

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73888

This is to certify that: **SORRENTO LACTALIS INC**
PO BOX 1280
NAMPA ID 83653
(208)467-4424

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>
63-31628	WR/License	09/12/1989	1.6 cfs	N/A	N/A	25.7	GROUND WATER

Purpose of Transfer (Changes Proposed)

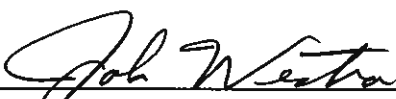
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-31628	NO	YES	NO	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-31628	63-31628	1.6 cfs	N/A	N/A	25.7		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		1.6 cfs	N/A	N/A	25.7		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 13th day of June, 2008


 John Westra, Western Regional Manager

WATER RIGHT NO. 63-31628
As Modified by Transfer No. 73888

In accordance with the approval of Transfer No. 73888, Water Right No. 63-31628 is now described as follows.

Right Holder: SORRENTO LACTALIS INC
 PO BOX 1280
 NAMPA ID 83653

Priority Date: September 12, 1989

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
COMMERCIAL	01/01	to 12/31	1.60 CFS
IRRIGATION	03/01	to 11/15	0.50 CFS
			1.60 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWSW	Sec. 8	Twp 03N	Rge 01W	CANYON County
GROUND WATER	SWSW	Sec. 8	Twp 03N	Rge 01W	CANYON County

PLACE OF USE: COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N 01W 8									X	X	X	X	X	X	X	X	

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	
03N 01W 8											5.7	20.0					25.7

Total Acres: 25.7

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. The well previously used under Right 63-31628 shall be abandoned in a manner which complies with Department well abandonment rules.

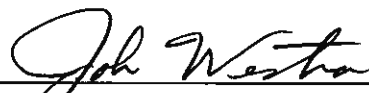
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CONDITIONS OF APPROVAL

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 make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water for irrigation under this right to those times when the surface water supply for irrigation is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
7. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used for irrigation purposes without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 116 af at the field headgate for the irrigated lands above.
9. The use of water for commercial purposes under this right shall not exceed 400 acre-feet each year.
10. Commercial use is for a cheese production facility, a combination deli and retail outlet, and the year-round dilution and land application of effluent discharged from the cheese production facility.
11. The commercial place of use authorized by this approval includes land in the SW1/4SW1/4 of Section 8, Township 3 North, Range 1 West, B.M., where the main commercial facility is located, and additional lands within the S1/2 of Section 8, Township 3 North, Range 1 West, B.M., upon which wastewater may be applied to satisfy water quality requirements. Water diverted for irrigation purposes under this approval shall not be used to irrigate more than the 25.7 acres described as the place of use for irrigation purposes under this right. Water diverted under this approval shall not be applied to the E1/2SW1/4 or the SE1/4 of Section 8, Township 3 North, Range 1 West, B.M., unless the water is first used in the cheese processing facility as authorized by this water right.
12. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

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 13th day of June, 2008



John Westra, Western Regional Manager