 CFS	
DOMESTIC	1/01	12/31	0.08 CFS	
Total Diversion			0.15 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NWNWSW|Sec. 26|Township 10S|Range 14E|TWIN FALLS County

Place(s) of use:

Place of Use Legal Description:STOCKWATER same as

Place of Use Legal Description: DOMESTIC TWIN FALLS County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
10S	14E	26		NWSW										

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. OWNERSHIP CHANGE MADE 3/10/97 BY TLB.
3. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
4. 100 DAIRY CATTLE. 10S14E264800

Dates:

Licensed Date:

Decreed Date: 06/29/1999

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Close

Livestock Confinement Operations

Water Requirements and Consumptive Use Worksheet

Copyright 1998 by Brockway Engineering, PLLC

The information, data, or computational procedures herein may not be duplicated without the express written consent of Brockway Engineering.

COMPLETE BLUE HIGHLIGHTED SECTIONS ONLY

Prepared for: **Mid Valley Dairy**
Dairy Facility Worksheet

Revision: 9801
Run Date: 8/4/2014

Remarks:

Herd Information - User Input

Number of milking cows 1000
Number of dry cows 0
Number of other adult dry animals 0

Breed: Large

Calves at age:
1 month 0
2 months 0
3 months 0
4 months 0

Heifers at age:
5 - 18 months 0
15 - 18 months 0
18 - 24 months 0

ANIMAL INFORMATION

Use defaults or enter values if known

Average body weight 1500 lbs
Milk fat percentage 3.7 %
Average days dry 60
Annual milk yield per animal 25185 lbs/year
Percent dry matter in ration 75 %

Nearest weather station Buhl
Number of milkings/day 3

Check: Total herd size based on days dry 0
HERD SIZE NOT CONSISTENT WITH DAYS DRY

Lagoon Information - User Input

Lagoon Number	Top width	Top length	SS (h:v)	Max depth	Average depth factor	% days with water	Top Area	Bottom Area	Average Area
1							0	0	0
2							0	0	0
3									
4									
5									
6									
7									
8									
9									
10									
TOTAL ACRES							0.00	0.00	0.00

TRANSFER 79484

Facility Information - User Input

	Holding Pen 1	Holding Pen 2	
Holding pen active	0	0	(0 = not used or nonexistent)
Number of sprinklers in pen			
Average line pressure			psi
Sprinkler nozzle size - primary	0	0	inches
Sprinkler nozzle size - secondary	0	0	(enter 0 for single-nozzle sprinklers)
Daily operation time of sprinklers			minutes
Percent of days per year cows are washed			%

Number of free stalls	0	
Length of each free stall	0	feet
Width of each free stall	0	feet

Is the feeding area flushed to lagoon?	No
Is this housing area flushed to lagoon?	No

	Barn	Feeding	Housing
Flushing recycle rate	0%	0%	0%

CLEANING VOLUMES

Use defaults or enter manufacturer volumes

Cleaning parlor floor	500	3000	Cleaning pipeline	400	400
Cleaning milkroom	500	200	Cleaning equipment	200	200
Cleaning bulk tank	80	400			

Land Application Information - User Input

Type of system	Center Pivot
Predominant cropping	FCorn

Percent of waste water which goes to meet crop irrigation requirement	100 %
---	-------

Stockwater Component

Drinking Water Calculation for Lactating Cows

4% fat-corrected milk yield	24051.68 lbs/year
Daily average FCM yield	78.86 lbs/day
Daily average milk yield	82.57 lbs/day
Estimated DMI	56.46 lbs/day

METHOD 1: Kertz

Estimated total water intake (TWI)	330.3 lbs/day or 39.6 gal/day
As-fed feed daily intake	75.3 as-fed lb/day
Water content of feed	18.82 lb/day in feed
Drinking water intake	311.5 lb/day or 37.3 gal/day
Drinking water requirement for lactating cows	37348 gal/day 41.8 ac-ft/year

METHOD 2: Holter and Urban

Regression equation with DMI, milk production, and dry matter %

Drinking water intake	104.6 liters/day 27.6 gal/day
	27638 gal/day 31.0 ac-ft/year

Max drinking water requirement 41.8 ac-ft/year

Drinking Water Calculation for Dry Cows

Estimated DMI	28.5 lbs/day
Average drinking water intake	13 gal/day

Average drinking water requirement 0 gal/day
0.0 ac-ft/year

Drinking Water Calculation for Replacement Herd (Calves and Heifers)

Age	GPD	Ac-Ft/year
1 mo	0	0.00
2 mo	0	0.00
3 mo	0	0.00
4 mo	0	0.00
5 mo	0	0.00
15-18 mo	0	0.00
18-24 mo	0	0.00

Drinking water requirement
for replacement herd 0 gpd **0.00 ac-ft/year**

TOTAL STOCKWATER COMPONENT 41.8 AC-FT/YEAR

Commercial Component

Milking Parlor Water Usage Calculation

Volume needed *per milking* in each parlor for:

Cleaning parlor floor	500 gal	Cleaning pipeline	400 gal
Cleaning milkroom	500 gal	Cleaning equipment	200 gal
Cleaning bulk tank	80 gal	Cleaning cows	500 gal

Total milking parlor volume	6540 gal/day
Second milking parlor volume	0 gal/day
Recycled water	0 gal/day
	7.33 ac-ft/year

Holding Pen Water Usage Calculation

	Pen 1	Pen 2
Output of primary nozzle	#N/A	#N/A gpm
Output of secondary nozzle	0	0 gpm
Holding pen flushing volume	0	0 gal
 Sprinkler volume	 0	 0 gal/day
Total holding pen volume	0	0 gal/day
Recycled water	0	0 gal/day

0.00 ac-ft/year

Other Flushing Water Calculation

Daily volume needed for:

Feeding area flushing	0 gal/day
Housing area flushing	0 gal/day

Total other flushing volume	0 gal/day
Recycled water	0
	0.00 ac-ft/year

TOTAL COMMERCIAL COMPONENT **7.3 AC-FT/YEAR**

Consumptive Use Calculation

A. Lagoon Evaporation

Annual reference ET (Allen & Brockway , 1983)	0.00 feet	
Annual open water coeff (Kohler Nordenson Fox)	0.90	
Annual open water (lagoon) evaporation	0.00 feet	
Manual override: Input annual lagoon evap	feet	
Total lagoon water surface area at full	0 sq. ft.	
Total lagoon bottom area	0 sq. ft.	
Average surface area when water is present	0 sq. ft. =	0.00 ac
Total lagoon evaporation	0.00 ac-ft/year	

B. Animal usage: milk, metabolism, and excretion loss

	Milking	Dry
Waste excretion volume per cow	1.3	1.3 ft ³ /day/1000lb
Water content	87.5	88.4 %
Total water volume in excrement	12763	0 gal/day
Percent of excrement flushed to lagoons	15 % (based on areas which are flushed)	
Consumptive use (evap.) of water in excrement	85 %	
Consumptive use (evap.) volume	10848 gal/day	
Excrement c.u. attributable to drinking water	10230 gal/day	
Total milk production - assume 100% leaves site	82574 lbs/day or	9901 gal/day
Water content of milk	8614 gal/day	
Water content attributable to drinking water	8123 gal/day	
Water use for animal metabolism	18228 gal/day	
Metabolism water attributable to drinking water	17190 gal/day	
Consumptive use - replacement herd (100%)	0 gal/day	
Total animal consumptive use from drinking water	35543 gal/day or	39.8 ac-ft/year
Percent of drinking water intake	95.2 %	

C. Parlor/holding pen cleanup

Average sprinkler washing system evap loss	2 %	
Free stall total area	0 sq. ft. =	0.00 acres
Length of time free stall concrete is wet	1 hr/day	
Average evaporation from wet concrete	0.15 in./day	
Sprinkler system loss volume	0.00 ac-ft/year	
Free stall evaporation volume	0.00 ac-ft/year	
Total cleanup loss	0.00 ac-ft/year	

D. Land application site

Crop evapotranspiration	0.00 ac-ft/ac/year
Irrigation diversion volume	0.00 ac-ft/ac/year
System efficiency	0 %
Waste water volume to lagoons	9.3 ac-ft/year
Waste water volume available for land application	9.3 ac-ft/year
Total crop consumptive use of waste water	0.0 ac-ft/year

Summary

Consumptive Use

Lagoon evaporation	0.00
Animal milk, excretion, & metabolism	39.8
Parlor and holding pen cleanup	0.00
Crop consumptive use on land application	0.0

Total consumptive use	39.8 ac-ft/year
------------------------------	------------------------

Percent of diversion volume consumed	81.0 %
--------------------------------------	--------

Annual crop consumptive use - IDWR allowable	720 mm
	2.4 afa

Equivalent irrigated acres	16.9 acres
-----------------------------------	-------------------

Drinking Water

Milking herd	41.8
Non-milking herd (dry cows)	0.0
Replacement herd (calves and heifers)	0.0

Total drinking water volume	41.8 ac-ft/year
------------------------------------	------------------------

Diversion volume to acres conversion factor	2.92 ac-ft/ac
--	----------------------

Commercial

Milking parlor	7.33
Holding pen and cleanup	0.0
Other flushing water	0.00

Total commercial volume	7.3 ac-ft/year
--------------------------------	-----------------------

TOTAL DIVERSION VOLUME REQUIREMENT	49.2 AC-FT/YR
---	----------------------

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
260 Third Avenue North
Twin Falls, ID 83303

TWIN FALLS COUNTY
RECORDED FOR:
FIRST AMERICAN TITLE CO.
4:19:40 pm 01-13-2009
2009-000778
NO. PAGES: 2 FEE: \$6.00
KRISTINA GLASCOCK
COUNTY CLERK
DEPUTY: CHICE

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: **281703-TF (1b)**

Date: **January 13, 2009**

For Value Received, **Mid-Valley Farm, LLC**, an Idaho limited liability company, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Luis Nunes**, an unmarried man, hereinafter called the Grantee, whose current address is **3650 N 1300 E, Buhl, ID 83316**, the following described premises, situated in **Twin Falls County, Idaho**, to-wit:

PARCEL 1:

TOWNSHIP 10 SOUTH, RANGE 14 EAST, BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO

SECTION 26: A PORTION OF LAND IN THE EAST HALF OF THE NORTHWEST QUARTER PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND BEING DESCRIBED AS THE NORTH 320 FEET OF THE EAST 327 FEET OF THE EAST HALF OF THE NORTHWEST QUARTER, SECTION 26, TOWNSHIP 10 SOUTH, RANGE 14 EAST, BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO, EXCEPT THE SOUTH 87 FEET OF THE WEST 200 FEET THEREOF.

PARCEL 2:

A 25.00 FOOT WIDE NONEXCLUSIVE VEHICULAR ACCESS EASEMENT ALONG THE EAST 25 FEET OF THE NORTH 320 FEET OF SAID EAST HALF OF THE NORTHWEST QUARTER SECTION 26.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to 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 said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

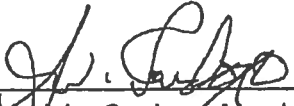
TRANSFER 79484

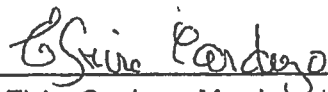
Date: 01/13/2009

Warranty Deed
- continued

File No.: 281703-TF (lb)

Mid-Valley Farm, LLC, an Idaho limited liability
company

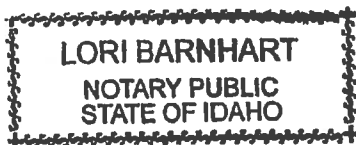

By: John Cardozo, Member


By: Elvira Cardozo, Member


By: Luis Nunes, Member

STATE OF Idaho)
SS.
COUNTY OF Twin Falls)

On this **Thirteenth day of January, 2009**, before me, a Notary Public in and for said State, personally appeared **John Cardozo, Elvira Cardozo and Luis Nunes**, known or identified to me to be the person whose name is subscribed to the within Instrument as one of the Managers/Members of the **Mid-Valley Farm, LLC**, which is known or identified to me to be the entity whose name is subscribed to the within Instrument and acknowledged to me that they executed the same in said Limited Liability Company's name.




Notary Public of Idaho
Residing at: Twin Falls, ID
Commission Expires: 11/06/2012

TWIN FALLS COUNTY
RECORDED FOR:
MID-VALLEY FARM, LLC
3:33:10 pm 01-21-2009
2009-001206
NA. PAGES: 1 FEE: \$3.00
KRISTINA GLASCOCK
COUNTY CLERK
DEPUTY: CHICE

QUITCLAIM DEED

For Value Received Mid-Valley Farm, L.L.C., an Idaho Limited Liability Company

does hereby convey, release, remise and forever quit claim unto

Mid-Valley Farm, LLC, an Idaho Limited Liability Company

whose address is: 3650 North 1300 East, Buhl, Idaho 83316

the following described premises situated in Twin Falls County, Idaho, to-wit:

Township 10 South, Range 14 East of the Boise Meridian, Twin Falls County, Idaho

Section 26: N½SW¼

together with their appurtenances.

Dated:

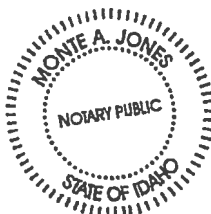
Mid-Valley Farm, L.L.C., an Idaho Limited Liability Company

By: *John W. Cardozo*
John W. Cardozo, Member

By: *Elvira N. Cardozo*
Elvira N. Cardozo, Member

STATE OF IDAHO)
:ss
COUNTY OF TWIN FALLS)

On this 21st day of January, in the year 2009, before me, the undersigned, a Notary Public in and for said State, personally appeared John W. Cardozo and Elvira N. Cardozo, known or identified to me to be the person(s) whose name(s) subscribed to the within Instrument, as Managers/Members of the Mid-Valley Farm, L.L.C. which is known or identified to me to be the entity whose names are subscribed to the within instrument and acknowledged to me that they executed the same in said Limited Liability Company's name.



Monte A. Jones
Notary Public of Idaho
Residing at Twin Falls
Commission Expires 8-27-2013

TRANSFER 79484

THIS DOCUMENT IS BEING RECORDED TO COMBINE PARCELS.

TWIN FALLS COUNTY
Recorded for:
MID-VALLEY FARM, L.L.C.
4:01:34 pm 01-26-2009
2009-004175
No. Pages: 1 Feet: 5.00
KENTINA CHAMBERS
County Clerk
Deputy: RHYFF

QUITCLAIM DEED

Mid-Valley Farm, L.L.C., an Idaho Limited Liability Company

For Value Received

do hereby convey, release, remise and forever quit claim unto

Mid-Valley Farm, L.L.C., an Idaho Limited Liability Company

whose address is: 3650 North 1300 East, Buhl, Idaho 83316

the following described premises situated in Twin Falls County, Idaho, to-wit:

TOWNSHIP 10 SOUTH, RANGE 14 EAST, BOISE MERIDIAN, TWIN FALLS COUNTY,
IDAHO

SECTION 26: E $\frac{1}{2}$ NW $\frac{1}{4}$;SW $\frac{1}{4}$ NW $\frac{1}{4}$;EXCEPTING THEREFROM THE FOLLOWING
DESCRIBED PARCEL:

TOWNSHIP 10 SOUTH, RANGE 14 EAST, BOISE MERIDIAN, TWIN FALLS COUNTY,
IDAHO

SECTION 26: A PARCEL OF LAND BEING DESCRIBED AS THE NORTH 320 FEET OF
THE EAST 327 FEET OF THE E $\frac{1}{2}$ NW $\frac{1}{4}$; EXCEPT THE SOUTH 87 FEET OF THE WEST 200
FEET THEREOF.

together with their appurtenances.

Dated:

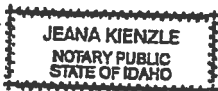
Mid-Valley Farm, L.L.C. and Idaho Limited Liability Company

By: John W. Cardozo
John W. Cardozo, Member

By: Elvira N. Cardozo
Elvira N. Cardozo, Member

STATE OF IDAHO)
COUNTY OF TWIN FALLS)

On this 29th day of January, in the year 2009, before me, the undersigned, a Notary Public in and for said State, personally appeared John W. Cardozo and Elvira N. Cardozo, known or identified to me to be the person(s) whose name(s) subscribed to the within instrument, as Managers/members of the Mid-Valley Farm, L.L.C. which is known or identified to me to be the entity whose names are subscribed to the within instrument and acknowledged to me that they executed the same in said Limited Liability Company's name.



Jeana Kienzle
Notary Public of Idaho
Residing at Quinn, Idaho
Commission Expires 10/29/13

TRANSFER 79484

QUITCLAIM DEED

TWIN FALLS COUNTY

Recorded for:

MID-VALLEY FARM, L.L.C.

9:01:13 am

08-08-2008

2008-017831

No. Pages: 2

Fee: \$ 6.00

KRISTINA GLASCOCK

County Clerk

Deputy: RHITE

For Value Received John W. Cardozo and Elvira N. Cardozo, husband and wife

do hereby convey, release, remise and forever quit claim unto

Mid-Valley Farm, L.L.C., an Idaho Limited Liability Company

whose address is: 3650 North 1300 East, Buhl, Idaho 83316

Hereinafter called the Grantee, the following described premises situated in Twin Falls County, Idaho, to-wit:

See Attached Exhibit "A"

together with their appurtenances.

Dated: August 1, 2008

John W. Cardozo
John W. Cardozo

Elvira N. Cardozo
Elvira N. Cardozo

STATE OF Idaho)

COUNTY OF)

)ss.

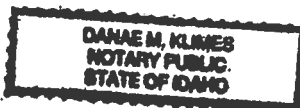
On this 7 day of Aug, in the year of 2008 before me, personally appeared John W. Cardozo and Elvira Cardozo, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.

[Signature]

Notary Public of

Residing at: Twin Falls

Commission Expires: 4/26/11



TRANSFER 79484

EXHIBIT A

Part of the SW1/4 NW1/4 of Section 26 of Township 10 South, Range 14 East of the Boise Meridian, Twin Falls County, State of Idaho.

Beginning at the West 1/4 Section corner of Section 26 of T. 10 S., R. 14 E., B.M. said corner marked by a 5/8" rebar which shall be the Point of Beginning;

THENCE North 00 degrees 01 minutes 28 seconds East along the west line of Section 26 for a distance of 861.18 feet to a P.K. Nail on the centerline of an Irrigation-Drain Lateral;

THENCE South 86 degrees 06 minutes 22 seconds East along said centerline for a distance of 16.15 feet to a 1/2" rebar;

THENCE South 55 degrees 43 minutes 27 seconds East along said centerline for a distance of 133.88 feet;

THENCE South 69 degrees 59 minutes 32 seconds East along said centerline for a distance of 384.13 feet;

THENCE South 40 degrees 46 minutes 58 seconds East along said centerline for a distance of 867.61 feet to the south line of the NW1/4;

THENCE North 89 degrees 47 minutes 59 seconds West along the south line of the NW1/4 for a distance of 81.28 feet to a 1/2" rebar;

THENCE North 89 degrees 47 minutes 59 seconds West along the south line of the NW1/4 for a distance of 973.51 feet to the POINT OF BEGINNING.

Said property contains 12.64 acres more or less and is subject to a county road right of way along the west side and subject to a right of way for the Irrigation-Drain Lateral along the northeasterly side and subject to any other easements or right of ways, existing or of record.

TWIN FALLS COUNTY
RECORDED FOR:
MID-VALLEY FARM, LLC
3:33:12 pm 01-21-2009
2009-001207
NO. PAGES: 1 FEE: \$3.00
KRISTINA GLASCOCK
COUNTY CLERK
DEPUTY: CHICE

QUITCLAIM DEED

For Value Received Mid-Valley Farm, L.L.C., an Idaho Limited Liability Company

does hereby convey, release, remise and forever quit claim unto

Mid-Valley Farm, LLC, an Idaho Limited Liability Company
whose address is: 3650 North 1300 East, Buhl, Idaho 83316

the following described premises situated in Twin Falls County, Idaho, to-wit:

Township 10 South, Range 14 East of the Boise Meridian, Twin Falls County, Idaho
Section 26: SW 1/4 NW 1/4, Excepting therefrom the following described parcel:

Part of the SW 1/4 NW 1/4 of Section 26 of Township 10 South, Range 14 East of the
Boise Meridian, Twin Falls County, State of Idaho.

Beginning at the West 1/4 Section corner of Section 26 of T. 10 S., R. 14 E., B.M. said
corner marked by a 5/8" rebar which shall be the Point of Beginning;

THENCE North 00 degrees 01 minutes 28 seconds East along the west line of Section 26
for a distance of 861.18 feet to a P.K. Nail on the centerline of an Irrigation-Drain
Lateral;

THENCE South 86 degrees 06 minutes 22 seconds East along said centerline for a
distance of 16.15 feet to a 1/2" rebar;

THENCE South 55 degrees 43 minutes 27 seconds East along said centerline for a
distance of 133.88 feet;

THENCE South 69 degrees 59 minutes 32 seconds East along said centerline for a
distance of 384.13 feet;

THENCE South 40 degrees 46 minutes 58 seconds East along said centerline for a
distance of 867.61 feet to the south line of the NW 1/4;

THENCE North 89 degrees 47 minutes 59 seconds West along the south line of the
NW 1/4 for a distance of 81.28 feet to a 1/2" rebar;

THENCE North 89 degrees 47 minutes 59 seconds West along the south line of the
NW 1/4 for a distance of 973.51 feet to the POINT OF BEGINNING.

Said property contains 12.64 acres more or less and is subject to a county road right of
way along the west side and subject to a right of way for the Irrigation-Drain Lateral
along the northeasterly side and subject to any other easements or right of ways, existing
or of record.

Dated:

Mid-Valley Farm, L.L.C., an Idaho Limited Liability Company

By: John W. Cardozo
John W. Cardozo, Member

By: Elvira N. Cardozo
Elvira N. Cardozo, Member

STATE OF IDAHO)

COUNTY OF TWIN FALLS)

On this 21st day of January, in the year 2009, before me, the undersigned, a Notary Public in and for
said State, personally appeared John W. Cardozo and Elvira N. Cardozo, known or identified to me to be the
person(s) whose name(s) subscribed to the within Instrument, as Managers/Members of the Mid-Valley Farm, L.L.C.
which is known or identified to me to be the entity whose names are subscribed to the within instrument and
acknowledged to me that they executed the same in said Limited Liability Company's name.



Monte A. Jones
Notary Public of Idaho
Residing at Twin Falls
Commission Expires 2-27-2013

TRANSFER 79484



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

June 23, 2014

MID VALLEY FARMS LLC
3640 NORTH 1300 EAST
BUHL ID 83316

RECEIVED
JUN 26 2014

**RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK
WATER RIGHT NO(S). 47-16828**

Dear Renter:

Please find enclosed a receipt in the amount of **\$357.00** and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 21.0 acre-feet of water for commercial use during 2014. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement.

Pursuant to the Water Supply Bank Rules, 90% or \$321.30 of the rental fee will be paid to the lessor(s) and 10% or \$35.70 will be retained by the Department to offset administrative costs.

If you have any questions, please contact me at (208) 287-4944.

Sincerely,

Cherie Palmer
Senior Water Resource Agent
WSB Process Point of Contact

Enclosure(s): Receipt No. C099049
Rental Agreement (copy)

c: Sascha Marston – Fiscal
Allen Merritt – IDWR Southern Regional Manager
Greg Sullivan – Brockway Engineering

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT

RECEIVED

JUN 23 2014

DEPARTMENT OF
WATER RESOURCES

This is to certify that: **MID VALLEY FARMS LLC**
3640 NORTH 1300 EAST
BUHL ID 83316

filed an application to rent water from the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board"), being authorized to operate a Bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director, Department") for rental of water from the Bank, agrees to rent water as follows:

Summary of Water Rights or Portions Rented from the Bank

Water Right	Priority Date	Source	Tributary	Rented Rate	Annual Rented Volume	Acre Limit	Total Rented Acres
-------------	---------------	--------	-----------	-------------	----------------------	------------	--------------------

47-16828	10/22/1964	Ground Water	NA	0.07 cfs	21.0 af	NA	NA
----------	------------	--------------	----	----------	---------	----	----

Annual Combined Rental Totals

0.07 cfs 21.0 af NA NA

Term of Rental: March 7, 2014 to December 31, 2016

Rental Fee: \$357.00 annually

The fee for rental of the above-described water is \$357.00 per year. Ten percent (\$35.70) will go to the Department for administrative costs, and the remainder will be paid to the lessor(s). An annual payment shall be received by the Department prior to February 15 each year for the duration of the rental period. The agreement will be void if payment is not received prior to the due date in a given year. To terminate the agreement prior to the end of the rental period, written notice must be received by the Department at least 30 days prior to the rental fee due date. No rental fees will be refunded once the fee is collected and the start date for a Rental Agreement has passed.

Detailed water right conditions are attached.

The undersigned renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described in this agreement:

Mid-Valley Farms LLC

[Signature]
Signature of Renter

Partner
Steve Nunes
Printed Name and Title*

6-17-14
Date

Signature of Renter

Printed Name and Title*

Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney

Having determined that this agreement satisfied the provisions of Idaho Code § 42-1763 and IDAPA 37.02.03.030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and condition herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board.

By *[Signature]*
BRIAN PATTON, Acting Administrator
Idaho Water Resource Board

Date June 23, 2014

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT

WATER USE DETAILS

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER NW¼SW¼ Sec. 26 Twp 10S Rge 14E TWIN FALLS County

BENEFIAL USE

STOCKWATER
COMMERCIAL

SEASON OF USE

01/01 TO 12/31

RENTER'S PLACE OF USE:

STOCKWATER/COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	14E	26					X		X	X	X	X							

CONDITIONS APPLICABLE TO ALL RENTED WATER RIGHTS

1. The use of water under this agreement shall be subject to the provisions of Idaho Code § 42-1766.
2. Rental of the specified right from the bank does not, in itself, confirm the validity of the right or any elements of the water right, or improve the status of the right including the notion of resumption of use. It does not preclude the opportunity for review of the validity of this water right in any other department application process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use, and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized under the water right and/or again be available to rent from the bank.
4. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
5. Use of water under this agreement shall not prejudice any action of the Department in its consideration of an application for transfer or permit filed by the applicant for this same use.
6. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
7. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
8. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
9. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
10. The water rented under this agreement is appurtenant to irrigation of 6.0 acres.
11. This rental agreement does not authorize the construction of a well.
12. Stockwater and commercial use is for a dairy.



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

March 6, 2014

Pam Skaggs
Idaho Water Supply Bank
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Re: Mid Valley Farms

Dear Mrs. Skaggs:

Mid Valley Farm LLC desires to rent 21.0 acre feet of 47-16828. Water right 47-16828 is an irrigation water right and is owned by Antelope Springs Ranch which has been leased into the Idaho Water Supply Bank until December 31, 2016.

Mid Valley Farm LLC owns a dairy facility South of Buhl, Idaho and needs additional stock and commercial water for the facility. Water right 47-16828 is allocated 3.5 acre feet per acre. Based on a 2.15 foot per acre consumptive use values for frequent cuttings of alfalfa in the Three Forks area, a total of 12.9 acre feet annually can be utilized at the Mid Valley Farm LLC dairy.

The proposed rental is expected to be for 2014, 2015 and 2016. The dairy facility has two existing well and piping for stock and commercial water. Mid Valley Farm LLC is currently looking for permanent water to transfer to the dairy.

Please copy our office on all correspondence regarding this application. Thank you for your assistance and if you have questions or comments, please give me a call.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Mid Valley Farm, Rob Williams, Kevin Shurtleff
Enc: Aerial Map, Annual Report, Rental Application

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

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

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506



STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK

This application must be prepared in accordance with the minimum requirements listed to be acceptable for processing by the Department. Incomplete applications will be returned.

Name of Renter(s) Mid Valley Farm LLC

Mailing Address 3640 North 1300 East Buhl, Idaho 83316

Phone 208-308-5945

Email _____

A. DESCRIPTION OF WATER SOUGHT FOR RENT

1. <u>Maximum Flow Rate (cfs)</u>	<u>Maximum Volume (ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>
<u>0.067</u>	<u>21.0</u>	<u>Stock/Commercial</u>	<u>1/01</u> to <u>12/31</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
Total: <u>0.067</u>	<u>21.0</u>		

2. Source of water Ground Water tributary to _____

3. Point(s) of Diversion:

TWP	RGE	SEC	GOVT LOT	1/4	1/4	1/4	County
10S	14E	26		SW	NW	SW	Twin Falls

4. Lands to be irrigated or place of use:

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	14E	26					X			X	X	X	X						

If the use is for irrigation, show total number of acres proposed through rental.

Total Acres _____

B. OWNERSHIP

1. Do you own the land at the proposed point of diversion?

Yes ☒ No ☐

If no, list owner, contact information, and attach a copy of the agreement or other written authority to use the proposed point of diversion. _____

2. Do you own the land at the proposed place of use?

Yes ☒ No ☐

If no, list owner, contact information, and attach a copy of the agreement or other written authority to use the proposed place of use. _____

C. MAP

Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described by this application in section A. Include legal description labels.

D. GENERAL INFORMATION

1. Please provide a description of the proposed diversion system.
Existing wells and delivery system.

2. Describe any other water rights diverted through the same point(s) of diversion or used for the same purpose(s) as described above.
47-7663F and 47-14200

3. Will the proposed place of use receive water from any other source? Yes ☒ No ☐
If yes, describe. 47-7663F and 47-14200

4. If the proposed use is not for irrigation, please provide a detailed description of the proposed use and how you determined the amount of water required. Attach additional sheets if needed. 6.0 acres at 3.5 af/acre for 21.0 acre-feet will be rented. Alfalfa frequent cuttings have a consumptive use of 2.15 ft. The 6.0 acres will provide 12.9 acre-feet that can be rented as stock and commercial water.

5. Are there any other applications pending before the Department, such as an application for permit or transfer, for the same use(s) proposed by this rental? Yes ☐ No ☒
If yes, describe. _____
6. Was this rental application submitted in response to a Notice of Violation or a pending Notice of Violation? Yes ☐ No ☒
If yes, describe. _____

E. RENTAL TERM

- Do you wish to rent water from the Board's bank for more than one (1) year? Yes ☒ No ☐
If yes, please specify the number of years desired through proposed rental. 2014, 2015, 2016

I hereby assert that 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.

If this application is approved, the applicant agrees to the following:

1. The use of water under this agreement shall be subject to the provisions of Section 42-1766, Idaho Code.
2. Renter shall comply with all applicable state and federal laws while using water under this agreement.
3. Renter shall hold the Board, the Director, and the state of Idaho harmless from all liability on account of negligent acts of the renter.
4. The Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the right or portion thereof being rented.
5. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.
6. Renter is not authorized to use water proposed by this application until the rental fees are paid in full and the renter receives an executed copy of the agreement signed by the Director.

Elvira N. Cardozo
Signature of Applicant

ELVIRA N. CARDOSO
Printed Name and Title*

3-6-14
Date

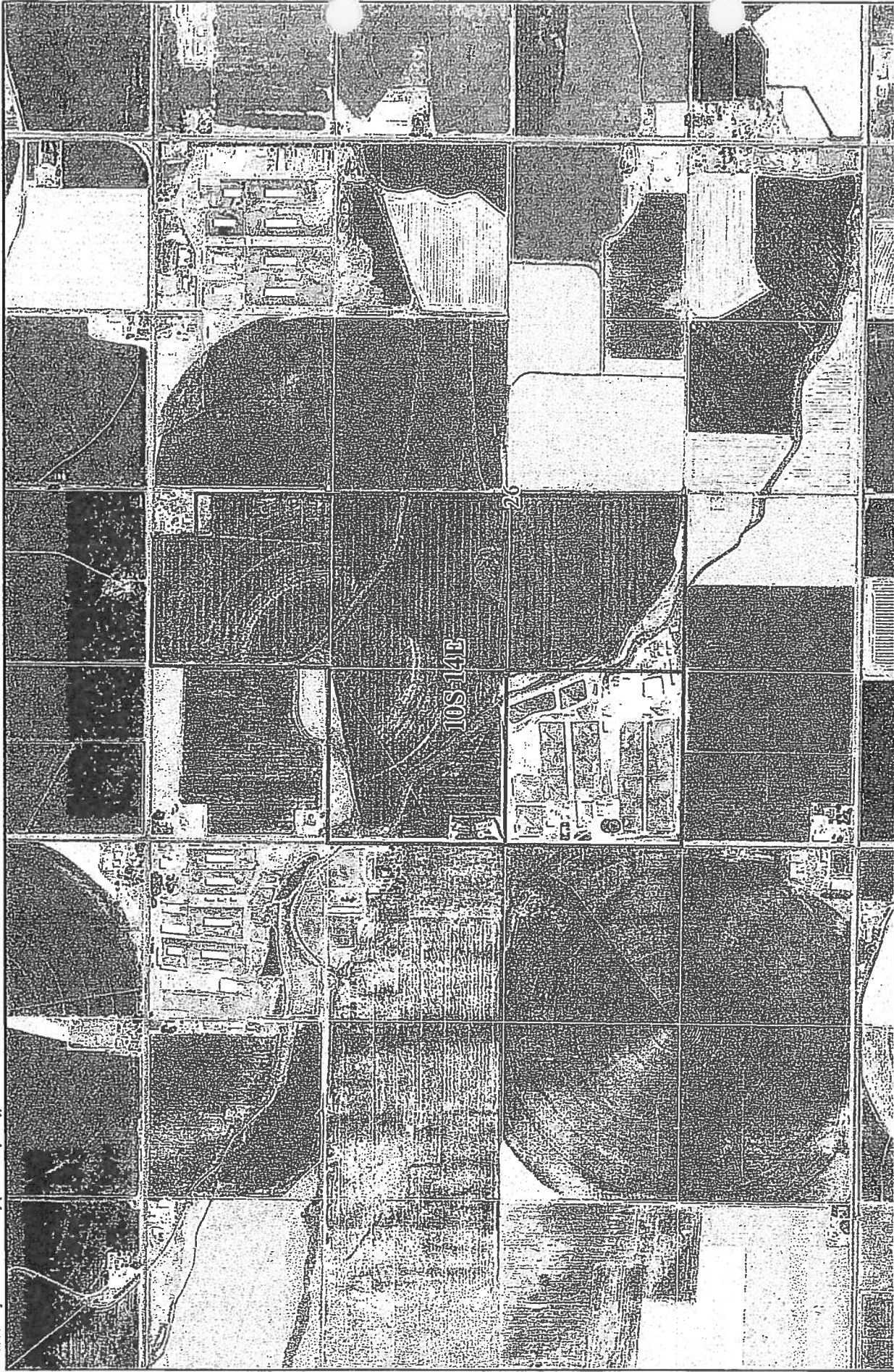
Signature of Applicant

Printed Name and Title*

Date

*Please provide title of signatory if signing on behalf of a company or organization or with power of attorney

Mail to: Idaho Department of Water Resources, P.O. Box 83720, Boise, ID 83720-0098



0 375 750 1,500 Feet

**MID VALEY FARM LLC.
WATER BANK RENTAL 2014-2016
NAIP 2013 AERIAL**

- Legend**
- ⊕ Points_of_Diversion
 - Rental_FOU
 - Township
 - Sections
 - QQ lines

No. W 62988		Due no later than May 31, 2013 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. MID-VALLEY FARM, LLC EDIE NUNES 3650 N 1300 E BUHL ID 83316 USA		JOHN CARDOZO 3650 N 1300 E BUHL ID 83316		
				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	Country	Postal Code
MEMBER	JOHN CARDOZO	3650 N 1300 E	BUHL	ID	USA	83316
MEMBER	ELVIRA CARDOZO	3650 N 1300 E	BUHL	ID	USA	83316
MEMBER	LUIS NUNES	3650 N 1300 E	BUHL	ID	USA	83316
MEMBER	STEVE NUNES	3650 N 1300 E	BUHL	ID	USA	83316
5. Organized Under the Laws of: ID W 62988		6. Annual Report must be signed.* Signature: Edna Nunes Name (type or print): Edna Nunes Date: 03/17/2013 Title: Cfo				
Processed 03/17/2013		* Electronically provided signatures are accepted as original signatures.				

TRANSFER 79484



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

December 22, 2014

ANTELOPE SPRINGS RANCH
1080 THREE CREEK RD
ROGERSON, ID 83302

Re: Withdrawal of Application for Transfer No. 79484
Water Right No(s). 47-16828

Dear Applicant(s):

Thank you for your recent withdrawal of the above referenced application. No further action is required and the matter is now closed.

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

Sincerely,

A handwritten signature in black ink that reads "Denise Maline". The signature is written in a cursive, flowing style.

Denise Maline
Administrative Assistant

cc: Greg Sullivan @ Brockway Engineering



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

October 23, 2014

Greg Sullivan
Brockway Engineering, P.L.L.C.
2016 North Washington Street
Suite 4
Twin Falls, ID 83301

RE: Transfer Application for Water Right 47-16828

Dear Mr. Sullivan:

You recently submitted additional information requested by the Department as evidence that the original point of diversion and the proposed point of diversion in this application for transfer share the same aquifer source.

The information you submitted was reviewed by the Department's Hydrology staff and I have attached the memorandum regarding the information you submitted for your review.

To summarize very briefly, the review found that you had not presented any additional evidence, but had reanalyzed existing evidence. In order to continue processing this transfer the Department requests that on behalf of your client, you provide evidence of a hydraulic connection between the current POD and the proposed POD. The enclosed memorandum suggests a few ways that you could provide the requested evidence.

If you have any questions, or if I can be of any further assistance, feel free to contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bill Mills', written over the word 'Sincerely,'.

Bill Mills
Senior Water Resource Agent

Enclosure

TRANSFER 79484

MEMORANDUM

DATE: October 22, 2014
TO: William Mills, w/ Water Allocation Bureau, Southern Region
FROM: David Hoekema, Technical Hydrologist
RE: Transfer #79484

Overview:

Transfer #79484 is seeking to transfer a groundwater right (47-16828) from a well located on Brown's Bench on the west side of Salmon Falls Reservoir to a dairy located near Castleford, ID on the east side of Salmon Falls Creek Canyon. The current POD is a well located about 1.8 miles to the west of the reservoir and about 3.5 miles to the south of the Salmon Falls Dam. The reservoir runs roughly south to north in a deep canyon on the eastern edge of Brown's Bench. The IDWR Southern Regional office asked that the applicants of the transfer provide evidence of a hydrologic connection between the PODs. Mr. Greg Sullivan in an attempt to provide evidence that both POD's are hydraulically connected cited Craig Tesch's (an hydrologist at IDWR) analysis of a water rental that this transfer would make permanent. Craig's analysis indicated that the POD for the current well is within the groundwater system of the Salmon Falls Creek basin watershed. Craig states that:

"The current POD is in the recharge area of the Salmon Falls Creek basin watershed, while the proposed POD is in the discharge area of the same watershed. The geology of the area of the current POD is rhyolite, which appears to feed groundwater into basalts in the area of the proposed POD."

In the statement quoted above Craig clearly indicates that both POD's are within the same groundwater system. However for the PODs to be in the same groundwater system is not the same as being in the same aquifer. Craig concluded his recommendation by stating, "there is not enough available data to conclude that the two PODs would be in different aquifer systems." That statement could be conversely stated that there is not enough evidence to conclude that the two PODs are in the same aquifer system.

Mr. Sullivan used Craig's analysis and sources quoted by Craig in an attempt to provide further evidence of a groundwater connection. In my opinion no additional evidence has been presented, but rather old evidence has been reanalyzed. The problem with this transfer is that while the watershed has been studied several times, the general conceptual models have tended to present the Salmon Falls Creek boundary as a no flow boundary (Fowler, 1969; Crosthwaite et al. 1969; Cosgrove et al. 1997). Below I describe my understanding of the Salmon Falls Creek drainage which is based on several visitations to the site over the years and study of the above references.

Salmon Falls Creek Basin Watershed Groundwater System

Salmon Falls Creek headwaters are located in Idaho and Nevada. The creek originally flows north before looping south toward the Snake River. Salmon Falls Creek crosses the Idaho-Nevada

border slightly over two miles to the west of Jackpot, NV. The creek enters Salmon Falls Creek Reservoir approximately 5 miles north of border. From Salmon Falls Dam, the creek flows through a deep canyon northwest around Castleford before joining the Snake River in the Hagerman valley. The Salmon Falls Creek Canyon is ranges in depth between 200-400 feet. The reservoir is notoriously leaky. Fowler (1960) estimated that the reservoir loses 20,000 ac-ft per year to underflow, while the NRCS in their prediction of seasonal water supply for the Salmon Tract (<http://www.nrcs.usda.gov/wps/portal/nrcs/detail/id/snow/?cid=stelprdb1240689>), assumes that the reservoir will lose 20% of its active content to seepage/underflow during the irrigation season. About half of the underflow seeps around the dam abutments and can be seen cascading down the canyon walls beside the dam. The remainder of the underflow is assumed to flow northward to the Snake River. This underflow likely occurs on both sides of the Salmon Falls Creek Canyon as evidenced by leakage on both sides of the dam. Groundwater contours adjacent the reservoir indicate a strong flow gradient to the northeast in the immediate vicinity of the dam (Fowler, 1960). This gradient provides clear proof that the reservoir is hydraulically connected to the aquifer of which Castleford is a part. Whether or not a similar gradient exists to the northwest of the dam is unknown. If there is a gradient on the other side of the reservoir, the reservoir could be a groundwater divide. Besides seepage no water is released downstream of the reservoir. All water is stored and/or diverted to the Salmon Tract for irrigation. The Salmon Tract is located on the east side of Salmon Falls Creek Canyon.

Salmon Falls Creek Canyon

Well logs and groundwater measurements in IDWR's hydrologic database indicate that the groundwater levels on the east side and west side of Salmon Falls Creek Canyon indicate that the regional aquifer depth is likely at a higher elevation than the canyon floor. However, there are very few well logs located close to the canyon to confirm whether or not there is a hydraulic connection under the canyon floor. In particular there is a huge gap in groundwater data on the western side of the canyon. Despite a relatively high rate of underflow from the reservoir and a canyon floor below the depth of the regional water table, Salmon Falls Creek is not a major drain to the local aquifer. Flow measurements taken about two miles below Salmon Falls Dam and the Roseworth Crossing, located approximately 22 miles downstream of the dam, indicated an average reach gain of just over 1 cfs during the period from 1953-1957 (Fowler 1960). Below Roseworth Crossing, Salmon Falls Creek gains significant inflow from irrigation drainage ditches removing water from the Twin Falls Tract. If the canyon were perched over the aquifer we would expect to see a losing reach. If the canyon is below the water tables we would expect a gaining reach. Perhaps a hydraulic barrier exists between the somewhere in the vicinity of the canyon.

Since well logs in the Twin Falls and Salmon tracts indicate that groundwater bearing layers likely occur below the depth of the canyon floor, it is not possible to rule out the possibility that Salmon Falls Creek may not be a fully penetrating barrier and thus there may be a hydraulic connection underneath the canyon.

Considerations regarding the existing and proposed PODs

The well and POD for water right 47-16828 is located on the west side of Salmon Falls Creek Reservoir on Brown's Bench between China Mountain and the reservoir. China Mountain runs north-south along the reservoir. A number of springs emerge along the eastern edge of China Mountain and flow toward Salmon Falls Creek. The emergence of these springs at various elevations along the eastern edge of the mountain indicates an eastern gradient in the local water table exists. Whether or

not these springs are linked to the regional aquifer or represent discharge from perched aquifers is unknown. Some of these springs have water rights associated with them dating back into the late 1800s. The well in question was drilled in 1962 to a depth of 815 ft in a successful effort to expand irrigation on the bench. The well log indicates that the soil profile is a mixture of rhyolite and clay layers. According to the well driller report, water bearing layers were found between 52 and 290 feet and between 355 and 362 feet. An approximate elevation for the well (taken from Google Earth) is about 5236 ft. The static level of the well was indicated at 143 feet. With a Static water level of 143 feet, the ground water elevation would be around 5,090 feet. Google Earth indicates a reservoir level of approximately 5,016 ft. Assuming the canyon depth is 150 feet to 200 feet deep at this location¹, the bottom of the canyon is likely to be between 4,800 and 4,850 feet. These elevations indicate that the static water level is well above the reservoir surface elevation at the location of the well, however the reliability of these estimates is questionable. It is possible that this water bearing layer is perched or may have a gradient toward the reservoir if it represents the regional aquifer. If the groundwater at the well is not tributary to the reservoir and follows in a northern rather than eastern gradient there may be a separation of aquifers.

Mr. Greg Sullivan on behalf of his client needs to provide evidence that there is a hydraulic connection between the current POD and the reservoir. Such evidence could be based on field data in the vicinity of the well. Some possible means to provide evidence include but are not limited to:

- 1) current static water level measurement in the well and a measurement of reservoir elevation to establish a gradient,
- 2) a pump test to establish the location and possible connection of water bearing layers within the profile of the existing well, and/or
- 3) drill an additional well to establish a groundwater gradient.

It should be noted, that I have not investigated whether additional pumping near the dairy would have a detrimental impact on water users in the immediate facility, but assume those questions have been addressed by others.

References

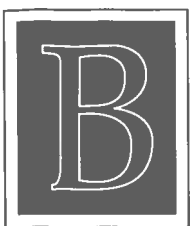
- Crosgrrove D.M., G.S. Johnson, C.E. Brockway, C. W. Robison (1997). Geohydrology and Development of a steady state ground-water model for the Twin Falls, Idaho Area. Idaho Water Resources Research Institute, University of Idaho, Moscow, ID 83844-3011.
- Fowler K.H. (1960). Preliminary Report on Ground Water in the Salmon Falls Area, Twin Falls County, Idaho. Geological Survey Circular 436. Washington, DC.
- Crosthwaite E.G. (1969). Water Resources of the Salmon Falls Creek Basin Idaho-Nevada. Geological Survey Water-Supply Paper 1879-D. Washington, DC.

Sincerely,



David Hoekema,
Technical Hydrologist, IDWR

¹ The Salmon Falls Creek Dam, located 1.8 miles south of this sight has a height of 223.5 feet (www.salmondam.com)



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

SEP 17 2014

DEPT OF WATER RESOURCES
SOUTHERN REGION

September 17, 2014

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

Re: Antelope Springs Ranch Transfer #79484-Water Right 47-16828

Dear Mr. Mills:

I appreciate the correspondence regarding Transfer #79484. I believe that consistency with the management of the resources of the State of Idaho is of utmost importance. That is why the decisions relating to water rights and water right transfers are so crucial. The best data, observation, analysis and conclusions must be utilized in the decision process.

Craig Tesch, a Technical Hydrogeologist for the Idaho Department of Water Resources, reviewed a rental application in the Spring of 2014 to utilize 21.0 acre-feet of ground water from 47-16828 in a dairy facility approximately five miles south of Buhl, Idaho. Mr. Tesch reviewed four published reports in preparation to give his recommendation to the Water Supply Bank to approve the rental application. The publications reviewed by Mr. Tesch were *Water Resources of the Salmon Falls Creek basin, Idaho-Nevada*, 1969, *Preliminary report on ground water in the Salmon Falls area, Twin Falls County, Idaho*, 1960, *Configuration of the water table and depth to water, spring 1980*, *water-level fluctuations, and water movement in the Snake River Plain regional aquifer system, Idaho and eastern Oregon*, 1980 and *Groundwater Resources of Idaho*, 1981. Two of the references that Mr. Tesch reviewed are specific reports on the Salmon Falls Creek area. The other two references cover more general aquifer conditions in Idaho. Mr. Tesch's conclusion as a Technical Hydrogeologist is that, "the aquifer appears to be within the same groundwater system as the proposed POD" and provides four supporting points as to why the rental is approvable.

The Southern Regional office of Idaho Department of Water Resources has approved three permanent ground water transfers from parent water right 47-7106 that has a POD that is several miles further south in the Salmon Falls aquifer, than the POD for 47-16828. Transfer #77406 was approved November 1, 2011, and moved 17.0 afa to a dairy facility south of Buhl, Idaho. Transfer #77669 was approved March 13, 2012, and moved 23.9 afa to a feedlot north of Hollister, Idaho. Transfer #78127 moved 48.2 afa to a dairy

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

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

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TWIN FALLS,
IDAHO 83301

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facility West of Buhl, Idaho. The basis of approval of these three transfers is that the ground water from northern Nevada and southern Idaho flow into the Salmon Falls area aquifer and then continues northward into the Snake River Basin aquifer.

The ground water aquifer is described by Fowler (1960), "In general the direction of ground-water movement is to the north and northwest toward the Snake River, which serves as a base level for ground water in all of southern Idaho." He continues to explain that the Salmon Falls Creek is the western boundary of the area and that the Salmon Falls Canyon floor is below the static water level of the aquifer located east of the canyon. It is expected that Salmon Falls Creek would be a major drain from the east side of the Salmon Falls aquifer but the reach gain from the Salmon Falls Reservoir to Lillie's Grade crossing is relatively small. The stream channel measurements of Salmon Falls Creek observed by Fowler indicated that "very little ground water is discharged into the creek from the Salmon Falls area". Fowler continues, "There are two possible routes for ground-water flow through and out of the Salmon Falls area other than by way of Salmon Falls Creek. These are (a) northwestward beneath the canyon of Salmon Falls Creek, or (b) northward, generally parallel to, and east of Salmon Falls Creek canyon." The reason for the ground water under flow is "silicic volcanic rocks and sedimentary strata of the Idaho and Payette formations, crop out in a broad belt extending many miles south and west" of the Castleford area. Thus, inhibiting ground water flows westward or north westward but facilitating ground water flows in a west of north, or northern, direction.

Fowler concludes:

"that the underflow from the Salmon Falls area moves in a direction somewhat west of north, a few miles east of Salmon Falls Creek, and discharges either into Salmon Falls Creek downstream from Roseworth crossing or into the Snake River, or into both. It seems likely that most of the ground water beneath the Salmon falls area is prevented from discharging into the nearby parallel canyon by some barrier. The nature of this postulated barrier is not known, but there is evidence to suggest that faulting and canyon filling may be the explanation. Many topographic and drainage features are alined in a northwesterly direction. Some or most of these features appear to be fault traces which aline with faults shown further north on the geologic map of the State. The courses of Salmon Falls and Deep Creeks probably were determined, at least in part, by such faults."

The underflow of ground water is discussed by Crosthwaite, 1969, as “The natural discharge of ground water beneath the Salmon Falls tract is by underflow northward into the Snake River and Rock Creek. A small amount discharges in Salmon Falls Creek.”

Both Fowler and Crosthwaite conclude that the ground water flow of the Salmon Falls tract is northward and that only a small amount of ground water flows into Salmon Falls Creek. This indicates that the major ground water flow continues northward towards the Snake River Basin and will be accessible by ground water wells in the Hollister, Filer and Buhl areas.

Previous water right Transfers #5801 and #5802 proposed to transfer portions of 47-2394, (parent water right to 47-16828) to locations near Buhl, Idaho. IDWR staff prepared several memos relating to these transfers. A memo prepared by Shane Bendixsen, Hydrology Section of IDWR, referenced an Idaho Department of Water Administration report entitled, *Water Resources of the Twin Falls, Tract, Twin Falls County, Idaho, Water Information Bulletin No. 22*. The report was prepared by Dale Ralston and Norman Young in 1971. The report assesses the ground water and surface water of the Twin Falls Tract. Mr. Bendixsen references Ralston and Young (1971) in his memo that, “The western boundary for this aquifer is considered to be Salmon Falls Creek.”

A review of the Ralston and Young (1971) report was performed and the report does not state that the Salmon Falls Creek is the western boundary for the Twin Falls Tract aquifer. It does state:

“The study area includes approximately 350 square miles of land in the northern portion of Twin Falls County. The area is bounded on the north by the Snake River, on the west by Salmon Falls Creek, on the south by the High Line Canal of the Twin Falls Canal Company, and on the east by the intersection of the Twin Falls South Side Canal with the Snake River at Milner, and includes all lands serviced by the Twin Falls Canal Company.”

Ralston and Young (1971) discuss three major geographic features in the study area. The first is the northwestward sloping plateau. The second is the deep canyon of the Snake River. And the third is the canyon of Salmon Falls Creek which “is located along the western boundary of the study area.” An aquifer boundary is not established on the south edge of the study area because of the location of the High Line Canal. Similarly, the eastern edge of

the study area that includes the intersection of South Side Canal and the Snake River at Milner is not an aquifer boundary.

Both of these statements from Ralston and Young (1971) are defining the study boundary area of the Twin Falls Tract and are not defining area aquifer boundaries of the Twin Falls aquifer or the Salmon Falls aquifer. Ralston and Young (1971) further define the study area of the Twin Falls Tract by discussing the surface water flow from Salmon Falls Creek.

“Salmon Falls Creek heads in the Jarbridge Mountains of Nevada and flows in a deep canyon along the western boundary of the Twin Falls Tract. The stream may be divided into three major segments: headwater to the Salmon Falls Dam, the Salmon Falls Dam to the Roseworth Crossing, and the Roseworth Crossing to the mouth. The lower reach is of primary interest in this study.”

The primary area of interest, as pertaining to Ralston and Young (1971), is the lower reach of Salmon Falls Creek. Ralston and Young (1971) did not examine or provide any additional analysis of the aquifer characteristics pertaining to reaches encompassing the headwaters to Salmon Falls Dam and the Salmon Falls Dam to Roseworth Crossing.

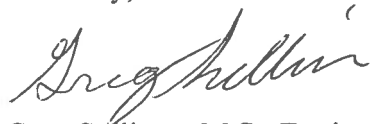
The current POD for 47-16828 is located less than two miles west of Salmon Falls Dam and is clearly in the headwater to Salmon Falls Dam area. The best description and analysis of the aquifer conditions and characteristics in the headwater to Salmon Falls Dam and Salmon Falls Dam to Roseworth Crossing reach areas are provided by Fowler (1960) and Crosthwaite (1969).

The direction of ground water flow in the study area of Ralston and Young (1971) is described as, “The general direction of ground-water flow is north and northwest.” This description of the ground water aquifer in the northern end of the Salmon Falls Tract area is consistent with the observation and analysis provided by Fowler (1960) and Crosthwaite (1969). All three analysis concluded that minimal amounts of ground water from the aquifer located east of Salmon Falls Creek Canyon drained into Salmon Falls Creek. The major portion of ground water collected from the headwaters above Salmon Falls Dam flows northward as underflow of the Salmon Falls Creek Canyon and into the Snake River Basin. Therefore, the ground water aquifer that is under Salmon Falls area is the same aquifer that supplies ground water to the Hollister, Filer and Buhl areas.

It is upon this hydrologic understanding in which Transfer #79484 was prepared and submitted for processing and it is upon this hydrologic understanding that the Idaho Department of Water Resources should approve Transfer #79484.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Sullivan". The signature is fluid and cursive, with the first name "Greg" and last name "Sullivan" clearly distinguishable.

Greg Sullivan, M.S., Engineer

Cc: Bob Jones

Enc: Map

References:

Crosthwaite, E. G., Water Resources of the Salmon Falls Creek basin, Idaho-Nevada: U.S. Government Printing Office Water Supply Paper 1879-D, 1969.

Fowler, Kenneth H., Preliminary report on ground water in the Salmon Falls area, Twin Falls County, Idaho: US Geological Survey Circular 436, 1960.

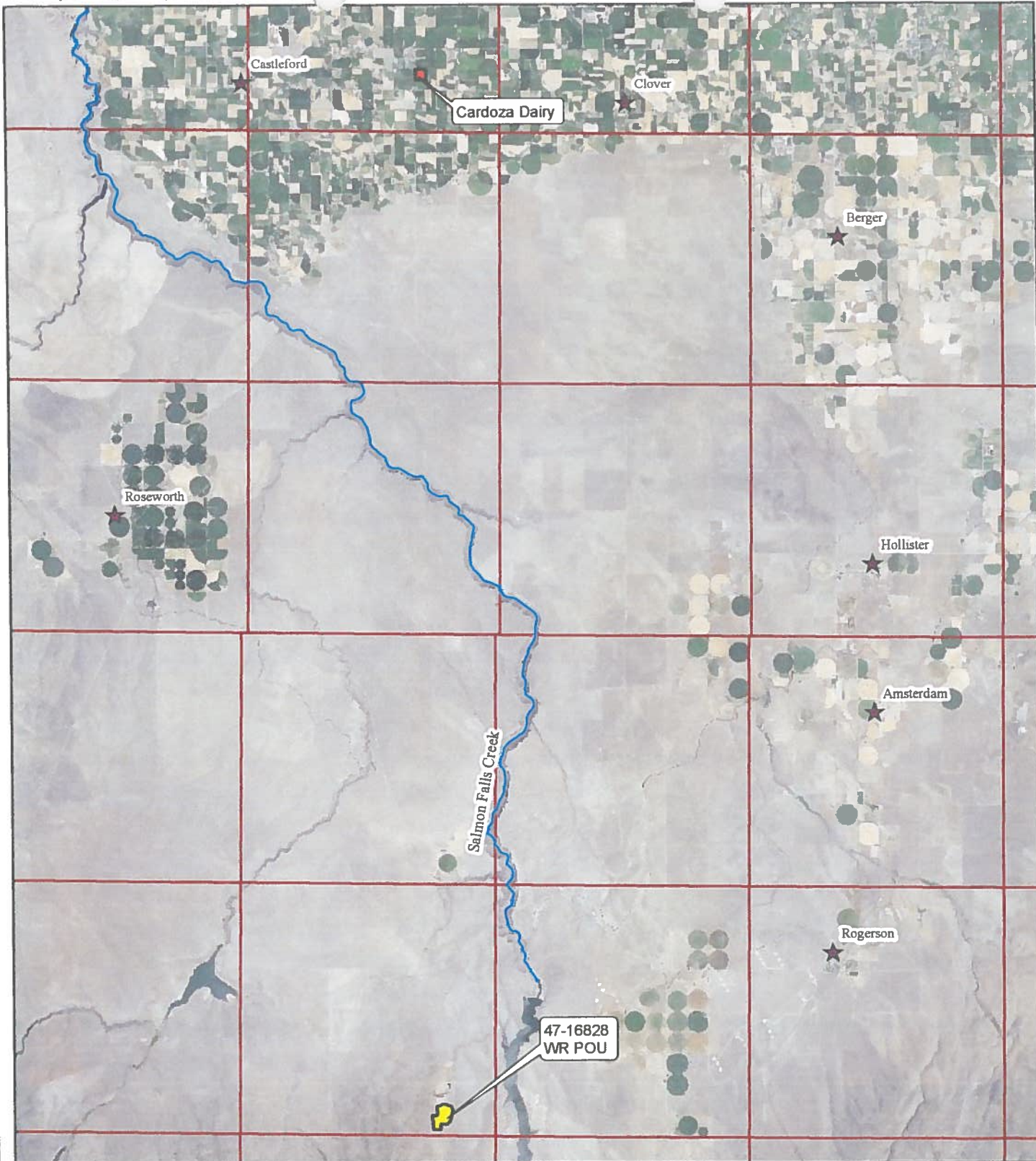
Graham, William G., Campbell, Linford J., Groundwater Resources of Idaho. Idaho Department of Water Resources, 1981.

Lindholm, G.F., Garabedian, S.P., Newton, G.D., and Whitehead, R.L., Configuration of the water table and depth to water, spring 1980, water-level fluctuations, and water movement in the Snake River Plain regional aquifer system, Idaho and eastern Oregon: U.s. Geological Survey Hydrologic Investigations Atlas HA-703, scale 1:500,000, 1988.

Cosgrove, Donna M.; Johnson, Gary S., Brockway, Charles E., Robison, Clarence W., Development of Tansient Ground-Water Model for the Twin Falls area, Idaho, 1998.

Haskett, Gorden I., Hampton, Loren D., Groundwater Investigations for Salmon Falls Divisions, Idaho and Aspects of Pumping from the Snake River Aquifer, 1979.

Ralsotn, Dale R., and Young, Norman C., Water Resources of the Twin Falls Tract, Twin Falls County, Idaho, Water Information Bulletin No. 22, Idaho Department of Water Administration, 1971.



0 1.25 2.5 5 Miles

**ROBERT JONES REALTY
CARDOZA DAIRY TRANSFER 47-16828
NAIP 2013 AERIAL**

RECEIVED

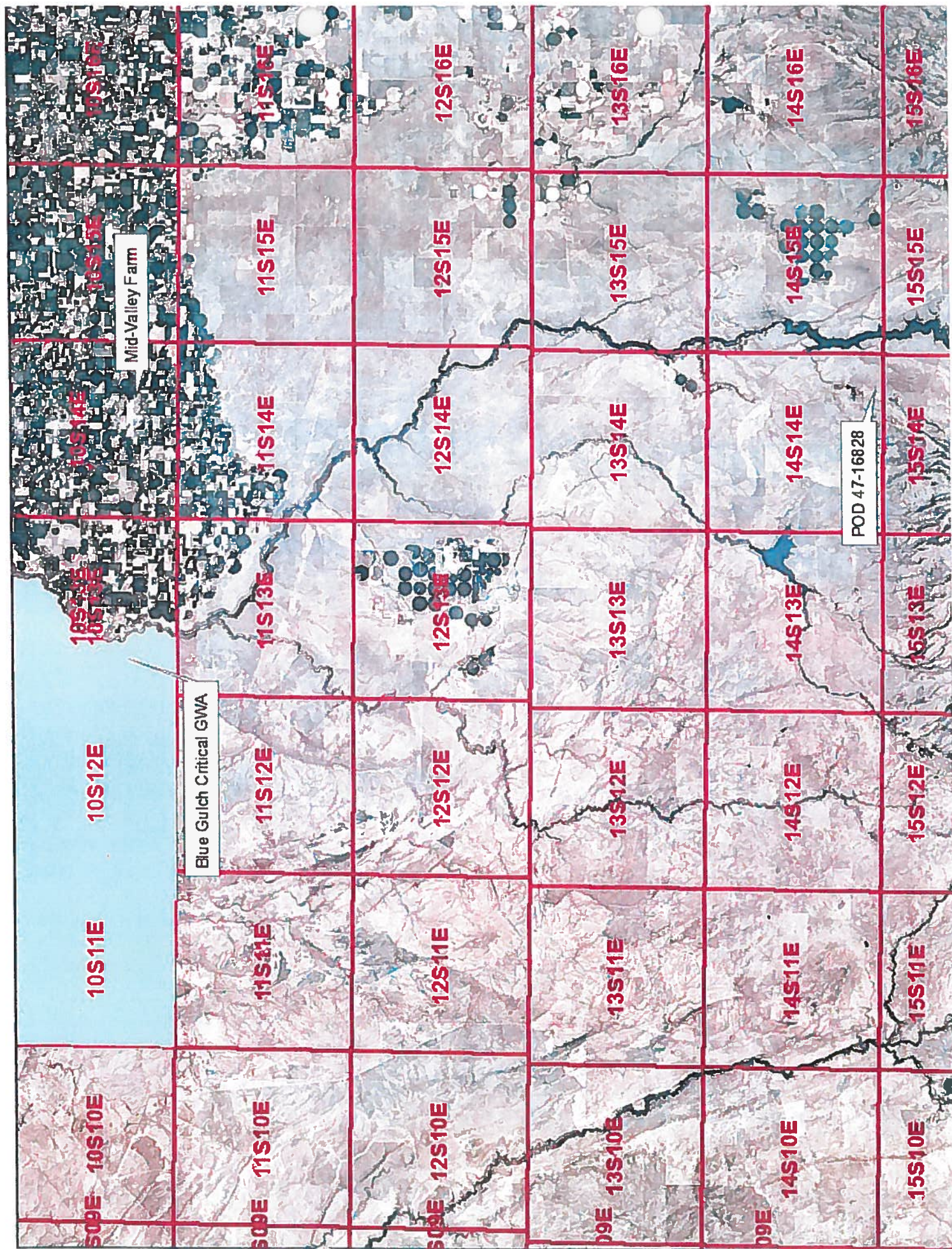
SEP 17 2014

**DEPT OF WATER RESOURCES
SOUTHERN REGION**

BROCKWAY ENGINEERING, PLLC.
ALR -Date: 9/16/2014

- Legend
- Rivers
 - township
 - Cardoza Dairy
 - 47-16828_POU
 - cities







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

September 10, 2014

Greg Sullivan
Brockway Engineering, P.L.L.C.
2016 North Washington Street
Suite 4
Twin Falls, ID 83301

RE: Transfer Application for Water Right 47-16828

Dear Mr. Sullivan:

In reference to your letter dated September 2, 2014, you specifically asked "how are the standards for reviewing and a Water Supply Bank rental different from a permanent transfer?" and "in what way is a rental analysis not as strict as a transfer analysis?"

A Water Supply Bank (WSB) rental is a temporary change that can be revoked and will expire, where an approved transfer is a permanent change not subject to potential revocation unless the conditions set forth by the transfer aren't complied with. Since a transfer is a permanent change, there is a higher burden of proof required by the Department, especially when it isn't clear if the changes requested by the transfer application fall within the Department guidelines for accepting, processing and potentially approving a transfer. In addition, even though the Department may approve a temporary WSB rental, the rental does not set precedence requiring the Department to approve a transfer seeking to accomplish the same water use temporarily allowed by the rental.

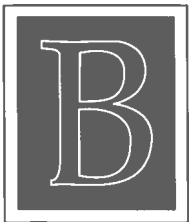
Since, the previous letter gave you thirty days to provide all of the requested information and you had additional questions concerning this matter, I'm extending the deadline for providing all the information requested in the previous letter an additional thirty days, extending the deadline to October 22, 2014.

If you have any questions or concerns, or if I can be of any further assistance, feel free to contact me at your convenience.

Sincerely,

Bill Mills
Senior Water Resource Agent

TRANSFER 79484



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Hydraulics

Hydrology

Water Resources

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SEP 03 2014

DEPT OF WATER RESOURCES
SOUTHERN REGION

September 2, 2014

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

Re: Antelope Springs Ranch Transfer

Dear Mr. Mills:

I have received your letter dated August 21, 2014 pertaining to Transfer #79484. I am confused by the Departments response regarding water right 47-16828. It is my understanding that the Idaho Water Supply Bank have always scrutinized and evaluated rental applications with the same standards as a permanent transfers. However, you stated in your letter, "the standards for temporary change of a water right, such as a WSB rental, are not as strict as those used to approve a permanent transfer of a water right." It was my understanding, based on previous correspondence with IDWR staff, that the Department applied the same standards of review to permanent transfer application as temporary rental applications.

How are the standards for a reviewing and approving a Water Supply Bank rental different from a permanent transfer?

In what way is a rental analysis not as strict as a transfer analysis?

I have prepared many transfers in the past in which a rental application for the same water and beneficial use was secured before the permanent transfer was submitted, processed, advertised and approved by the Department.

I need to know how the standards are different for the approval of Water Supply Bank rentals versus a permanent transfer so that I can properly advise my current and future clients.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Bob Jones
Enc: Bill Mills' August 21, 2014 Letter

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

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

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State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

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C.L. "BUTCH" OTTER

Governor

GARY SPACKMAN

Director

August 21, 2014

Greg Sullivan
Brockway Engineering, P.L.L.C.
2016 North Washington Street
Suite 4
Twin Falls, ID 83301

RE: Transfer Application for Water Right 47-16828

Dear Mr. Sullivan:

The Department of Water Resources recently received a transfer application that you submitted in the name of Antelope Springs Ranch (Transfer # 79484) along with the appropriate filing fee. It has been determined that insufficient documentation was provided along with the application for transfer to enable further processing of this application.

A previous transfer (#5801; received 11/19/1998) intended to transfer a 0.104 cfs portion of water right 47- 2394 (superseded by decree) from the same point of diversion in the SESWNE1/4 of Sec 2, Twp 15S, Rge 14E, across Salmon Falls Creek Canyon to a proposed point of diversion in the SWNW1/4 of Sec 34, Twp 09S, Rge 14E. The Department's hydrology staff reviewed the transfer and it was determined that Salmon Falls Creek Canyon was a hydrologic boundary and that these were likely separate aquifers and it was recommended the water right be removed from the application. The water right was dropped from the application, the transfer was renumbered #68485, was approved without water right 47-2394, and authorized the transfer of three other water rights that were determined to have been diverted from the same aquifer source as the proposed point of diversion.

The Department's Transfer Processing Memo No. 24 states in section 5c, part 8 on page 27, that "an application for transfer proposing to change the point of diversion from one distinct aquifer to a totally separate aquifer is not approvable, just as an application for transfer proposing to change the point of diversion for a surface water right from one distinct surface water source to a totally separate surface water source is not approvable."

A recent Water Supply Bank rental application for water right 47-16828 proposing to rent the exact same portion, volume and divert from the same point of diversion as proposed in transfer #79484, was reviewed by the Department's hydrology section. The review memo stated "groundwater flow direction is poorly characterized at the location of the current POD and concluded that "there is not enough available data to conclude the two PODs would be in different aquifer systems." Subsequently, the rental was recommended for approval.

Upon further review, the Department has determined that the standards for a temporary change of a water right, such as the WSB rental, are not as strict as those used to approve a permanent transfer of a water right. The Department has determined that to allow a permanent transfer of this portion of water right 47-16828 to the proposed location, the applicant is required to present the Department with evidence that this is a single aquifer

system and that Salmon Falls Creek Canyon isn't a distinct hydrologic boundary between two separate aquifers systems.

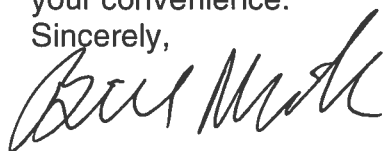
Additionally, the warranty deeds and quitclaims provided with the application list Mid Valley Farm, LLC as the current owner of the dairy where the water right is proposed to be transferred to, and the transfer application and contract agreement name Mid Valley Dairy, LLC as the current owner at the location. The ownership on all documents provided needs to consistently reflect the same ownership at the proposed point of diversion and place of use.

Finally, there was no FSA crop report or affidavit provided as evidence to support the listed crop of frequently cut alfalfa for the change in nature of use from irrigation to stockwater and commercial use analysis.

If the Department doesn't receive the requested additional materials in 30 days, the application will be returned and the application filing fee will be refunded.

If you have any questions, or if I can be of any further assistance, feel free to contact me at your convenience.

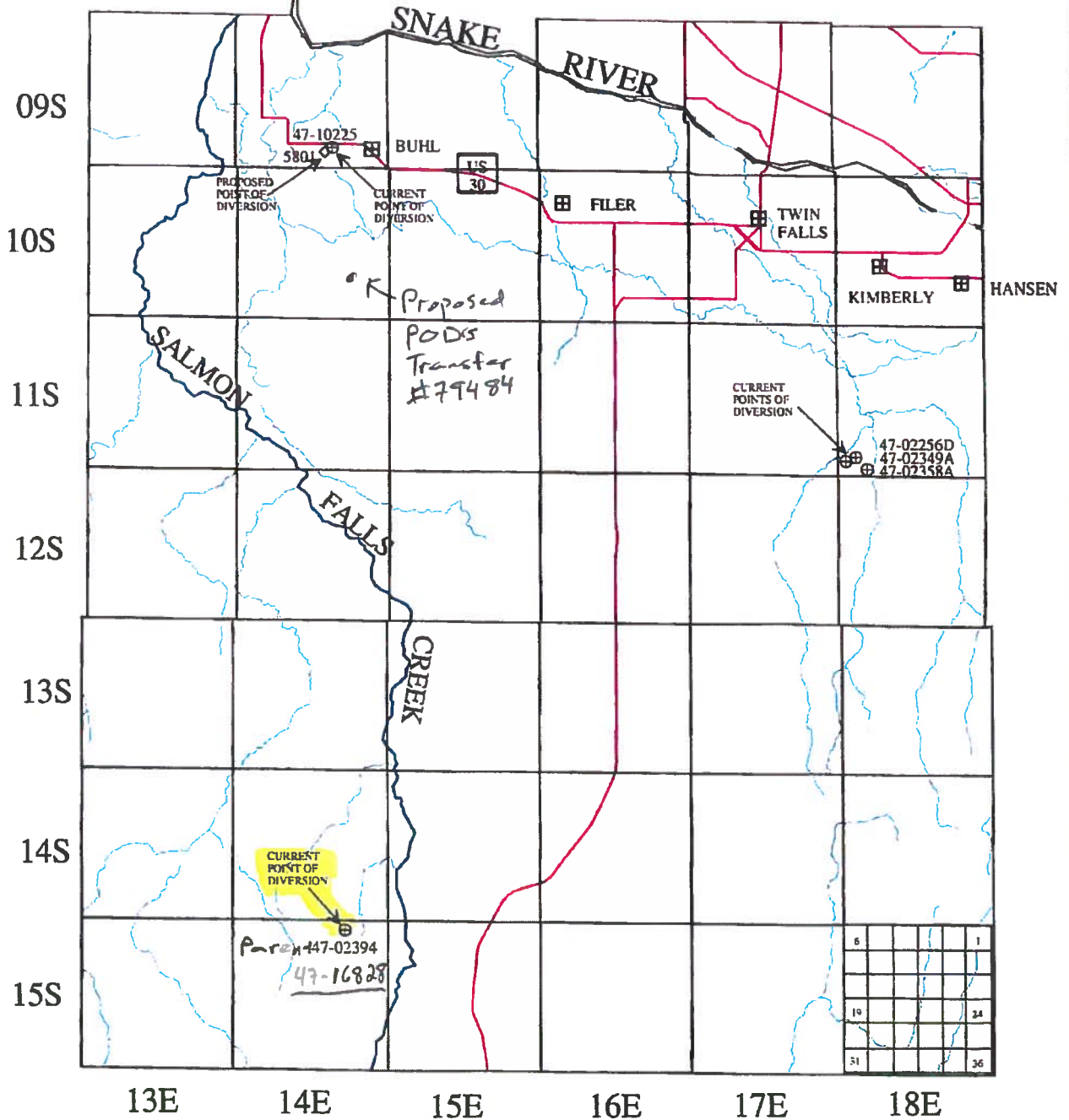
Sincerely,

A handwritten signature in black ink, appearing to read "Bill Mills", written in a cursive style.

Bill Mills
Senior Water Resource Agent

TWIN FALLS SOUTH SIDE TRACT AREA

Transfer #5801



- ◆ TRANSFER NUMBER AND PROPOSED POINT OF DIVERSION
- ⊕ WATER RIGHT NUMBER AND CURRENT POINT OF DIVERSION

ATTACHMENT #1

MEMORANDUM

To: Right(s) 47-16828
From: Michele Edl
Date: May 28, 2014
Re: Review & Analysis of Mid-Valley Farm's Application to Rent Water from the State Water Supply Bank

PURPOSE/NARRATIVE: On March 7, 2014, Greg Sullivan of Brockway Engineering submitted an application to rent water from the State Water Supply Bank on behalf of Mid-Valley Farm. The application proposes to rent water for a dairy located in Twp 10S Rge 14E sec 26 for 2014-2016.

The additional water will be used to cover the dairy operation. The applicant is negotiating the purchase of a permanent water right to cover expanded use.

The proposed points-of-diversion are 2 existing wells utilized by the applicant's current system. They divert water rights 47-7663F and 47-14200.

AUTHORITY TO FILE: According to available Twin Falls County taxlot information, Mid-Valley Farm LLC owns the proposed place-of-use. Elvira Cardozo, a member of Mid-Valley Farm LLC, signed the application.

WATER RIGHT VALIDITY: 47-16828 is leased to the State Water Supply Bank. It is available to rent through December 31, 2016.

A review of aerial photography shows that the water right appears to have been idled at the authorized place-of-use.

INJURY TO OTHER WATER RIGHTS: No injury is apparent.

ENLARGEMENT OF USE: No enlargement is evident through the rental.

The leased right, 47-16828, is for irrigation use. The applicant requests water for use in a dairy which required calculations of a change in nature of use. (See the attached spreadsheet and ETIdaho table)

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 rental appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: Based on a map of the area I determined that the POU for the leased right is outside both the ESPA boundary and the Blue Gulch Critical Ground Water Area.

The reviewer of the lease application for 47-16828, recommended consultation with Hydrology section before renting the right. Southern Region requested the opinion of the Hydrology Section related to the source of the groundwater at the lease and rental locations.

The Hydrology opinion was provided and is attached to this memo. In brief, the POD at the lease location and the POD at the rental location likely tap the same aquifer. The consultant provided the POU shape file.

Edl, Michele

From: Tesch, Craig
Sent: Monday, June 02, 2014 2:42 PM
To: Edl, Michele
Cc: Vincent, Sean
Subject: RE: Mid-Valley Farms WSB application

Hi Michele,

I reviewed several groundwater contour maps and two water resource reports (Fowler, 1960, and Crosthwaite, 1969) in an attempt to address your concerns. References are provided below this email.

In general, the direction of groundwater flow in the Salmon Falls Creek basin is to the north-northwest toward the Snake River. This is supported by various contour maps including Crosthwaite (1969), Campbell (1981), and Newton (1988). The proposed POD (Mid-Valley Farms) is 25 miles to the north of the current POD (47-16828). Groundwater flow at the proposed POD is northwest toward the Snake River. Groundwater flow direction is poorly characterized at the location of the current POD; however, water level elevations derived from several driller reports indicate a potential north-northeast gradient in the vicinity. Additionally, the current POD area is part of the upper drainage system of the Salmon Falls Creek basin (Crosthwaite, 1969).

Groundwater recharge in the basin is derived from direct precipitation; percolation from streams, reservoirs (primarily Salmon Falls Creek Reservoir), and canals (primarily High Line Canal); and percolation from excess applied Irrigation water (Crosthwaite, 1969). The natural discharge of groundwater from the Salmon Falls Creek basin is into the Snake River, Rock Creek, and a small amount into Salmon Falls Creek (Crosthwaite, 1969). Discharge measurements in Fowler (1960) between the Salmon River Canal Co. dam and Roseworth crossing indicate that Salmon Falls Creek is a gaining stream. This agrees with the groundwater contours in Newton (1988).

Although geology and groundwater contour information is lacking at the location of the current POD, the aquifer appears to be within the same groundwater system as the proposed POD based on the following:

- 1) The current POD is located within the Swan Falls Creek watershed and is part of the upper drainage system of Swan Falls Creek basin. It is assumed that the groundwater in this watershed is all within the same aquifer system. ?
- 2) The current POD is in the recharge area of the Salmon Falls Creek basin watershed, while the proposed POD is in the discharge area of the same watershed. The geology in the area of the current POD is rhyolite, which appears to feed groundwater into basalts in the area of the proposed POD.
- 3) Groundwater at the proposed POD discharges to the Snake River. Groundwater at the current POD likely flows in a northerly direction and discharges to either Swan Falls Creek (a gaining stream) or the Snake River. Swan Falls Creek ultimately discharges to the Snake River.
- 4) Groundwater pumped at either the current or proposed POD location will reduce discharge equally to the Snake River, the final discharge point for the Swan Falls Creek basin. Although the current and proposed PODs are on opposite sides of Salmon Falls Creek, and evidence exists for faulting in the area, there is not enough available data to conclude the two PODs would be in different aquifer systems.

Hope this is helpful, please let me know if you have any questions.

Thanks,

Craig Tesch, P.G.

January 4, 2001

MEMORANDUM

To: Pam Skaggs, WR Permits Section

Through: Bob Sutter, Hydrology Section

From: Shane Bendixsen, Hydrology Section

Subject: Water Right Transfers 5801 & 5802; RIGHTS 47- 2256D / 02349A /02358A
/02394/ & 10225.

It is my understanding that it has been proposed to transfer portions of four water rights and all of one water right in the Twin Falls South Side Tract area. Attachment #1 presents the current points of diversion and the associated water right number along the proposed points of diversion and associated transfer number. Transfer 5801 will take a portion of four of the current rights and all of 47-10225 for a total of 0.464 cfs. Transfer 5802 will again take a portion of four of the water rights for a total of 0.78 cfs.

Four of the current points of diversion are considered to be in the same aquifer as the proposed points of diversion. The western boundary for this aquifer is considered to be Salmon Falls Creek (Ralston and Young, 1971). Water west of Salmon Falls Creek would be considered tributary to Salmon Falls Creek or south to Snake River flowing through the Blue Gulch Critical Ground Water Area (CGWA). Water right 47-02394 at the current point of diversion would not be considered in the same aquifer as the other four rights. Consideration can be given that approving the transfer might increase recharge to the Blue Gulch CGWA.

Attachment #2 presents ground water contours and elevations based on the 1980 RASA work. Ground water flow is generally north to northwest into the Snake River. The flow direction is based on generally shallow wells representing the cold water system, not the underlying geothermal system. Transfer 5801 is approximately down gradient or next to the current points of diversion. Transfer 5802 is up-gradient from the current points of diversion.

Total inflow into the area is estimated at 1.6 million-acre feet per annum (Ralston and Young, 1971). The quantity of water not consumed in a typical water year was estimated at 1.4 million acre feet (i.e. the area has a substantial amount of recharge).

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Attachment #3 presents ground water hydrographs for selected wells. The deep geothermal system has experienced some declines, but the shallow cold water system has remained quite stable.

In closing, four of the current water rights selected for transfer are in the same aquifer as the proposed point of diversion and one is not (47-02394). One of the transfers will be down gradient from the current points of diversion and one will be up gradient. The area receives a substantial amount a recharge. Ground water hydrographs suggest no decline in the shallow cold water system.

REFERENCE

Ralston, Dale R., and Young, Norman C., Water Resources of the Twin Falls Tract, Twin Falls County, Idaho, Water Information Bulletin No. 22, Idaho Department of Water Administration, 1971.

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DEC 15 2000

Department of Water Resources

MEMO

FROM: Allen Merritt *AM*

DATE: December 13, 2000

TO: Transfer File No.
In the name of:

T5801
Silva & Sons Dairy

T5802
Tews Land & Livestock

Water Right(s):

T47-02256F
T47-02349D
T47-02358D
T47-02394B
T47-10225

T47-02256H
T47-02349F
T47-02358F
T47-02394D

SUBJECT: **Review and Recommendation**

These two transfers are related in that they propose splitting up rights from two farms for use at new sites. The proposals were brokered by Del Kohtz. The rights come from the Mathers Ranch (rights: 47-02256D, 47-02349A, 47-02358A) south of Twin Falls along the foothills road and the Antelope Springs Ranch (right 47-02394) on the west side of Salmon Dam Reservoir and Salmon Fall Creek.

The proposed sites are the Silva & Sons Dairy located a couple of miles west of Buhl and the Tews Land & Livestock lands located four miles west of Hollister. Note that both proposed sites are east of Salmon Falls Creek.

These transfers were processed without protest.

T5801 proposes to dry up 11.5 acres at the Mathers Ranch and 6.9 acres at Antelope Springs Ranch and convert the water for stockwater and commercial use at a dairy. The transfer also includes SRBA claim 47-10225 not yet recommended.

T5802 proposes to dry up 24.5 acres at the Mathers Ranch and 6.7 acres at Antelope Springs Ranch and transfer the water for irrigation of 31.2 acres on the Tews Land & Livestock property.

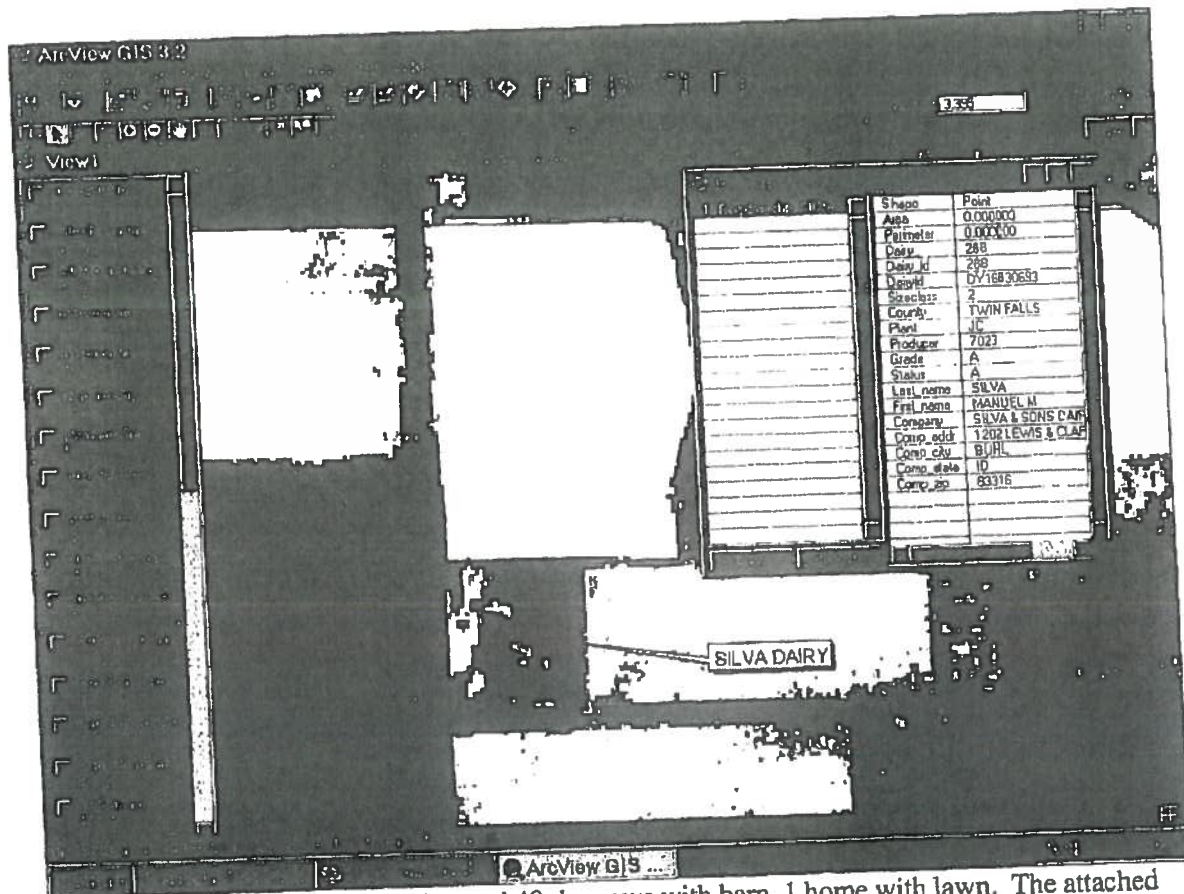
See Corey Skinner's memo dated 8/7/2000 for issues he identified during his staff review and also earlier letters to Kohtz attempting to address various issues.

The issue of the overlap of Mathers right and TFCC shares identified by Corey does not appear to impact the areas specifically being dried up in these transfers so should not be an issue. The remaining unresolved issues were communicated to Mr. Kohtz and the applicants in my letter dated 10/17/2000. In response to the letter Marc Brackett from Antelope Springs Ranch provided an affidavit explaining past use and other corroborating documents to support recent use of right 47-02394. Documents submitted by Mr. Brackett to be retained in A47-02394 SRBA file. Mr. Kohtz also provided statements from the applicants that just state the transfers will not injure other water rights, do not expand the use, are in accordance with conservation of water resources and will be

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public interest.

In reviewing A47-10225 it is found that the claim is for stockwater, commercial and domestic use and was not reported in the D&S reviews since it includes commercial use. The following GIS map is a shot of SWNW of S34, T09S, R14E for the existing dairy site with 1987 photo and 1999 DEQ dairy information. A "Sizeclass 2" dairy is between 200 and 500 cows.



The original claim lists 160 milking and 40 dry cows with barn, 1 home with lawn. The attached dairy worksheet was run for this situation. Allowing 1.2 afa for the 1 house with lawn and adding in the results of the dairy spread sheet an estimate of use for 47-10225 is $(8.4 + 1.2)$ 9.6 afa. Noting that this is less than 13,000 gpd and would qualify the use as a D&S right.

In reviewing the Antelope Spring Ranch right it does not appear that it is hydrologically connected to the proposed aquifer system where the proposed sites are situated. The Mathers rights are generally within the same aquifer.

Recommendation

I recommend that these transfers be reviewed by the ground water hydrology section and by the

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administration. I recommend that right 47-02394 not be allowed to be transferred under these proposals since they would essentially be a new appropriations in the aquifer system in the Twin Falls area. The remaining rights appear to be in the same system so the transfers may be partially approved subject to the following conditions:

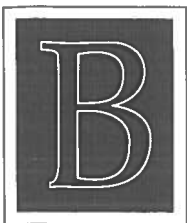
T5801

- Right 47-10225 be recommended in the SRBA as D&S with a limit of 9.6 afa.
- When rights 47-02256F, 47-02349D, 47-02358D and 47-10225 are combined they are limited to 0.36 cfs and 44.1 afa for domestic, stockwater and commercial use associated with the dairy.
- One new well is authorized to be added to the system but must be drilled pursuant to well drilling permit requirements.
- Measuring devices with totalizing meters must be installed and maintained on both wells. Annual use must be reported to IDWR if requested in future.
- Subject to other federal, state and county requirements as may be appropriate. Specifically subject to nutrient management plan administered by Idaho Department of Agriculture to limit potential of nitrate pollution of ground water.

T5802

- When rights 47-02256H, 47-02349F and 47-02358F are combined they are limited to 0.68 cfs and 98.0 afa for irrigation of no more than 24.5 acres.
- No new wells are authorized to be drilled under this approval.
- Measuring device with totalizing meter must be installed and maintained on well. Annual use must be reported to IDWR if requested in future.

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AUG 04 2014

DEPT OF WATER RESOURCES
SOUTHERN REGION

August 4, 2014

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

Re: Antelope Springs Ranch

Dear Mr. Merritt:

Antelope Springs Ranch is the owner of water right 47-16828. An agreement is in place between Antelope Springs Ranch and Mid Valley Dairy to purchase 0.07 cfs or 12.9 acre feet of consumptive use of water to be used on a dairy facility south of Buhl, Idaho. Antelope Springs Ranch will retain ownership of the 0.07 cfs or 12.9 afa until the attached transfer is approved by IDWR.

The transfer proposes to transfer the 0.07 cfs or 12.9 afa of water to an existing dairy facility that utilizes two ground water wells. The ownership of the 0.07 cfs or 12.9 afa will remain in the name of Antelope Spring Ranch. This transfer will change the beneficial use, period of use and authorized PODs of the portion of this water right to be transferred.

Water right 47-16828 has been leased to the Water Supply Bank since October 31, 2011 and will be released October 31, 2016. Water right 47-16828 was partially decreed in the SRBA court on June 1, 2010. Historically, alfalfa has been grown under 47-16828.

Please contact me if you have any questions.

Sincerely,

Greg Sullivan, M.S., Engineer

Cc: Mid-Valley Dairy, Bob Jones

Enc: Warranty Deed, Annual Reports from the Secretary of State, Aerial Maps, Transfer Agreement, CAFO Water Requirement, Water Right Analysis Spreadsheet, Robert Jones Realty Check #20574 for \$200.00

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

CHARLES G.
BROCKWAY,
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