

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 78050

This is to certify that: HORIZON ORGANIC DAIRY LLC
2577 E 500 S
PAUL ID 83347
(208)438-8450

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
36-16396	WR/Decreed	12/08/1981	0.75 cfs	152.3 af			GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
36-16396	NO	NO	YES	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
36-16396	36-16396	0.75 cfs	152.3 af	N/A			N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.75 cfs	152.3 af	N/A			N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 6th day of November, 2012



Southern Region Manager

WATER RIGHT NO. 36-16396
As Modified by Transfer No. 78050

In accordance with the approval of Transfer No. 78050, Water Right No. 36-16396 is now described as follows.

Right Holder: HORIZON ORGANIC DAIRY LLC
2577 E 500 S
PAUL ID 83347

Priority Date: December 08, 1981

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	01/01	to 12/31	0.75 CFS	152.3 AF
COMMERCIAL	01/01	to 12/31	0.75 CFS	152.3 AF
			0.75 CFS	152.3 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L2 (NWNE)	Sec. 3	Twp 09S	Rge 21E	JEROME County
GROUND WATER	L2 (NWNE)	Sec. 3	Twp 09S	Rge 21E	JEROME County
GROUND WATER	L2 (NWNE)	Sec. 3	Twp 09S	Rge 21E	JEROME County

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
08S	21E	34												X				X	
09S	21E	3		X L 2			X L 3												

PLACE OF USE: COMMERCIAL

[illegible]

WATER RIGHT NO. 36-16396
As Modified by Transfer No. 78050

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 130.
3. Prior to the diversion and use of water under Transfer approval 78050, the right holder shall install and maintain acceptable measuring devices at the authorized points of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
4. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized points of diversion in accordance with Department specifications.
5. Commercial use is for a dairy.
6. Place of use for Stockwater use is within Farm Tracts C and D of S3, T09S, R21E and Farm Tracts B, C and D of S34, T08S, R21E.

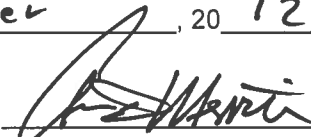
Place of use for Commercial use is within Farm Tracts C and D of S3, T09S, R21E.

All Points of Diversion are within Farm Tract D of S3, T09S, R21E.

7. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
8. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. 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.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 6th day of November, 2012


Southern Region Manager

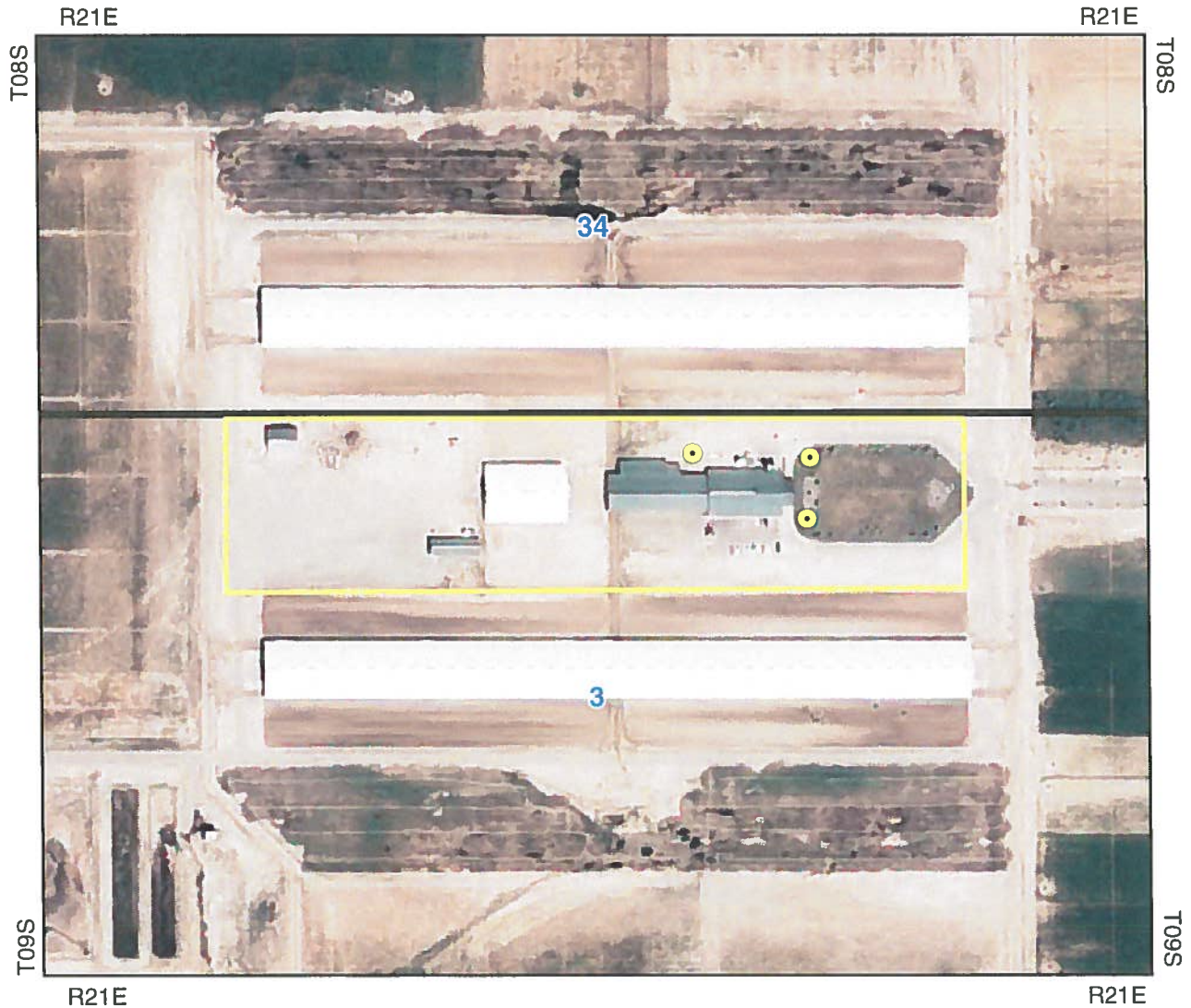
State of Idaho
Department of Water Resources

Attachment To Transfer Of Water Right

Transfer No. 78050

Rights: 36-16396

This map depicts the COMMERCIAL place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

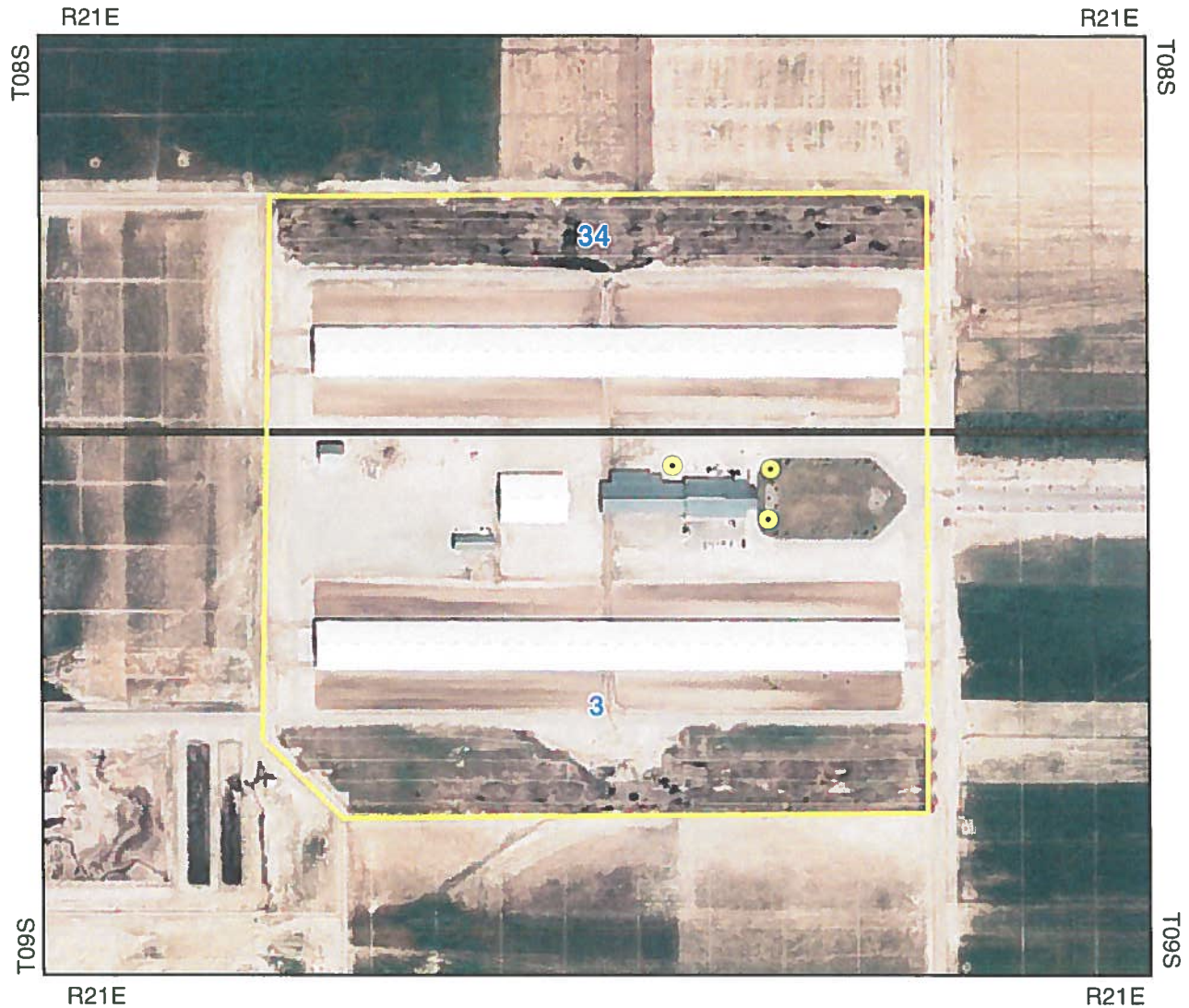
State of Idaho
Department of Water Resources

Attachment To Transfer Of Water Right

Transfer No. 78050

Rights: 36-16396

This map depicts the STOCKWATER place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 0.05 0.1 0.2 Miles

- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 6, 2012

HORIZON ORGANIC DAIRY LLC
2577 E 500 S
PAUL ID 83347

RE: Transfer No.: 78050
Water Right No(s): 36-16396

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's homepage on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Allen Merritt", with a stylized flourish at the end.

Allen Merritt
Southern Region Manager

Enclosure(s)

cc: BROCKWAY ENGINEERING PLLC
JP MORGAN CHASE BANK

CERTIFICATE OF SERVICE

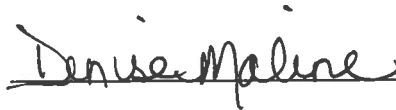
I hereby certify that on November 6, 2012 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

**RE: TRANSFER NO. 78050
 WATER RIGHTS NOS. 36-16396**

**HORIZON ORGANIC DAIRY LLC
2577 E 500 S
PAUL ID 83347**

**BROCKWAY ENGINEERING PLLC
C/O GREG SULLIVAN
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301**

**JP MORGAN CHASE BANK
10 S DEARBORN
CHICAGO IL 60603**

A handwritten signature in cursive script, reading "Denise Maline", is written over a solid horizontal line.

**Denise Maline
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 6, 2012

CINDY YENTER WATERMASTER
WATER DISTRICT # 130
1341 FILLMORE ST, STE 200
TWIN FALLS ID 83301

(Hand-delivered)

Re: **APPROVED Transfer No. 78050 (Horizon Organic Dairy)**

Dear Ms. Yenter:

For your information and records, we have enclosed a copy of an APPROVED Application for Transfer within your District.

If you have any questions, please contact this office, or the applicant.

Sincerely,

A handwritten signature in cursive script that reads "Denise Maline". The signature is written in dark ink and is positioned above the printed name and title.

Denise Maline
Administrative Assistant

Enclosure

Merritt, Allen

From: Merritt, Allen
Sent: Tuesday, November 06, 2012 8:59 AM
To: rewilliams@cableone.net
Cc: Yenter, Cindy; Maline, Denise; Skaggs, Pam
Subject: Horizon Organic Dairy LLC

Rob,

We received your letter with the letter from Samuel Diddle, attorney representing JP Morgan Chase Bank, explaining the bank's position that they did not need to write a letter of approval for transfer 78050 which was adding a point of diversion nor would they need to write a letter of approval for a future transfer that would convert water rights currently used for irrigation to water to be used at the dairy. They base their position on both of these transfers having no adverse impact on the land or water rights of Horizon Organic Dairy which they hold a security interest.

We will interpret Mr. Diddle's letter as approval for transfer 78050 and may be referenced on the future transfer.

Your letter and Mr. Diddle's letter will be scanned to the file for Transfer 78050.

Thanks for your efforts.

Allen Merritt, PE
Idaho Dept of Water Resources
Southern Region Manager
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033

MEMORANDUM

Date: November 06, 2012

To: Transfer 78050

From: ameritt

Re: review and approval

This transfer was processed in the region. It was advertised without protest. The watermaster has reviewed the application and does not oppose approval. It is being approved out of the region as drafted.

On initial review there appeared to be two issues that needed to be addressed.

The first was the location of the commercial use needed to be clarified. After communication with the applicant and their attorney the application was amended to conform the legal description to where the facilities were actually located. The amendment did not need to be advertised since there was no hydrologic impact.

The second was the issue of approval by the lean holder. A letter was received from JPMorgan Chase Bank attorney indicating that this transfer as well as a future transfer need not be approved since they did not adversely impact the value of the land. This letter should be sufficient to full fill the requirement for approval of the lean holder.

Williams, Meservy & Lothspeich, LLP
Attorneys at Law

153 East Main Street
Post Office Box 168
Jerome, Idaho 83338-0168

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NOV 05 2012

DEPT. OF WATER RESOURCES
SOUTHERN REGION



ROBERT E. WILLIAMS
JAMES C. MESERVY
JOHN B. LOTHSPICH
BRIAN J. WILLIAMS - ASSOCIATE
THEODORE R. LARSEN - ASSOCIATE
EUGENE D. FREDERICKSEN - RETIRED

TELEPHONE: (208) 324-2303
TELECOPIER: (208) 324-3135
E-MAIL: REWILLIAMS@CABLEONE.NET

November 1, 2012

Idaho Department of Water Resources
Attn: Allen Merritt
1341 Fillmore St., Ste. 200.
Twin Falls, ID 83301-3380

RE: Pending Water Right Transfer Applications for Horizon Organic Dairy, LLC

Dear Allen:

Enclosed please find a copy of the letter of Samuel A. Diddle on behalf of JP Morgan Chase Bank, N.A., providing the rationale for that bank's position that it is not required to consent to Water Transfer Applications currently filed or anticipated to be filed for Horizon Organic Dairy, LLC. The Bank takes its position even though it acknowledges it has filed with IDWR a Notice of Security Interest in the Water Rights that are involved.

In light of Mr. Diddle's letter, please confirm to me by return correspondence that IDWR will not require the Bank's consent to the Transfer Applications referenced in the letter.

Very truly yours,

WILLIAMS, MESERVY & LOTHSPICH, LLP

A handwritten signature in black ink, appearing to read 'RE Williams', written over the firm name.

ROBERT E. WILLIAMS

REW/mmb
Encl.
C: Matt McWilliams; Jamie Kulesa

**EBERLE, BERLIN, KADING, TURNBOW & McKLVEEN,
CHARTERED**

ATTORNEYS AND COUNSELORS AT LAW
BOISE PLAZA
1111 WEST JEFFERSON STREET, SUITE 530
POST OFFICE BOX 1368
BOISE, IDAHO 83701

SAMUEL A. DIDDLE
E-MAIL: sdiddle@eberle.com

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NOV 05 2012

DEPT. OF WATER RESOURCES
SOUTHERN REGION
TELEPHONE
(208) 344-8535

FACSIMILE
(208) 344-8542

October 26, 2012

Mr. Robert E. Williams
Williams, Meservy & Lothspeich, LLP
PO Box 168
Jerome, Idaho 83338-0168

Re: *Horizon Organic Dairy, LLC Application to Add a Diversion Point*

Dear Mr. Williams:

This firm represents the interests of JP Morgan Chase Bank, National Association in its capacity as administrative agent for its benefit and for the benefit of the holders of secured obligations ("JPM"). I am responding to your letter September 11, 2012 letter requesting JPM's consent for Horizon Organic Dairy, LLC's Application for Transfer of Water Right – Point of Diversion.

JPM filed a Notice of Security Interest in Horizon's water right pursuant to Idaho Code § 42-248(6), which gives it a right of notice regarding any changes in ownership of the water right or any proposed action to transfer a water right.

Idaho Department of Water Resources' ("IDWR") "Application for Transfer of Water Right – Point(s) of Diversion" that is used for adding points of diversion does not require consent from any secured parties. This appears to be the correct for Horizon's addition of a point of diversion and IDWR does not require consent from a holder of a security interest.

On the other hand, IDWR's general "Application for Transfer of a Water Right" does include a provision for obtaining lien holder's consent. IDWR's instructions for filing this general application make it clear that consent is only necessary where the change in the water right will adversely affect the secured property. IDWR's instructions for completing "5(c)" of the general application state:

Legal encumbrances for the land described by the right(s) being changed should be documented if the proposed change will adversely impact the value of the water right(s) and/or the land. For example, moving a water right to new land and/or changing the nature of use of a water right would be assumed to adversely impact the value of the land currently served by the water right. However, adding

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OCT 29 2012

Mr. Williams

RE: *Horizon Organic Dairy, LLC Application to Add a Diversion Point*

October 26, 2012

Page 2

a point of diversion to land currently served by the water right would be assumed to not adversely impact the value of the water right or the land where it is used. It is acceptable to check "yes" in this item while also explaining why a statement from the lien holder, etc., is not needed.

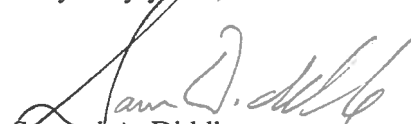
(Emphasis original). IDWR does not require a secured party's consent if its interest, unless the interest is adversely affected by the transfer.

As I understand, Horizon Organic Dairy, LLC is seeking to build an additional point of diversion in the form of a well on its property. This new well will be cased and the extra capacity it provides will allow for the casing of the two existing wells. Then after the new well is finished and the work on the existing wells has been completed Horizon will be able to divert its existing water right from three fully cased wells on its property. The project sounds beneficial to the value of the property and Horizon's operations. Consistent with the IDWR's presumption this adding a point of diversion will not impair the value of the secured property and JPM's consent for the application is not necessary.

Additionally, Horizon is seeking to change the nature of the use of some of the water rights. Horizon currently has a portion of its water right that is used for crop irrigation and a portion that is used as commercial and stock water. Horizon intends to transfer a portion of its water right currently used for irrigation to use as commercial and stock water. This will facilitate full utilization of Horizon's dairy operations. It is my understanding that this water right is currently serving property that JPM holds a security interest in and the water right will continue to serve property that JPM holds a security interest in when it is used for commercial and stock water. Because this transfer will not adversely impact the value of the water right or the land, under IDWR's instructions JPM's consent is not necessary for Horizon's application.

Please advise if you have any questions that I may be able to assist in.

Very truly yours,



Samuel A. Diddle

SAD/kg

00430537.000

Merritt, Allen

From: Yenter, Cindy
Sent: Friday, October 26, 2012 1:41 PM
To: Rob Williams
Cc: Merritt, Allen
Subject: RE: Horizon transfer needs amendment
Attachments: 78050_amend.pdf

Thanks Rob. Attached are amended copies of pages 1 and 2 of the original application. On page 1, under Item A. Purpose of Transfer, "Change place of use" has been checked. On page 2, under Item 4, Place of Use has been completed to add a pou for commercial use in NENW L3. The other descriptions are already a part of the right but were not initially filled in because the pou was marked "not changed".

Please initial changes in both locations, rescan the documents and return them to me.

We'll be looking for Mr. Diddle's letter.

cindy

From: Rob Williams [<mailto:rewilliams@cablone.net>]
Sent: Friday, October 26, 2012 12:32 PM
To: Yenter, Cindy
Subject: RE: Horizon transfer needs amendment

I am here, although I have to leave at 2:30. Allen should be receiving a letter from a Boise attorney named Sam Diddle on behalf of JP Morgan, explaining why it does not believe it has to consent to the transfer as the holder of a security interest in a water right. I can initial the existing application to address your other concerns, so please send it to me.

Thanks.

Rob

From: Yenter, Cindy [<mailto:Cindy.Yenter@idwr.idaho.gov>]
Sent: Friday, October 26, 2012 10:54 AM
To: Williams, Rob
Cc: Merritt, Allen; jamie.kulesa@whitewave.com; Greg Sullivan
Subject: Horizon transfer needs amendment

Rob –

Allen would like to correct at least the commercial pou on the pending Horizon transfer by adding one or two tract descriptions that will pull in the hospital barn and the shops. This requires your initials only – we won't readvertise. If we mailed you a copy of the amended pou page would you initial it and scan and send back asap?

We will work on that while you are working with WhiteWave's attorneys on the lienholder letter or some alternative statement.

Please let me know if you are in the office today.

Thanks,

Cindy

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Application No: 78050
Water Right No: 36-16396
Applicant Name: Horizon Organic Dairy

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application
- b) ☐ I do not oppose approval of this application if it is conditioned as follows:
- c) ☐ I oppose approval of this application(s) for the following reasons:
- d) ☐ Additional comment:

Dated: October 24, 2012

Water District 130


Cindy J Yenter, Watermaster

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AUG 13 2012

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Affidavit of Publication
STATE OF IDAHO)
COUNTY OF TWIN FALLS) SS.

I, Ruby Aufderheide, being first duly sworn upon oath, depose and say that I am Legal Clerk of the TIMES-NEWS, published daily at, Twins Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for two consecutive weeks, commencing with the issue dated 2nd day of August, 2012 and ending with the issue dated 9th day of August, 2012

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, until July 31, 1978, at which time said newspaper began daily publication under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho to be issued thereof Thursday is announced as the day on which said legal will be published.

Ruby Aufderheide
Ruby Aufderheide, Legal Clerk

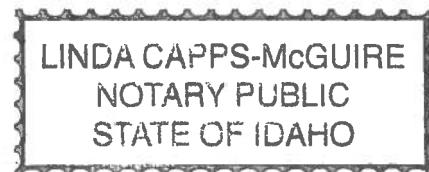
STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 9th day of August, 2012, before me,

a Notary Public, personally appeared Ruby Aufderheide,
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Linda Capps McGuire
Notary Public for Idaho
Residing at Twin Falls, Idaho.

My commision expires: 5-19-15



✓ OK
DM 8/22/2012

over
→

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

45-14421

CHAD MANDERSCHIED

424 WEST MARKET STREET

ALBION, ID 83311

Point of Diversion NENW S6 T12S R25E CASSIA County Source
GROUNDWATER Tributary

Use: COOLING 01/01 to 12/31 0.1 CFS

Use: HEATING 01/01 to 12/31 0.1 CFS

Total Diversion: 0.1 CFS

Date Filed: 7/20/2012

Place Of Use: HEATING & COOLING

T12S R25E S6 NENW

Application for Permit 45-14421, filed in the name of Chad Manderscheid, seeks to appropriate 0.10 cfs of Groundwater for heating, and cooling. Heating and cooling uses will be returned to the aquifer through an injection well. The proposed place of use and point of diversion are located in the City of Albion at 424 West Market Street.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 78050

HORIZON ORGANIC DAIRY LLC, 2577 E 500 S, PAUL, ID 83347 has filed Application No. 78050 for changes to the following water rights within JEROME County(s): Right No(s), 36-16396. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes drilling an additional well to increase water supply to meet the demands of an existing dairy facility currently authorized for the diversion of 0.75 cfs and 152.3 AF. The proposed new well is located approximately 9.0 miles north and 9.0 miles west of Burley.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before August 20, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

PUBLISH: August 2 and 9, 2012

✓ ok DM 8/22/2012