

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No.

77388

RECEIVED

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

JUN 29 2011

DEPT. OF WATER RESOURCES
SOUTHERN REGION

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable to 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. Part 2B forms are available on the Department's website at: http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs_09/WaterRight_TransferApp_Part2B.pdf.
- ☒ * 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/WaterManagement/WaterRights/WaterRightTransfers/wrt_default.htm.
- ☐ ☐ #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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Rev. 10/09

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SOUTHERN REGION
DEPARTMENT OF WATER RESOURCESTransfer No. 77388APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of Applicant(s) Boer Dairy, LLC Phone (208) 280-5048Mailing address 472 South 200 West, Jerome, ID 83338 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 Scott N. King., SPF Water Engineering LLC Phone (208) 383-4140Mailing address 300 E. Mallard Drive, Suite 350, Boise, ID 83706 Email sking@spfwater.com☐ Send all correspondence for this application to the representative and not to the applicant.

OR

☒ Send original correspondence to the applicant and copies to the representative.☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

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

[Signature]
Signature of Applicant or Authorized Representative

Robert E. William - Attorney
Print Name and Title if applicable

8/20/10
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**. This transfer proposes changing the place of use of water rights 36-7352 and 36-7617 to reflect an integrated interconnected irrigation system with permissible place of use (PPU). See also a companion transfer application changing and moving a portion of water right 36-7352.

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 ☐ ☒	36-7352 (36-16906)	1.14 cfs	Irrigation	3/15 to 11/15	Ground Water
☒ ☐	36-7617	10.0 cfs	Irrigation	3/15 to 11/15	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 11.14 cfs and/or 2811.2 ac-ft

2. Total amount of water proposed to be transferred or changed 11.14 cubic feet per second and/or 2811.2 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 #
N		SE	NW	SE	23	8S	15E	Gooding	Ground Water	
N		NW	SW	NW	25	8S	15E	Gooding	Ground Water	
N		SW	NW	SW	26	8S	15E	Gooding	Ground Water	
N		NE	NW	SE	26	8S	15E	Gooding	Ground Water	

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	
8S	15E	23									40			40		40	40		160
		25						40	40										80
		26	40	40	40	40	40	40	40	40	40	40	40	40		40			520
		27	40			40									40			40	160

Total Acres (for irrigation use) 702.8 w/in 920 ppu

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: Four wells, pumps and pipelines to an interconnected irrigation system.
- b. Who owns the property at the point(s) of diversion? Applicant
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: Not applicable.
- 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 of land will continue.
- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: _____
No other ground water rights are used on the place of use of use. Surface water delivered by North Side Canal Co may also be used on the place of use. However, the ground water rights included in this transfer are primary and not supplemental to or supplemented by North Side Canal Co surface water.

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: The water rights proposed for transfer have been left undiverted since 2001 as part of a mitigation plan operated in conjunction with North Snake Groundwater District.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

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SOUTHERN REGION

A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/> , Water Right Transfers, Step 1.
Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☒ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/> , Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: 36-7352

- [illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Total Acres (for irrigation use)	83.8
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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

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 rights(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.: _____
Not applicable.

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments.
Received by [Signature] Date 6-29-11 Prelim. Check by [Signature] Date 6-29-11
Fee Paid \$690⁰⁰ Date 6-30-11 Received by [Signature] Receipt # 5032002
Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

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ATTACHMENTS for Part 2A

Water Right Detail Reports

36-7352

36-7616

Attachments for Part 2A: Water Right Reports

Page 1 of 8

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

Current Water Right No.: 36-7352

Current Owner: BOER DAIRY LLC

Priority Date: 7/18/1973

Origin: Water Right

Status: Active

Basis: Decreed

Source

GROUND WATER

Tributary

Beneficial Use

IRRIGATION

From To

3/15 to 11/15

Total Diversion

Diversion Rate

2.05 CFS

2.05 CFS

Annual Volume

804 AF

804 AF

Location of Point(s) of Diversion

GROUND WATER

NW1/4SW1/4NW1/4

Sec. 25, Twp 05S, Rge 15E B.M.

GOODING County

Place of Use

IRRIGATION Within GOODING County

T08S R15E S25	NWNW	36.00	T08S R15E S25	SWNW	39.00
T08S R15E S26	NENE	36.00	T08S R15E S26	NWNE	36.00
T08S R15E S26	SWNE	2.00	T08S R15E S26	SENE	2.00
Total Acres: 151					

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.

Decreed Date: 12/12/2001

Figure 1: Water right report, 36-7352

Attachments for Part 2A: Water Right Reports

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

Current Water Right No.: 36-7617

Current Owner: BOER DAIRY LLC

Priority Date: 3/11/1978

Origin: Water Right

Status: Active

Basis: Decreed

Source	Tributary		
GROUND WATER			
Beneficial Use	From	To	Annual Volume
IRRIGATION	3/15	11/15	2478 AF
	Total Diversion		2478 AF
Location of Point(s) of Diversion			
GROUND WATER	SE1/4NW1/4SE1/4	Sec. 23,	Twp 09S, Rge 15E B.M.
GOODING County			
GROUND WATER	NE1/4NW1/4SE1/4	Sec. 26,	Twp 05S, Rge 15E B.M.
GOODING County			
GROUND WATER	SW1/4NW1/4SW1/4	Sec. 26,	Twp 05S, Rge 15E B.M.
GOODING County			

Place of Use

IRRIGATION Within GOODING County

T08S R15E S23	NESW	19.00	T08S R15E S23	SESW	38.00
T08S R15E S23	NWSE	23.00	T08S R15E S23	SWSE	39.00
T08S R15E S26	NWNE	6.00	T08S R15E S26	SWNE	38.00
T08S R15E S26	SENE	28.00	T08S R15E S26	NENW	30.00
T08S R15E S26	NWNW	27.00	T08S R15E S26	SWNW	36.00
T08S R15E S26	SENW	40.00	T08S R15E S26	NESW	40.00
T08S R15E S26	NWSW	40.00	T08S R15E S26	SWSW	37.00
T08S R15E S26	SESW	35.00	T08S R15E S26	NWSE	33.00
T08S R15E S27	NENE	5.00	T08S R15E S27	SENE	30.00
T08S R15E S27	NESE	40.00	T08S R15E S27	SESE	36.00

Total Acres: 612

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.

Decreed Date: 12/18/2001

Figure 2: Water right report, 36-7617.

ATTACHMENT #1
Business Entity Status

Attachment #1: Business Entity Status



IDAHO SECRETARY OF STATE
 Viewing Business Entity

Ben Yursa, Secretary of State

[\[New Search \]](#)
[\[Back to Summary \]](#)
[\[Get a certificate of existence for BOER DAIRY, LLC \]](#)

BOER DAIRY, LLC
 472 S 200 W
 JEROME, ID 83338

Type of Business:	LIMITED LIABILITY COMPANY
Status:	EXISTING, ANREPT SENT 17 Oct 2008
State of Origin:	IDAHO
Date of Origination/Authorization:	21 Oct 2004
Current Registered Agent:	ADRIAN BOER 472 S 200 W JEROME, ID 83338
File Number:	W33999
Date of Last Annual Report:	24 Oct 2008

Original Filing:

Filed 21 Oct 2004
 ARTICLES OF ORGANIZATION
 [View Image \(PDF format\)](#)
[View Image \(TIFF format\)](#)
[\[Help Me Print/View TIFF \]](#)

Amendments:

Amendment Filed 22 Jan 2007
 REINSTATEMENT
 [View Image \(PDF format\)](#)
[View Image \(TIFF format\)](#)
[\[Help Me Print/View TIFF \]](#)

Annual Reports:

Report for year 2008
 ANNUAL REPORT
 [View Document Online](#)

Report for year 2007
 REINSTATEMENT
 [View Image \(PDF format\)](#)
[View Image \(TIFF format\)](#)

Report for year 2007
 ANNUAL REPORT
 [View Document Online](#)

Report for year 2005
 ANNUAL REPORT
 [View Image \(PDF format\)](#)
[View Image \(TIFF format\)](#)

Figure 3: ISOS Business entity status for Boer Dairy, LLC

ATTACHMENT #2a
Water Right Ownership Documentation

**Not required – IDWR records show Boer Dairy LLC as
current owner of the changed water rights.**

ATTACHMENT #2b
Land and Water Right Ownership Documents
At New Place of Use

Not required – water right ownership will not change as a result of this transfer; Boer Dairy LLC will continue to own the changed water rights.

ATTACHMENT #3
Documentation of Authority to Make the Change
If the Applicant is Not the Water Right Owner

Not applicable – transfer applicant owns the water rights.

ATTACHMENT #4
Power of Attorney

**ATTACHMENT #5
ESPA Analysis
and
Mitigation Plan**

Attachment #5: ESPA Analysis and Mitigation Plan

ESPA Ground Water Rights Transfer Spreadsheet Data Summary																																	
TRANSFER NO: 0		PREPARED BY: Scott N. King, P.E., SPF Water Engineering, LLC		BLUE CELLS ARE SET UP FOR USER INPUT																													
TRANSFER NAME: Jerome PPU (Increase in R51 / C19)		DATE: 2/16/2009																															
		Transfer Tool Version: Version 3.1																															
WATER RIGHTS INVOLVED:				HISTORIC BENEFICIAL USE:				MITIGATION NOTES: Mitigation not required. Depletions to all reaches are all less than 2 acre-feet per trimester.																									
Group 1 Transfer Rights		Group 2 Additional Mitigation Rights		<table border="1"> <thead> <tr> <th>Trans/Mit Rights (group no.)</th> <th>Acres to Dry Up (ac)</th> <th>Beneficial Use (af/yr)</th> <th>Total (af/yr)</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>619</td> <td>3.45</td> <td>2135.55</td> </tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>						Trans/Mit Rights (group no.)	Acres to Dry Up (ac)	Beneficial Use (af/yr)	Total (af/yr)	1	619	3.45	2135.55																
Trans/Mit Rights (group no.)	Acres to Dry Up (ac)	Beneficial Use (af/yr)	Total (af/yr)																														
1	619	3.45	2135.55																														
Right No.	Priority Date	Right No.	Priority Date																														
38-7617	3/11/1976	n/a																															
MODEL CELL LOCATIONS:																																	
	TO WELL	FROM1 WELL	FROM2 WELL	FROM3 WELL																													
ROW	51	51	0	0																													
COLUMN	19	18	0	0																													
	Start Date		End Date		Water Use		Acres	Notes																									
	Season	Year	Season	Year	Annual (af/yr)	Trimester (af/trimester)	Authorized (acres)																										
TO Well (Projected Use)	Spring	2009	Winter	2122	2135.6	711.9	619.0	New use assumes 100% of water right no 38-7617 was diverted in model grid row 51, column 18, and then moved to row 51, column 19. Analysis also assumes consumptive use for alfalfa hay on all acres (high consumptive use assumption).																									
FROM1 Well (With Transfer)	Spring	1973	Winter	2008	2135.6	711.9	619.0																										
	Spring	2009	Winter	2122	0	0.0	0.0																										
FROM1 Well (Without Transfer)	Spring	1973	Winter	2122	2135.6	711.9	619.0																										
FROM2 Well (With Transfer)																																	
FROM2 Well (Without Transfer)																																	
FROM3 Well (With Transfer)																																	
FROM3 Well (Without Transfer)																																	

Figure 4: ESPA Transfer Spreadsheet Data Summary for theoretical move from R51/C18 to R51/C19.

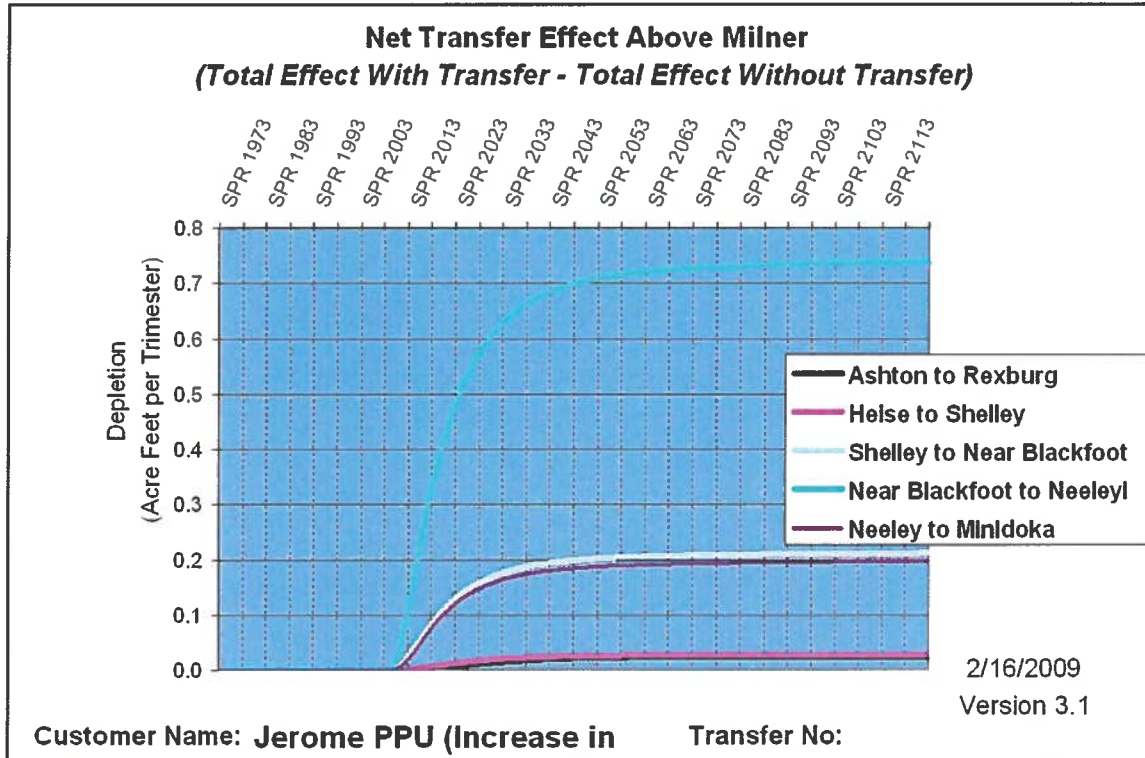


Figure 5: ESPA Transfer Spreadsheet results for theoretical move from R51/C18 to R51/C19 – Net Transfer Effect above Milner.

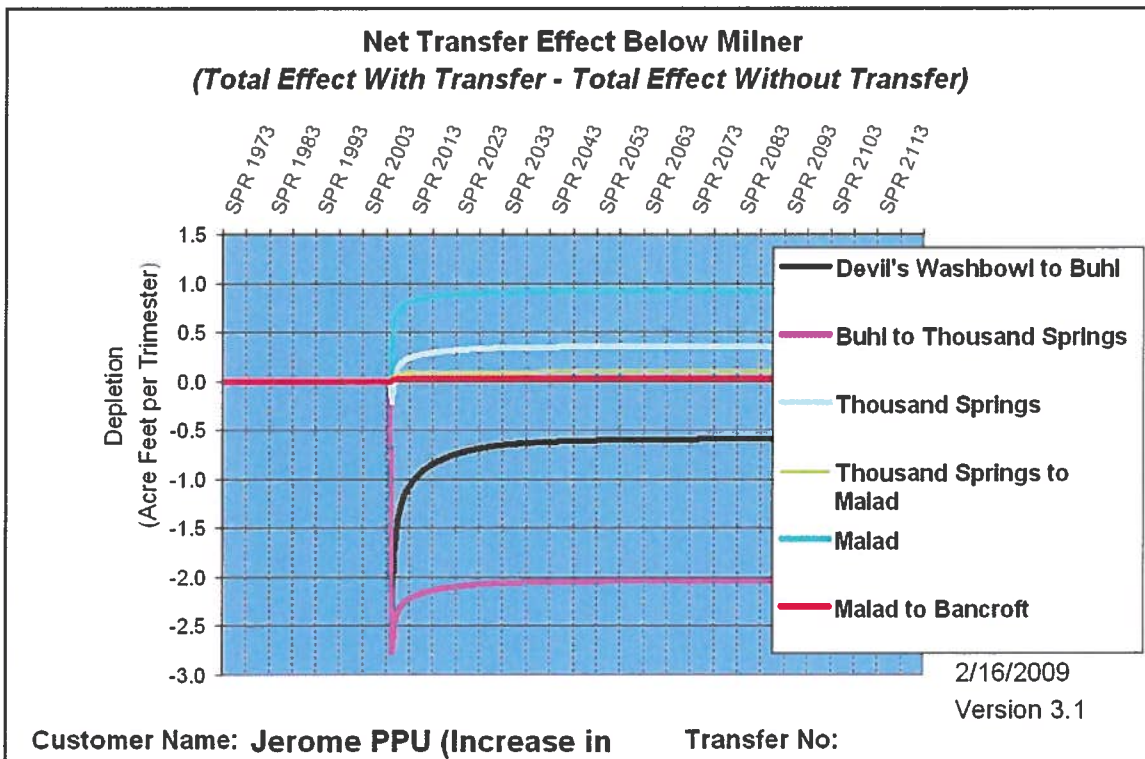


Figure 6: ESPA Transfer Spreadsheet results for theoretical move from R51/C18 to R51/C19 – Net Transfer Effect below Milner.

CW	CX	CY	CZ	DA	DB	DC	DD	DE	DF	DG	DH	DI	DJ
101	102	103	104	105	106	107	108	109	110	111			
Net Transfer Effect (AF/four months)													
Ashton to Rexburg	Heise to Shelley	Shelley to Nr Bickft	Nr Bickft Neeley	Neeley to Minidoka	Dev. Wbl Buhl	Buhl to Kspr	Kspr Kspr	Kspr to Malad	Malad Malad	Malad to Bancroft			
0.0	0.0	0.2	0.7	0.2	-0.6	-2.0	0.4	0.1	0.9	0.0			
0.0	0.0	0.2	0.7	0.2	-0.6	-2.0	0.4	0.1	0.9	0.0			
0.0	0.0	0.2	0.7	0.2	-0.6	-2.0	0.4	0.1	0.9	0.0			
0.0	0.0	0.2	0.7	0.2	-0.6	-2.0	0.4	0.1	0.9	0.0			
0.0	0.0	0.2	0.7	0.2	-0.6	-2.0	0.4	0.1	0.9	0.0			
0.0	0.0	0.2	0.7	0.2	-0.6	-2.0	0.4	0.1	0.9	0.0			
0.0	0.0	0.2	0.7	0.2	-0.6	-2.0	0.4	0.1	0.9	0.0			
0.0	0.0	0.2	0.7	0.2	-0.6	-2.0	0.4	0.1	0.9	0.0	0.0 net total effect		
0.0	0.0	0.2	0.7	0.2	0.0	0.0	0.4	0.1	0.9	0.0	maximum net effects		

Figure 7: ESPA Transfer Spreadsheet results for theoretical move from R51/C18 to R51/C19 – Maximum Net Transfer Effect by Reach.

Attachment #5: ESPA Analysis and Mitigation Plan

ESPA Ground Water Rights Transfer Spreadsheet Data Summary											
TRANSFER NO: 0		PREPARED BY: Scott N. King, P.E., SPF Water Engineering, LLC		BLUE CELLS ARE SET UP FOR USER ENTRIES							
TRANSFER NAME: Jerome PPU (Increase in R51 / C18)		DATE: 2/16/2009									
		Transfer Tool Version: Version 3.1									
WATER RIGHTS INVOLVED:				HISTORIC BENEFICIAL USE:				MITIGATION NOTES: Mitigation not required. Depletions to all reaches are all less than 2 acre-feet per trimester.			
Group 1 Transfer Rights		Group 2 Additional Mitigation Rights		Trans/Mit Rights (group no.)		Acres to Dry Up (ac)				Beneficial Use (af/yr)	
Right No.	Priority Date	Right No.	Priority Date								
36-7352	7/18/1973	n/a		1		151				3.45	
										520.95	
MODEL CELL LOCATIONS:											
	TO WELL	FROM1 WELL	FROM2 WELL	FROM3 WELL							
ROW	51	51	0	0							
COLUMN	18	19	0	0							
	Season	Year	Season	Year	Annual (af/yr)	Trimester (af/trimester)	Acres Authorized (acres)	Notes			
TO Well (Projected Use)	Spring	2009	Winter	2122	521.0	173.7	151.0	New use assumes 100% of water right no 36-7352 was diverted in model and row 51, column 19, and then moved to row 51, column 18. Analysis also assumes consumptive use for alfalfa hay on all acres (high consumptive use assumption).			
FROM1 Well (With Transfer)	Spring	1973	Winter	2008	521.0	173.7	151.0				
	Spring	2009	Winter	2122	0	0.0	0.0				
FROM1 Well (Without Transfer)	Spring	1973	Winter	2122	521.0	173.7	151.0				
FROM2 Well (With Transfer)											
FROM2 Well (Without Transfer)											
FROM3 Well (With Transfer)											
FROM3 Well (Without Transfer)											

Figure 8: ESPA Transfer Spreadsheet Data Summary for theoretical move from R51/C19 to R51/C18.

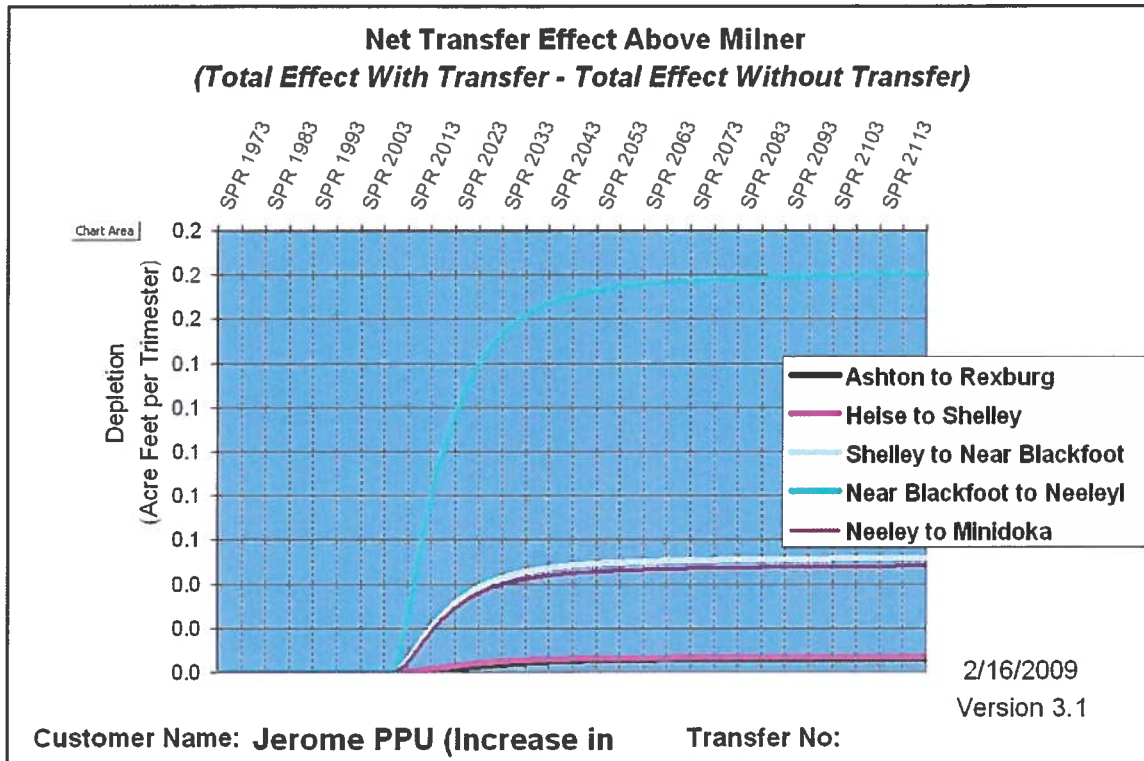


Figure 9: ESPA Transfer Spreadsheet results for theoretical move from R51/C19 to R51/C18 – Net Transfer Effect above Milner.

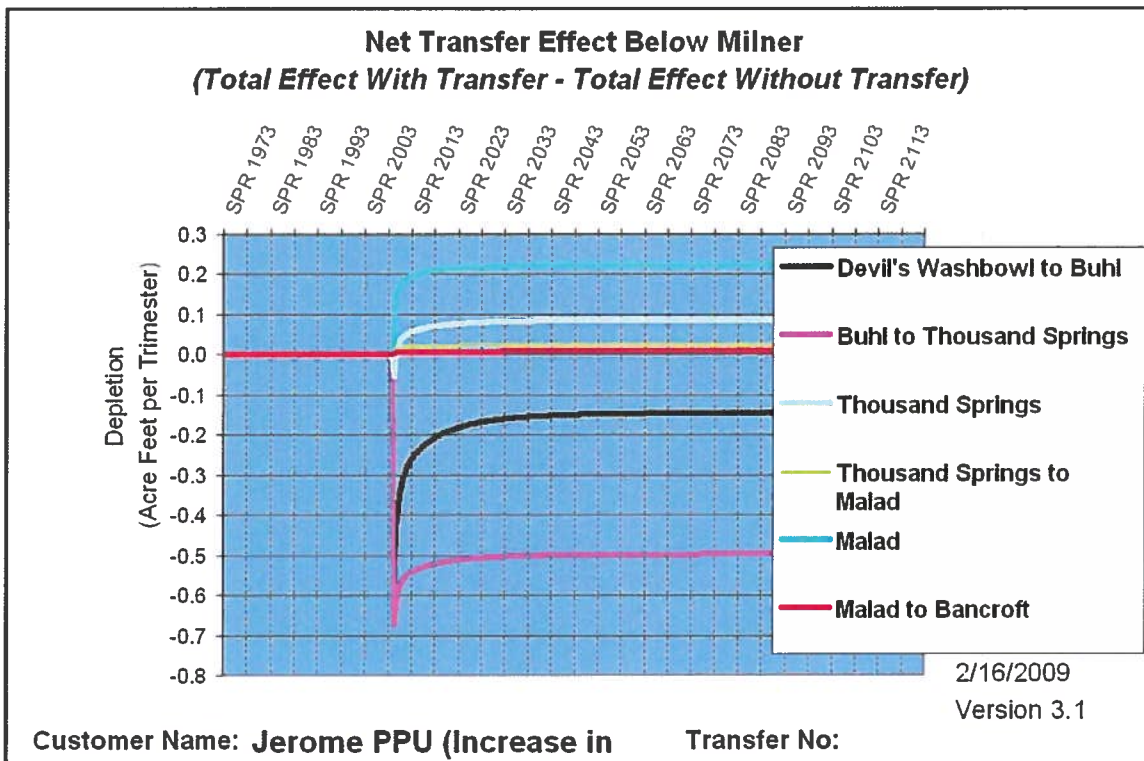


Figure 10: ESPA Transfer Spreadsheet results for theoretical move from R51/C19 to R51/C18 – Net Transfer Effect below Milner.

CW	CX	CY	CZ	DA	DB	DC	DD	DE	DF	DG	DH	DI	DJ
101	102	103	104	105	106	107	108	109	110	111			
Net Transfer Effect (AF/four months)													
Ashton to	Heise to	Shelley to	Nr Bickft	Neeley to	Dev. Wbl	Buhl to	Kspr	Kspr to	Malad	Malad to			
Rexburg	Shelley	Nr Bickft	Neeley	Minidoka	Buhl	Kspr		Malad		Bancroft			
0.0	0.0	0.1	0.2	0.0	-0.1	-0.5	0.1	0.0	0.2	0.0			
0.0	0.0	0.1	0.2	0.0	-0.1	-0.5	0.1	0.0	0.2	0.0			
0.0	0.0	0.1	0.2	0.0	-0.1	-0.5	0.1	0.0	0.2	0.0			
0.0	0.0	0.1	0.2	0.0	-0.1	-0.5	0.1	0.0	0.2	0.0			
0.0	0.0	0.1	0.2	0.0	-0.1	-0.5	0.1	0.0	0.2	0.0			
0.0	0.0	0.1	0.2	0.0	-0.1	-0.5	0.1	0.0	0.2	0.0			
0.0	0.0	0.1	0.2	0.0	-0.1	-0.5	0.1	0.0	0.2	0.0			
0.0	0.0	0.1	0.2	0.0	-0.1	-0.5	0.1	0.0	0.2	0.0	0.0 net total effect		
0.0	0.0	0.1	0.2	0.0	0.0	0.0	0.1	0.0	0.2	0.0	maximum net effects		

Figure 11: ESPA Transfer Spreadsheet results for theoretical move from R51/C19 to R51/C18 – Maximum Net Transfer Effect by Reach.

Mitigation Plan

The ESPA Transfer Spreadsheet analysis demonstrates that mitigation is not required for this transfer. Two analyses are provided, with both proposing gross changes in pumping between the two adjacent model cells in which points of diversion are located. Actual changes in pumping location will be of a lower magnitude than modeled because it is expected pumping will be shared between the wells. Both analysis result in anticipated impacts not exceeding 2 acre-feet per trimester for all reaches, and therefore mitigation requirements are not triggered.

The first analysis assumes that 100% of water right number 36-7617 (619 acres) was diverted from model cell Row 51 Column 18, and is moved to Row 51 Column 19 (see Figure 4). This scenario is very unlikely and extremely conservative because the right already lists three wells, one in Row 51 Column 18 and two in Row 51 Column 19. The transfer proposes including one additional well in Row 51 Column 19. The actual anticipated result of this transfer *may* be a small increase in pumping from Row 51 Column 19 with an equivalent decrease in Row 51 Column 18, but not the massive change in pumping as contemplated in the analysis.

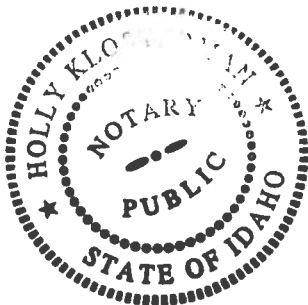
The second analysis assumes that 100% of water right number 36-7352 (151 acres) was diverted from model cell Row 51 Column 19, and is moved to Row 51 Column 18 (see Figure 8). This scenario is very unlikely and extremely conservative because it is expected the existing well in Row 51 Column 19 will continue to be used similar to historic usage. The transfer proposes including one additional well in Row 51 Column 18. The actual anticipated result of this transfer *may* be a small increase in pumping from Row 51 Column 18 with an equivalent decrease in Row 51 Column 19, but not the massive change in pumping as contemplated in the analysis.

ATTACHMENT #6
Leinholder Approval Statement

NORTHWEST FARM CREDIT SERVICE, F.L.C.A, presently the Mortgagee of a Mortgage granted to it by Boer Dairy, LLC, encumbering real property within Sections 23, 25, 26 and 27, all in Township 8 South, Range 15 East of the Boise Meridian, Gooding County, Idaho, hereby consents to the filing of the Application for Transfer of Water Right copied and attached hereto as **EXHIBIT A**.


VALENTIN CELAYA, Vice President

Hally Klosterman
NOTARY PUBLIC for Idaho
Residing at: Twin Falls Id
Commission Expires: 12-15-13



ATTACHMENT #7a
Maps



Figure 12: Proposed Points of Diversion and Place of Use Map. Imagery is 2009 NAIP.

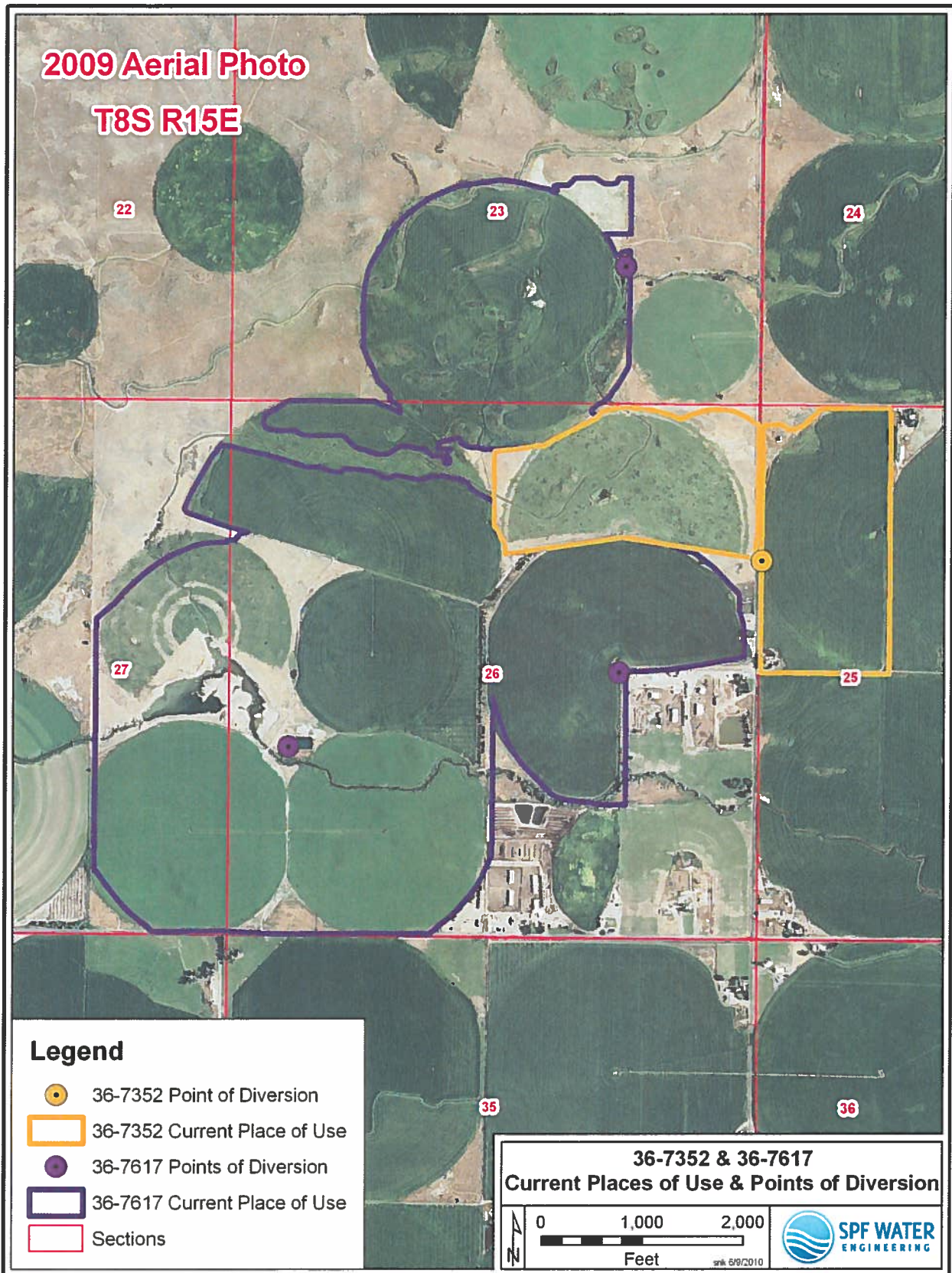


Figure 13: Existing place of use and points of diversion.

ATTACHMENT #7b
GIS shapefile of existing and changed place of use included
on accompanying compact disk

Map of proposed place of use and points of diversion included in
Attachment #7a (Figure 12)

ATTACHMENT #8a
Extent of Historic Beneficial Use of Changed Portion
and
Water Balance

Not applicable – no changes proposed to nature of use or period of use.

ATTACHMENT #8b
**Historic Availability or Reliability of the Primary Right(s) for Changes to
Place of Use of a Supplemental Irrigation Right**

Not applicable – changed rights are primary irrigation.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

September 29, 2011

BOER DAIRY LLC
472 SOUTH 200 WEST
JEROME, ID 83338

RE: **Transfer No. 77388**
Water Right No(s). 36-7617, 36-16906

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS on 10/6/2011 and 10/13/2011**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**October 24, 2011**).

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

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

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

Sincerely,

Denise Buffington
Administrative Assistant

CC:

SPF WATER ENGINEERING LLC
C/O SCOTT N KING
300 E MALLARD DR STE 350
BOISE, ID 83706

ROBERT E WILLIAMS, ATTORNEY
PO BOX 168
JEROME, ID 83338

September 29, 2011

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

Hand - delivered

RE: Transfer No.: 77388
Water Right No(s). 36-7617, 36-16906

Dear Watermaster:

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

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

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

Sincerely,

Denise Buffington
Administrative Assistant

Enclosure(s)

Buffington, Denise

From: Buffington, Denise
Sent: Thursday, September 29, 2011 1:14 PM
To: Idaho Statesman
Subject: Legal Notice - CORRECTED
Attachments: Idaho Statesman - Cover Letter.doc; 36-16382 & X-fer 77388 Ad - COMBINED.docx

Attached please find one (1) legal notice being submitted for publication. Please contact me if you have any questions, or if you are not able to publish the ad on the dates requested.

Thank you in advance,

Denise Buffington
Idaho Department of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, Idaho 83301
(208) 736-3033

September 28, 2011

LEGAL NOTICE DEPARTMENT

IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

RE: Application For Permit No(s): 36-16382

RE: Transfer No. 77388
Water Right No(s): 36-7617, 36-16906

Dear Legal Notice Department:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before October 24, 2011. Your cooperation is appreciated.

Sincerely,

Denise Buffington
Administrative Assistant

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

36-16382

BUCKEYE FARMS INC

PO BOX 269

HAGERMAN, ID 83332

Point of Diversion NWSWSW S27 T07S R13E GOODING County Source WASTE WATER Tributary SNAKE RIVER

Point of Diversion SWSWNE S27 T07S R13E GOODING County Source WASTE WATER Tributary SNAKE RIVER

Use: AESTHETIC 01/01 to 12/31 11.63 CFS 8419 AF

Use: FISH PROPAGATION 01/01 to 12/31 11.63 CFS 8419 AF

Use: RECREATION 01/01 to 12/31 11.63 CFS 8419 AF

Use: WILDLIFE 01/01 to 12/31 11.63 CFS 8419 AF

Total Diversion: 11.63 CFS 8419 AF

Date Filed: 10/21/2005

Place Of Use: AESTHETIC, WILDLIFE & RECREATION

T07S R13E S28

SESW SE (ALL)

T07S R13E S33

NE (ALL) NENW SENW NESE NWSE SESE

T07S R13E S34

SWNW NWSW SWSW

Place Of Use: FISH PROPAGATION

T07S R13E S34

L7(SWNW)

Application for Permit to divert 11.63 cfs of wastewater for year round use in existing ponds and fish facility for aesthetic, wildlife, recreation, and fish propagation purposes. The wastewater will be diverted from two points of diversion along the Buckeye Ditch; one approximately 1 ½ miles south & 1 mile west, the other 1 ¾ miles south & 1 ½ miles west of Hagerman. The ponds and fish facility are located between 1 ¼ - 2 ¾ south & 1 ½ - 2 miles west of Hagerman.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

BOER DAIRY LLC, 472 SOUTH 200 WEST, JEROME, ID 83338 has filed Application No. 77388 for changes to the following water rights

within GOODING County(s): Right No(s). 36-7617, 36-16906; to see a full description of these rights and the proposed transfer, please see

www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. The purpose of the transfer is to change a portion of the above rights as follows:

Transfer combines 2 groundwater rights from 4 existing wells currently authorized for the combined diversion of 11.14 cfs & 2,811.2 AF to create a permissible place of use of 920.0 acres, limited to 702.8 acres during any irrigation season. No new wells will be drilled. Location is on the north side of Bob Barton Highway between approximately ½ - 1½ miles south and 7¼ - 8½ miles west of the center of Jerome.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before October 24, 2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published in the Times News, Post Register, Idaho Statesman and Lewiston Tribune on October 6th & 13th, 2011.

Buffington, Denise

From: Buffington, Denise
Sent: Thursday, September 29, 2011 1:16 PM
To: Post Register
Subject: Legal Notice - CORRECTED
Attachments: Post Register - Cover Letter.doc; 36-16382 & X-fer 77388 Ad - COMBINED.docx

Attached please find one (1) legal notice being submitted for publication. Please contact me if you have any questions, or if you are not able to publish the ad on the dates requested.

Thank you in advance,

Denise Buffington
Idaho Department of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, Idaho 83301
(208) 736-3033

September 28, 2011

LEGAL NOTICE DEPARTMENT

POST-REGISTER
PO BOX 1800
IDAHO FALLS, ID 83402

RE: Application For Permit No(s): 36-16382

RE: Transfer No. 77388
Water Right No(s): 36-7617, 36-16906

Dear Legal Notice Department:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before October 24, 2011. Your cooperation is appreciated.

Sincerely,

Denise Buffington
Administrative Assistant

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36-16382

BUCKEYE FARMS INC

PO BOX 269

HAGERMAN, ID 83332

Point of Diversion NWSWSW S27 T07S R13E GOODING County Source WASTE WATER Tributary SNAKE RIVER

Point of Diversion SWSWNE S27 T07S R13E GOODING County Source WASTE WATER Tributary SNAKE RIVER

Use: AESTHETIC 01/01 to 12/31 11.63 CFS 8419 AF

Use: FISH PROPAGATION 01/01 to 12/31 11.63 CFS 8419 AF

Use: RECREATION 01/01 to 12/31 11.63 CFS 8419 AF

Use: WILDLIFE 01/01 to 12/31 11.63 CFS 8419 AF

Total Diversion: 11.63 CFS 8419 AF

Date Filed: 10/21/2005

Place Of Use: AESTHETIC, WILDLIFE & RECREATION

T07S R13E S28

SESW SE (ALL)

T07S R13E S33

NE (ALL) NENW SENW NESE NWSE SESE

T07S R13E S34

SWNW NWSW SWSW

Place Of Use: FISH PROPAGATION

T07S R13E S34

L7(SWNW)

Application for Permit to divert 11.63 cfs of wastewater for year round use in existing ponds and fish facility for aesthetic, wildlife, recreation, and fish propagation purposes. The wastewater will be diverted from two points of diversion along the Buckeye Ditch; one approximately 1 ½ miles south & 1 mile west, the other 1 ¼ miles south & 1 ½ miles west of Hagerman. The ponds and fish facility are located between 1 ¼ - 2 ¼ south & 1 ½ - 2 miles west of Hagerman.

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GARY SPACKMAN, Interim Director

Published in the Times News, Post Register, Idaho Statesman and Lewiston Tribune on October 6th & 13th, 2011.

Buffington, Denise

From: Buffington, Denise
Sent: Thursday, September 29, 2011 1:17 PM
To: Lewiston Tribune
Subject: Legal Notice - CORRECTED
Attachments: Lewiston Tribune - Cover Letter.doc; 36-16382 & X-fer 77388 Ad - COMBINED.docx

Attached please find one (1) legal notice being submitted for publication. Please contact me if you have any questions, or if you are not able to publish the ad on the dates requested.

Thank you in advance,

Denise Buffington
Idaho Department of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, Idaho 83301
(208) 736-3033

September 28, 2011

LEGAL NOTICE DEPARTMENT

LEWISTON TRIBUNE
505 C ST PO BOX 957
LEWISTON, ID 83501

RE: Application For Permit No(s): 36-16382

RE: Transfer No. 77388
Water Right No(s): 36-7617, 36-16906

Dear Legal Notice Department:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before October 24, 2011. Your cooperation is appreciated.

Sincerely,

Denise Buffington
Administrative Assistant

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PO BOX 269

HAGERMAN, ID 83332

Point of Diversion NWSWSW S27 T07S R13E GOODING County Source WASTE WATER Tributary SNAKE RIVER

Point of Diversion SWSWNE S27 T07S R13E GOODING County Source WASTE WATER Tributary SNAKE RIVER

Use: AESTHETIC 01/01 to 12/31 11.63 CFS 8419 AF

Use: FISH PROPAGATION 01/01 to 12/31 11.63 CFS 8419 AF

Use: RECREATION 01/01 to 12/31 11.63 CFS 8419 AF

Use: WILDLIFE 01/01 to 12/31 11.63 CFS 8419 AF

Total Diversion: 11.63 CFS 8419 AF

Date Filed: 10/21/2005

Place Of Use: AESTHETIC, WILDLIFE & RECREATION

T07S R13E S28

SESW SE (ALL)

T07S R13E S33

NE (ALL) NENW SENW NESE NWSE SESE

T07S R13E S34

SWNW NWSW SWSW

Place Of Use: FISH PROPAGATION

T07S R13E S34

L7(SWNW)

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GARY SPACKMAN, Interim Director

Published in the Times News, Post Register, Idaho Statesman and Lewiston Tribune on October 6th & 13th, 2011.

Buffington, Denise

From: Buffington, Denise
Sent: Wednesday, September 28, 2011 4:10 PM
To: Times News
Subject: LEGAL NOTICE
Attachments: Times News - Cover Letter.docx; Times News Ads - COMBINED.docx

Attached please find one (1) legal notice being submitted for publication. Please contact me if you have any questions, or if you are not able to publish the ad on the dates requested.

Thank you in advance,

Denise Buffington
Idaho Department of Water Resources
1341 Fillmore St, Ste 200
Twin Falls, Idaho 83301
(208) 736-3033

September 28, 2011

LEGAL NOTICE DEPARTMENT

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

RE: Application For Permit No.(s): 36-16382, 45-14352

RE: Transfer No. 77388
Water Right No(s): 36-7617, 36-16906

RE: Transfer No. 77288
Water Right No(s): 43-2492, 43-12990, 43-13620, 43-13621, 43-13622, 43-13623, 43-13624, 43-13625,
43-13626, 43-13627, 43-13628, 43-13629, 43-13630, 43-13631, 43-13632, 43-13633, 43-13689

Dear Legal Notice Department:

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

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before October 24, 2011. Your cooperation is appreciated.

Sincerely,

Denise Buffington
Administrative Assistant

Enclosure(s)

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

36-16382

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PO BOX 269

HAGERMAN, ID 83332

Point of Diversion NWSWSW S27 T07S R13E GOODING County Source WASTE WATER Tributary SNAKE RIVER

Point of Diversion SWSWNE S27 T07S R13E GOODING County Source WASTE WATER Tributary SNAKE RIVER

Use: AESTHETIC 01/01 to 12/31 11.63 CFS 8419 AF

Use: FISH PROPAGATION 01/01 to 12/31 11.63 CFS 8419 AF

Use: RECREATION 01/01 to 12/31 11.63 CFS 8419 AF

Use: WILDLIFE 01/01 to 12/31 11.63 CFS 8419 AF

Total Diversion: 11.63 CFS 8419 AF

Date Filed: 10/18/2005

Place Of Use: AESTHETIC, WILDLIFE & RECREATION

T07S R13E S28

SESW SE(ALL)

T07S R13E S33

NE(ALL) NENW SENW NESE NWSE SESE

T07S R13E S34

SWNW NWSW SWSW

Place Of Use: FISH PROPAGATION

T07S R13E S34

L7(SWNW)

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45-14352

BARNEY GREENER

SHERRIE GREENER

19 WEST 200 SOUTH

BURLEY, ID 83318

Point of Diversion NENW S6 T11S R23E CASSIA County Source GROUND WATER Tributary

Use: COOLING 01/01 to 12/31 0.02 CFS

Use: HEATING 01/01 to 12/31 0.02 CFS

Total Diversion: 0.02 CFS

Date Filed: 6/20/2011

Place Of Use: HEATING & COOLING

T11S R23E S6 NENW

Application proposes to divert up to 0.02 cfs of groundwater from an existing well for heating and cooling of a daycare facility. The well and daycare facility property are located approximately 2.0 miles south and 0.07 miles west of the center of the city of Burley (Overland and Main intersection). The diverted water will be reinjected into the aquifer via an existing injection well located on the property.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

ADTD FARMS LLC, 246 E 300 S., BURLEY, ID 83318 has filed Application No. 77288 for changes to the following water rights within CASSIA County(s): Right No(s). 43-2492, 43-12990, 43-13620, 43-13621, 43-13622, 43-13623, 43-13624, 43-13625, 43-13626, 43-13627, 43-13628, 43-13629, 43-13630, 43-13631, 43-13632, 43-13633, 43-13689; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. The purpose of the transfer is to change a portion of the above rights as follows: This transfer combines 17 ground water rights from 8 existing wells, 3 of which are located within the Raft River Critical Groundwater Management Area, authorized for the combined total diversion of 21.81 cfs & 5,111.2 AF and places them in a permissible place of use (PPU) of 1,429.0 acres, limited to 1,418.2 acres during any given irrigation season. No new wells will be drilled. Location of the proposed place of use and existing wells is between ½ mile north and extending about 3 miles south of Yale Road, between 1½ - 4 miles east of Interstate 84, and approximately 12 miles north of Malta. Published in the Times News, Post Register, Idaho Statesman and Lewiston Tribune on October 6th & 13th, 2011.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

BOER DAIRY LLC, 472 SOUTH 200 WEST, JEROME, ID 83338 has filed Application No. 77388 for changes to the following water rights within GOODING County(s): Right No(s). 36-7617, 36-16906; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. The purpose of the transfer is to change a portion of the above rights as follows: Transfer combines 2 groundwater rights from 4 existing wells currently authorized for the combined diversion of 11.14 cfs & 2,811.2 AF to create a permissible place of use of 920.0 acres, limited to 702.8 acres during any irrigation season. No new wells will be drilled. Location is on the north side of Bob Barton Highway between approximately ½ - 1½ miles south and 7¼ - 8½ miles west of the center of Jerome.

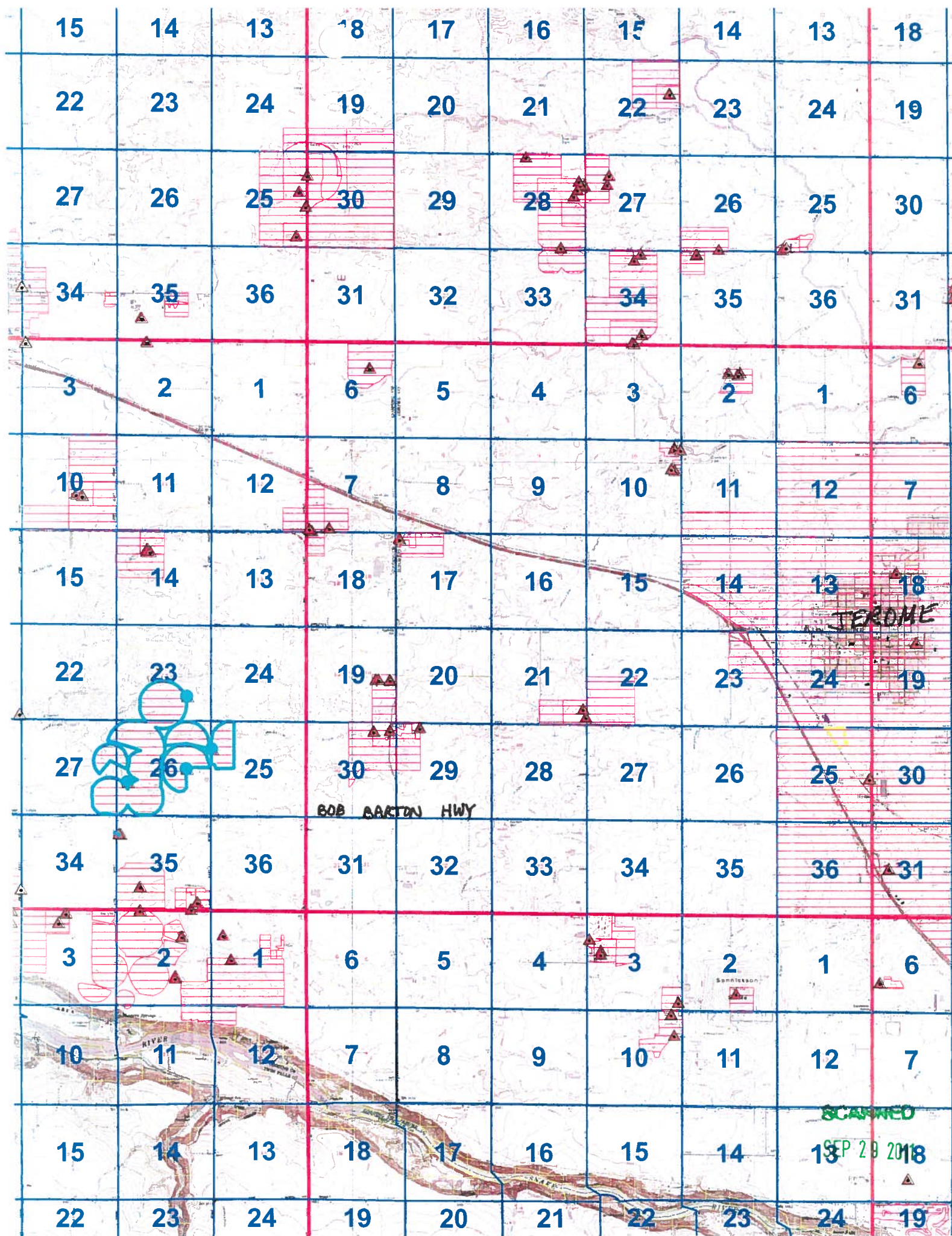
Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Southern Region, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before October 24, 2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director
Published on 10/6 & 10/13/2011

MEMORANDUM

Date: September 22, 2011
To: Transfer 77388
From: jroberts
Re: Legal Notice Remarks

Transfer combines 2 groundwater rights from 4 existing wells currently authorized for the combined diversion of 11.14 cfs & 2,811.2 AF to create a permissible place of use of 920.0 acres, limited to 702.8 acres during any irrigation season. No new wells will be drilled. Location is on the north side of Bob Barton Highway between approximately $\frac{1}{2}$ - $1\frac{1}{2}$ miles south and $7\frac{3}{4}$ - $8\frac{1}{2}$ miles west of the center of Jerome.



MEMORANDUM

Date: September 22, 2011
To: Transfer 77388 File – Boer Dairy LLC
From: Jeanie Robertson
Re: Evaluation of Sufficiency of Information Submitted

This transfer combines 2 ground water rights from 4 existing wells authorized for the combined total diversion of 11.14 cfs & 2,811.2 AF and places them in a permissible place of use (PPU) of 920.0 acres, limited to 702.8 acres during any given irrigation season. No new wells will be drilled. The transfer deals with rights 36-7617 and 36-16906, which is a portion of 36-7352 - split up front for this transfer and a companion transfer (77387) by Jerome Cheese. Location of the proposed place of use and existing wells is approximately between ½ – 1½ miles south and 7¼ - 8½ miles west of the center of Jerome.

- **Authority to File:**
The application was submitted by Scott King of SPF Water Engineering. The application was signed by Rob Williams as attorney for Boer Dairy. A Special Power Of Attorney was included giving him this authority. A letter from Northwest Farm Credit Services, lien holder on the property, was included agreeing to the proposed transfer.
- **Water Right Validity:**
36-7617 was decreed in the SRBA on 12/18/200 and 36-7352, parent of 36-16906, was decreed on 12/12/2001. Recent aerial photography indicates the appurtenant lands have been irrigated so forfeiture should not be an issue.
- **Injury to Other Water Rights:**
An ESPA model run was submitted which showed no mitigation was required. The four wells are also in adjacent cells 51,18 and 51,19. The permissible place of use proposed in this transfer is within WD130 so water master comments will be needed.
- **Enlargement of Use:**
None anticipated, with proper conditioning. A 206 Condition will be added to the approval and a 206 map was requested and received.
- **Local Public Interest:**
No negative impacts anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use of irrigation 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.

Robertson, Jean

From: Scott King [SKing@spfwater.com]
Sent: Thursday, September 22, 2011 3:22 PM
To: Robertson, Jean
Subject: FW: Adrian Boer - Power of Attorney
Attachments: AB POA.pdf; Boer Dairy POA.pdf

Jeanie-

Attached are the documents you requested.

Scott

From: Brenda Butler [mailto:bsbutler@cableone.net]
Sent: Thursday, June 30, 2011 1:58 PM
To: Scott King
Subject: Adrian Boer - Power of Attorney

Scott,

Pursuant to your request, attached are copies of Power of Attorneys from Adrian Boer to Mr. Williams, personally and on behalf of Boer Dairy, LLC. Please contact me if I can be of further assistance.

Brenda

Brenda S. Butler
Legal Assistant to Robert E. Williams
Williams, Meservy & Lothspeich, LLP
153 East Main Street
PO Box 168
Jerome, ID 83338
Telephone: 208.324.2303
Facsimile: 208.324.3135

---- Personal and Confidential. This message originates from the law firm Williams, Meservy & Lothspeich, LLP. This message and any file(s) or attachment(s) transmitted with it are confidential, intended only for the named recipient, and may contain information that is a trade secret, proprietary, protected by the attorney work product doctrine, subject to the attorney-client privilege, or is otherwise protected against unauthorized use or disclosure. The message and any file(s) or attachment(s) transmitted with it are transmitted based on a reasonable expectation of privacy consistent with ABA Formal Opinion No. 99-413. Any disclosure, distribution, copying or use of this information by anyone other than the intended recipient, regardless of address or routing, is strictly prohibited. If you receive this message in error, please advise the sender by immediate reply and delete the original message. Personal messages express only the view of the sender and are not attributable to WM&L.

Robertson, Jean

From: Robertson, Jean
Sent: Thursday, September 22, 2011 2:55 PM
To: 'Scott King'
Subject: Boer Dairy LLC Transfer #77388

Scott,

This application was signed by Rob Williams, attorney. I noticed that there is a page for the **Power of Attorney** but one was not included. Please submit a POA allowing Rob to sign for the transfer. Thanks, Jeanie

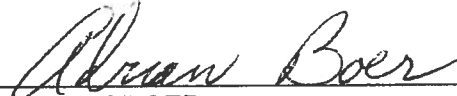
SPECIAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

THAT I, **ADRIAN BOER**, do hereby make, constitute and appoint **ROBERT E. WILLIAMS**, P.O. Box 168, 153 East Main Street, Jerome, Idaho 83338, my true and lawful attorney for me, in my name, place and stead, and on my behalf, with full power and authority to execute any and all documents on my behalf as fully and effectually to all intents and purposes as I could do in my proper person, with full power of substitution, hereby ratifying and confirming all that my said attorney in fact shall lawfully do, or cause to be done, by virtue of the authority herein granted and necessary or useful to carry into effect any or all of the following acts, deeds and things:

1. To execute on my behalf notices of claim, motions, or other pleadings to be filed with the Idaho Department of Water Resources, including filings, in Case No. 39576 or any of its subcases, now pending in the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, commonly referred to as the Snake River Basin Adjudication. My attorney shall also have the power to execute on my behalf any Application for appropriation of a water right, transfer of a water right or other similar documents affecting any water right which I now have an ownership interest in, or may hereafter acquire, or which water right is owned, in whole or in part, by a trust, corporation, limited liability company or other business entity of which I am a trustee, officer, member or owner.
2. This instrument is to be construed and interpreted as a special power of attorney, limited to the enumeration of the specific terms, items, acts, rights or powers herein granted. This power of attorney shall remain in effect until it is revoked by me in writing.
3. This power of attorney shall not be affected by my disability.

IN WITNESS WHEREOF, I have hereunto set my hand at Jerome, Idaho, this 18th day of August, 2010.


ADRIAN BOER

Received 9/22/2011 via email

STATE OF IDAHO)
 :SS
County of Jerome)

On this 18th day of August, 2010, before me, the undersigned, a Notary Public in and for said County and State, personally appeared ADRIAN BOER, known to me to be the person whose name is subscribed to the within and foregoing instrument, and who acknowledged to me that he executed the same.

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



Stephanie Brown
NOTARY PUBLIC for Idaho
Residing at Jerome
Comm Expires: 10/16/12

SPECIAL POWER OF ATTORNEY

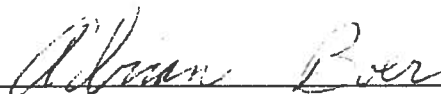
KNOW ALL MEN BY THESE PRESENTS:

BOER DAIRY, LLC, an Idaho limited liability company, does hereby make, constitute and appoint **ROBERT E. WILLIAMS**, P.O. Box 168, 153 East Main Street, Jerome, Idaho 83338, its true and lawful attorney for it, in its name, place and stead, and on its behalf, with full power and authority to execute any and all documents on its behalf as fully and effectually to all intents and purposes as it could do, with full power of substitution, hereby ratifying and confirming all that its said attorney in fact shall lawfully do, or cause to be done, by virtue of the authority herein granted and necessary or useful to carry into effect any or all of the following acts, deeds and things:

1. To execute on its behalf notices of claim, motions, or other pleadings to be filed with the Idaho Department of Water Resources, including filings, in Case No. 39576 or any of its subcases, now pending in the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, commonly referred to as the Snake River Basin Adjudication. Robert E. Williams shall also have the power to execute on its behalf any Application for appropriation of a water right, transfer of a water right or other similar documents affecting any water right which it now have an ownership interest in, or may hereafter acquire, or which water right is owned, in whole or in part, by a trust, corporation, limited liability company or other business entity of which Boer Dairy, LLC, is a trustee, officer, member or owner.
2. This instrument is to be construed and interpreted as a special power of attorney, limited to the enumeration of the specific terms, items, acts, rights or powers herein granted. This power of attorney shall remain in effect until it is revoked by Boer Dairy, LLC, in writing.
3. This power of attorney shall not be affected by my disability.

IN WITNESS WHEREOF, I have hereunto set my hand at Jerome, Idaho, this 18th day of August, 2010.

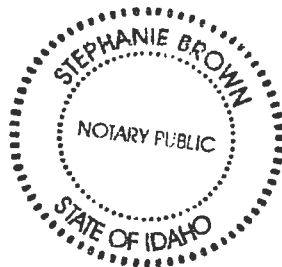
BOER DAIRY, LLC


By: ADRIAN BOER, Member

STATE OF IDAHO)
 :SS
County of Jerome)

On this 18th day of August, 2010, before me, the undersigned, a Notary Public in and for said County and State, personally appeared ADRIAN BOER, member of Boer Dairy, LLC, known to me to be such member and the person whose name is subscribed to the within and foregoing instrument, and who acknowledged to me that he executed the same on behalf of Boer Dairy, LLC.

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



Stephanie Brown
NOTARY PUBLIC for Idaho
Residing at Jerome
Comm Expires: 10/16/12

Robertson, Jean

From: Scott King [SKing@spfwater.com]
Sent: Wednesday, September 14, 2011 9:22 AM
To: Robertson, Jean
Subject: RE: Jerome Cheese and Boer Dairy Transfers...
Attachments: Boer Dairy Irrigation POU.sbx; Boer Dairy Irrigation POU.shp; Boer Dairy Irrigation POU.shp.xml; Boer Dairy Irrigation POU.shx; Boer Dairy Irrigation POU.dbf; Boer Dairy Irrigation POU.prj; Boer Dairy Irrigation POU.sbn

Jeanie,
Attached is the shapefile for Boer Dairy. I'm still waiting on a signed copy of the amended transfer for Jerome Cheese.
Thanks,
Scott

From: Robertson, Jean [<mailto:Jean.Robertson@idwr.idaho.gov>]
Sent: Monday, September 12, 2011 2:17 PM
To: Scott King
Subject: Jerome Cheese and Boer Dairy Transfers...

Hey Scott,
Just a friendly reminder that I'm still waiting for the 206 Condition Map on the Boer dairy transfer and the amendment adding the other rights and corrected place of use on the Jerome Cheese transfer.
Jeanie

Robertson, Jean

From: Scott King [SKing@spfwater.com]
Sent: Tuesday, July 12, 2011 11:38 AM
To: Robertson, Jean
Subject: RE: Boer dairy Transfer (77388)

Hi Jeanie,
Thanks for this message and your earlier one. I hope to get to these tomorrow.

Scott

From: Robertson, Jean [mailto:Jean.Robertson@idwr.idaho.gov]
Sent: Tuesday, July 12, 2011 11:37 AM
To: Scott King
Subject: Boer dairy Transfer (77388)

Scott,
Wanted to let you know about this requirement. IDWR has determined in those transfer situations where there is proposed to be a Permissible Place of Use (PPU) created with an acre limit less than the PPU acres where IDWR is going to apply the 206 condition or some variation of....

This right is limited to the irrigation of a specific <688.0 acres> within the <912.6 acre> place of use authorized by this right in a single irrigation season. The specific <688.0 acres> to be irrigated by the right holder <shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right> <are shown in the electronic shape file associated with this right> in the geographic information system component of the water rights database maintained by the department. Before changing the <688.0 acres> to be irrigated within the <912.6 acre> place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

IDWR will hold approval of the transfer until the specific limited acre location is identified. Please submit a land list and map showing where the 702.8 acres within the 920 ac PPU will be located. In the future to make things flow more smoothly you might as well identify the acres when the application is submitted.

We will hold approval of the transfer until the requested information is provided. Please provide the information within 30 days or the transfer application may be rejected.

If you have questions let me know.

Thanks,

Jeanie



June 25, 2011

Idaho Department of Water Resources
Southern Regional Office
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

RECEIVED
JUN 29 2011
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Subject: Transfer Applications for Jerome Cheese Company and Boer Dairy, LLC

Dear Southern Region:

On behalf of our client, Jerome Cheese Company, enclosed are two companion transfer applications and supporting documents. The first application for transfer, filed by Jerome Cheese Company, proposes changing a portion of water right 36-7352 from irrigation to commercial use and moving the point of diversion and place of use to Jerome Cheese Company's facility in Jerome, Idaho. This change requires additional mitigation, which is accomplished with portions of water rights 36-7352, 36-16380 and 35-2241A and as described in the transfer attachments.

A notice of change in water right ownership is enclosed for water rights 36-16380 and 35-2241A (portion). The conveyance from Idaho Water Company LLC to Jerome Cheese Company is documented by the special warranty deed for water rights. Unfortunately, I noticed that the notice is not signed, but I will see to it that Jerome Cheese provides a signed copy as soon as possible.

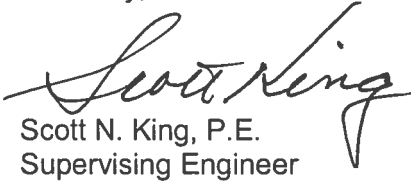
The second transfer application is filed by Boer Dairy, LLC. This application proposes a permissible place of use for Boer Dairy irrigation water rights no. 36-7617 and the portion of 37-7352 that will not be conveyed to Jerome Cheese Company for transfer and mitigation as described above.

Enclosed is a check for the sum of \$1,065, which covers the following fees:

- Jerome Cheese Company transfer application (\$250)
- Jerome Cheese Company change of ownership for one unsplit right (\$25) and one split right (\$100)
- Boer Dairy transfer application (\$690)

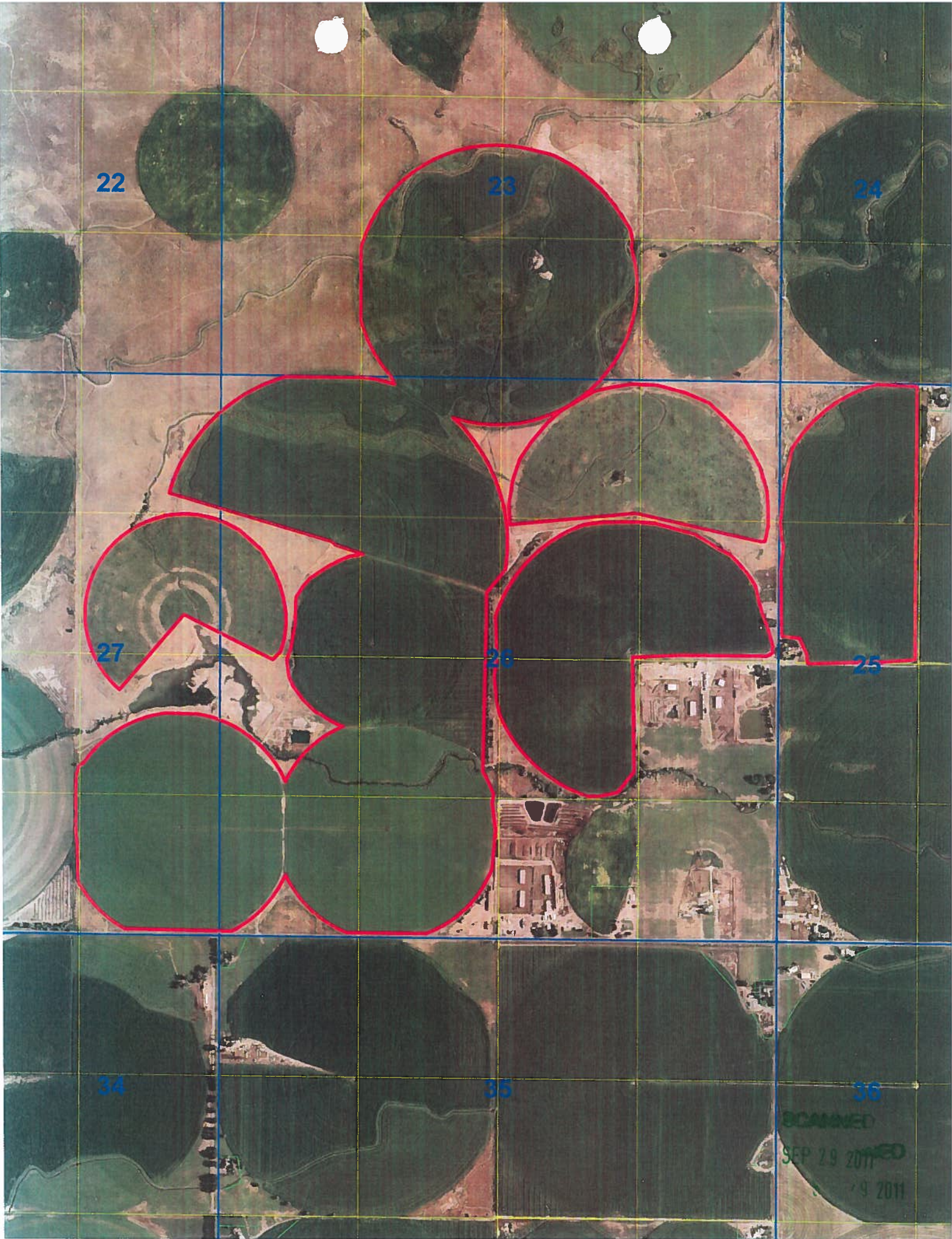
Please contact me directly if you have any questions regarding these applications.

Sincerely,


Scott N. King, P.E.
Supervising Engineer

cc: Dave Moore / Jerome Cheese Company
Robert E. Williams / Attorney for Boer Dairy

File: 674.0010



SCANNED
SEP 29 2011
19 2011