

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 75396APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of applicant BIG SKY DAIRY Phone _____Post Office address P.O. BOX 407, JEROME, IDAHO 83338

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes
- RELOCATE POINT OF DIVERSION

RECEIVED

FEB 04 2009

DEPT. OF WATER RESOURCES
SOUTHERN REGION

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number _____ Priority _____ Amount (cfs/ac-ft) _____ Nature of Use _____ Period of Use _____
 See "A" _____ to _____
 _____ to _____
 _____ to _____
 _____ to _____
2. Total amount of water being transferred 13.08 cubic feet per second and/or 4282.8 acre-feet per annum.
3. Source of water GROUNDWATER tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	SE	SE	SW	23	12S	21E	Cassia	1 ST WELL
	SW	SW	SW	24	12S	21E	Cassia	2 ND & 3 RD WELL

5. Lands irrigated or place of use:
- NO CHANGE

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

ATTACHMENT "A"
TSK ENTERPRISES LLC

OWNER : BIG SKY DAIRY
P.O. BOX 407
JEROME, IDAHO 83338

TRANSFER

PART B DESCRIPTION OF RIGHT(S)

	Water		Priority	Amounts	Nature of	Period of Use		
	Right #				Use			
						To		
	45-7335		9/19/1978	5.03 / 1876	Irrigation	1-Mar	15-Nov	
				1.65 / 377.3	Stockwater	1-Jan	31-Dec	
				1.65 / 377.3	Commercial	1-Jan	31-Dec	
				6.68 /				
	45-7355		8/21/1978	3.2 / 1110	Irrigation	1-Mar	1-Nov	
				3.2 / 677.9	Stockwater	1-Jan	31-Dec	
				3.2 / 677.9	Commercial	1-Jan	31-Dec	
				6.4 /				
	45-13549		8/21/1978	0.38 / 150	Irrigation	15-Mar	15-Nov	
				0.38 / 91.6	Stockwater	1-Jan	31-Dec	
				0.38 / 91.6	Commercial	1-Jan	31-Dec	
				0.76 /				
			TOTAL	13.08 CFS / 4282.8 ACFT/ANN				

PART 1**6. General Information:**

a. Description of diversion system _____
THREE WELLS WILL BE TIED TOGETHER AND USED AS NEEDED.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
☒ Yes ☐ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:
NONE

d. Remarks:

WE ARE ONLY REPLACING AN EXISTING WELL LOCATION ON THE ORIGINAL WATER RIGHTS. A
NEW WELL LOCATED IN THE SWSWSW SEC.24 T12S R21E, WILL REPLACING THE ORIGINAL
LOCATION OF THE WELL IN THE SWSWSE, SEC.24, T12S R21E.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

Page _____ of _____

Transfer No. _____

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

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
 in case of _____ vs. _____
 dated _____ in _____ county of _____
- b. License No. 45-7335 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. check appropriate box below.

☐ Tax notice ☐ Warranty Deed ☐ Other _____

3. Source of water GROUNDWATER tributary to _____4. Date of priority 9/19/1978

5. Water is used for the following purpose:

Amount 5.03/1876 for Irrigation purposes from 03/01 to 11/15
 (cfs/ac-ft)
 Amount 1.65/377.3 for Stockwater purposes from 01/01 to 12/31
 (cfs/ac-ft)
 Amount 1.65/377.3 for Commercial purposes from 01/01 to 12/31
 (cfs/ac-ft)

6. Total amount of water under right 6.68 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	SE	SE	SW	23	12S	21E	Cassia	1 ST WELL
	SW	SW	SW	24	12S	21E	Cassia	2 ND WELL
	SW	SW	SE	24	12S	21E	Cassia	3 RD WELL

8. Lands irrigated or place of use: I Irrigation S Stockwater C Commercial

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
12S	21E	23	38	37	41	39	40	38	39	41	41	40	37	38					469
12S	21E	24	39	39	40	38.5	40	40	40	40					39	1.5		37	394
		23													S	S	C, S	C, S	
		24									S	S	C, S	C, S		S	S		

Total acres 8639. Describe any other water rights used for the same purpose as described above 45-7335, 45-7355, 45-13549,

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

No Change

(if the entire right is to be changed by the applicant, omit part B and C)

1. Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	SW	SW	SE	24	12S	21E	Cassia	3 RD WELL (NOT DRILLED)

3. Lands irrigated or place of use: *No Change*

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

No Change

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	SW	SW	SW	24	12S	21E	Cassia	2 ND WELL EXISTING
	SE	SW	SW	23	12S	21E	Cassia	1 ST WELL EXISTING

3. Lands irrigated or place of use: *No Change*

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/20/2009

WATER RIGHT NO. 45-7335

Owner Type	Name and Address
Current Owner	BIG SKY DAIRY PO BOX 407 JEROME, ID 83338 (208) 934-9072
Original Owner	SHOULDER 3 RANCHES INC PO BOX 218 OAKLEY, ID 83346 (208)862-3377

Priority Date: 09/19/1978

Basis: Decreed

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/01	11/15	5.03 CFS	1876 AFA
STOCKWATER	01/01	12/31	1.65 CFS	377.3 AFA
COMMERCIAL	01/01	12/31	1.65 CFS	377.3 AFA
Total Diversion			6.68 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESESW	Sec. 23	Township 12S	Range 21E	CASSIA County
GROUND WATER	SWSWSW	Sec. 24	Township 12S	Range 21E	CASSIA County

GROUND WATER	SWSWSE	Sec. 24	Township 12S	Range 21E	CASSIA County
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IRRIGATION Use:

Acres Limit: 469

STOCK WATER Use:

Number of stock: 10836

Place(s) of use:

Place of Use Legal Description: IRRIGATION CASSIA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
12S	21E	23		NENE	38		NWNE	37		SWNE	41		SENE	39
				NENW	40		NWNW	38		SWNW	39		SENE	41
				NESW	41		NWSW	40		SWSW	37		SENE	38
		24		NENE	39		NWNE	39		SWNE	40		SENE	38.5
				NENW	40		NWNW	40		SWNW	40		SENE	40
				NESE	39		NWSE	1.5		SESE	37			

Place of Use Legal Description: STOCKWATER CASSIA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
12S	21E	23		NESE			NWSE			SWSE			SESE	
		24		NESW			NWSW			SWSW			SESE	
				NWSE			SWSE							

Place of Use Legal Description: COMMERCIAL CASSIA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
12S	21E	23		SWSE			SESE							
		24		SWSW										
				SWSE										

Total Acres: 863

Conditions of Approval:

1.	X27	This right is limited to the irrigation of 469.0 acres within the place of use described above in a single irrigation season.
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2.	X35	Rights 45-7335, 45-7355 and 45-13549 when combined shall not exceed a total diversion rate of 13.08 cfs, a total annual maximum diversion volume of 4282.8 af at the field headgate, and the irrigation of 784.0 acres.
3.		Land application of wastewater under the authorized commercial use is limited to the same 784.0 acres authorized under combined Rights 45-7335, 45-7355 and 45-13549 in any single irrigation season.
4.	R64	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.	131	Prior to the diversion and use of water under Transfer approval 72035, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6.	067	The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
7.	046	Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
8.	082	Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
9.	106	Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
10.		Commercial use is for 3 dairy barns on the south side of this property, and for land application of waste water in the NE 1/4 Sec. 24.
11.	T19	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.
12.	T07	The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
13.	T08	Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Dates:

Licensed Date:

Decreed Date: 05/11/2005

Permit Proof Due Date: 4/1/1983

Permit Proof Made Date: 3/29/1983

Permit Approved Date: 4/4/1978

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 01/11/1978

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 4

Combined Acres Limit: 784

Combined Volume Limit: 4282.8

Combined Rate Limit: 13.08

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 45-7355 Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. check appropriate box below.

☐ Tax notice ☐ Warranty Deed ☐ Other _____

3. Source of water GROUNDWATER **tributary to** _____

4. Date of priority 8/21/1978

5. Water is used for the following purpose:

Amount (cfs/ac-ft)	<u>3.2/1110</u>	for	<u>Irrigation</u>	purposes from	<u>3/01</u>	to	<u>11/01</u>
Amount (cfs/ac-ft)	<u>3.2/677.9</u>	for	<u>Stockwater</u>	purposes from	<u>1/01</u>	to	<u>12/31</u>
Amount (cfs/ac-ft)	<u>3.2/677.9</u>	for	<u>Commercial</u>	purposes from	<u>1/01</u>	to	<u>12/31</u>

6. Total amount of water under right 6.4 **cubic feet per second and/or** _____ **acre-feet per annum.**

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	SE	SE	SW	23	12S	21E	Cassia	1 ST WELL
	SW	SW	SW	24	12S	21E	Cassia	2 ND WELL
	SW	SW	SE	24	12S	21E	Cassia	3 RD WELL

8. Lands irrigated or place of use: I Irrigation S Stockwater C Commercial

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
12S	21E	23	38	37	41	39	40	38	39	41	41	40	37	38					469
		24	39	39	40	38.5	40	40	40	40					39	1.5		37	394
		23													S	S	C, S	C, S	
		24									S	S	C, S	C, S		S	S		

Total acres 863

9. Describe any other water rights used for the same purpose as described above 45-7335, 45-7355, 45-13549

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

No Change

(if the entire right is to be changed by the applicant, omit part B and C)

1. Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	SW	SW	SE	24	12S	21E	Cassia	

3. Lands irrigated or place of use: *No Change*

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

No Change

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	SW	SW	SW	24	12S	21E	Cassia	2 ND WELL
	SE	SW	SW	23	12S	21E	Cassia	1 ST WELL

3. Lands irrigated or place of use: *No Change*

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/20/2009

WATER RIGHT NO. 45-7355

Owner Type	Name and Address
Current Owner	BIG SKY DAIRY PO BOX 407 JEROME, ID 83338 (208) 934-9072
Original Owner	CRANNEY BROS INC 1310 S 600 W OAKLEY, ID 83346 (208)862-3346

Priority Date: 08/21/1978

Basis: Decreed

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/01	11/01	3.2 CFS	1110 AFA
STOCKWATER	01/01	12/31	3.2 CFS	677.9 AFA
COMMERCIAL	01/01	12/31	3.2 CFS	677.9 AFA
Total Diversion			6.4 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESESW	Sec. 23	Township 12S	Range 21E	CASSIA County
GROUND WATER	SWSWSW	Sec. 24	Township 12S	Range 21E	CASSIA County

GROUND WATER	SWSWSE	Sec. 24	Township 12S	Range 21E	CASSIA County
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IRRIGATION Use:

Acre Limit: 277.5

STOCKWATER Use:

Number of stock: 10836

Place(s) of use:

Place of Use Legal Description: IRRIGATION CASSIA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
12S	21E	23		NENE	38		NWNE	37		SWNE	41		SENE	39
				NENW	40		NWNW	38		SWNW	39		SENW	41
				NESW	41		NWSW	40		SWSW	37		SESW	38
		24		NENE	39		NWNE	39		SWNE	40		SENE	38.5
				NENW	40		NWNW	40		SWNW	40		SENW	40
				NESE	39		NWSE	1.5		SESE	37			

Place of Use Legal Description: STOCKWATER CASSIA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
12S	21E	23		NESE			NWSE			SWSE			SESE	
		24		NESW			NWSW			SWSW			SESW	
				NWSE			SWSE							

Place of Use Legal Description: COMMERCIAL CASSIA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
12S	21E	23		SWSE			SESE							
		24		SWSW										
				SWSE										

Total Acres: 863

Conditions of Approval:

1.	X27	This right is limited to the irrigation of 277.5 acres within the place of use described above in a single irrigation season.
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2.		Rights 45-7355 and 45-13549 when combined shall not exceed a total diversion rate of 6.40 cfs, a total annual maximum diversion volume of 2029.5 af at the field headgate, and the irrigation of 315.0 acres.
3.	X35	Rights 45-7335, 45-7355 and 45-13549 when combined shall not exceed a total diversion rate of 13.08 cfs, a total annual maximum diversion volume of 4282.8 af at the field headgate, and the irrigation of 784.0 acres.
4.		Land application of wastewater under the authorized commercial use is limited to the same 784.0 acres authorized under combined Rights 45-7335, 45-7355 and 45-13549 in any single irrigation season.
5.	R64	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.
6.	K01	Right No. 45-13549 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
7.	S40	The use of water for irrigation under this right may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water after November 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 2/1/2006.
8.	131	Prior to the diversion and use of water under Transfer approval 72035, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
9.	067	The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
10.	046	Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
11.	082	Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
12.	106	Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
13.		Commercial use is for 3 dairy barns on the south side of this property, and for land application of waste water in the NE 1/4 Sec. 24.
14.	T19	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.
15.	T07	The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
16.	T08	Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Dates:

Licensed Date:

Decreed Date: 02/01/2006

Permit Proof Due Date: 12/1/1983

Permit Proof Made Date: 7/23/1982

Permit Approved Date: 12/27/1978

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Water Supply Bank Enrollment Date Accepted:
Water Supply Bank Enrollment Date Removed:
Application Received Date: 08/21/1978
Protest Deadline Date:
Number of Protests: 0

Other Information:

State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre: 0.02
Generic Max Volume per Acre: 4
Combined Acres Limit: 784
Combined Volume Limit: 4282.8
Combined Rate Limit: 13.08
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False
Close

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 45-13549 Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. check appropriate box below.

☐ Tax notice ☐ Warranty Deed ☐ Other _____

3. Source of water GROUNDWATER tributary to _____

4. Date of priority 08/21/1978

5. Water is used for the following purpose:

Amount	<u>0.38/150</u>	for	<u>Irrigation</u>	purposes from	<u>3/15</u>	to	<u>11/15</u>
(cfs/ac-ft)							
Amount	<u>0.38/91.6</u>	for	<u>Stockwater</u>	purposes from	<u>1/1</u>	to	<u>12/31</u>
(cfs/ac-ft)							
Amount	<u>0.38/91.6</u>	for	<u>Commercial</u>	purposes from	<u>1/1</u>	to	<u>12/31</u>
(cfs/ac-ft)							

6. Total amount of water under right 0.76 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	SE	SE	SW	23	12S	21E	Cassia	1 ST ELL
	SW	SW	SW	24	12S	21E	Cassia	2 ND WELL
	SW	SW	SE	24	12S	21E	Cassia	3 RD WELL

8. Lands irrigated or place of use: I Irrigation S Stockwater C Commercial

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
12S	21E	23	38	37	41	39	40	38	39	41	41	40	37	38					469
"	"	24	39	39	40	38.5	40	40	40	40					39	1.5		37	394
"	"	23													S	S	C, S	C, S	
"	"	24									S	S	C, S	C, S		S	S		

Total acres 863

9. Describe any other water rights used for the same purpose as described above 45-7335, 5-7355, 45-13549

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERREDNo Change

(if the entire right is to be changed by the applicant, omit part B and C)

1. Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	SW	SW	SE	24	12S	21E	Cassia	

3. Lands irrigated or place of use:

No Change

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

No Change

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
	SW	SW	SW	24	12S	21E	Cassia	2 ND WELL
	SE	SW	SW	23	12S	21E	Cassia	1 ST WELL

3. Lands irrigated or place of use:

No Change

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

1/20/2009

WATER RIGHT NO. 45-13549

Owner Type	Name and Address
Current Owner	BIG SKY DAIRY PO BOX 407 JEROME, ID 83338 (208) 934-9072

Priority Date: 08/21/1978

Basis: Decreed

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/15	11/15	0.38 CFS	150 AFA
STOCK WATER	01/01	12/31	0.38 CFS	91.6 AFA
COMMERCIAL	01/01	12/31	0.38 CFS	91.6 AFA
Total Diversion			0.76 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESESW	Sec. 23	Township 12S	Range 21E	CASSIA County
GROUND WATER	SWSWSW	Sec. 24	Township 12S	Range 21E	CASSIA County
GROUND WATER	SWSWSE	Sec. 24	Township 12S	Range 21E	CASSIA County

IRRIGATION Use:

Acre Limit: 37.5

Place(s) of use:

Place of Use Legal Description: IRRIGATION CASSIA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
12S	21E	23		NENE	38		NWNE	37		SWNE	41		SENE	39
				NENW	40		NWNW	38		SWNW	39		SENW	41
				NESW	41		NWSW	40		SWSW	37		SESW	38
		24		NENE	39		NWNE	39		SWNE	40		SENE	38.5
				NENW	40		NWNW	40		SWNW	40		SENW	40
				NESE	39		NWSE	1.5		SESE	37			

Place of Use Legal Description: STOCKWATER CASSIA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
12S	21E	23		NESE			NWSE			SWSE			SESE	
		24		NESW			NWSW			SWSW			SESW	
				NWSE			SWSE							

Place of Use Legal Description: COMMERCIAL CASSIA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
12S	21E	23		SWSE			SESE							
		24		SWSW										
				SWSE										

Total Acres: 863

Conditions of Approval:

1.	X27	This right is limited to the irrigation of 37.5 acres within the place of use described above in a single irrigation season.
2.		Rights 45-7355 and 45-13549 when combined shall not exceed a total diversion rate of 6.40 cfs, a total annual maximum diversion volume of 2029.5 af at the field headgate, and the irrigation of 315.0 acres.
3.	X35	Rights 45-7335, 45-7355 and 45-13549 when combined shall not exceed a total diversion rate of 13.08 cfs, a total annual maximum diversion volume of 4282.8 af at the field headgate, and the irrigation of 784.0 acres.
4.		Land application of wastewater under the authorized commercial use is limited to the same 784.0 acres authorized under combined Rights 45-7335, 45-7355 and 45-13549 in any single irrigation season.

5.	R64	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.
6.	K02	This right is based upon an enlargement of Right No. 45-7355 pursuant to Section 42-1426, Idaho Code.
7.	C11	This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier-priority right is the superior right.
8.	131	Prior to the diversion and use of water under Transfer approval 72035, the right holder shall install and maintain acceptable measuring devices, including data loggers, at the authorized points of diversion and in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
9.	067	The right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
10.	046	Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
11.	082	Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
12.	106	Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
13.		Commercial use is for 3 dairy barns on the south side of this property, and for land application of waste water in the NE 1/4 Sec. 24.
14.	T19	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.
15.	T07	The right holder shall accomplish the change authorized by this transfer within five years of the date of this approval.
16.	T08	Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Dates:

Licensed Date:

Decreed Date: 02/01/2006

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre: 0.02
Generic Max Volume per Acre: 4
Combined Acres Limit: 784
Combined Volume Limit: 4282.8
Combined Rate Limit: 13.08
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False
Close

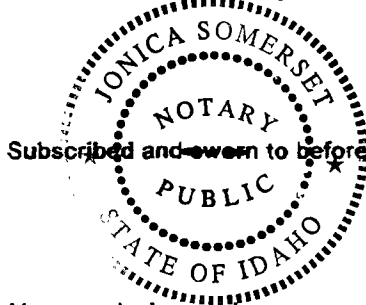
PART 3

B. CHANGES IN NATURE OF USE

- | 1. | <u>New Nature of Use</u> | <u>Amount
(cfs/ac-ft)</u> | <u>Hours/days/year</u> | <u>Period of Use</u> |
|----|--|-------------------------------|------------------------|----------------------|
| | | 13.08/4282 | AS NEEDED | to |
| | | | | to |
| 2. | Quantity and quality of return flows and location of discharge: | | | |
| | SAME | | | |
| 3. | Describe the effects on other water uses resulting from the proposed change: | | | |
| | NONE | | | |

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.



Subscribed and sworn to before me this

2 day of February, 192007

Jonica Somerset
(Notary Public)

My commission expires August 25, 2014

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee _____

Received by _____ Date _____

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ Approval ☐ Denial

rec'd. _____ by _____

Copy of transfer sent to lien holder _____

PART 3**B. CHANGES IN NATURE OF USE**

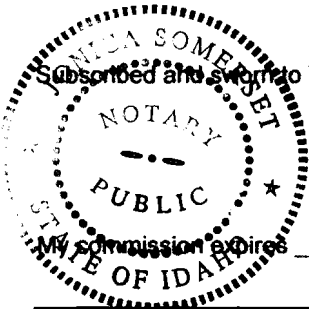
1.	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
		13.08/4282	AS NEEDED	to _____ to _____
2.	Quantity and quality of return flows and location of discharge: SAME			
3.	Describe the effects on other water uses resulting from the proposed change: NONE			

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.

[Signature]
(Signature of Applicant)

Subscribed and sworn to before me this 2 day of February, 19 2009.



Janice Somerset
(Notary Public)

August 25, 2014

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments	
Received by _____ Date _____	Protest filed by _____
Prelim. check by _____ Fee _____	
Received by _____ Date _____	
Published in _____	Copies of protest forwarded by _____
Pub. dates _____	Hearing held by _____ Date _____
Watermaster recommendation requested on _____	Recommended for ☐ Approval ☐ Denial
_____ rec'd. _____	by _____
Copy of transfer sent to lien holder _____	

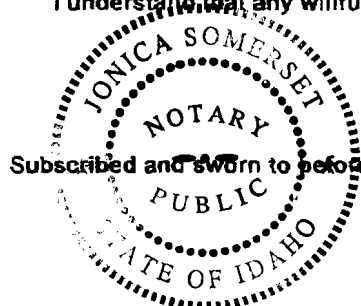
PART 3

B. CHANGES IN NATURE OF USE

- | 1. | <u>New Nature of Use</u> | <u>Amount
(cfs/ac-ft)</u> | <u>Hours/days/year</u> | <u>Period of Use</u> |
|----|--|-------------------------------|------------------------|----------------------|
| | | 13.08/4282 | AS NEEDED | to |
| | | | | to |
| 2. | Quantity and quality of return flows and location of discharge: | | | |
| | SAME | | | |
| 3. | Describe the effects on other water uses resulting from the proposed change: | | | |
| | NONE | | | |

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.



Subscribed and sworn to before me this

(Signature of Applicant)

2 day of February, 2009.

(Notary Public)

My commission expires

August 25, 2014

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by U.F. [Signature] Date 2-4-09

Protest filed by _____

Prelim. check by _____ Fee \$450, 5030675

Received by Os Date 2-4-09

Copies of protest forwarded by _____

Pub. dates _____

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ Approval ☐ Denial

rec'd.

by _____

Copy of transfer sent to lien holder _____

WC6 PIVOT
128.8 AC.

WC7 PIVOT
131.3 AC.

12S21E23

12S21E24

G:\Skyline dairy only.tif

WC2 PIVOT
124.2 AC.

800 W. RD.

New Well — WELL
#11

See 23

See 24

WELL

1200 S. RD.

T12S R21E