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JAN 15 2013

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for an entire water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right or to report an ownership change for a portion of a water right. See the *Application for Transfer Instructions* for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

☐ Change diversion point(s)☒ Add diversion point(s)☐ Ownership change

1. APPLICANT(S) SunView Dairy, LLC Phone (208) 941-3908
2. MAILING ADDRESS 6600 SW Blanksma Rd City Mountain Home
State ID Zip 83647 Email _____

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) required for water right ownership changes; see *fee schedule*.
- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 61-7208, 61-7312, 61-11963

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. TOTAL AMOUNT OF WATER transferred is 6.15 cubic feet per second and/or 3.00 acre-feet per annum.
(diversion rate) (storage volume)

5. POINT OF DIVERSION – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
4S	5E	36			SW	NE	Elmore	Ground Water	
		36			NW	SE	Elmore	Ground Water	
		36			SW	SE	Elmore	Ground Water	

6. GENERAL INFORMATION

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

New well will be connected with two existing wells to operate 4 pivots in Sec 36 Twp 4S Rge 5E. Measuring device can be accommodated in pump discharge line before interconnecting with two existing wells.

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

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

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

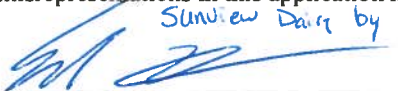
Yes No

- ☐ ☒ 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(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe

7. MAP - ☒ Attach a map of the diversion, measurement, control and distribution system. Clearly label the map with township, range, section and 1/4 1/4 of section information. The *Map Tool*, available at <http://maps.idwr.idaho.gov/TransferApplicationLayouts/> provides a satisfactory template for creating the required map.

8. SIGNATURE - The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

 Sunview Dairy by
Signature of applicant or authorized agent Ed DeGroot owner 1-5-2013
Print name and title if applicable Date

Signature of applicant or authorized agent Print name and title if applicable Date

9. FEE - ☐ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The *Fee Schedule* is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the *Application for Transfer Instructions*.

FOR DEPARTMENT USE ONLY

Transfer includes 2 pages of attachments. Received by MS Date 1/10/13
Fee paid \$320 - Date 3/6/13 Received by MS Receipt # W040917
Preliminary review completed by SC Date 3/5/13

State of Idaho
Department of Water Resources

Water Right
61-7208

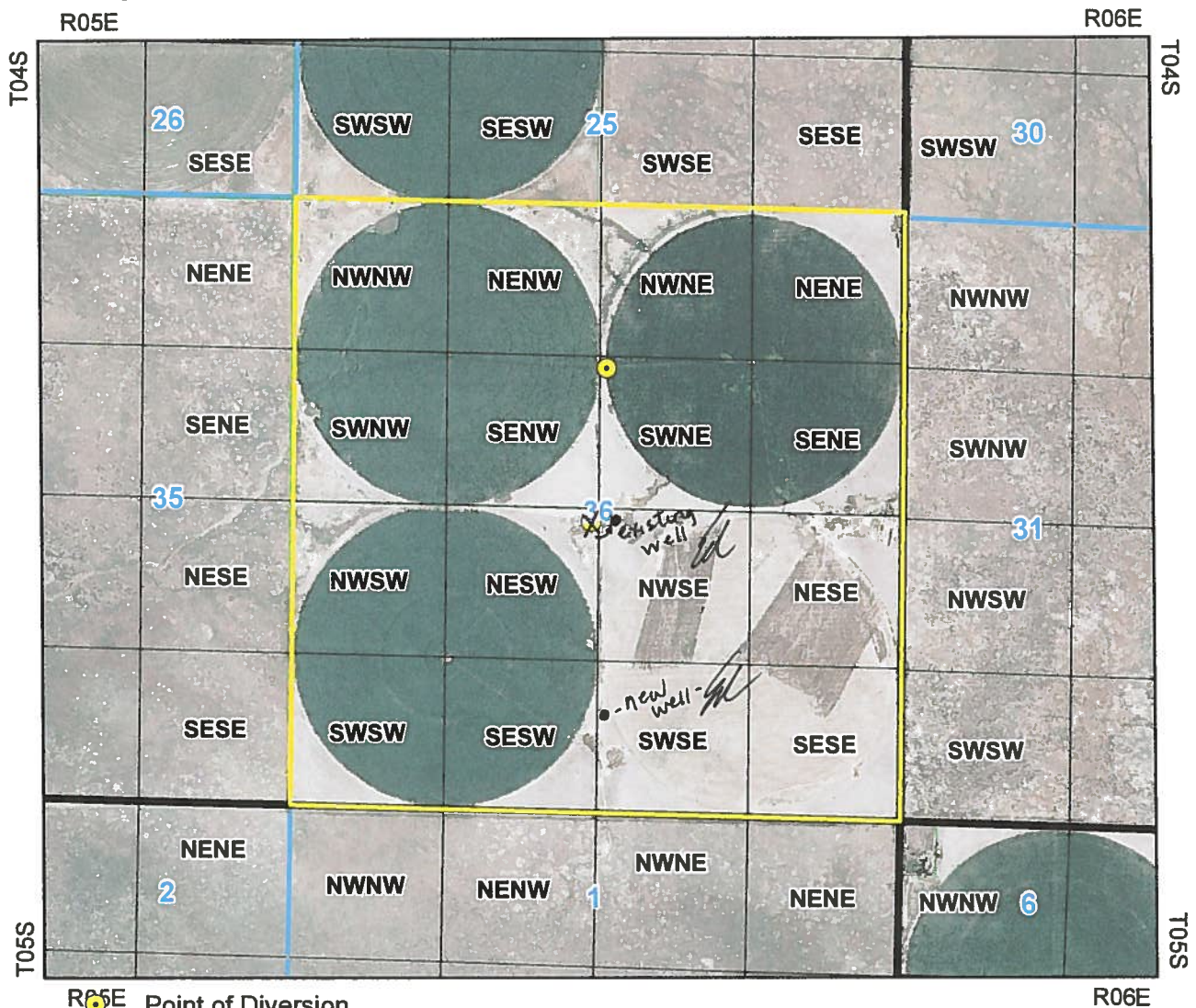
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WATER RESOURCES
WESTERN REGION

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.



- R05E Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Taxlots

0 0.175 0.35 0.7 Miles



IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 61-7208

WATER RIGHT NUMBER: 61-7208

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUNVIEW DAIRY LLC 6600 SW BLANKSMA RD MOUNTAIN HOME, ID 83647 (208)941-3908
Security Interest	RABO AGRIFINANCE INC 12443 OLIVE BLVD STE 50 ST LOUIS, MO 63141

Priority Date: 11/18/1974

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>Annual Volume</u>
IRRIGATION	03/15 to 11/15	2.560 CFS	1,170.00 AF
	<u>Total Diversion:</u>	2.560 CFS	1,170.00 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SE1/4	Sec. 36, Twp 04S, Rge 05E, B.M.
ELMORE County		
GROUND WATER	SW1/4NE1/4	Sec. 36, Twp 04S, Rge 05E, B.M.
ELMORE County		

Place of Use

IRRIGATION																			
Twp Rge Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals		
04S 05E 36	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0		

Total Acres: 640

Conditions of Approval:

1. X35 Rights 61-7208, 61-7312 and 61-11963 when combined shall not exceed the irrigation of 496 acres within the authorized place of use in a single irrigation season.
2. F06 The following rights are diverted through points of diversion described above: 61-7208, 61-7312 and 61-11963.
3. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. X27 This right is limited to the irrigation of 260 acres within the authorized place of use in a single irrigation season.
5. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

6. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
7. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
8. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Dates and Other Information:

Decreed Date: 10/26/2000
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre: 0.02
Generic Max Volume Per Acre: 4
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		496
Combined Water Rights: 61-7208 , 61-7312 , 61-11963		

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 61-7312

WATER RIGHT NUMBER: 61-7312

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUNVIEW DAIRY LLC 6600 SW BLANKSMA RD MOUNTAIN HOME, ID 83647 (208)941-3908
Security Interest	RABO AGRIFINANCE INC 12443 OLIVE BLVD STE 50 ST LOUIS, MO 63141

Priority Date: 03/08/1977

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>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.590 CFS	135.00 AF
	<u>Total Diversion:</u>	0.590 CFS	135.00 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4	Sec. 36, Twp 04S, Rge 05E, B.M.
ELMORE County		
GROUND WATER	NW1/4SE1/4	Sec. 36, Twp 04S, Rge 05E, B.M.
ELMORE County		

Place of Use

IRRIGATION																			
Twp Rge Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals		
04S 05E 36	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0		

Total Acres: 640

Conditions of Approval:

1. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
3. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. X35 Rights 61-7208, 61-7312 and 61-11963 when combined shall not exceed the irrigation of 496 acres within the authorized place of use in a single irrigation season.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 61-7312

5. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
6. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
7. X27 This right is limited to the irrigation of 30 acres within the authorized place of use in a single irrigation season.
8. F06 The following rights are diverted through points of diversion described above: 61-7208, 61-7312 and 61-11963.

Dates and Other Information:

Decreed Date: 10/26/2000
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre: 0.02
Generic Max Volume Per Acre: 4
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		496
Combined Water Rights: 61-7208 , 61-7312 , 61-11963		

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 61-11963

WATER RIGHT NUMBER: 61-11963

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUNVIEW DAIRY LLC 6600 SW BLANKSMA RD MOUNTAIN HOME, ID 83647 (208)941-3908
Security Interest	RABO AGRIFINANCE INC 12443 OLIVE BLVD STE 50 ST LOUIS, MO 63141

Priority Date: 01/05/1965

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>Annual Volume</u>
IRRIGATION	04/01 to 10/31	3.000 CFS	824.00 AF
	<u>Total Diversion:</u>	3.000 CFS	824.00 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NE1/4	Sec. 36, Twp 04S, Rge 05E, B.M.
ELMORE County		
GROUND WATER	NW1/4SE1/4	Sec. 36, Twp 04S, Rge 05E, B.M.
ELMORE County		

Place of Use

IRRIGATION																			
Twp Rge Sec	NE				NW				SW				SE						
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals		
04S 05E 36	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0		

Total Acres: 640

Conditions of Approval:

1. F06 The following rights are diverted through points of diversion described above: 61-7208, 61-7312 and 61-11963.
2. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. X27 This right is limited to the irrigation of 206 acres within the authorized place of use in a single irrigation season.
4. X61 The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10-26-2000.

5. X35 Rights 61-7208, 61-7312 and 61-11963 when combined shall not exceed the irrigation of 496 acres within the authorized place of use in a single irrigation season.
6. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
7. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
9. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

Dates and Other Information:

Decreed Date: 10/26/2000
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre: 0.02
Generic Max Volume Per Acre: 4
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		496
Combined Water Rights: 61-7208 , 61-7312 , 61-11963		