

RECEIVED

MAY 15 2012

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 77948DEPT. 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: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 77948

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MAY 15 2012

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

DEPT. OF WATER RESOURCES

Name of Applicant(s) Horizon Organic Dairy LLCPhone 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 EngineeringPhone 208-736-8543Mailing address 2016 North Washington Street, Suite 4 Twin Falls Idaho 83301Email 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.

Horizon Organic Dairy, LLC by Robert E. Williams
Signature of Applicant or Authorized Representative *agent in fact*

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

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**. 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.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	36-2248	2.74/	Irrigation	3/15 to 11/15	Ground Water
☒ ☐	36-2249	3.33/	Irrigation	3/15 to 11/15	Ground Water
☒ ☐	36-7688	8.36/	Irrigation	3/15 to 11/15	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 8.36 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 8.36 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	22												6.5				5.1	11.6
		27	38.5	15	36.9	39	34.7	23.0	38.2	33.2	38.0	39.4	11.5	23.2	26.2	37.9	9.5		444.2
		34		14.8			33.8	8.6											57.2

Total Acres (for irrigation use) 513

**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, pivots and main 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 currently constructed delivery systems.

- 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: _____

Page _____ of _____

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

Current Water Right No.: 36-2248

Current Owner: HORIZON ORGANIC DAIRY LLC
Priority Date: 3/5/1954
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	2.74 CFS	
	<u>Total Diversion</u>	2.74 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4SE1/4NE1/4	Sec. 27, Twp 09S, Rge 21E B.M.
JEROME County		
GROUND WATER	NW1/4NE1/4SW1/4	Sec. 27, Twp 09S, Rge 21E B.M.
JEROME County		

Place of Use

IRRIGATION Within JEROME County

T09S R21E S22	SESW	8.00	T09S R21E S22	SWSE	7.00
T09S R21E S22	SESE	2.00	T09S R21E S27	NENE	38.00
T09S R21E S27	NWNE	27.00	T09S R21E S27	SWNE	39.00
T09S R21E S27	SENE	39.00	T09S R21E S27	NENW	31.00
T09S R21E S27	NWNW	16.00	T09S R21E S27	SWNW	39.00
T09S R21E S27	SENE	38.00	T09S R21E S27	NESW	40.00
T09S R21E S27	NWSW	39.00	T09S R21E S27	SWSW	15.00
T09S R21E S27	SESW	27.00	T09S R21E S27	NESE	30.00
T09S R21E S27	NWSE	40.00	T09S R21E S27	SWSE	6.00
T09S R21E S34	NENW	12.00	T09S R21E S34	NWNW	20.00

Total Acres: 513

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 RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 8.36 CFS AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1952.8 AF.
COMBINED RIGHT NOS.: 36-02249 & 36-07688.
3. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
4. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 513 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 36-02249 & 36-07688

Decreed Date: 8/27/2001

Page _____ of _____

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

Current Water Right No.: 36-2249

Current Owner: HORIZON ORGANIC DAIRY LLC
Priority Date: 3/5/1954
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	3.33 CFS	
	<u>Total Diversion</u>	3.33 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4SE1/4NE1/4	Sec. 27, Twp 09S, Rge 21E B.M.
JEROME County		
GROUND WATER	NW1/4NE1/4SW1/4	Sec. 27, Twp 09S, Rge 21E B.M.
JEROME County		

Place of Use

IRRIGATION Within JEROME County

T09S R21E S22	SESW	8.00	T09S R21E S22	SWSE	7.00
T09S R21E S22	SESE	2.00	T09S R21E S27	NENE	38.00
T09S R21E S27	NWNE	27.00	T09S R21E S27	SWNE	39.00
T09S R21E S27	SENE	39.00	T09S R21E S27	NENW	31.00
T09S R21E S27	NWNW	16.00	T09S R21E S27	SWNW	39.00
T09S R21E S27	SENW	38.00	T09S R21E S27	NESW	40.00
T09S R21E S27	NWSW	39.00	T09S R21E S27	SWSW	15.00
T09S R21E S27	SESW	27.00	T09S R21E S27	NESE	30.00
T09S R21E S27	NWSE	40.00	T09S R21E S27	SWSE	6.00
T09S R21E S34	NENW	12.00	T09S R21E S34	NWNW	20.00

Total Acres: 513

Page _____ of _____

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 513 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 36-02248 & 36-07688.
4. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 8.36 CFS AND A TOTAL COMBINED ANNUAL VOLUME OF 1952.8 AF.
COMBINED RIGHT NOS.: 36-02248 & 36-07688.

Decreed Date: 8/27/2001

Page _____ of _____

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

Current Water Right No.: 36-7688

Current Owner: HORIZON ORGANIC DAIRY LLC
Priority Date: 4/6/1977
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	8.36 CFS	
	<u>Total Diversion</u>	8.36 CFS	

Location of Point(s) of Diversion

GROUND WATER	NW1/4NE1/4SW1/4	Sec. 27,	Twp 09S,	Rge 21E B.M.
JEROME County				
GROUND WATER	SW1/4SE1/4NE1/4	Sec. 27,	Twp 09S,	Rge 21E B.M.
JEROME County				

Place of Use

IRRIGATION Within JEROME County

T09S R21E S22	SESW	8.00	T09S R21E S22	SWSE	7.00
T09S R21E S22	SESE	2.00	T09S R21E S27	NENE	38.00
T09S R21E S27	NWNE	27.00	T09S R21E S27	SWNE	39.00
T09S R21E S27	SENE	39.00	T09S R21E S27	NENW	31.00
T09S R21E S27	NWNW	16.00	T09S R21E S27	SWNW	39.00
T09S R21E S27	SENW	38.00	T09S R21E S27	NESW	40.00
T09S R21E S27	NWSW	39.00	T09S R21E S27	SWSW	15.00
T09S R21E S27	SESW	27.00	T09S R21E S27	NESE	30.00
T09S R21E S27	NWSE	40.00	T09S R21E S27	SWSE	6.00
T09S R21E S34	NENW	12.00	T09S R21E S34	NWNW	20.00

Total Acres: 513

Page _____ of _____

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
3. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A COMBINED DIVERSION RATE OF 8.36 CFS AND A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1952.8 AF.
COMBINED RIGHT NOS.: 36-02248 & 36-02249.
4. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 494.2 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 513 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 36-02248 & 36-02249.

Decreed Date: 8/27/2001

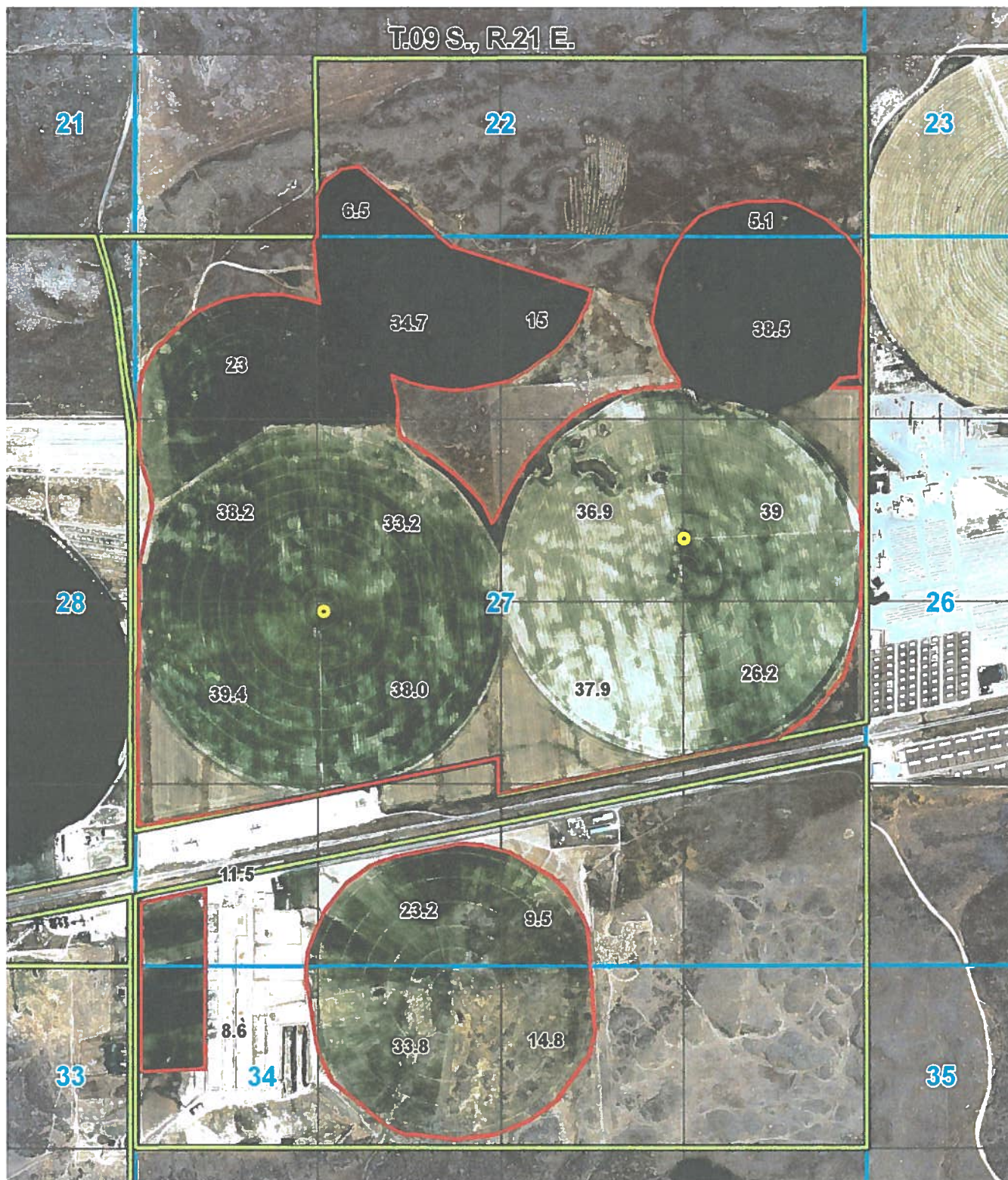
Total Acres (for irrigation use) _____

Transfer contains _____ pages and _____ attachments.

Received by P. SKINNER Date 5/18/2012 Prelim. Check by P. SKINNER Date 5/18/2012

Fee Paid \$ 1140.00 Date 5/15/2012 Received by P. SKINNER Receipt # 5032570

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



0 375 750 1,500 Feet

**HORIZON ORGANIC DAIRY PLLC.
2011, POU Transfer, 513 Acres East.
NAIP 2009 AERIAL**

- Place_of_use_513_Acres
- Horizon_Organic_Dairy_Property
- Sections_new
- QQ_lines_new

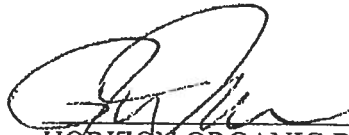


SPECIAL POWER OF ATTORNEY

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 09 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 09 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: 3/14/10

SPECIAL POWER OF ATTORNEY

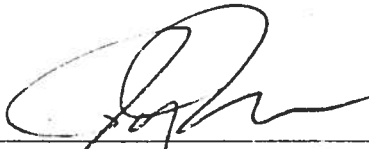
HORIZON ORGANIC DAIRY, LLC, a Delaware limited liability company, qualified to do business in the state of Idaho, hereby appoints ROBERT E. WILLIAMS, 153 East Main, Jerome, Idaho 83338, to be its true and lawful attorney for it, in its name, place and stead, and on its behalf, to do any or all of the 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 Glenwood Rd, Frederick Co
Commission Expires: 3/14/12

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.				

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)

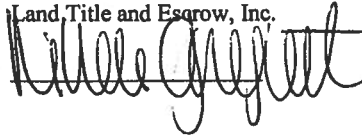
These are furnished to you by your identification and at your request. They are not based upon any independent examination of any tract indexes or other public records by Land Title and Escrow Inc. representatives or employees.

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

Smith, Brady & Hedges
Notary Public
218 1/2 1st Avenue West
P.O. Box 1000
Boulder, Colorado 80501

STATE OF COLORADO
County of Boulder

On 5/1, 1998, before me, a Notary Public in and for
said State, personally appeared William S. Pennington and
Diana S. German, 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 J. Fogel
Notary Public for Colorado
Commission Expires: 7/23/2001

WARRANTY DEED - 2

Small, dark, illegible text, likely a signature or stamp.

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 NW1/4 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°47'52" East, 3,401.08 feet along the Westerly
boundary of said East Section 17;
thence North 89°25' East, 1,318.92 feet to a point on the
Easterly boundary of said Section 17;
thence North 89°47'52" West, 3,401.08 feet along the
Easterly boundary of said Section 17;
thence North 89°47'52" East, 3,401.08 feet parallel with
the Northerly boundary of said Section 16;
thence North 89°47'52" East, 1,318.92 feet parallel with the
Westerly boundary of said Section 16 to the Northerly
boundary of said Section 17;
thence South 89°47'52" West, 3,401.08 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: NW1/4, W1/2, SE1/4, NE1/4, 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

Policy Number 524-433970

Section 17: NE1/4NW, SW1/4NW, SE1/4, SE1/4NW, E1/4SW, NW1/4SW

Section 20: E1/4NW, NW1/4, NE1/4NW

EXCEPTING THEREFROM a tract of land in the E1/4NW, Section 17 and NW1/4NW, Section 16, Township 9 South, Range 21 East of the Boise Meridian, Jerome County, Idaho, more particularly described as follows:

Beginning at the Northwest corner of said Section 17 also being the Northwest corner of said Section 16;
 Thence South 89°48'20" West, 1,320.16 feet to the Northwest corner of said E1/4NW, Section 17;
 Thence South 89°07'52" East, 3,201.08 feet along the westerly boundary of said E1/4NW, Section 17;
 Thence South 89°43'25" East, 1,313.32 feet to a point on the easterly boundary of said Section 17;
 Thence South 89°43'31" West, 3,050.73 feet along the easterly boundary of said Section 17;
 Thence North 89°45'04" East, 343.00 feet parallel with the easterly boundary of said Section 16;
 Thence North 89°45'12" East, 340.00 feet parallel with the easterly boundary of said Section 16 to the northerly boundary of said Section 16;
 Thence South 89°46'14" West, 343.00 feet along the northerly boundary of said Section 16 to THE POINT OF BEGINNING.

EXCEL 20. 3

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

Section 16: That part of the NE1/4NW, described as follows:

Beginning at the Northwest corner of Section 16;
 Thence West along the north line of Section 16, a distance of 574 feet;
 Thence South parallel with the East line of Section 16, 327 feet;
 Thence East parallel with the north line of Section 16, 574 feet, more or less, to the East line;
 Thence North along said East line, 327 feet to
 BEGINNING INT OF

EXCEPTING THEREFROM the highway;

Continued

CONTINUATION

SCHEDULE A

Policy Number: 554-43397C

RANGE NO. 4

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

Section 20: SE $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Section 21: SE $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Section 28: All of Section 28;

Section 29: SE $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$;

Section 33: NW $\frac{1}{4}$ NE $\frac{1}{4}$;

Section 33: NW $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$;

EXCEPTING THEREFROM that part of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28,
Township 3 South, Range 21, East of the Boise Meridian, Jarome
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, 395.53 feet;
thence South 79°00'21" West, 495.52 feet to THE TRUE POINT OF
BEGINNING;
thence continuing South 79°00'21" West, 154.50 feet;
thence North 10°55'35" West, 55.00 feet;
thence North 79°00'21" East, 154.50 feet;
thence South 10°55'35" East, 55.00 feet to THE TRUE POINT OF
BEGINNING.

AND EXCEPTING THEREFROM that portion of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ 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 NE $\frac{1}{4}$ SW $\frac{1}{4}$, 909.75
feet;
thence South parallel to the East boundary of the NE $\frac{1}{4}$ SW $\frac{1}{4}$,
909.75 feet;
thence East parallel to the North boundary of the NE $\frac{1}{4}$ SW $\frac{1}{4}$,
909.75 feet to a point on the East boundary of the NE $\frac{1}{4}$ SW $\frac{1}{4}$;
thence North along the East boundary of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 909.75
feet to THE TRUE POINT OF BEGINNING.

- Continued -

13-197-415-00
CONTINUATION
SCHEDULE A
Policy Number: 554-433970

PARCEL NO. 5

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

Section 16: SA;

EXCEPTING THEREFROM the highway.

PARCEL NO. 6

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

Section 17: SEASW; SWASW;

Section 18: SESEW; ESWW; SWSEW;

PARCEL NO. 7

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

Section 22: SEASW; SESEW;

Section 27: EN; NWASW; SWW; SEASW; SEASW;

SEASW, EXCEPTING THEREFROM the following described parcel 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 275.27 feet.
Thence North 78°45' 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 -

CONTINUATION

SCHEDULE

Policy Number: 554-433976

Thence South 78°45' West and along said North railroad right of way boundary, 1691.57 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 9 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 Waterment Agreement recorded May 15, 1963 in Book 374 Page 53 as Instrument Number 154734, Jerome County Records.

Section 34: BENTLEY MOORE;

Section 35:

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

Section 27: BENTLEY MOORE;

Section 36:

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

Section 28: That part of the SE 1/4, 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; 395.55 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 NESEK, 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 NESEK, 909.75 feet; Thence South parallel to the East boundary of the NESEK, 909.75 feet; Thence East parallel to the North boundary of the NESEK, 909.75 feet to a point on the East boundary of the NESEK; Thence North along the East boundary of the NESEK, 909.75 feet to THE TRUE POINT OF BEGINNING.

SECTION NO. 10

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

Section 32: EASE:

Section 33: EASE; EASE; EASE;

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, 1965."

"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. A36-02249, 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. 36-02248; 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. A36-19091; 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, 1981."

"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, 1981."

"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, 1981."

"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. 36-02219; 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, 1981."

"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-28406; 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 10, 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, 1954."

Together with all water rights appurtenant to this property and all wells and equipment used for irrigation, stock water, commercial and domestic uses on said land including, but not limited to, Water Right No. 08005, Priority Date December 8, 1961.

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



ATTEST: Donna J. Gebman
Donna J. Gebman, Secretary

BY Marcel B. Paperek
Marcel B. Paperek, President

Marcel B. Paperek
Marcel B. Paperek, Individually

ACKNOWLEDGMENT

STATE OF Colorado)
COUNTY OF HALL) ss.

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



Sam M. Buttle
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., 34th, said corner marked by a 3/8" rebar; Thence North 00 degrees 01 minutes 00 seconds East along the east line of Section 28 for a distance of 745.48 feet to a 3" rebar which shall be the Point of Beginning.

Thence South 78 degrees 49 minutes 25 seconds East for a distance of 885.48 feet to a 3" rebar.

Thence North 00 degrees 01 minutes 00 seconds East for a distance of 885.48 feet to a 3" rebar.

Thence North 78 degrees 49 minutes 25 seconds East for a distance of 885.48 feet to a 3" rebar on the east line of Section 28.

Thence South 00 degrees 01 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 3 South, Range 21 East of the Boise Meridian, Jerome County, Idaho

Section 32, 1/2SE1/4

Section 33, 1/2SW1/4, 3/4NW1/4, 3/4NE1/4

EXCEPTING THEREFROM the highway.

Part of the SE1/4 of Section 32, Township 3 South, Range 21 East of the Boise Meridian, Jerome County, State of Idaho.

Beginning at the Southeast corner of Section 32, Township 3 South, Range 21 East of the Boise Meridian, and corner marked by a 6" stake:

Thence North 00 degrees 02 minutes 00 seconds West along the East line of Section 32 a distance of 76.48 feet to a 1/2" stake which shall be the Point of Beginning.

Thence South 78 degrees 49 minutes 28 seconds West for a distance of 885.43 feet to a 1/2" stake.

Thence North 00 degrees 02 minutes 00 seconds West for a distance of 885.43 feet to a 1/2" stake.

Thence North 78 degrees 49 minutes 28 seconds East for a distance of 885.43 feet to a 1/2" stake on the East line of Section 32.

Thence South 00 degrees 02 minutes 00 seconds West along said line for a distance of 885.43 feet to the Point of Beginning.

EXHIBIT c

09S21E16

09S21E15

09S21E14

09S21E21

09S21E22

09S21E23

09S21E28

09S21E26

09S21E33

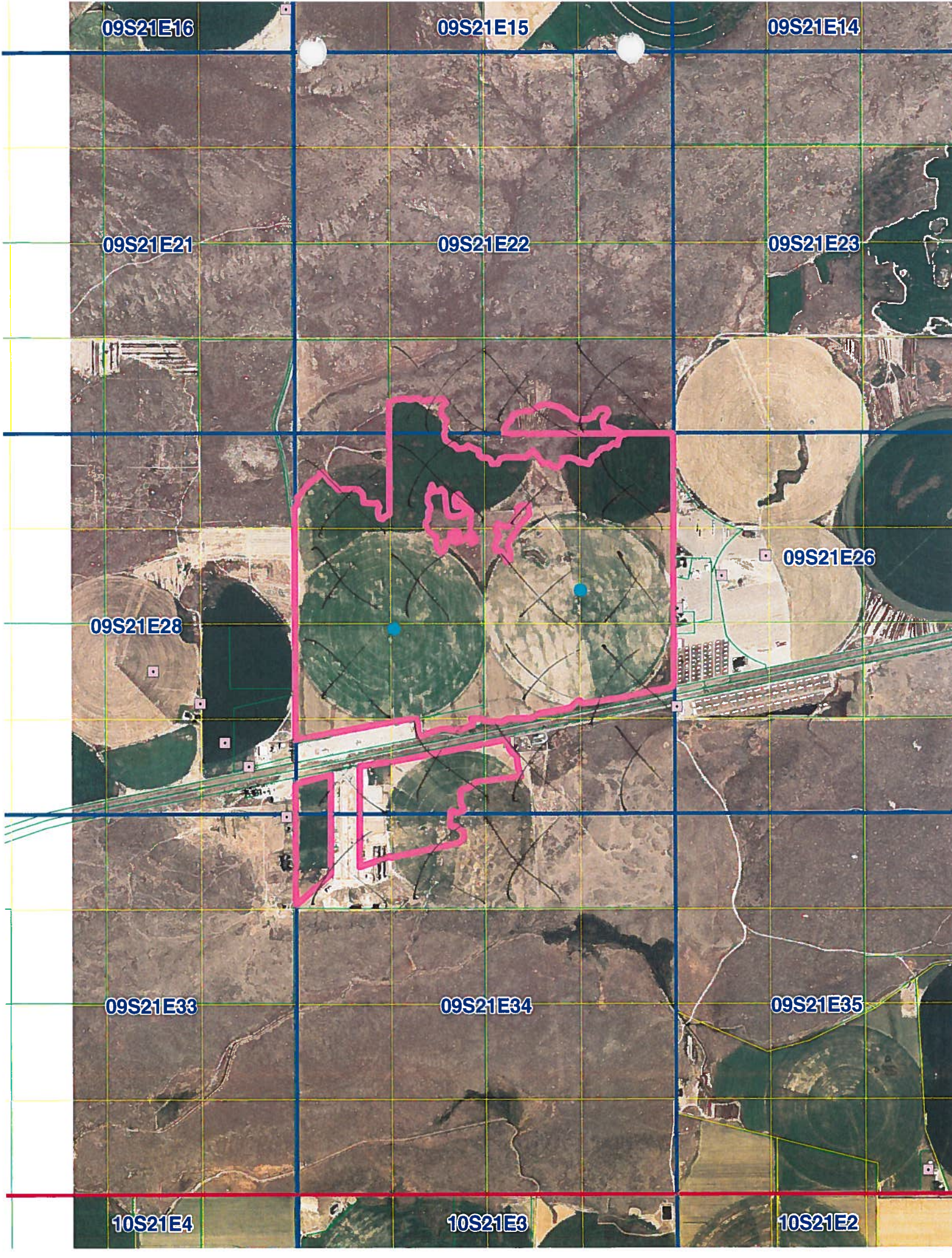
09S21E34

09S21E35

10S21E4

10S21E3

10S21E2



MEMORANDUM

Date: June 7, 2012
To: Transfer 77948 File
From: Jana Reeder
Re: Evaluation of Sufficiency of Information Submitted

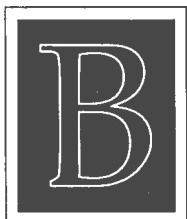
Transfer proposes creating a new authorized place of use for three ground water irrigation rights, 36-2248, 36-2249, and 36-7688, that are currently used on a farm located approximately 9-10 mi. west and 4.5-5.8 mi. north of Burley. The applicants propose shifting acres for the new authorized place of use to reflect the actual irrigated acres. Two existing wells will divert up to a total of 8.36 cfs and 1952.8 AF to irrigate 513 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.

Note, no volumes were recorded on the face of the rights during the adjudication. Volumes were calculated for 36-2248 and 36-2249 using rate and irrigation days. The volume for 36-7688 was taken from the combined limits condition because of the large rate resulting in a volume larger than the total authorized volume.

- **Authority to File:**
The applicant is listed as the current owner of water rights 36-2248, 36-2249 and 36-7688 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:**
All rights 36-2248, 36-224 and 36-7688 were decreed in the SRBA on 8/27/2001. Recent aerial imagery show all irrigated acres.
- **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.



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

RECEIVED

MAY 15 2012

DEPT. OF WATER RESOURCES
SOUTHERN REGION

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 36-2248, 36-2249 and 36-7688

Dear Mr. Merritt:

Horizon Organic Dairy desires to correctly identify the place of use of water rights 36-2248, 36-2249 and 36-7688. 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 36-2248, 36-2249 and 36-7688 are limited to irrigate 513.0 acres.

Due to only the place of use being changed, it is requested that this transfer not be publically 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 # 10771 for \$1,140.00