

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77952

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>
36-8402	WR/License	11/28/1988	0.84 cfs	N/A		314.0	GROUND WATER
36-2430	WR/Decreed	04/21/1960	3.5 cfs	N/A		314.0	GROUND WATER
36-8008	WR/Decreed	12/08/1981	0.84 cfs	N/A		314.0	GROUND WATER
36-16045	WR/Decreed	10/19/1981	1.95 cfs	173.7 af		182.0	GROUND WATER
36-16047	WR/Decreed	05/11/1957	3 cfs	689.2 af	172.3	182.0	GROUND WATER
36-16049	WR/Decreed	11/20/1956	4.8 cfs	N/A	282.7	522.6	GROUND WATER
36-16051	WR/Decreed	02/20/1959	0.54 cfs	N/A	36.2	522.6	GROUND WATER
36-16053	WR/Decreed	07/16/1973	1.38 cfs	N/A	164.9	522.6	GROUND WATER
36-16055	WR/Decreed	12/08/1981	4.12 cfs	N/A		522.6	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>
36-8402	NO	NO	YES	YES	NO	NO
36-2430	NO	NO	YES	YES	NO	NO
36-8008	NO	NO	YES	YES	NO	NO
36-16045	NO	NO	YES	YES	NO	NO
36-16047	NO	NO	YES	YES	NO	NO
36-16049	NO	NO	YES	YES	NO	NO
36-16051	NO	NO	YES	YES	NO	NO
36-16053	NO	NO	YES	YES	NO	NO
36-16055	NO	NO	YES	YES	NO	NO

SUPPORT DATA

IN FILE # 36-2430

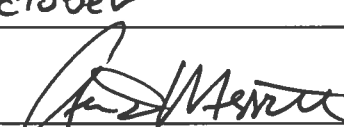
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 77952

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
36-8402	36-8402	0.84 cfs	356.6 af	314.0	1,520.		N/A	N/A		N/A
36-2430	36-2430	3.5 cfs	1256 af	314.0	1,520.		N/A	N/A		N/A
36-8008	36-8008	0.84 cfs	409.9 af	314.0	1,520.		N/A	N/A		N/A
36-16045	36-16045	1.95 cfs	173.7 af	182.0	1,520.		N/A	N/A		N/A
36-16047	36-16047	3 cfs	689.2 af	172.3	1,520.		N/A	N/A		N/A
36-16049	36-16049	4.8 cfs	1130.8 af	282.7	1,520.		N/A	N/A		N/A
36-16051	36-16051	0.54 cfs	144.8 af	36.2	1,520.		N/A	N/A		N/A
36-16053	36-16053	1.38 cfs	659.6 af	164.9	1,520.		N/A	N/A		N/A
36-16055	36-16055	4.12 cfs	155.2 af	522.6	1,520.		N/A	N/A		N/A
COMBINED										
TOTALS	18.92 cfs	4074.4 af	1018.6	1520			N/A	N/A		N/A

Detailed Water Right Description(s) attached

Dated this 15th day of October, 20 12



Southern Region Manager

WATER RIGHT NO. 36-16049
As Modified by Transfer No. 77952

In accordance with the approval of Transfer No. 77952, Water Right No. 36-16049 is now described as follows.

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

Priority Date: November 20, 1956

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	4.80 CFS	1,130.8 AF
			4.80 CFS	1,130.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESE	Sec. 16 Twp 09S Rge 21E JEROME County
GROUND WATER	NENE	Sec. 17 Twp 09S Rge 21E JEROME County
GROUND WATER	NWSE	Sec. 18 Twp 09S Rge 21E JEROME County
GROUND WATER	NESE	Sec. 20 Twp 09S Rge 21E JEROME County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	21E	16	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
09S	21E	17	40.0		40.0	40.0			40.0	40.0			40.0	40.0		40.0	40.0	40.0	480.0
09S	21E	18								40.0			40.0	40.0	40.0				200.0
09S	21E	20	40.0			40.0				40.0				40.0	40.0				200.0

Total Acres: 1520

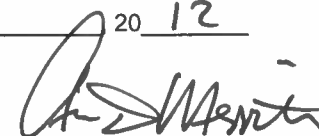
WATER RIGHT NO. 36-16049
As Modified by Transfer No. 77952

CONDITIONS OF APPROVAL

1. 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.
2. This right is limited to the irrigation of 282.7 acres within the place of use described above in a single irrigation season.
3. Rights 36-16049, 36-16051, 36-16053 and 36-16055 when combined shall not exceed a total diversion rate of 10.39 cfs, a total annual maximum diversion volume of 2090.4 af at the field headgate, and the irrigation of 522.6 acres.
4. Rights 36-2430, 36-8008, 36-8402, 36-16045, 36-16047, 36-16049, 36-16051, 36-16053 and 36-16055 when combined shall not exceed a total diversion rate of 18.92 cfs, a total annual maximum diversion volume of 4074.4 af at the field headgate, and the irrigation of 1018.6 acres.
5. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
6. 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. Rights 36-8402, 36-2430, 36-8008, 36-16045, 36-16047, 36-16049, 36-16051, 36-16053 and 36-16055 are limited to the irrigation of a specific 1018.6 acres within the 1520 acre place of use authorized by these rights in a single irrigation season. The specific 1018.6 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 1018.6 acres to be irrigated within the 1520 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. Prior to the diversion and use of water under Transfer approval 77952, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) 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.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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 15th day of October 20 12



Southern Region Manager

WATER RIGHT NO. 36-16051
As Modified by Transfer No. 77952

In accordance with the approval of Transfer No. 77952, Water Right No. 36-16051 is now described as follows.

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

Priority Date: February 20, 1959

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	0.54 CFS	144.8 AF
			0.54 CFS	144.8 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESE	Sec. 16 Twp 09S Rge 21E JEROME County
GROUND WATER	NENE	Sec. 17 Twp 09S Rge 21E JEROME County
GROUND WATER	NWSE	Sec. 18 Twp 09S Rge 21E JEROME County
GROUND WATER	NESE	Sec. 20 Twp 09S Rge 21E JEROME County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	21E	16	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
09S	21E	17	40.0		40.0	40.0			40.0	40.0			40.0	40.0		40.0	40.0	40.0	480.0
09S	21E	18								40.0			40.0	40.0	40.0				200.0
09S	21E	20	40.0			40.0				40.0				40.0	40.0				200.0

Total Acres: 1520

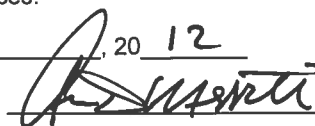
WATER RIGHT NO. 36-16051
As Modified by Transfer No. 77952

CONDITIONS OF APPROVAL

1. 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.
2. This right is limited to the irrigation of 36.2 acres within the place of use described above in a single irrigation season.
3. Rights 36-16049, 36-16051, 36-16053 and 36-16055 when combined shall not exceed a total diversion rate of 10.39 cfs, a total annual maximum diversion volume of 2090.4 af at the field headgate, and the irrigation of 522.6 acres.
4. Rights 36-2430, 36-8008, 36-8402, 36-16045, 36-16047, 36-16049, 36-16051, 36-16053 and 36-16055 when combined shall not exceed a total diversion rate of 18.92 cfs, a total annual maximum diversion volume of 4074.4 af at the field headgate, and the irrigation of 1018.6 acres.
5. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
6. 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. Rights 36-8402, 36-2430, 36-8008, 36-16045, 36-16047, 36-16049, 36, 16051, 36-16053 and 36-16055 are limited to the irrigation of a specific 1018.6 acres within the 1520 acre place of use authorized by these rights in a single irrigation season. The specific 1018.6 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 1018.6 acres to be irrigated within the 1520 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. Prior to the diversion and use of water under Transfer approval 77952, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) 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.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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 15th day of October, 20 12



Southern Region Manager

WATER RIGHT NO. 36-16053
As Modified by Transfer No. 77952

In accordance with the approval of Transfer No. 77952, Water Right No. 36-16053 is now described as follows.

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

Priority Date: July 16, 1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	1.38 CFS	659.6 AF
			1.38 CFS	659.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESE	Sec. 16 Twp 09S Rge 21E JEROME County
GROUND WATER	NENE	Sec. 17 Twp 09S Rge 21E JEROME County
GROUND WATER	NWSE	Sec. 18 Twp 09S Rge 21E JEROME County
GROUND WATER	NESE	Sec. 20 Twp 09S Rge 21E JEROME County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	21E	16	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
09S	21E	17	40.0		40.0	40.0			40.0	40.0			40.0	40.0		40.0	40.0	40.0	480.0
09S	21E	18								40.0				40.0	40.0	40.0			200.0
09S	21E	20	40.0			40.0				40.0				40.0	40.0				200.0

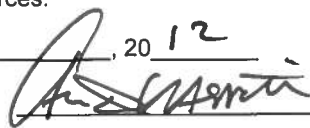
Total Acres: 1520

WATER RIGHT NO. 36-16053
As Modified by Transfer No. 77952

CONDITIONS OF APPROVAL

1. 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.
2. This right is limited to the irrigation of 164.9 acres within the place of use described above in a single irrigation season.
3. Rights 36-16049, 36-16051, 36-16053 and 36-16055 when combined shall not exceed a total diversion rate of 10.39 cfs, a total annual maximum diversion volume of 2090.4 af at the field headgate, and the irrigation of 522.6 acres.
4. Rights 36-2430, 36-8008, 36-8402, 36-16045, 36-16047, 36-16049, 36-16051, 36-16053 and 36-16055 when combined shall not exceed a total diversion rate of 18.92 cfs, a total annual maximum diversion volume of 4074.4 af at the field headgate, and the irrigation of 1018.6 acres.
5. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
6. 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. Rights 36-8402, 36-2430, 36-8008, 36-16045, 36-16047, 36-16049, 36, 16051, 36-16053 and 36-16055 are limited to the irrigation of a specific 1018.6 acres within the 1520 acre place of use authorized by these rights in a single irrigation season. The specific 1018.6 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 1018.6 acres to be irrigated within the 1520 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. Prior to the diversion and use of water under Transfer approval 77952, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) 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.
10. The right holder shall accomplish the change authorized by this transfer within one years of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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 15th day of October, 2012

Southern Region Manager

WATER RIGHT NO. 36-16055
As Modified by Transfer No. 77952

In accordance with the approval of Transfer No. 77952, Water Right No. 36-16055 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>
IRRIGATION	03/15	to 11/15	4.12 CFS	155.2 AF
			4.12 CFS	155.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESE	Sec. 16 Twp 09S Rge 21E JEROME County
GROUND WATER	NENE	Sec. 17 Twp 09S Rge 21E JEROME County
GROUND WATER	NWSE	Sec. 18 Twp 09S Rge 21E JEROME County
GROUND WATER	NESE	Sec. 20 Twp 09S Rge 21E JEROME County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S 21E 16	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
09S 21E 17	40.0		40.0	40.0			40.0	40.0	40.0	40.0		40.0	40.0	40.0	40.0	40.0	480.0
09S 21E 18									40.0			40.0	40.0	40.0	40.0		200.0
09S 21E 20	40.0			40.0					40.0				40.0	40.0			200.0

Total Acres: 1520

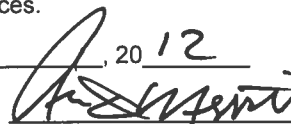
WATER RIGHT NO. 36-16055
As Modified by Transfer No. 77952

CONDITIONS OF APPROVAL

1. 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.
2. This right is limited to the irrigation of 522.6 acres within the authorized place of use in a single irrigation season.
3. Rights 36-16049, 36-16051, 36-16053 and 36-16055 when combined shall not exceed a total diversion rate of 10.39 cfs, a total annual maximum diversion volume of 2090.4 af at the field headgate, and the irrigation of 522.6 acres.
4. Rights 36-2430, 36-8008, 36-8402, 36-16045, 36-16047, 36-16049, 36-16051, 36-16053 and 36-16055 when combined shall not exceed a total diversion rate of 18.92 cfs, a total annual maximum diversion volume of 4074.4 af at the field headgate, and the irrigation of 1018.6 acres.
5. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 af per acre at the field headgate for irrigation of the place of use.
7. Rights 36-8402, 36-2430, 36-8008, 36-16045, 36-16047, 36-16049, 36, 16051, 36-16053 and 36-16055 are limited to the irrigation of a specific 1018.6 acres within the 1520 acre place of use authorized by these rights in a single irrigation season. The specific 1018.6 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 1018.6 acres to be irrigated within the 1520 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. Prior to the diversion and use of water under Transfer approval 77952, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) 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.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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 15th day of October, 2012



Southern Region Manager

WATER RIGHT NO. 36-8402
As Modified by Transfer No. 77952

In accordance with the approval of Transfer No. 77952, Water Right No. 36-8402 is now described as follows.

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

Priority Date: November 28, 1988

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.84 CFS	356.6 AF
			0.84 CFS	356.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESE	Sec. 16 Twp 09S Rge 21E JEROME County
GROUND WATER	NENE	Sec. 17 Twp 09S Rge 21E JEROME County
GROUND WATER	NWSE	Sec. 18 Twp 09S Rge 21E JEROME County
GROUND WATER	NESE	Sec. 20 Twp 09S Rge 21E JEROME County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S 21E 16	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
09S 21E 17	40.0		40.0	40.0			40.0	40.0	40.0	40.0		40.0	40.0	40.0	40.0	40.0	480.0
09S 21E 18									40.0			40.0	40.0	40.0	40.0		200.0
09S 21E 20	40.0			40.0					40.0				40.0	40.0			200.0

Total Acres: 1520

WATER RIGHT NO. 36-8402
As Modified by Transfer No. 77952

CONDITIONS OF APPROVAL

1. 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.
2. This right is limited to the irrigation of 314 acres within the authorized place of use in a single irrigation season.
3. Rights 36-2430, 36-8008 and 36-8402 when combined shall not exceed a total diversion rate of 5.18 cfs, a total annual maximum diversion volume of 1256 af at the field headgate, and the irrigation of 314 acres.
4. Rights 36-2430, 36-8008, 36-8402, 36-16045, 36-16047, 36-16049, 36-16051, 36-16053 and 36-16055 when combined shall not exceed a total diversion rate of 18.92 cfs, a total annual maximum diversion volume of 4074.4 af at the field headgate, and the irrigation of 1018.6 acres.
5. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
6. 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 the date of this approval.
7. Rights 36-8402, 36-2430, 36-8008, 36-16045, 36-16047, 36-16049, 36, 16051, 36-16053 and 36-16055 are limited to the irrigation of a specific 1018.6 acres within the 1520 acre place of use authorized by these rights in a single irrigation season. The specific 1018.6 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 1018.6 acres to be irrigated within the 1520 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. Prior to the diversion and use of water under Transfer approval 77952, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) 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.
10. 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.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

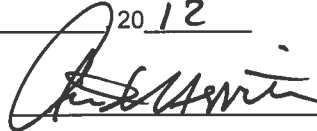
**WATER RIGHT NO. 36-8402
As Modified by Transfer No. 77952**

CONDITIONS OF APPROVAL

13. 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 15th day of October 2012



Southern Region Manager

WATER RIGHT NO. 36-2430
As Modified by Transfer No. 77952

In accordance with the approval of Transfer No. 77952, Water Right No. 36-2430 is now described as follows.

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

Priority Date: April 21, 1960

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	3.50 CFS	1,256.0 AF
			3.50 CFS	1,256.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESE	Sec. 16 Twp 09S Rge 21E JEROME County
GROUND WATER	NENE	Sec. 17 Twp 09S Rge 21E JEROME County
GROUND WATER	NWSE	Sec. 18 Twp 09S Rge 21E JEROME County
GROUND WATER	NESE	Sec. 20 Twp 09S Rge 21E JEROME County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S 21E 16	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
09S 21E 17	40.0		40.0	40.0			40.0	40.0	40.0	40.0		40.0	40.0	40.0	40.0	40.0	480.0
09S 21E 18									40.0			40.0	40.0	40.0			200.0
09S 21E 20	40.0			40.0					40.0				40.0	40.0			200.0

Total Acres: 1520

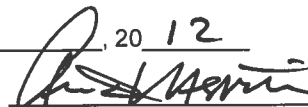
WATER RIGHT NO. 36-2430
As Modified by Transfer No. 77952

CONDITIONS OF APPROVAL

1. 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.
2. This right is limited to the irrigation of 314 acres within the authorized place of use in a single irrigation season.
3. Rights 36-2430, 36-8008 and 36-8402 when combined shall not exceed a total diversion rate of 5.18 cfs, a total annual maximum diversion volume of 1256 af at the field headgate, and the irrigation of 314 acres.
4. Rights 36-2430, 36-8008, 36-8402, 36-16045, 36-16047, 36-16049, 36-16051, 36-16053 and 36-16055 when combined shall not exceed a total diversion rate of 18.92 cfs, a total annual maximum diversion volume of 4074.4 af at the field headgate, and the irrigation of 1018.6 acres.
5. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 af per acre at the field headgate for irrigation of the place of use.
7. Rights 36-8402, 36-2430, 36-8008, 36-16045, 36-16047, 36-16049, 36-16051, 36-16053 and 36-16055 are limited to the irrigation of a specific 1018.6 acres within the 1520 acre place of use authorized by these rights in a single irrigation season. The specific 1018.6 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 1018.6 acres to be irrigated within the 1520 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. Prior to the diversion and use of water under Transfer approval 77952, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) 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.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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 15th day of October, 2012



Southern Region Manager

WATER RIGHT NO. 36-8008
As Modified by Transfer No. 77952

In accordance with the approval of Transfer No. 77952, Water Right No. 36-8008 is now described as follows.

Right Holder: HORIZON ORGANIC DAIRY LLC
ATT: TOM SPOHN
12002 AIRPORT WAY
BROOMFIELD CO 80021

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>
IRRIGATION	03/15	to 11/15	0.84 CFS	409.9 AF
			0.84 CFS	409.9 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESE	Sec. 16 Twp 09S Rge 21E JEROME County
GROUND WATER	NENE	Sec. 17 Twp 09S Rge 21E JEROME County
GROUND WATER	NWSE	Sec. 18 Twp 09S Rge 21E JEROME County
GROUND WATER	NESE	Sec. 20 Twp 09S Rge 21E JEROME County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	21E	16	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
09S	21E	17	40.0		40.0	40.0			40.0	40.0			40.0	40.0		40.0	40.0	40.0	480.0
09S	21E	18								40.0				40.0	40.0	40.0			200.0
09S	21E	20	40.0			40.0				40.0				40.0	40.0				200.0

Total Acres: 1520

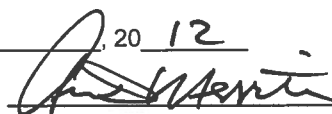
WATER RIGHT NO. 36-8008
As Modified by Transfer No. 77952

CONDITIONS OF APPROVAL

1. 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.
2. This right is limited to the irrigation of 314 acres within the authorized place of use in a single irrigation season.
3. Rights 36-2430, 36-8008 and 36-8402 when combined shall not exceed a total diversion rate of 5.18 cfs, a total annual maximum diversion volume of 1256 af at the field headgate, and the irrigation of 314 acres.
4. Rights 36-2430, 36-8008, 36-8402, 36-16045, 36-16047, 36-16049, 36-16051, 36-16053 and 36-16055 when combined shall not exceed a total diversion rate of 18.92 cfs, a total annual maximum diversion volume of 4074.4 af at the field headgate, and the irrigation of 1018.6 acres.
5. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
6. 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. Rights 36-8402, 36-2430, 36-8008, 36-16045, 36-16047, 36-16049, 36, 16051, 36-16053 and 36-16055 are limited to the irrigation of a specific 1018.6 acres within the 1520 acre place of use authorized by these rights in a single irrigation season. The specific 1018.6 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 1018.6 acres to be irrigated within the 1520 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. Prior to the diversion and use of water under Transfer approval 77952, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) 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.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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 15th day of October, 2012



Southern Region Manager

WATER RIGHT NO. 36-16045
As Modified by Transfer No. 77952

In accordance with the approval of Transfer No. 77952, Water Right No. 36-16045 is now described as follows.

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

Priority Date: October 19, 1981

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	1.95 CFS	173.7 AF
			1.95 CFS	173.7 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESE	Sec. 16 Twp 09S Rge 21E JEROME County
GROUND WATER	NENE	Sec. 17 Twp 09S Rge 21E JEROME County
GROUND WATER	NWSE	Sec. 18 Twp 09S Rge 21E JEROME County
GROUND WATER	NESE	Sec. 20 Twp 09S Rge 21E JEROME County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	21E	16	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
09S	21E	17	40.0		40.0	40.0			40.0	40.0	40.0	40.0		40.0	40.0	40.0	40.0	40.0	480.0
09S	21E	18								40.0			40.0	40.0	40.0	40.0			200.0
09S	21E	20	40.0			40.0				40.0				40.0	40.0				200.0

Total Acres: 1520

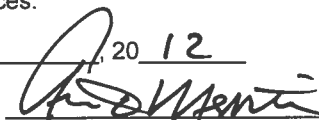
WATER RIGHT NO. 36-16045
As Modified by Transfer No. 77952

CONDITIONS OF APPROVAL

1. 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.
2. This right is limited to the irrigation of 182 acres within the authorized place of use in a single irrigation season.
3. Rights 36-16047 and 36-16045 when combined shall not exceed a total diversion rate of 3.35 cfs, a total annual maximum diversion volume of 728.0 af at the field headgate, and the irrigation of 182 acres.
4. Rights 36-2430, 36-8008, 36-8402, 36-16045, 36-16047, 36-16049, 36-16051, 36-16053 and 36-16055 when combined shall not exceed a total diversion rate of 18.92 cfs, a total annual maximum diversion volume of 4074.4 af at the field headgate, and the irrigation of 1018.6 acres.
5. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
6. 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. Rights 36-8402, 36-2430, 36-8008, 36-16045, 36-16047, 36-16049, 36, 16051, 36-16053 and 36-16055 are limited to the irrigation of a specific 1018.6 acres within the 1520 acre place of use authorized by these rights in a single irrigation season. The specific 1018.6 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 1018.6 acres to be irrigated within the 1520 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. Prior to the diversion and use of water under Transfer approval 77952, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) 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.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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 15th day of October, 2012



Southern Region Manager

WATER RIGHT NO. 36-16047
As Modified by Transfer No. 77952

In accordance with the approval of Transfer No. 77952, Water Right No. 36-16047 is now described as follows.

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

Priority Date: May 11, 1957

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	to 11/15	3.00 CFS	689.2 AF
			3.00 CFS	689.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SESE	Sec. 16 Twp 09S Rge 21E JEROME County
GROUND WATER	NENE	Sec. 17 Twp 09S Rge 21E JEROME County
GROUND WATER	NWSE	Sec. 18 Twp 09S Rge 21E JEROME County
GROUND WATER	NESE	Sec. 20 Twp 09S Rge 21E JEROME County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	21E	16	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
09S	21E	17	40.0		40.0	40.0			40.0	40.0			40.0	40.0	40.0	40.0	40.0	40.0	480.0
09S	21E	18								40.0			40.0	40.0	40.0	40.0			200.0
09S	21E	20	40.0			40.0				40.0				40.0	40.0				200.0

Total Acres: 1520

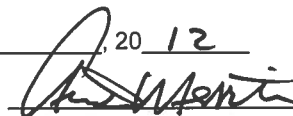
WATER RIGHT NO. 36-16047
As Modified by Transfer No. 77952

CONDITIONS OF APPROVAL

1. 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.
2. This right is limited to the irrigation of 172.3 acres within the place of use described above in a single irrigation season.
3. Rights 36-16047 and 36-16045 when combined shall not exceed a total diversion rate of 3.35 cfs, a total annual maximum diversion volume of 728.0 af at the field headgate, and the irrigation of 182 acres.
4. Rights 36-2430, 36-8008, 36-8402, 36-16045, 36-16047, 36-16049, 36-16051, 36-16053 and 36-16055 when combined shall not exceed a total diversion rate of 18.92 cfs, a total annual maximum diversion volume of 4074.4 af at the field headgate, and the irrigation of 1018.6 acres.
5. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
6. 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. Rights 36-8402, 36-2430, 36-8008, 36-16045, 36-16047, 36-16049, 36, 16051, 36-16053 and 36-16055 are limited to the irrigation of a specific 1018.6 acres within the 1520 acre place of use authorized by these rights in a single irrigation season. The specific 1018.6 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 1018.6 acres to be irrigated within the 1520 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
8. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
9. Prior to the diversion and use of water under Transfer approval 77952, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) 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.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. 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 15th day of October, 2012



Southern Region Manager

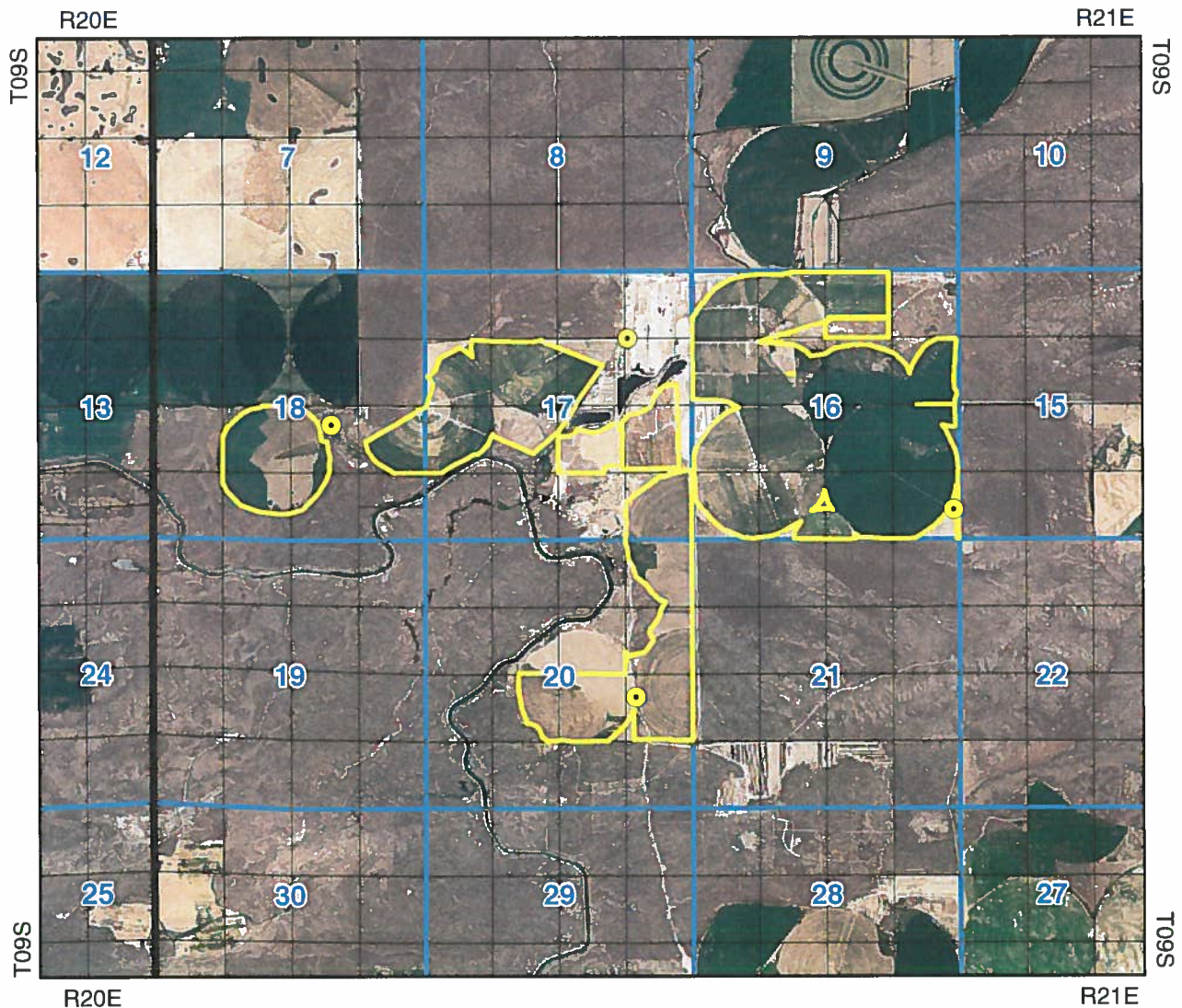
State of Idaho
Department of Water Resources

Attachment To Transfer Of Water Right

Transfer No. 77952

Rights: 36-2430, 36-8008, 36-8402, 36-16045, 36-16047, 36-16049, 36-16051,
36-16053, 36-16055

This map depicts the IRRIGATION 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 0.425 0.85 1.7 Miles

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





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

October 17, 2012

HORIZON ORGANIC DAIRY LLC
2577 E 500 S
PAUL ID 83347

RE: Transfer No.: 77952

Water Right No(s): 36-16051 36-16053 36-16055 36-8402 36-2430 36-8008
36-16045 36-16047 36-16049

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.

A portion of water right(s) 36-2430, 36-8008 and 36-8402 was leased to the Water Supply Bank (bank) on October 5, 2012. To date, part of the right(s) appurtenant to 0.37 cubic feet per second (cfs) and 26.9 acres (within Section 16, T9S, R21E) remain leased to the bank. In accordance with the bank lease acceptance, the lessor/current right holder (right holder) may not use the right(s) while it is in the bank, even if the right(s) is not rented from the bank. This portion will remain in the bank until December 31, 2016, unless the right(s) are released earlier by the Idaho Water Resource Board or upon request by the right holder. To reduce the term of the lease, the right holder must submit a written request to the department. The department will verify if the right is rented or available for release, and notify the right holder of the release date.

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". The signature is stylized with a large, sweeping initial "A" and a cursive "Merritt".

Allen Merritt
Southern Region Manager

Enclosure(s)

cc: BROCKWAY ENGINEERING PLLC

CERTIFICATE OF SERVICE

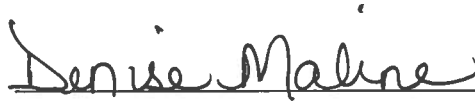
I hereby certify that on October 17, 2012 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 77952

WATER RIGHTS NOS. 36-16051 36-16053 36-16055 36-8402 36-2430
36-8008 36-16045 36-16047 36-16049

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

A handwritten signature in cursive script, reading "Denise Maline", is written over a 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

October 17, 2012

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

(Hand-delivered)

Re: **APPROVED Transfer No. 77952 (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,

Denise Maline
Administrative Assistant

Enclosure

RECEIVED

SEP 17 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 6th day of September, 2012 and ending with the issue dated 13th day of September, 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 uninterrupted.

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 13th day of September, 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.

Norma De Voe

Notary Public for Idaho
Residing at Twin Falls, Idaho.

My commision expires: 3/6/13

✓ OK
DM 9/17/2012



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

✓
36-16948

OLD CURRAN RANCH LLC

PO BOX 3398

HAILEY, ID 83333

Point of Diversion NWSNW S24 T07S R13E GOODING County

Source WASTE WATER Tributary BILLINGSLEY CREEK

Use: DIVERSION TO STORAGE 01/01 to 12/31 6 CFS

Use: WILDLIFE 01/01 to 12/31 6 CFS

Use: WILDLIFE STORAGE 01/01 to 12/31 43.9 AF

Total Diversion: 6 CFS 43.9 AF

Date Filed: 8/13/2012

Place Of Use: WILDLIFE & WILDLIFE STORAGE

T07S R13E S23 SWSE SESE

Application proposes diverting up to 6.0 cfs of waste water for wildlife use associated with an existing pond located approximately 1.0 mi. south of the city of Hagerman and west of HWY 30. The waste water has historically been delivered through a ditch from an existing fish hatchery located approximately 0.2 mi. south and 1.0 mi. east of the city of Hagerman.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78100**

✓
KARLA WARD and DANIEL G WARD, 227 E 400 S, BURLEY, ID 83318 has filed Application No. 78100 for changes to the following water rights within CASSIA County(s): Right No(s). 45-14422, 45-14424. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes converting a 0.06 cfs (8.6 acre) portion of a groundwater irrigation right to stockwater and commercial uses associated with a new feedlot operation located approximately 5.25 -5.5 miles south and 4.8 - 5.0 miles west of the center of Burley (Overland and Main St. intersection). An existing domestic well, located approximately 0.25 mile north of the proposed feedlot site, and a new well to be drilled at the proposed feedlot site will be used to provide water for the feedlot operation.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 77952**

✓
HORIZON ORGANIC DAIRY LLC, 2577 E 500 S, PAUL, ID 83347 has filed Application No. 77952 for changes to the following water rights within JEROME County(s): Right No(s). 36-8402, 36-2430, 36-8008, 36-16045, 36-16047, 36-16049, 36-16051, 36-16053, 36-16055. The purpose of the transfer is to change a portion of the above rights as follows: Transfer proposes creating a new authorized place of use for nine ground water irrigation rights, 36-2430, 36-8008, 36-8402, 36-16045, 36-16047, 36-16049, 36-16051, 36-16053 and 36-16055 that are currently used on a farm located approximately 10-12.8 mi. west and 6.3-7.3 mi. north of Burley. The applicants propose shifting acres for the new authorized 1520 acre place of use to reflect the actual irrigated acres. Four existing wells will divert up to a total of 18.92 cfs and 4078.4 AF to irrigate 1018.6 acres. 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 September 24, 2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

PUBLISH: September 6th & 13th, 2012

✓ ok
AM 9/17/2012

State of Idaho
Department of Water Resources

RECOMMENDATION OF WATERMASTER

Application No: 77952
Water Right No: 36-2430
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:

Portions of right nos. 36-2430, 8008, and 8402 (total 26.9 ac) are leased to WSB through 2016. Brockway submitted a revised condition 206 map which shows the location of the idled acres within the active POU. Copy of the map attached and copy was also sent to the lease file.

Dated: September 11, 2012

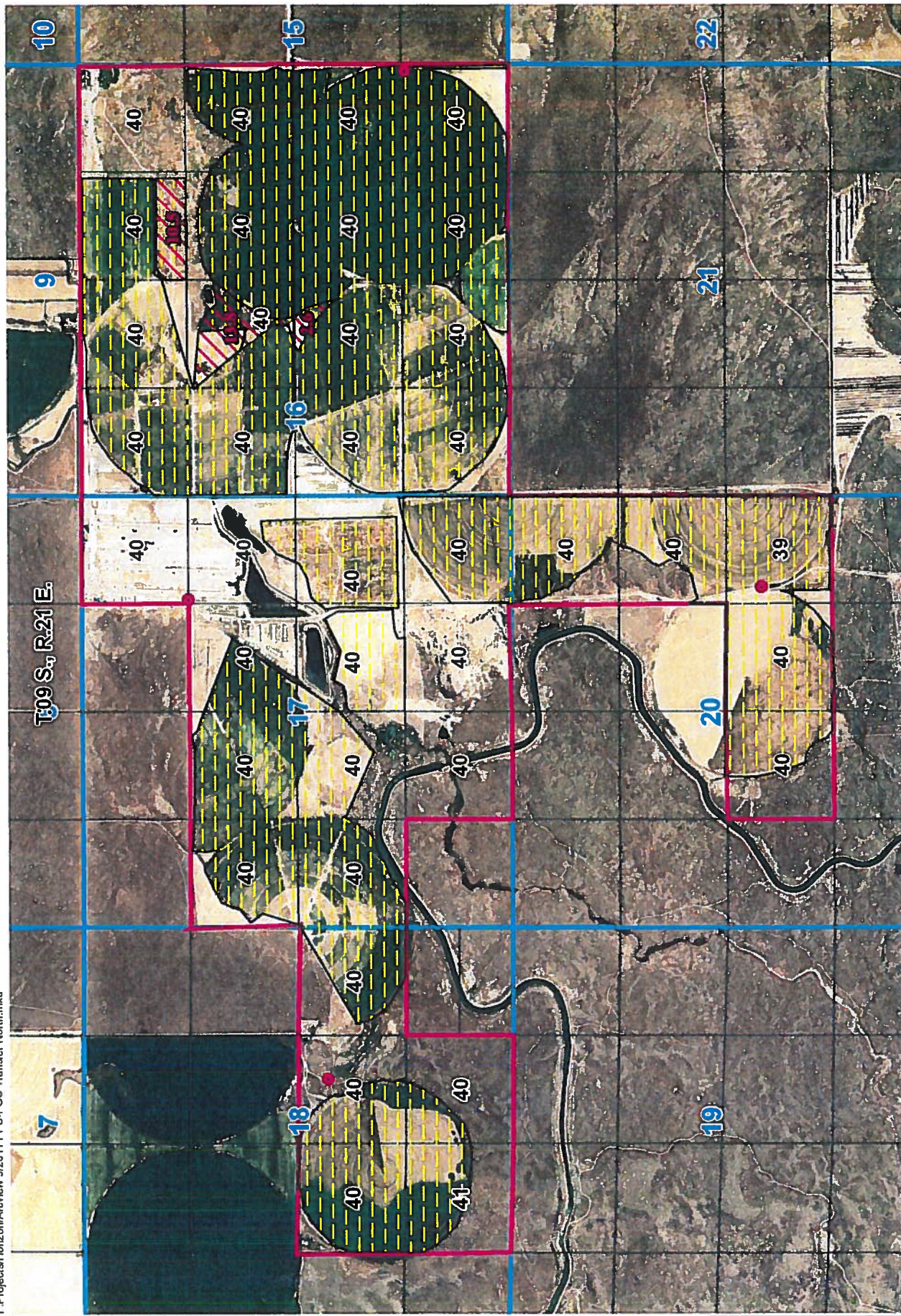
Water District 130



Cindy J. Yenter, Watermaster

Received 4.10.12 (cy)

F:\Projects\Horizon\Aircview 9/2011 PPU-POU Transfer North.mxd



Legend:

- Lease From North PPU 26.9 AC.
- North_Proposed_Irrigation_2012=1,018.6 AC.
- PPU North
- NORTH PPU PER QQ
- Sections_new
- QQ_lines_new

**HORIZON ORGANIC DAIRY PLLC.
2011, PPU/POU & LEASED ACRES
NAIP 2009 AERIAL**

Feet
0 800 1,600 3,200

Brackway Engineering, PLLC
ALR - SEPT. 10, 2012