

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
TRANSFER NO. 76263

This is to certify that: SUNVIEW DAIRY LLC  
6600 SW BLANKSMA RD  
MOUNTAIN HOME ID 83647  
(208)941-3908

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

**Summary of Water Rights Before the Proposed Change**

| <u>Right</u> | <u>Origin/Basis</u> | <u>Priority</u> | <u>Rate</u> | <u>Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 61-7208      | WR/Decreed          | 11/18/1974      | 2.56 cfs    | 1170 af       | N/A               | 260.0              | GROUND WATER  |
| 61-7312      | WR/Decreed          | 03/08/1977      | 0.59 cfs    | 135 af        | N/A               | 30.0               | GROUND WATER  |
| 61-11963     | WR/Decreed          | 01/05/1965      | 3 cfs       | 824 af        | 206.0             | 206.0              | GROUND WATER  |

**Purpose of Transfer (Changes Proposed)**

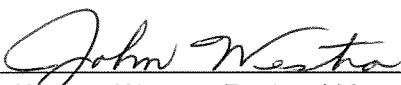
| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 61-7208               | NO           | NO         | YES        | YES            | NO                   | NO                   |
| 61-7312               | NO           | NO         | YES        | YES            | NO                   | NO                   |
| 61-11963              | NO           | NO         | YES        | YES            | NO                   | NO                   |

**Summary of Water Rights After the Approved Change**

| <u>Existing Right</u>  | <u>New No. (changed portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 61-7208                | <b>61-7208</b>                   | 2.56 cfs             | 1170 af                | 260.0             | 640.0              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 61-7312                | <b>61-7312</b>                   | 0.59 cfs             | 135 af                 | 30.0              | 640.0              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 61-11963               | <b>61-11963</b>                  | 3 cfs                | 824 af                 | 206.0             | 640.0              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | <b>6.15 cfs</b>      | <b>2129 af</b>         | <b>496.0</b>      | <b>640.0</b>       |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Detailed Water Right Description(s) attached

Dated this 4<sup>th</sup> day of January, 20 12

  
John Westra, Western Regional Manager

SUPPORT DATA  
IN FILE # 61-7208

**WATER RIGHT NO. 61-7208**  
**As Modified by Transfer No. 76263**

In accordance with the approval of Transfer No. 76263, Water Right No. 61-7208 is now described as follows.

**Right Holder:** SUNVIEW DAIRY LLC  
6600 SW BLANKSMA RD  
MOUNTAIN HOME ID 83647

**Priority Date:** November 18, 1974

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/15       | to 11/15  | 2.56 CFS              | 1,170.0 AF    |
|                       |             |           | 2.56 CFS              | 1,170.0 AF    |

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

|              |      |                 |         |               |
|--------------|------|-----------------|---------|---------------|
| GROUND WATER | SWNE | Sec. 36 Twp 04S | Rge 05E | ELMORE County |
| GROUND WATER | NWSE | Sec. 36 Twp 04S | Rge 05E | ELMORE County |

**PLACE OF USE:** IRRIGATION

| Twp | Rge | Sec | NE   |      |      |      | NW   |      |      |      | SW   |      |      |      | SE   |      |      |      | Totals |
|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|     |     |     | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |        |
| 04S | 05E | 36  | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 640.0  |

Total Acres: 640

**CONDITIONS OF APPROVAL**

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. This right is limited to the irrigation of 260 acres within the authorized place of use in a single irrigation season.

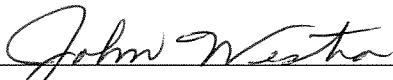
**WATER RIGHT NO. 61-7208**  
**As Modified by Transfer No. 76263**

**CONDITIONS OF APPROVAL**

6. Rights 61-7208, 61-7312 and 61-11963 when combined shall not exceed the irrigation of 496 acres within the authorized place of use in a single irrigation season.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. The following rights are diverted through points of diversion described above: 61-7208, 61-7312 and 61-11963.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 4<sup>th</sup> day of January, 20 12

  
\_\_\_\_\_  
John Westra, Western Regional Manager

**WATER RIGHT NO. 61-7312**  
**As Modified by Transfer No. 76263**

In accordance with the approval of Transfer No. 76263, Water Right No. 61-7312 is now described as follows.

**Right Holder:** SUNVIEW DAIRY LLC  
6600 SW BLANKSMA RD  
MOUNTAIN HOME ID 83647

**Priority Date:** March 08, 1977

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/15       | to 11/15  | 0.59 CFS              | 135.0 AF      |
|                       |             |           | 0.59 CFS              | 135.0 AF      |

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

GROUND WATER                      SWNE                      Sec. 36 Twp 04S   Rge 05E   ELMORE County  
GROUND WATER                      NWSE                      Sec. 36 Twp 04S   Rge 05E   ELMORE County

**PLACE OF USE:**    IRRIGATION

| Twp | Rge | Sec | NE        |           |           |           | NW        |           |           |           | SW        |           |           |           | SE        |           |           |           | Totals |
|-----|-----|-----|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|--------|
|     |     |     | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> | <u>NE</u> | <u>NW</u> | <u>SW</u> | <u>SE</u> |        |
| 04S | 05E | 36  | 40.0      | 40.0      | 40.0      | 40.0      | 40.0      | 40.0      | 40.0      | 40.0      | 40.0      | 40.0      | 40.0      | 40.0      | 40.0      | 40.0      | 40.0      | 40.0      | 640.0  |

Total Acres: 640

**CONDITIONS OF APPROVAL**

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. This right is limited to the irrigation of 30 acres within the authorized place of use in a single irrigation season.

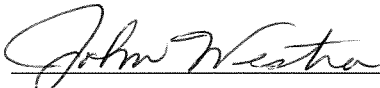
**WATER RIGHT NO. 61-7312**  
**As Modified by Transfer No. 76263**

**CONDITIONS OF APPROVAL**

6. Rights 61-7208, 61-7312 and 61-11963 when combined shall not exceed the irrigation of 496 acres within the authorized place of use in a single irrigation season.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. The following rights are diverted through points of diversion described above: 61-7208, 61-7312 and 61-11963.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 4<sup>th</sup> day of January, 20 12

  
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John Westra, Western Regional Manager

**WATER RIGHT NO. 61-11963**  
**As Modified by Transfer No. 76263**

In accordance with the approval of Transfer No. 76263, Water Right No. 61-11963 is now described as follows.

**Right Holder:** SUNVIEW DAIRY LLC  
6600 SW BLANKSMA RD  
MOUNTAIN HOME ID 83647

**Priority Date:** January 05, 1965

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | to 10/31  | 3.00 CFS              | 824.0 AF      |
|                       |             |           | 3.00 CFS              | 824.0 AF      |

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

GROUND WATER SWNE Sec. 36 Twp 04S Rge 05E ELMORE County  
GROUND WATER NWSE Sec. 36 Twp 04S Rge 05E ELMORE County

**PLACE OF USE:** IRRIGATION

| Twp | Rge | Sec | NE   |      |      |      | NW   |      |      |      | SW   |      |      |      | SE   |      |      |      | Totals |
|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|     |     |     | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |        |
| 04S | 05E | 36  | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 40.0 | 640.0  |

Total Acres: 640

**CONDITIONS OF APPROVAL**

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 10-26-2000.

**WATER RIGHT NO. 61-11963**  
**As Modified by Transfer No. 76263**

**CONDITIONS OF APPROVAL**

6. This right is limited to the irrigation of 206 acres within the authorized place of use in a single irrigation season.
7. Rights 61-7208, 61-7312 and 61-11963 when combined shall not exceed the irrigation of 496 acres within the authorized place of use in a single irrigation season.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
9. The following rights are diverted through points of diversion described above: 61-7208, 61-7312 and 61-11963.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 4<sup>th</sup> day of January, 2012

  
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John Westra, Western Regional Manager