

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 76323**

This is to certify that: MIDWAY DAIRY LLC

246 E 300 S
BURLEY ID 83318
(208)312-8003

And

ADT FARMS LLC
246 E 300 S
BURLEY ID 83318
(208)312-8003

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>
43-13671	WR/Decreed	08/15/1951	1.54 cfs	372.4 af	93.1	393.3	GROUND WATER
43-13672	WR/Decreed	08/15/1951	0.29 cfs	70 af	17.5	73.7	GROUND WATER
43-13673	WR/Decreed	03/06/1952	2.7 cfs	1074.4 af	268.6	393.3	GROUND WATER
43-13674	WR/Decreed	03/06/1952	0.51 cfs	201.2 af	50.3	73.7	GROUND WATER
43-13675	WR/Decreed	10/30/1962	1.98 cfs	124.7 af	124.7	393.3	GROUND WATER
43-13676	WR/Decreed	10/30/1962	0.37 cfs	93.6 af	23.4	73.7	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>
43-13671	NO	NO	YES	NO	NO	NO
43-13672	NO	NO	YES	NO	NO	NO
43-13673	NO	NO	YES	NO	NO	NO
43-13674	NO	NO	YES	NO	NO	NO
43-13675	NO	NO	YES	NO	NO	NO
43-13676	NO	NO	YES	NO	NO	NO

SUPPORT DATA

IN FILE # 43-13671

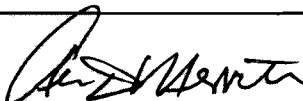
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 76323

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
43-13671	43-13671	1.54 cfs	327.6 af	81.9	346.0		N/A	N/A	N/A	N/A
43-13672	43-13672	0.29 cfs	57.6 af	14.4	60.5		N/A	N/A	N/A	N/A
43-13673	43-13673	2.7 cfs	617.2 af	154.3	346.0		N/A	N/A	N/A	N/A
43-13674	43-13674	0.51 cfs	108 af	27.0	60.5		N/A	N/A	N/A	N/A
43-13675	43-13675	1.98 cfs	439.2 af	109.8	346.0		N/A	N/A	N/A	N/A
43-13676	43-13676	0.37 cfs	76.4 af	19.1	60.5		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		7.39 cfs	1626 af		406.5		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 25th day of June, 2010



Southern Region Manager

WATER RIGHT NO. 43-13675
As Modified by Transfer No. 76323

In accordance with the approval of Transfer No. 76323, Water Right No. 43-13675 is now described as follows.

Right Holder: ADT FARMS LLC
 246 E 300 S
 BURLEY ID 83318

Priority Date: October 30, 1962

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	1.98 CFS	439.2 AF
			1.98 CFS	439.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNWNW Sec. 13 Twp 11S Rge 26E CASSIA County

GROUND WATER NWNWNE Sec. 14 Twp 11S Rge 26E CASSIA 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	
11S 26E 13	37.0	20.0	20.0	36.0													113.0
11S 26E 14		18.0	25.0		26.0			34.0									103.0
11S 27E 18					28.0	36.0	35.0	31.0									130.0
						L 1	L 2										

Total Acres: 346

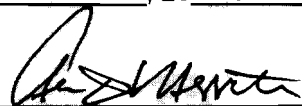
WATER RIGHT NO. 43-13675
As Modified by Transfer No. 76323

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 109.8 acres within the authorized place of use in a single irrigation season.
2. The portion of Right 43-13675 in excess of 439.2 af and 109.8 acres shall be considered forfeited through approval of Transfer 76323.
3. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
4. 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 lands above.
5. 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.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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.

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 25th day of June, 20 10



Southern Region Manager

WATER RIGHT NO. 43-13676
As Modified by Transfer No. 76323

In accordance with the approval of Transfer No. 76323, Water Right No. 43-13676 is now described as follows.

Right Holder: MIDWAY DAIRY LLC
 246 E 300 S
 BURLEY ID 83318

Priority Date: October 30, 1962

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	0.37 CFS	76.4 AF
			0.37 CFS	76.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNWNW Sec. 13 Twp 11S Rge 26E CASSIA County

GROUND WATER NWNWNE Sec. 14 Twp 11S Rge 26E CASSIA 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	
11S	26E	13			.1			.4	29.0	31.0									60.5

Total Acres: 60.5

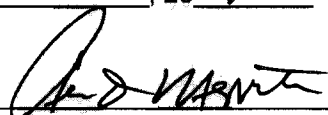
WATER RIGHT NO. 43-13676
As Modified by Transfer No. 76323

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 19.1 acres within the authorized place of use in a single irrigation season.
2. The portion of Right 43-13676 in excess of 76.4 af and 19.1 acres shall be considered forfeited through approval of Transfer 76323.
3. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
4. 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 lands above.
5. 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.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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.

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 25th day of June, 20 10



Southern Region Manager

WATER RIGHT NO. 43-13671
As Modified by Transfer No. 76323

In accordance with the approval of Transfer No. 76323, Water Right No. 43-13671 is now described as follows.

Right Holder: ADT FARMS LLC
 246 E 300 S
 BURLEY ID 83318

Priority Date: August 15, 1951

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	1.54 CFS	327.6 AF
			1.54 CFS	327.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NWNWNW	Sec. 13 Twp 11S Rge 26E CASSIA County
GROUND WATER	NWNWNE	Sec. 14 Twp 11S Rge 26E CASSIA 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	
11S 26E 13	37.0	20.0	20.0	36.0													113.0
11S 26E 14		18.0	25.0		26.0			34.0									103.0
11S 27E 18					28.0	36.0	35.0	31.0									130.0
						L 1	L 2										

Total Acres: 346

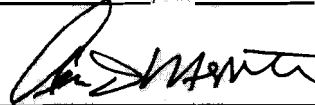
WATER RIGHT NO. 43-13671
As Modified by Transfer No. 76323

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 81.9 acres within the authorized place of use in a single irrigation season.
2. The portion of Right 43-13671 in excess of 327.6 af and 81.9 acres shall be considered forfeited through approval of Transfer 76323.
3. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
4. 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 lands above.
5. 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.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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.

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 25th day of June, 20 10



Southern Region Manager

WATER RIGHT NO. 43-13672
As Modified by Transfer No. 76323

In accordance with the approval of Transfer No. 76323, Water Right No. 43-13672 is now described as follows.

Right Holder: MIDWAY DAIRY LLC
 246 E 300 S
 BURLEY ID 83318

Priority Date: August 15, 1951

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	0.29 CFS	57.6 AF
			0.29 CFS	57.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNWNW Sec. 13 Twp 11S Rge 26E CASSIA County

GROUND WATER NWNWNE Sec. 14 Twp 11S Rge 26E CASSIA 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	
11S 26E 13			.1			.4	29.0	31.0									60.5

Total Acres: 60.5

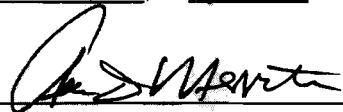
WATER RIGHT NO. 43-13672
As Modified by Transfer No. 76323

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 14.4 acres within the authorized place of use in a single irrigation season.
2. The portion of Right 43-13672 in excess of 57.6 af and 14.4 acres shall be considered forfeited through approval of Transfer 76323.
3. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
4. 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 lands above.
5. 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.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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.

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 25th day of June, 20 10



Southern Region Manager

WATER RIGHT NO. 43-13673
As Modified by Transfer No. 76323

In accordance with the approval of Transfer No. 76323, Water Right No. 43-13673 is now described as follows.

Right Holder: ADT FARMS LLC
 246 E 300 S
 BURLEY ID 83318

Priority Date: March 06, 1952

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	2.70 CFS	617.2 AF
			2.70 CFS	617.2 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNWNW Sec. 13 Twp 11S Rge 26E CASSIA County

GROUND WATER NWNWNE Sec. 14 Twp 11S Rge 26E CASSIA 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	
11S 26E 13	37.0	20.0	20.0	36.0													113.0
11S 26E 14		18.0	25.0		26.0			34.0									103.0
11S 27E 18					28.0	36.0	35.0	31.0									130.0
						L 1	L 2										

Total Acres: 346

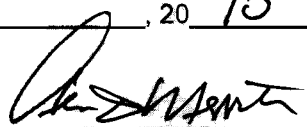
WATER RIGHT NO. 43-13673
As Modified by Transfer No. 76323

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 154.3 acres within the authorized place of use in a single irrigation season.
2. The portion of Right 43-13673 in excess of 617.2 af and 154.3 acres shall be considered forfeited through approval of Transfer 76323.
3. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
4. 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 lands above.
5. 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.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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.

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 25th day of June, 20 10



Southern Region Manager

WATER RIGHT NO. 43-13674
As Modified by Transfer No. 76323

In accordance with the approval of Transfer No. 76323, Water Right No. 43-13674 is now described as follows.

Right Holder: MIDWAY DAIRY LLC
 246 E 300 S
 BURLEY ID 83318

Priority Date: March 06, 1952

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	0.51 CFS	108.0 AF
			0.51 CFS	108.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NWNWNW Sec. 13 Twp 11S Rge 26E CASSIA County

GROUND WATER NWNWNE Sec. 14 Twp 11S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11S	26E	13			.1			.4	29.0	31.0									60.5

Total Acres: 60.5

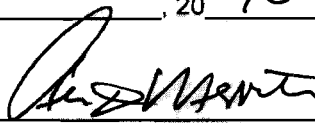
WATER RIGHT NO. 43-13674
As Modified by Transfer No. 76323

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 27 acres within the authorized place of use in a single irrigation season.
2. The portion of Right 43-13674 in excess of 108.0 af and 27 acres shall be considered forfeited through approval of Transfer 76323.
3. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
4. 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 lands above.
5. 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.
6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. 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.

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 25th day of June, 20 10



Southern Region Manager

State of Idaho
Department of Water Resources
Transfer Of Water Right

Transfer No. 76323

Water Service Area Boundary for Midway Dairy Llc
Rights: 43-13672, 43-13674, 43-13676



Legend

- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

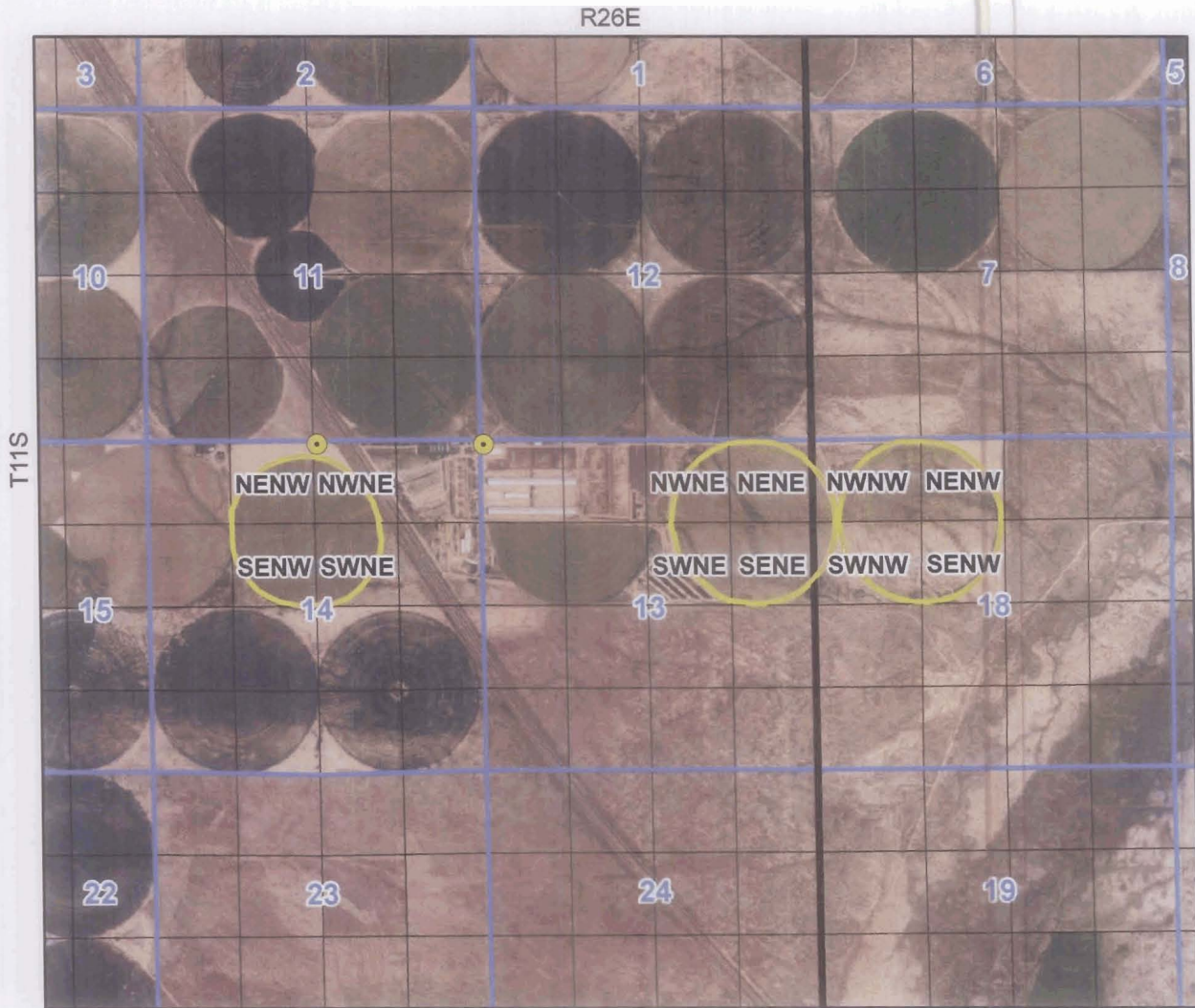
0 0.15 0.3 0.6 Miles



State of Idaho
Department of Water Resources
Transfer Of Water Right

Transfer No. 76323

Water Service Area Boundary for Adt Farms Llc
Rights: 43-13671, 43-13673, 43-13675



Legend

-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.35 0.7 1.4 Miles

