

RECEIVED

JUL 17 2012

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 78050DEPT. OF WATER RESOURCES
SOUTHERN REGION

MINIMUM REQUIREMENTS CHECKLIST

TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

- | Yes | N/A | |
|-------------------------------------|-------------------------------------|--|
| ☒ | ☐ | * Means the item is <u>always required</u> and must be included with the application. |
| ☒ | ☐ | * Completed Application for Transfer of Water Right form, Part 1. |
| ☒ | ☐ | * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative. |
| ☒ | ☐ | * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded. |
| ☐ | ☒ | Complete and attach an Application for Transfer Part 2B <u>for each water right</u> for which <u>only a portion</u> is proposed to be changed through this transfer application |
| ☒ | ☐ | * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s). |
| ☒ | ☐ | * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.) |

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- | | | |
|-------------------------------------|-------------------------------------|--|
| ☐ | ☒ | #1 If the applicant is a business, partnership, organization, or association, and <u>not</u> currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.) |
| ☐ | ☒ | #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner. |
| ☐ | ☒ | #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). |
| ☐ | ☒ | #3 Documentation of authority to make the change if the applicant is not the water right owner. |
| ☒ | ☐ | #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.) |
| ☐ | ☒ | #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at http://www.idwr.idaho.gov/water/rights/ . |
| ☐ | ☒ | #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.) |
| ☒ | ☐ | * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.) |
| ☒ | ☐ | #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. |
| ☐ | ☒ | #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) |
| ☐ | ☒ | #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.) |
| ☐ | ☐ | #9 Other. Please describe: _____ |

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DEPT. OF WATER RESOURCES
SOUTH EASTERN IDAHO
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78050

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Horizon Organic Dairy LLC Phone 208-438-8450

Mailing address 2577 E 500 S PAUL, ID 83347 Email _____

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

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

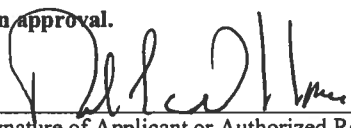
- ☐ No Representative

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

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

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

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


Signature of Applicant or Authorized Representative
Agent in fact

Robert E. Williams, Agent-in-Fact 7/12/12
Print Name and Title if applicable Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**. Add a third well to increase water supply for water right to meet demand of facility. Existing two wells are have sand and sediment issues and will become back up wells to the new proposed well. No ESPA model analysis is required due to the proximity of the new well to the two existing wells.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	36-16396	0.75/152.3	Stock/Commerical	1/01 to 12/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.75 cfs and/or 152.3 ac-ft

2. Total amount of water proposed to be transferred or changed 0.75 cubic feet per second and/or 152.3 acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
		NE	NW	NE	3	09S	21E	Jerome	Ground Water	
		NE	NW	NE	3	09S	21E	Jerome	Ground Water	
		NW	NW	NE	3	09S	21E	Jerome	Ground Water	New Well

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

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

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres (for irrigation use) _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

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

- b. Who owns the property at the point(s) of diversion? Horizon Organic Dairy LLC
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: _____

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6. List the name of the entity and type of lien: N/A**

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: _____
No change

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: No other water rights.

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

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe: _____

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DEPT. OF WATER RESOURCES
SOUTHERN REGION
DEPARTMENT OF WATER RESOURCES

Total Acres (for irrigation use)

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

Current Water Right No.: 36-16396

Current Owner: HORIZON ORGANIC DAIRY LLC

Priority Date: 12/8/1981

Origin: Water Right

Status: Active

Basis: Decreed

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual 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
	<u>Total Diversion</u>	0.75 CFS	152.3 AF

Location of Point(s) of Diversion

GROUND WATER	L2(N/E1/4NW1/4NE1/4)	Sec. 3, Twp 09S, Rge 21E B.M.
JEROME County		
GROUND WATER	L2(N/E1/4NW1/4NE1/4)	Sec. 3, Twp 09S, Rge 21E B.M.
JEROME County		

Place of Use

STOCKWATER Within JEROME County

T08S R21E S34	SESW	T08S R21E S34	SWSE
T09S R21E S3	Lot 2 NWNE	T09S R21E S3	Lot 3 NENW

COMMERCIAL Within JEROME County

T09S R21E S3	Lot 2 NWNE
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Conditions of Approval:

1. R02 A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
2. T07 The right holder shall accomplish the change authorized by this transfer within three years of the date of this approval.
3. 115 Prior to the diversion and use of water under Transfer approval 72541, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points of diversion, in accordance with Department specifications.
4. 082 Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
5. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. 067 The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
7. R05 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.
8. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
9. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
10. Commercial use is for a dairy.
11. 106 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.
12. The approval of this transfer redefines all the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.

Decreed Date: 11/20/2001

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STATE OF IDAHO
DEPT. OF WATER RESOURCES
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

1. Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above.:

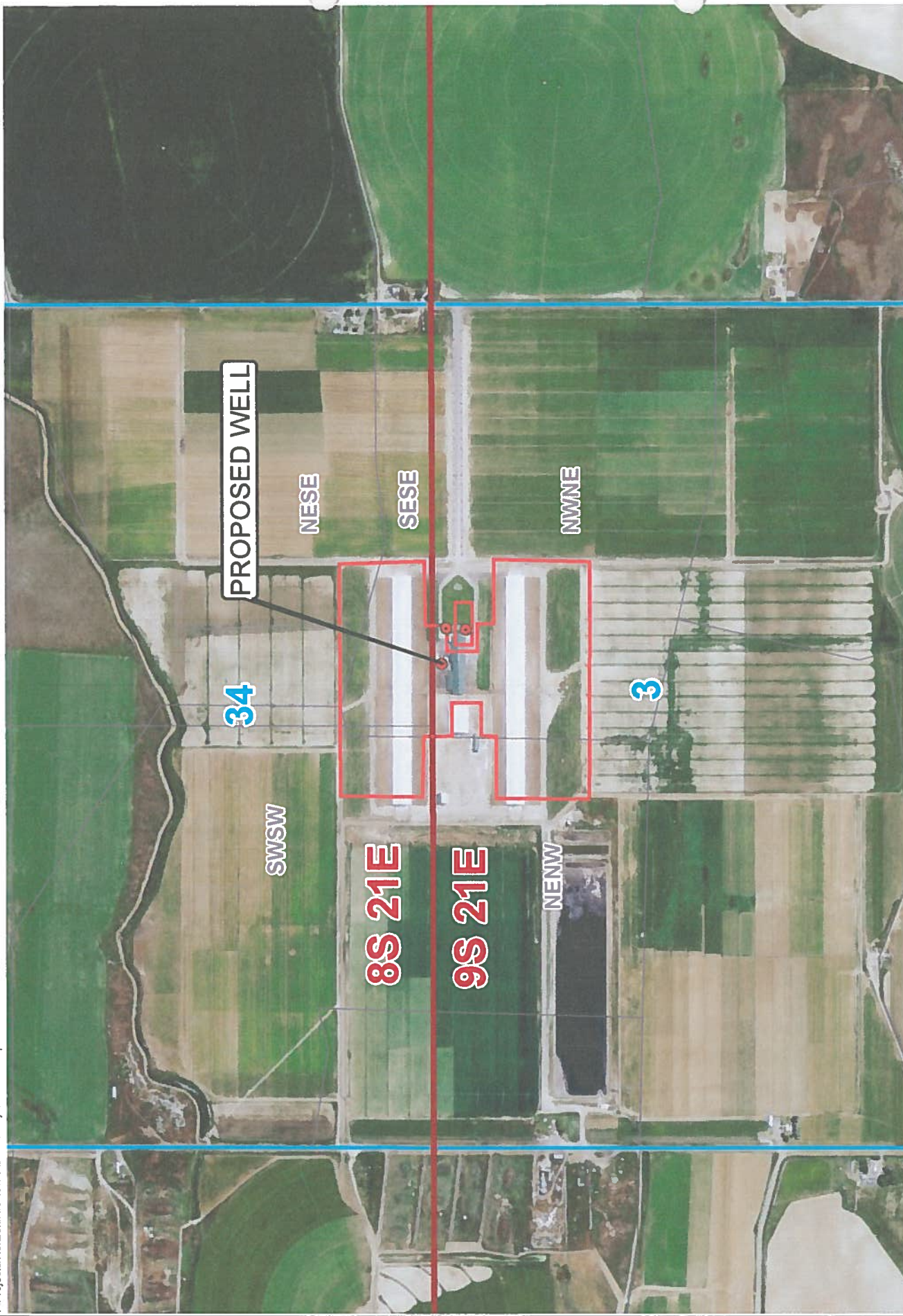
[illegible]**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments.

Received by ADM Date 7/17/12 Prelim. Check by JR Date 7/19/12

Fee Paid 500.00 Date 7/17/12 Received by ADM Receipt # 5032679

Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____



HORIZON ORGANIC DAIRY PLLC.
DAIRY TRANSFER 2012
NAIP 2011 AERIAL

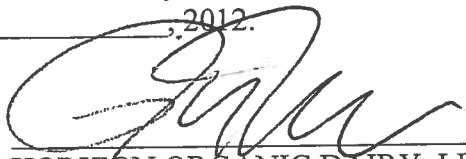


SPECIAL POWER OF ATTORNEY

HORIZON ORGANIC DAIRY, LLC, a Delaware limited liability company, qualified to do business in the State of Idaho, hereby appoints **ROBERT E. WILLIAMS**, 153 East Main Street, Jerome, Idaho 83338, its true and lawful attorney for it in its name, place and stead, and on its behalf to do any or all of the following acts, deeds and things.

1. To execute on behalf of Horizon Organic Dairy, LLC, any or all of the following:
 - A. Application to Rent Water from Water Supply Bank for .68 cfs and 135.2 AFY with a proposed place of use in Township 9 South, Range 21 East Boise Meridian, Section 20: N1/2, Jerome County, Idaho;
 - B. Application for Transfer of Water Right for Water Right No. 36-16396 requesting a change in point of diversion.

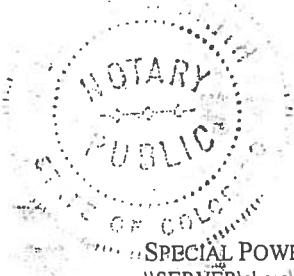
IN WITNESS WHEREOF, I have hereunto set my hand at Broomfield, Colorado, this 10th day of July, 2012.


HORIZON ORGANIC DAIRY, LLC, by its Sole Member, White Wave Foods Company, through ROGER THEODOREDIS, Senior Vice President and Division General Counsel

STATE OF COLORADO)
County of Broomfield):ss
)

On this 10th day of July, 2012, before me, the undersigned, a Notary Public in and for said County and State, personally appeared ROGER THEODOREDIS, Senior Vice President and Division General Counsel of White Wave Foods Company, Sole Member of HORIZON ORGANIC DAIRY, LLC, known to me to be Vice President and Division General Counsel of the company and the person whose name is subscribed to the within and foregoing instrument, and who acknowledged to me that he executed the same in such capacities on behalf of Horizon Organic Dairy, LLC.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, the day and year in this certificate first above written.



NOTARY PUBLIC for Colorado
Residing at: Fredrick, Colorado
Commission Expires: 3/14/16



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

July 27, 2012

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

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

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS on 8/2/2012 and 8/9/2012**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**August 20, 2012**).

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline
Administrative Assistant

cc:

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

Maline, Denise

From: Maline, Denise
Sent: Friday, July 27, 2012 9:11 AM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News Cover Letter.docx; Times News Ad.docx

Attached please find (1) legal notice being submitted for publication on August 2nd & 9th, 2012. Please contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance,

Denise Maline
Administrative Assistant
Idaho Dept of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, ID 83301
(208) 736-3033
denise.maline@idwr.idaho.gov

July 27, 2012

LEGAL NOTICE DEPARTMENT
TIMES NEWS
PO BOX 548
TWIN FALLS, ID 83303-0548

RE: Application For Permit No.(s): 45-14421

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

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before August 20, 2012. Your cooperation is appreciated.

Sincerely,

Denise Maline
Administrative Assistant

Enclosure(s)

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

Published on August 2nd & 9th, 2012



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

July 27, 2012

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

Hand Delivered

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

Dear Ms. Yenter:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

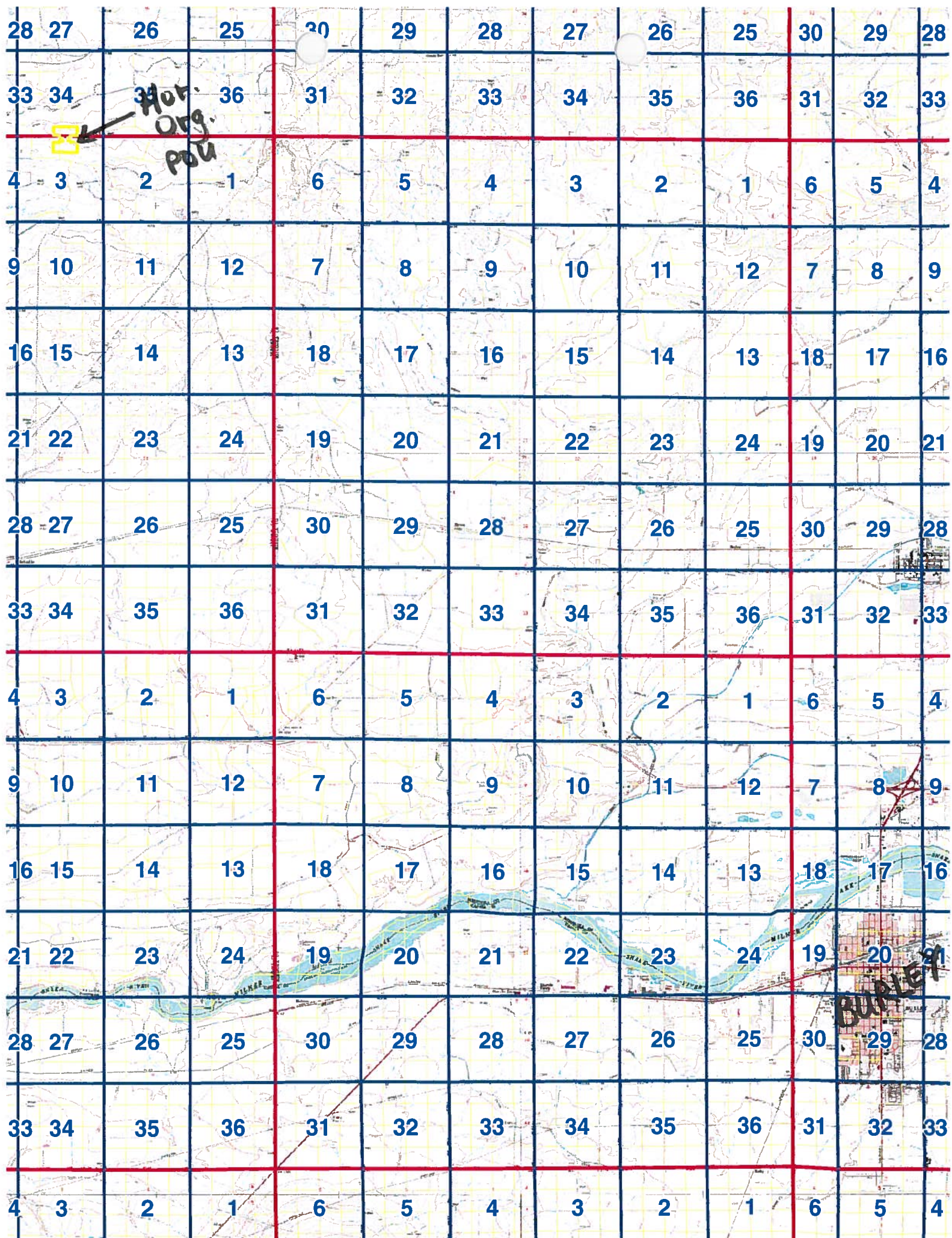
Denise Maline
Administrative Assistant

Enclosure(s)

MEMORANDUM

Date: July 26, 2012
To: Transfer 78050
From: jroberts
Re: Legal Notice Remarks

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.



Robertson, Jean

From: Robertson, Jean
Sent: Thursday, July 19, 2012 1:16 PM
To: 'Greg Sullivan'
Subject: Horizon Organic Transfer 36-16396 (#78050)
Attachments: DOC008.pdf

Hey Greg,

Allen gave me this transfer to work on and I noticed that this right has a Security Interest by JP Morgan Bank filed on it. We will need a release from them before we can process this transfer. I have attached a copy. If they have paid off the mortgage, perhaps this is no longer valid, but we would need notice of that too. Thanks, Jeanie

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Notice of Security Interest in a Water Right

And Request for Notification of a Change in Ownership or Any Proposed
Or Final Action to Amend, Transfer, or Otherwise Modify a Water Right

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): PD # 36-16396
Adjudication Claim No(s): _____

2. The following **REQUIRED** information must be submitted with this form:

A) Evidence of the security interest. This may be a copy of a **DEED of TRUST, MORTGAGE, CONTRACT OF SALE** or other legal document indicating your interest in the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

B) A **FEE** of **\$25.00** per water right or adjudication claim.

3. Name and Mailing Address of Person or Company holding Security Interest

JPMorgan Chase Bank
10 South Dearborn, Chicago, IL 60603
Mail Code IL 1-0364 Attn: Jason Rastorski

4. Name of Water Right Owner/Claimant(s) Horizon Organic Dairy, LLC (successor by merger with Horizon Organic Dairy, Idaho Farm, Inc.)

5. Expiration Date of Notification Period April 2, 2014

6. Is this a Renewal of Request for Notification? ☐ YES ☒ NO

7. Signature(s) of Security Interest holder(s) *Jason Rastorski*
(and title if applicable) Vice President

For Office Use Only

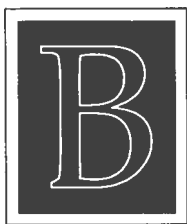
Received by <u><i>[Signature]</i></u>	Date <u>1/7/08</u>	Fee <u>\$25</u>
Receipted by <u><i>Cole</i></u>	Date <u>1/8/08</u>	Receipt No. <u>SC29917</u>
Processed by _____ AJ	Date _____	WR _____ Date _____

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

July 16, 2012

Allan Merritt
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

Re: Horizon Organic Dairy

Dear Mr. Merritt:

Horizon Organic Dairy desires to add one well to water right 36-16396 for a total of three points of diversion. The existing two wells are having issues with sand. The new well will be the primary well and the two existing wells will be the back up wells.

No other changes to water right 36-16396 are proposed. No ESPA Model analysis was performed.

Please copy our office on all correspondence regarding this application.

Sincerely,

Greg Sullivan, M.S., E.I.T.

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

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

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

Cc: Horizon Organic Dairy, Rob Williams
Enc: Transfer Application, Aerial Mapping, Special Power of Attorney, Warranty Deeds,
Brockway Engineering Check # 1091.3 for \$500.00

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#5000