

RECEIVED

MAY 15 2012

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 77949DEPT. 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 always required 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 for each water right for which only a portion 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 not 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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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

MAY 15 2012

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1DEPT. OF WATER RESOURCES
SOUTHERN REGIONName of Applicant(s) Horizon Organic Dairy LLC Phone 208-438-8450Mailing address 2577 East 500 South Paul, Idaho 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 RepresentativeName of Representative Greg Sullivan of Brockway Engineering Phone 208-736-8543Mailing 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.

Robert E. Williams
Signature of Applicant or Authorized Representative

Robert E. Williams
Print Name and Title if applicable

5/10/12
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- 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**. Correctly define the current place of use of the water rights.

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.	<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All or Part					
☒ ☐	36-2254A	4.36/	Irrigation	3/15 to 11/15	Ground Water
☒ ☐	36-2284	3.06/	Irrigation	3/15 to 11/15	Ground Water
☒ ☐	36-8401	0.68/	Irrigation	4/01 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 8.1 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 8.1 cubic feet per second and/or _____ 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 #

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	
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
		29													22.2	35.7	40.1	26.6	124.6
		32	12.6	33.7															46.3
		33					0.1	8.9											9.0

Total Acres (for irrigation use) 520.0

**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, pumps, main lines, pivots and hand lines.

- b. Who owns the property at the point(s) of diversion? Horizon Organic Dairy

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: _____

Irrigation will continue under current pivots and handlines

- 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: N/A

- 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: Portions of 36-2254A, 36-2284 and 36-8401 are currently leased to the Idaho Water Supply Bank.

Page _____ of _____

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

Current Water Right No.: 36-2254A

Current Owner: HORIZON ORGANIC DAIRY LLC
Priority Date: 3/16/1954
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>
IRRIGATION	3/15 to 11/15	4.36 CFS	
	<u>Total Diversion</u>	4.36 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4SW1/4SW1/4	Sec. 28, Twp 09S, Rge 21E B.M.
JEROME County		
GROUND WATER	SE1/4NW1/4SE1/4	Sec. 28, Twp 09S, Rge 21E B.M.
JEROME County		

Place of Use

IRRIGATION Within JEROME County

T09S R21E S28	SWNE	20.00	T09S R21E S28	SENE	16.00
T09S R21E S28	SWNW	16.00	T09S R21E S28	SENW	21.00
T09S R21E S28	NESW	40.00	T09S R21E S28	NWSW	35.00
T09S R21E S28	SWSW	40.00	T09S R21E S28	SESW	38.00
T09S R21E S28	NESE	40.00	T09S R21E S28	NWSE	38.00
T09S R21E S28	SWSE	33.00	T09S R21E S28	SESE	23.00
T09S R21E S29	NESE	17.00	T09S R21E S29	NWSE	21.00
T09S R21E S29	SWSE	31.00	T09S R21E S29	SESE	28.00
T09S R21E S32	NENE	26.00	T09S R21E S32	NWNE	24.00
T09S R21E S32	SWNE	2.00	T09S R21E S33	NWNW	11.00

Total Acres: 520

Page _____ of _____

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NO. 36-02284 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.42 CFS AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2080 AF.
2. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 360 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 36-02284 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 520 ACRES IN A SINGLE IRRIGATION SEASON.
3. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. RIGHT NO. 36-02284 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
5. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Decreed Date: 8/27/2001

Page _____ of _____

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

Current Water Right No.: 36-2284

Current Owner: HORIZON ORGANIC DAIRY LLC

Priority Date: 5/16/1955

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>
IRRIGATION	3/15 to 11/15	3.06 CFS	
	<u>Total Diversion</u>	3.06 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4SW1/4SW1/4	Sec. 28, Twp 09S, Rge 21E B.M.
JEROME County		
GROUND WATER	SE1/4NW1/4SE1/4	Sec. 28, Twp 09S, Rge 21E B.M.
JEROME County		

Place of Use

IRRIGATION Within JEROME County

T09S R21E S28	SWNE	20.00	T09S R21E S28	SENE	16.00
T09S R21E S28	SWNW	16.00	T09S R21E S28	SENW	21.00
T09S R21E S28	NESW	40.00	T09S R21E S28	NWSW	35.00
T09S R21E S28	SWSW	40.00	T09S R21E S28	SESW	38.00
T09S R21E S28	NESE	40.00	T09S R21E S28	NWSE	38.00
T09S R21E S28	SWSE	33.00	T09S R21E S28	SESE	23.00
T09S R21E S29	NESE	17.00	T09S R21E S29	NWSE	21.00
T09S R21E S29	SWSE	31.00	T09S R21E S29	SESE	28.00
T09S R21E S32	NENE	26.00	T09S R21E S32	NWNE	24.00
T09S R21E S32	SWNE	2.00	T09S R21E S33	NWNW	11.00

Total Acres: 520

Page _____ of _____

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE
PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. USE OF THIS RIGHT WITH RIGHT NO. 36-02254A IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 7.42 CFS AND A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 2080 AF.
3. RIGHT NO. 36-02254A IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.
4. USE OF THIS RIGHT WITH RIGHT NO. 36-02254A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 520 ACRES IN A SINGLE
IRRIGATION SEASON.
5. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

Decreed Date: 8/27/2001

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

Current Water Right No.: 36-8401

Current Owner: HORIZON ORGANIC DAIRY LLC
Priority Date: 11/28/1988
Origin: Water Right
Status: Active
Basis: License

Source

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	0.68 CFS	
	<u>Total Diversion</u>	0.68 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4SW1/4	Sec. 28,	Twp 09S,	Rge 21E B.M.
JEROME County				
GROUND WATER	NW1/4SE1/4	Sec. 28,	Twp 09S,	Rge 21E B.M.
JEROME County				

Place of Use

IRRIGATION Within JEROME County

T09S R21E S28	SWNE	20.00	T09S R21E S28	SENE	16.00
T09S R21E S28	SWNW	16.00	T09S R21E S28	SENW	21.00
T09S R21E S28	NESW	40.00	T09S R21E S28	NWSW	35.00
T09S R21E S28	SWSW	40.00	T09S R21E S28	SESW	38.00
T09S R21E S28	NESE	40.00	T09S R21E S28	NWSE	38.00
T09S R21E S28	SWSE	33.00	T09S R21E S28	SESE	23.00

Total Acres: 360

Page _____ of _____

Conditions of Approval:

1. R56 Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
2. R55 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.
3. Use of this right with a portion of Rights 36-02254A and 36-02284 is limited to a total combined diversion rate of 5.88 cfs, a total combined annual diversion volume of 1440 af, and to the irrigation of a combined total of 360 acres in Section 28 in a single irrigation season.
Rights 36-02254A and 36-02284 are also diverted through the points of diversion described above.
4. R57 The Director retains jurisdiction of the right and may change, add, or remove any requirement as determined to be appropriate.

Licensed Date: 7/15/1994

Total Acres (for irrigation use) _____

STATE OF IDAHO
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 _____ Date 5.15.2012 Prelim. Check by _____ Date _____

Fee Paid \$1,140- Date _____ Received by JLP Receipt # 5032576

Add'l Fee Paid	Date	Received by	Receipt #
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No. W 53074	Due no later than Jul 31, 2011 Annual Report Form		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. HORIZON ORGANIC DAIRY, LLC ANNETTE HUDSON 2711 NORTH HASKELL AVENUE SUITE 3400 DALLAS TX 75204		CT CORPORATION SYSTEM 1111 W JEFFERSON STE 530 BOISE ID 83702 USA			
			3. <u>New</u> Registered Agent Signature:*			
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.						
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
MANAGER	RACHEL A GONZALEZ	2711 NORTH HASKELL AVENUE SUITE 3400	DALLAS	TX	USA	75204
5. Organized Under the Laws of: DE W 53074		6. Annual Report must be signed.* Signature: Shannon D. Luton Name (type or print): Shannon D. Luton Date: 06/15/2011 Title: Vice President				
Processed 06/15/2011		* Electronically provided signatures are accepted as original signatures.				

SPECIAL POWER OF ATTORNEY

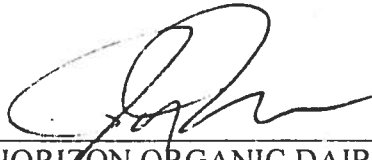
HORIZON ORGANIC DAIRY, LLC, a Delaware limited liability company, qualified to do business in the state of Idaho, hereby appoints ROBERT E. WILLIAMS, 153 East Main, Jerome, Idaho 83338, to be its true and lawful attorney for it, in its name, place and stead, and on its behalf, to do any or all of the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

1. SPECIFIC POWERS: To execute on behalf of HORIZON ORGANIC DAIRY, LLC, any or all of the following:

- (a) Notice of Change of Water Right Ownership before the State of Idaho, Department of Water Resources, for Water Right No. 36-8402;
- (b) Application to Rent Water from the Water Supply Bank, State of Idaho Water Resource Board, at a maximum flow rate of 1.15 cfs in maximum volume of 229.28 cfs, with point of diversion within Township 9 South, Range 21 EBM, Jerome County, Idaho, Sections 17, 20 and 27 and with a proposed place of use within Township 9 South, Range 21 EBM, Jerome County, Idaho, Sections 17 and 34;
- (c) Application to Sell or Lease a Water Right to the Water Supply Bank, State of Idaho Water Resource Board, for Water Right No. 36-2430;
- (d) Application to Sell or Lease a Water Right to the Water Supply Bank, State of Idaho Water Resource Board, for Water Right No. 36-8008;
- (e) Application to Sell or Lease a Water Right to the Water Supply Bank, State of Idaho Water Resource Board, for Water Right No. 36-8402;
- (f) Application to Sell or Lease a Water Right to the Water Supply Bank, State of Idaho Water Resource Board, for Water Right No. 36-2254A;
- (g) Application to Sell or Lease a Water Right to the Water Supply Bank, State of Idaho Water Resource Board, for Water Right No. 36-2284;
- (h) Water Supply Bank Request to Release or Lease Term Extension Form, State of Idaho Water Resource Board for Water Right No. 36-2430;
- (i) Water Supply Bank Request to Release or Lease Term Extension Form, State of Idaho Water Resource Board for Water Right No. 36-8008,
- (j) Water Supply Bank Request to Release or Lease Term Extension Form, State of Idaho Water Resource Board for Water Right No. 36-8402;
- (k) Water Supply Bank Request to Release or Lease Term Extension Form, State of Idaho Water Resource Board for Water Right No. 36-2284;

- (l) Water Supply Bank Request to Release or Lease Term Extension Form, State of Idaho Water Resource Board for Water Right No. 36-2254A;
- (m) Any other documents useful or necessary to process the documents above specifically named with the Idaho Department of Water Resources or the State of Idaho Water Resource Board.

IN WITNESS WHEREOF, I have hereunto set my hand at Broomfield,
Colorado, this 10th day of June, 2011.

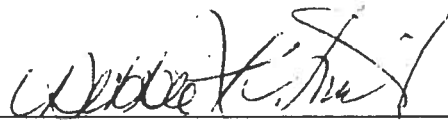
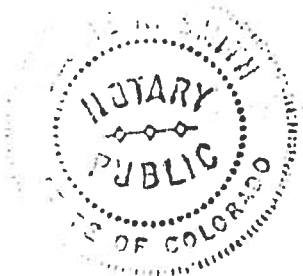


HORIZON ORGANIC DAIRY, LLC, by its Sole
Member, White Wave Foods Company, through
ROGER THEODOREDIS, Senior Vice President
and Division General Counsel

STATE OF COLORADO)
County of Broomfield):SS

On this 10th day of June, 2011, 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: 3525 Glenhurst Rd, Frederick Co
Commission Expires: 3/14/12

LAND TITLE AND ESCROW, INC.

To: **Williams, Meservy & Lothspeich, LLP**
Attn: **Monica**

Land Title and Escrow Inc. is pleased to furnish, pursuant to your request, photo copies of the following documents that appear of record in Jerome County, Idaho:

Corporation Warranty Deed #982905 (See Parcel No. 5)

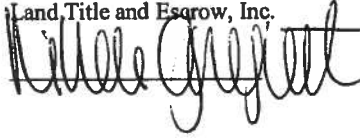
These are furnished to you by your identification and at your request. They are not based upon any independent examination of any tract indexes or other public records by Land Title and Escrow Inc. representatives or employees.

How the documents are used or relied upon is not the responsibility of Land Title and Escrow Inc. No charge has been made for the documents and Land Title and Escrow Inc. does not know for what purpose or how the documents may be used or relied upon.

Land Title and Escrow Inc. would welcome being of service to you in issuing one of its regular title products should you, any person, or entity desire to order an appropriate product.

Dated 14th of June, 2011.

Land Title and Escrow, Inc.



cc: To File

CORPORATION WARRANTY DEED

For Value Received AURORA DAIRY CORPORATION OF IDAHO, A Colorado corporation, the Grantor, grants, bargains, sells, and conveys to HORIZON ORGANIC DAIRY, IDAHO FAR INC., a corporation, the Grantee, of 6311 HORIZON LN, LONGMONT CO 80503, the real property described on Schedule A as Parcels No. 1 through No. 10 except the real property described on Exhibit B and the real property described on Exhibit C.

TO HAVE AND TO HOLD the premises, with their appurtenances to the Grantee and its assigns forever. The Grantor covenants to and with the Grantee, that the Grantor is the owner in fee simple of the premises; that they are free from all encumbrances except liens of record and that the Grantor will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be subscribed by its president and attested to by its Secretary on May 1, 1998.

AURORA DAIRY CORPORATION OF IDAHO,
a Colorado corporation

By: _____
PRESIDENT

ATTEST:

SECRETARY

WARRANTY DEED - 1

REC-6-17-11-98
JUN 1 1998
JUN 1 1998

9802905

Smith, Tracy & Hodge
Notary Public
214 West Main Street
Boise, Idaho 83725-1000

STATE OF COLORADO
County of Boulder

On 5/1 1998, before me, a Notary Public in and for
said State, personally appeared THOMAS H. HENRY and
Dana S. Getman, known or identified to me to be the
President and Secretary of the corporation that executed the within
instrument and acknowledged to me that the corporation executed it.



Barbara Fournier
Notary Public for Colorado
Commission Expires: 7/23/2001

WARRANTY DEED - 2

Smith, Beck & Hedges
Attorneys At Law
200 High Street
Suite 2000
Denver, CO 80202

CONTINUATION

SCHEDULE A

Policy Number: 554-433970

PARCEL NO. 1

TOWNSHIP 9 SOUTH, RANGE 21, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

A tract of land in the East of Section 17, and the NW 1/4 of
Section 16, more particularly described as follows:

Beginning at the Northeast corner of said Section 17, also
being the Northwest corner of said Section 16;
Thence South 89°44'20" West, 1,320.16 feet to the Northwest
corner of said East Section 17;
Thence South 89°44'52" East, 3,701.08 feet along the westerly
boundary of said East Section 17;
Thence North 89°44'52" East, 1,116.92 feet to a point on the
easterly boundary of said Section 17;
Thence North 89°44'52" East, 3,060.73 feet along the
easterly boundary of said Section 17;
Thence North 89°44'14" East, 345.00 feet parallel with
the westerly boundary of said Section 16;
Thence North 89°44'52" East, 140.00 feet parallel with the
westerly boundary of said Section 16 to the northerly
boundary of said Section 16;
Thence South 89°44'14" West, 945.00 feet along the
northerly boundary of said Section 16 to the POINT OF
BEGINNING.

PARCEL NO. 2

TOWNSHIP 9 SOUTH, RANGE 21, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 16: NW 1/4, W 1/2, SE 1/4, NE 1/4, EXCEPTING THEREFROM the following
described parcel of land:

Beginning at the Northeast corner of Section 16,
Thence West along the North line of Section 16, a distance of
674 feet;
Thence South parallel with the East line of Section 16, 327
feet;
Thence East parallel with the North line of Section 16, 674
feet, more or less, to the East line;
Thence North along said East line, 327 feet to the POINT OF
BEGINNING.

EXCEPTING THEREFROM the highway.

Continued

EXHIBIT A

CONTINUATION

SCHEDULE A

Patent Number: 534-433970

Section 17: NE1/4NW, SW1/4NW, SE1/4, SE1/4NW, E1/4SW,

Section 20: E1/4NE, NE1/4NW, NE1/4SW,

EXCEPTING THEREFROM a tract of land in the E1/4NW, Section 17 and NE1/4NW, Section 18, Township 3 South, Range 21 East of the Boise Meridian, Jerome County, Idaho, more particularly described as follows:

Beginning at the Northeast corner of said Section 17 also being the Northwest corner of said Section 18;
Thence South 89°41'20" West, 1,320.16 feet to the Northwest corner of said E1/4NW, Section 17;
Thence South 89°07'54" East, 3,201.08 feet along the Westerly boundary of said E1/4NW, Section 17;
Thence South 89°43'25" East, 1,319.32 feet to a point on the easterly boundary of said Section 17;
Thence South 89°43'21" West, 3,060.73 feet along the easterly boundary of said Section 17;
Thence North 89°45'34" East, 945.00 feet parallel with the easterly boundary of said Section 18;
Thence North 89°05'42" East, 240.00 feet parallel with the easterly boundary of said Section 18 to the easterly boundary of said Section 18;
Thence South 89°16'14" East, 945.00 feet along the easterly boundary of said Section 18 to the POINT OF BEGINNING.

Section 20: E

TOWNSHIP 3 SOUTH, RANGE 21, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 16: That part of the SE1/4NW, described as follows:

Beginning at the Northeast corner of Section 16;
Thence West along the north line of Section 16, a distance of 574 feet;
Thence South parallel with the East 1/4 of Section 16, 327 feet;
Thence East parallel with the north line of a 1/4 NW, 574 feet, more or less, to the East line;
Thence North along said East line, 327 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM the highway

Continued

CONTINUATION

SCHEDULE A

Roller Number: 554-43397C

RANGE NO. 4

TOWNSHIP 9 SOUTH, RANGE 21, EAST OF THE BOISE MERIDIAN,
JARVIS COUNTY, IDAHO

Section 20: SE1/4SW1/4, SW1/4SW1/4

Section 21: SW1/4SW1/4, SW1/4SW1/4

Section 28: ALL of Section 28

Section 29: SE1/4SW1/4, SW1/4SW1/4

Section 32: SW1/4SW1/4

Section 33: SW1/4SW1/4, SE1/4SW1/4, SW1/4SW1/4

EXCEPTING THEREFROM that part of the SE1/4SW1/4 of Section 28,
Township 9 South, Range 21, East of the Boise Meridian, Jarvis
County, Idaho, described as follows:

Commencing at the Southeast corner of said Section 28;
Thence North 0°02' West along the East boundary of said
Section 28, 335.53 feet;
Thence South 79°00'21" West, 435.52 feet to THE TRUE POINT OF
BEGINNING;
Thence continuing South 79°00'21" West, 154.50 feet;
Thence North 10°55'39" West, 55.00 feet;
Thence North 79°00'21" East, 154.50 feet;
Thence South 10°55'39" East, 55.00 feet to THE TRUE POINT OF
BEGINNING.

AND EXCEPTING THEREFROM that portion of the NW1/4SW1/4 of Section
28, described as follows:

Beginning at the East quarter corner of said Section 28, which
point shall be known as THE TRUE POINT OF BEGINNING;
Thence West along the North boundary of the NW1/4SW1/4, 309.75
feet;
Thence South parallel to the East boundary of the NW1/4SW1/4,
309.75 feet;
Thence East parallel to the North boundary of the NW1/4SW1/4,
309.75 feet to a point on the East boundary of the NW1/4SW1/4;
Thence North along the East boundary of the NW1/4SW1/4, 309.75
feet to THE TRUE POINT OF BEGINNING.

- Continued -

13-1997 15:08 55-433970

TRACT NO. 5

TOWNSHIP 9 SOUTH, RANGE 21, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 16: SW;

EXCEPTING THEREFROM the highway.

TRACT NO. 6

TOWNSHIP 9 SOUTH, RANGE 21, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 17: NW/4SW, SW/4SW;

Section 18: NW/4SW, SW/4SW, SW/4SW;

TRACT NO. 7

TOWNSHIP 9 SOUTH, RANGE 21, EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 22: SE/4SW, SW/4SW;

Section 27: NW/4SW, SW/4SW, SW/4SW, SW/4SW;

EXCEPTING THEREFROM the following described parcels of
land:

From a Point of Beginning located 714.75 feet, more or less,
North from the Southwest corner of Section 27, to the point
of intersection of said section line of County road center
line with the North boundary of the Oregon Short Line
Railroad North Side Branch right of way,
thence running North along the section line or center line of
said County road 475.17 feet,
thence North 78°46' East and parallel to the said railroad
right of way center line, 2691.57 feet, more or less, to
the point of intersection with the North-South mid-section
line,
thence South along said mid-section line 275.27 feet, more or
less, to the point of intersection with the North railroad
right of way boundary;

Continued

CONTINGUATION

SCHEDULE A

Policy Number: 554-433970

Thence South 78°46' West and along said North railroad right of way boundary, 3541.57 feet, more or less, to the point of BEGINNING.

AND EXCEPTING THEREFROM railroad rights of way.

TOGETHER WITH a permanent easement and right of way, including the perpetual right to enter upon the accepted portion of the above described property in the SW 1/4 of Section 27, Township 3 South, Range 21, East of the Boise Meridian, for the purpose of constructing, maintaining and repairing underground pipelines for irrigation water as set forth in Easement Agreement recorded May 15, 1963 in Book 174 Page 23 as Instrument Number 154714, Jerome County records.

Section 38: SEASIDE, IDAHO

Section 39: SEASIDE, IDAHO

TOWNSHIP 3 SOUTH, RANGE 21, EAST OF THE BOISE MERIDIAN, JEROME COUNTY, IDAHO

Section 27: SEASIDE, IDAHO

Section 30: SEASIDE, IDAHO

TOWNSHIP 3 SOUTH, RANGE 21, EAST OF THE BOISE MERIDIAN, JEROME COUNTY, IDAHO

Section 28: That part of the SEASIDE, described as follows:

Commencing at the Southeast corner of said Section 28;
Thence North 0°02' West along the East boundary of said Section 28, 395.85 feet;
Thence South 79°00'21" West, 485.52 feet to the TRUE POINT OF BEGINNING;
Thence continuing South 79°00'21" West, 154.50 feet;
Thence North 10°59'39" West, 55.00 feet;
Thence North 79°00'21" East, 154.50 feet;
Thence South 10°59'39" East, 55.00 feet to the TRUE POINT OF BEGINNING.

AND

Continued -

CONTINUATION

SCHEDULE A

Policy Number: 554-433970

That portion of the NE¹/₄SE¹/₄, described as follows:

Beginning at the East quarter corner of said Section 28, which point shall be known as THE TRUE POINT OF BEGINNING;
Thence West along the North boundary of the NE¹/₄SE¹/₄, 909.75 feet;
Thence South parallel to the East boundary of the NE¹/₄SE¹/₄, 909.75 feet;
Thence East parallel to the North boundary of the NE¹/₄SE¹/₄, 909.75 feet to a point on the East boundary of the NE¹/₄SE¹/₄;
Thence North along the East boundary of the NE¹/₄SE¹/₄, 909.75 feet to THE TRUE POINT OF BEGINNING.

SHEET NO. 10

TOWNSHIP 8 SOUTH, RANGE 21, EAST OF THE BOISE MERIDIAN,
TERRELL COUNTY, IDAHO

Section 32: EXEM.

Section 33: EXEM.; EXEM.; EXEM.

EXCEPTING THEREFROM the highway.

"Together with all water rights appurtenant to this property and all wells and equipment used for irrigation, stockwater, commercial and domestic uses on said land including, but not limited to, Water Right No. 36-07801, Priority Date August 24, 1978."

"Together with all water rights appurtenant to this property and all wells and equipment used for irrigation, stockwater, commercial and domestic uses on said land including, but not limited to, Water Right No. 36-06018, Priority Date December 24, 1961."

"Together with all water rights appurtenant to this property and all wells and equipment used for irrigation, stockwater, commercial and domestic uses on said land including, but not limited to, Water Right No. 36-06012."

"Together with all water rights appurtenant to this property and all wells and equipment used for irrigation, stockwater, commercial and domestic uses on said land including, but not limited to, Water Right No. A36-02254, Priority Date March 18, 1954."

"Together with all water rights appurtenant to this property and all wells and equipment used for irrigation, stockwater, commercial and domestic uses on said land including, but not limited to, Water Right No. 36-02284, Priority Date May 16, 1955."

"Together with all water rights appurtenant to this property and all wells and equipment used for irrigation, stockwater, commercial and domestic uses on said land including, but not limited to, Water Right No. 36-07688, Priority Date April 6, 1977."

"Together with all water rights appurtenant to this property and all wells and equipment used for irrigation, stockwater, commercial and domestic uses on said land including, but not limited to, Water Right No. A36-02245, Priority Date March 5, 1954."

BEST COPY

AVAILABLE

Together with all water rights appurtenant to this property and all wells and equipment used for irrigation, stockwater, commercial and domestic uses on said land including, but not limited to, Water Right No. 36-02238, Priority Date March 5, 1954."

Together with all water rights appurtenant to this property and all wells and equipment used for irrigation, stockwater, commercial and domestic uses on said land including, but not limited to, Water Right No. A36-19001, Priority Date December 31, 1954."

Together with all water rights appurtenant to this property and all wells and equipment used for irrigation, stockwater, commercial and domestic uses on said land including, but not limited to, Water Right No. 36-080118, Priority Date December 24, 1961."

Together with all water rights appurtenant to this property and all wells and equipment used for irrigation, stockwater, commercial and domestic uses on said land including, but not limited to, Water Right No. A36-08008, Priority Date December 8, 1961."

Together with all water rights appurtenant to this property and all wells and equipment used for irrigation, stockwater, commercial and domestic uses on said land including, but not limited to, Water Right No. 36-02430, Priority Date April 21, 1960."

Together with all water rights appurtenant to this property and all wells and equipment used for irrigation, stockwater, commercial and domestic uses on said land including, but not limited to, Water Right No. 36-08004, Priority Date October 19, 1961."

Together with all water rights appurtenant to this property and all wells and equipment used for irrigation, stockwater, commercial and domestic uses on said land including, but not limited to, Water Right No. 36-02319, Priority Date May 11, 1957."

Together with all water rights appurtenant to this property and all wells and equipment used for irrigation, stockwater, commercial and domestic uses on said land including, but not limited to, Water Right No. 36-08003, Priority Date December 8, 1961."

Together with all water rights appurtenant to this property and all wells and equipment used for irrigation, stockwater, commercial and domestic uses on said land including, but not limited to, Water Right No. 36-02424, Priority Date March 10, 1960."

Together with all water rights appurtenant to this property and all wells and equipment used for irrigation, stockwater, commercial and domestic uses on said land including, but not limited to, Water Right No. G-32498, Priority Date March 10, 1960."

Together with all water rights appurtenant to this property and all wells and equipment used for irrigation, stockwater, commercial and domestic uses on said land including, but not limited to, Water Right No. 36-07351, Priority Date July 16, 1973."

Together with all water rights appurtenant to this property and all wells and equipment used for irrigation, stockwater, commercial and domestic uses on said land including, but not limited to, Water Right No. 36-02310, Priority Date November 20, 1955."

Together with all water rights appurtenant to this property and all wells and equipment used for irrigation, stockwater, commercial and domestic uses on said land including, but not limited to, Water Right No. 588-08008, Priority Date December 8, 1961.

Together with all water rights appurtenant to this property and all wells and equipment used for irrigation, stockwater, commercial and domestic uses on said land including, but not limited to, Water Right No. 588-02378, Priority Date February 20, 1959.



AURORA DAIRY CORPORATION OF IDAHO

BY Marcel B. Papernak
Marcel B. Papernak, President

Marcel B. Papernak
Marcel B. Papernak, Individually

ATTEST Deanna J. Gebman
Deanna J. Gebman, Secretary

ACKNOWLEDGMENT

STATE OF Colorado)

COUNTY OF HALL)

The foregoing instrument was acknowledged before me this 20th day of December, 1994, by Marcel B. Papernak, President of Aurora Dairy Corporation of Idaho, a Colorado Corporation and by Deanna J. Gebman, Secretary and in behalf of the corporation and by Marcel B. Papernak, as an individual.

My Commission Expires 3-3-95



Ken M. Battaglia
Notary Public

127 22nd Street Greeley, CO 80631
Notary Address

Part of the SW 1/4 of Section 28 of Township 3 South, Range 21 East of the Boise Meridian, Jerome County, State of Idaho.

Beginning at the Southeast corner of Section 28 of T.3 S., R.21 E., S.4 E., said corner marked by a 5/8" rebar; thence North 00 degrees 02 minutes 00 seconds West along the east line of Section 28 for a distance of 465.48 feet to a 1/2" rebar which shall be the Point of Beginning;

thence South 78 degrees 49 minutes 25 seconds West for a distance of 885.48 feet to a 1/2" rebar;

thence North 00 degrees 02 minutes 00 seconds West for a distance of 885.48 feet to a 1/2" rebar;

thence North 78 degrees 49 minutes 25 seconds East for a distance of 885.48 feet to a 1/2" rebar on the east line of Section 28;

thence South 00 degrees 02 minutes 00 seconds East along said line for a distance of 885.48 feet to the Point of Beginning.

Said property contains 17.66 acres more or less and is subject to a county road right of way along the east side.

EXHIBIT B

Legal Description:

Township 9 South, Range 21 East of the Boise Meridian, Jerome County, Idaho

Section 32: NE 1/4 SE 1/4

Section 33: NW 1/4 SW 1/4, S 1/2 NW 1/4, S 1/2 NE 1/4

EXCEPTING THEREFROM the highway.

Part of the SED of Section 22, Township 9 South, Range 21 East of the Boise Meridian, Jerome County, State of Idaho.

Beginning at the Southeast corner of Section 22, Township 9 South, Range 21 East of the Boise Meridian, and corner marked by a 1/2" stake.

Thence North 00 degrees 02 minutes 00 seconds West along the East line of Section 22 a distance of 545.45 feet to a 1/2" stake which shall be the Point of Beginning.

Thence South 78 degrees 49 minutes 24 seconds West for a distance of 885.48 feet to a 1/2" stake.

Thence North 00 degrees 02 minutes 00 seconds West for a distance of 885.48 feet to a 1/2" stake.

Thence North 78 degrees 49 minutes 24 seconds East for a distance of 885.48 feet to a 1/2" stake on the East line of Section 22.

Thence South 00 degrees 02 minutes 00 seconds East along said line for a distance of 885.48 feet to the Point of Beginning.

EXHIBIT c

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 for Transfer of Water Rights 36-2248, 36-2249 and 36-7688 before the State of Idaho, Department of Water Resources;
 - B. Application for Transfer of Water Rights 36-16049, 36-16051, 36-16053, 36-16055, 36-8402, 36-2430, 36-8008, 36-16045 and 36-16047, before the State of Idaho, Department of Water Resources;
 - C. Application for Transfer of Water Rights 36-2254A, 36-2284 and 36-8401, before the State of Idaho, Department of Water Resources;
 - D. Any other documents useful or necessary to process the applications above specifically named with the Idaho Department of Water Resources.

IN WITNESS WHEREOF, I have hereunto set my hand at Broomfield, Colorado, this 9th day of May, 2012.



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

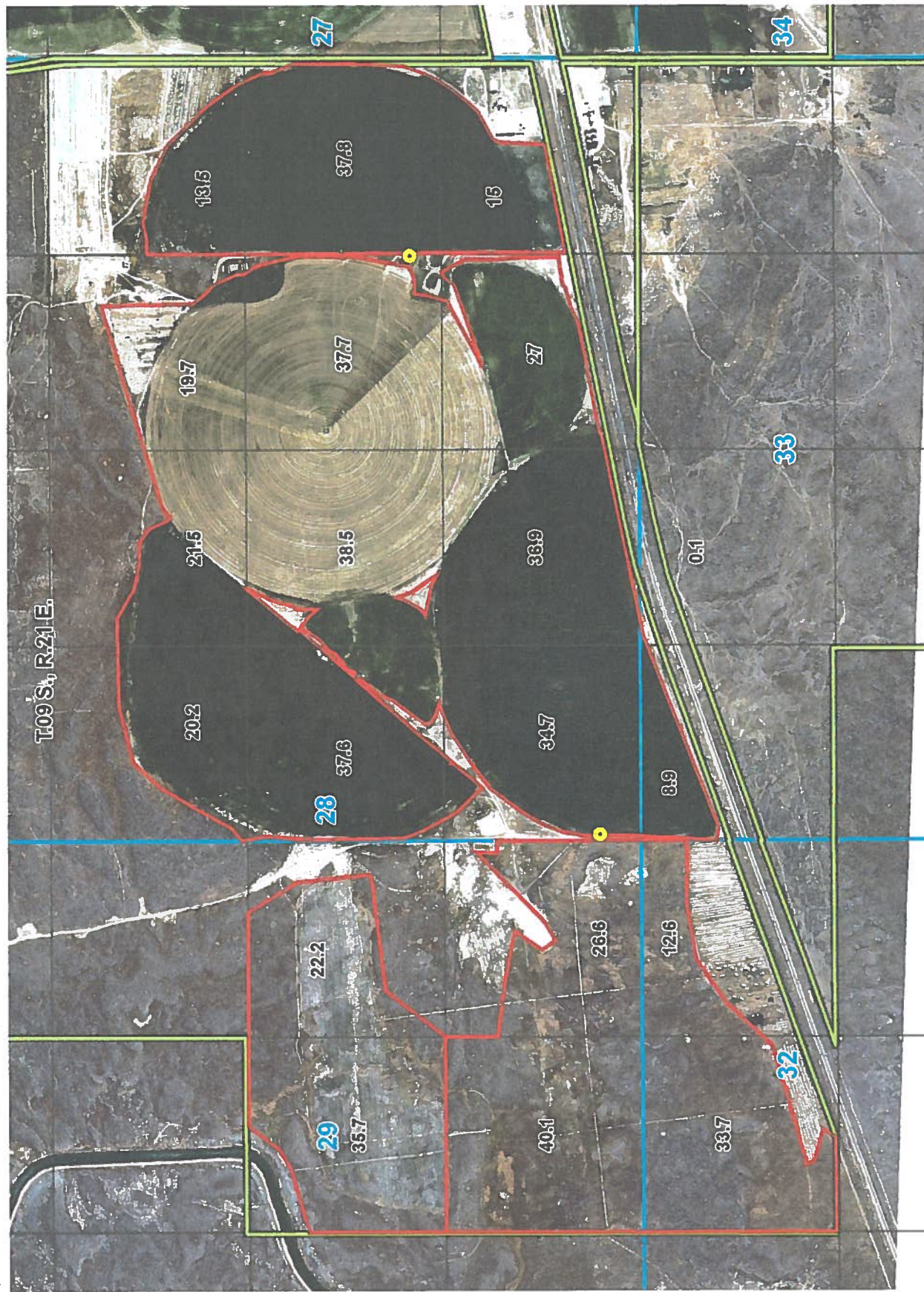
STATE OF COLORADO)
County of Broomfield):ss

On this 9th day of May, 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.



Debbie L. Smith
NOTARY PUBLIC for Colorado
Residing at: Frederick, Colorado
Commission Expires: 3/14/16



pou west per qd 520
2011_POU_520_Acres_West
Horizon_Organic_Dairy_Property
Sections_new
OO_lines_new



**HORIZON ORGANIC DAIRY PLLC.
2011, POU Transfer, 520 Acres West
NAIP 2009 AERIAL**

Feet
0 345 690 1,380

Reeder, Jana

From: Greg Sullivan [greg.sullivan@brockwayeng.com]
Sent: Thursday, June 21, 2012 10:21 AM
To: Reeder, Jana
Subject: RE: Horizon

Jana,

Your suggestion of dropping the 10 acre tract on 36-2254A and 36-2284 will work for our client Horizon Organic Dairy.

Greg Sullivan
2016 N. Washington St. Suite 4
Twin Falls, Id 83301
208-736-8543

From: Reeder, Jana [<mailto:Jana.Reeder@idwr.idaho.gov>]
Sent: Thursday, June 21, 2012 9:53 AM
To: Greg Sullivan
Subject: Horizon

Hey Greg,

I collected a GPS point for the well we discussed last week and it is in the SESWSW of section 28 so we will need to drop the 10 acre tract on 36-2254A and 36-2284 in the Horizon transfer. Can you shoot me an email that verifies the correction so I can get 77949 to Allen for approval?

Thanks-Jana

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2012.0.2178 / Virus Database: 2437/5083 - Release Date: 06/21/12

MEMORANDUM

Date: June 12, 2012
To: Transfer 77949 File
From: Jana Reeder
Re: Evaluation of Sufficiency of Information Submitted

Transfer proposes creating a new authorized place of use for three ground water irrigation rights, 36-2254A, 36-2284, and 36-8401, that are currently used on a farm located approximately 10-11.5 mi. west and 4.3-5.3 mi. north of Burley. The applicants propose shifting acres for the new authorized place of use to reflect the actual irrigated acres. Two existing wells will divert up to a total of 8.1 cfs and 2080 AF to irrigate 520 acres.

The point of diversions and the place of use are located within the ESPA and also Water District 130 so watermaster comments will be necessary. No ground water analysis was necessary due to no change in points of diversion. Transfer is not changing points of diversion and place of use is shifting acres to adjacent lands so recommended no advertisement.

Notes, no volumes were recorded on the face of the water rights during the adjudication. Volume was calculated for 36-2284 and 36-8401 using rate and irrigation days. The volume for 36-2254A was calculated from the 360 acre limit and IDWR standard of 4 ac. ft. per acre. Also, a condition on license 36-8401 had a combined limit of 5.88 cfs, no information was found on backfile to determine where this amount originated so it was dropped and replaced with new combined limits condition. Lastly a GPS point was collected on 6/20/2012 and determined the legal description for 36-2254A and 36-2284 was incorrect so the 10 acre tract was dropped for these rights. (see email from Brockway 6/21/2012)

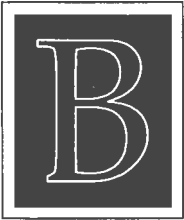
- **Authority to File:**
The applicant is listed as the current owner of water rights 36-2254A, 36-2284, and 36-8401 according to IDWR records. The application includes a warranty deed showing the applicant's ownership of the new land involved with the transfer.
- **Water Right Validity:**
Water rights 36-2254A and 36-2284 decreed in the SRBA on 8/27/2001. 36-8401 was licensed on 7/15/1994. Recent aerial imagery show all irrigated acres. ***Portions of 36-2254A, 36-2284, and 36-8401 are in the Water bank.***
- **Injury to Other Water Rights:**
None anticipated. Points of diversion are not changing.
- **Enlargement of Use:**
None anticipated if appropriate conditions and limits are implemented.
- **Local Public Interest:**
Acres are shifting to reflect actual irrigated acres. Recommend no advertise.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

RECEIVED

MAY 15 2012

DEPT. OF WATER RESOURCES
SOUTHERN REGION



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

May 15, 2012

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

Re: Horizon Organic Dairy water rights 36-2254A, 36-2284 and 36-8401

Dear Mr. Merritt:

Horizon Organic Dairy desires to correctly identify the place of use of water rights 36-2254A, 36-2284 and 36-8401. The attached transfer application will not be changing the point of diversion, the period of use, ownership or beneficial use of the water rights. Water rights 36-2254A, 36-2284 and 36-8401 are limited to irrigate 520.0 acres.

Portions of 36-2254A, 36-2284 and 36-8401 are currently leased to the Idaho Water Supply Bank.

Due to only the place of use being changed, it is requested that this transfer not be advertised in the local news media.

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 map, Annual Report, Special Power of Attorney, Warranty
Deeds, Brockway Engineering Check # 10770 for \$1,140.00