

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
TRANSFER OF WATER RIGHT  
TRANSFER NO. 77949**

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> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 36-8401      | WR/License          | 11/28/1988      | 0.68 cfs    | N/A           | N/A               | 360.0              | GROUND WATER  |
| 36-2254A     | WR/Decreed          | 03/16/1954      | 4.36 cfs    | N/A           | 360.0             | 520.0              | GROUND WATER  |
| 36-2284      | WR/Decreed          | 05/16/1955      | 3.06 cfs    | N/A           | N/A               | 520.0              | 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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 36-8401               | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 36-2254A              | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 36-2284               | NO           | NO         | YES        | NO             | 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> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 36-8401                | <b>36-8401</b>                   | 0.68 cfs             | 288.6 af               | N/A               | 520.0              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 36-2254A               | <b>36-2254A</b>                  | 4.36 cfs             | 1440 af                | 360.0             | 520.0              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 36-2284                | <b>36-2284</b>                   | 3.06 cfs             | 1493.1 af              | N/A               | 520.0              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | <b>8.1 cfs</b>       | <b>2080 af</b>         |                   | <b>520</b>         |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Detailed Water Right Description(s) attached

Dated this 28<sup>th</sup> day of June, 2012

  
Southern Region Manager

**SUPPORT DATA**

**IN FILE #** 36-2254A

**WATER RIGHT NO. 36-2254A**  
**As Modified by Transfer No. 77949**

In accordance with the approval of Transfer No. 77949, Water Right No. 36-2254A is now described as follows.

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

**Priority Date:** March 16, 1954

**Source:** GROUND WATER

|                              |                    |                  |                              |                      |
|------------------------------|--------------------|------------------|------------------------------|----------------------|
| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Volume</u></b> |
| IRRIGATION                   | 03/15              | to 11/15         | 4.36 CFS                     | 1,440.0 AF           |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER                      SWSW                      Sec. 28 Twp 09S    Rge 21E    JEROME County

GROUND WATER                      SENWSE                      Sec. 28 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 | 28  |      |      | 19.7 | 13.5 |    |     | 20.2 | 21.5 | 38.5 | 37.6 | 34.7 | 36.9 | 37.8 | 37.7 | 27.0 | 15.0 | 340.1  |
| 09S | 21E | 29  |      |      |      |      |    |     |      |      |      |      |      |      | 22.2 | 35.7 | 40.0 | 26.6 | 124.5  |
| 09S | 21E | 32  | 12.6 | 33.7 |      |      |    |     |      |      |      |      |      |      |      |      |      |      | 46.3   |
| 09S | 21E | 33  |      |      |      |      | .2 | 8.9 |      |      |      |      |      |      |      |      |      |      | 9.1    |

Total Acres: 520

**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 360 acres within the authorized place of use in a single irrigation season.
3. Rights 36-2254A, 36-2284, and 36-8401 when combined shall not exceed a total diversion rate of 8.1 cfs, a total annual maximum diversion volume of 2080 af at the field headgate, and the irrigation of 520 acres.

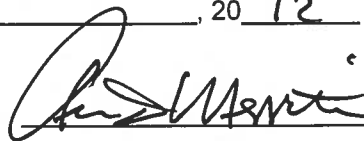
**WATER RIGHT NO. 36-2254A**  
**As Modified by Transfer No. 77949**

**CONDITIONS OF APPROVAL**

4. 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.
5. Prior to diversion and use of water under Transfer approval 77949, the right holder shall install and maintain acceptable measuring devices at the authorized points of diversion, in accordance with Department specifications.
6. 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.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

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 28<sup>th</sup> day of June, 20 12



Southern Region Manager

**WATER RIGHT NO. 36-2284**  
**As Modified by Transfer No. 77949**

In accordance with the approval of Transfer No. 77949, Water Right No. 36-2284 is now described as follows.

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

**Priority Date:** May 16, 1955

**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  | 3.06 CFS              | 1,493.1 AF    |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER                      SWSW                      Sec. 28 Twp 09S    Rge 21E    JEROME County

GROUND WATER                      SENWSE                      Sec. 28 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 28  |      |      | 19.7 | 13.5 |    |     | 20.2 | 21.5 | 38.5 | 37.6 | 34.7 | 36.9 | 37.8 | 37.7 | 27.0 | 15.0 | 340.1  |
| 09S 21E 29  |      |      |      |      |    |     |      |      |      |      |      |      | 22.2 | 35.7 | 40.0 | 26.6 | 124.5  |
| 09S 21E 32  | 12.6 | 33.7 |      |      |    |     |      |      |      |      |      |      |      |      |      |      | 46.3   |
| 09S 21E 33  |      |      |      |      | .2 | 8.9 |      |      |      |      |      |      |      |      |      |      | 9.1    |

Total Acres: 520

**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. Rights 36-2254A, 36-2284, and 36-8401 when combined shall not exceed a total diversion rate of 8.1 cfs, a total annual maximum diversion volume of 2080 af at the field headgate, and the irrigation of 520 acres.
3. 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.

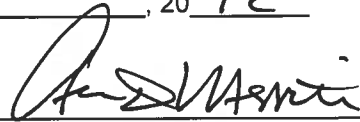
**WATER RIGHT NO. 36-2284**  
**As Modified by Transfer No. 77949**

**CONDITIONS OF APPROVAL**

4. Prior to diversion and use of water under Transfer approval 77949, the right holder shall install and maintain acceptable measuring devices at the authorized points of diversion, in accordance with Department specifications.
5. 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.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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 28<sup>th</sup> day of June, 20 12

  
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Southern Region Manager

**WATER RIGHT NO. 36-8401**  
**As Modified by Transfer No. 77949**

In accordance with the approval of Transfer No. 77949, Water Right No. 36-8401 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

|                              |                    |                  |                              |                      |
|------------------------------|--------------------|------------------|------------------------------|----------------------|
| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Volume</u></b> |
| IRRIGATION                   | 04/01              | to 10/31         | 0.68 CFS                     | 288.6 AF             |

**LOCATION OF POINT(S) OF DIVERSION:**

GROUND WATER                      SWSW                      Sec. 28 Twp 09S    Rge 21E    JEROME County

GROUND WATER                      NWSE                      Sec. 28 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 | 28  |      |      | 19.7 | 13.5 |    |     | 20.2 | 21.5 | 38.5 | 37.6 | 34.7 | 36.9 | 37.8 | 37.7 | 27.0 | 15.0 | 340.1  |
| 09S | 21E | 29  |      |      |      |      |    |     |      |      |      |      |      |      | 22.2 | 35.7 | 40.0 | 26.6 | 124.5  |
| 09S | 21E | 32  | 12.6 | 33.7 |      |      |    |     |      |      |      |      |      |      |      |      |      |      | 46.3   |
| 09S | 21E | 33  |      |      |      |      | .2 | 8.9 |      |      |      |      |      |      |      |      |      |      | 9.1    |

Total Acres: 520

**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. Rights 36-2254A, 36-2284, and 36-8401 when combined shall not exceed a total diversion rate of 8.1 cfs, a total annual maximum diversion volume of 2080 af at the field headgate, and the irrigation of 520 acres.
3. 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.

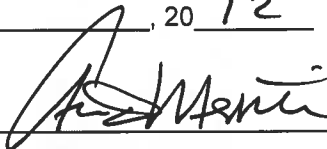
**WATER RIGHT NO. 36-8401**  
**As Modified by Transfer No. 77949**

**CONDITIONS OF APPROVAL**

4. Prior to diversion and use of water under Transfer approval 77949, the right holder shall install and maintain acceptable measuring devices at the authorized points of diversion, in accordance with Department specifications.
5. 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.
6. 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.
7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

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 28<sup>th</sup> day of June, 20 12

  
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Southern Region Manager

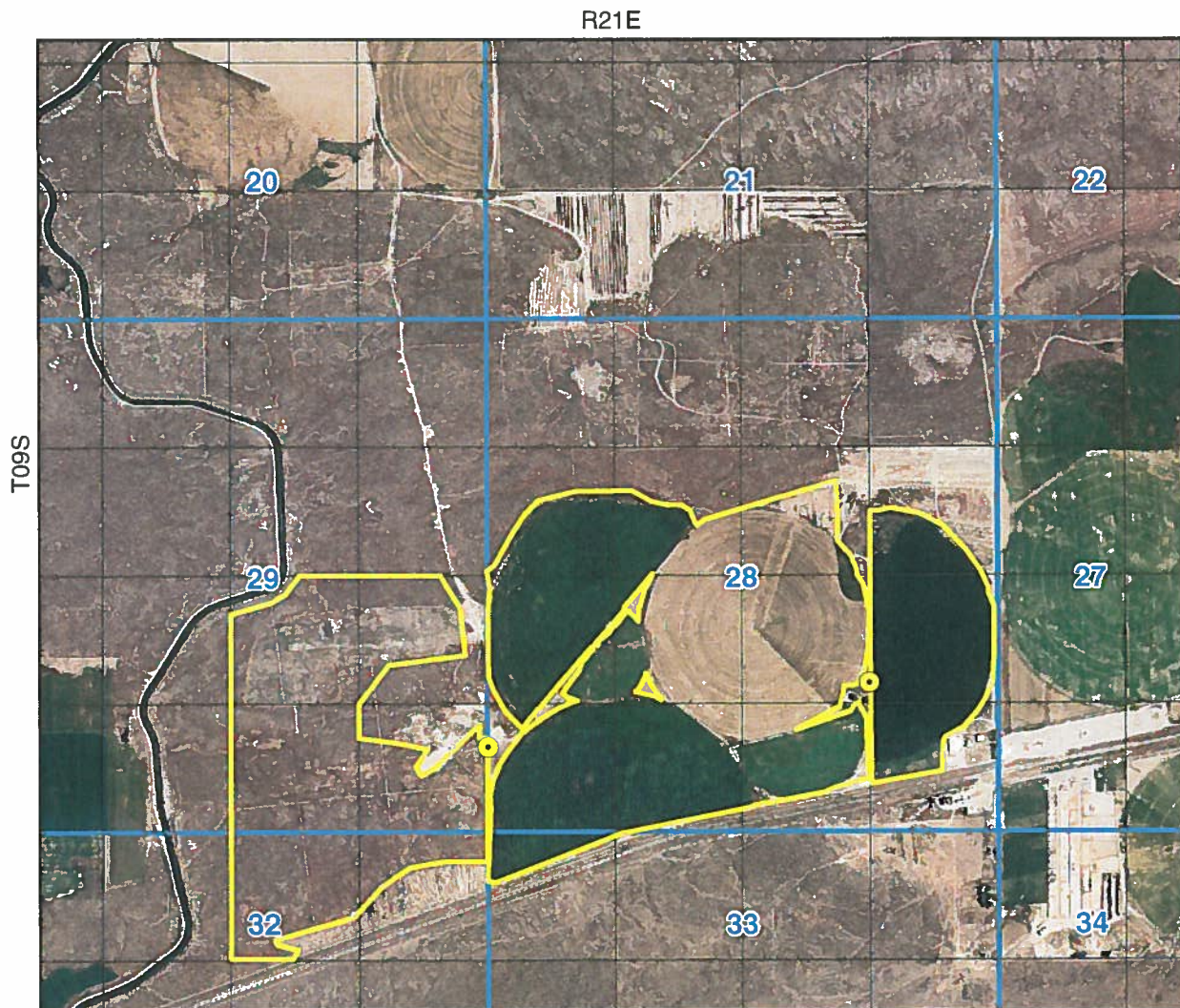
State of Idaho  
Department of Water Resources

# Attachment To Transfer Of Water Right

Transfer No. 77949

Rights: 36-2254A, 36-2284, 36-8401

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 0.225 0.45 0.9 Miles

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

