

BROCKWAY
ENGINEERING
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Hydraulics

Hydrology

Water Resources

April 4, 2006

Allen Merritt
Idaho Department of Water Resources
Southern Region Office
1341 Fillmore, Suite 200
Twin Falls, ID 83301

RECEIVED

APR 06 2006

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Re: Willow Creek Enterprises - Transfer

Dear Allen:

Please find the enclosed Application for Transfer of Water Right's submitted on behalf of Willow Creek Enterprises c/o Reed Gibby. This transfer is proposing to combine the point of diversions and places of use for the current water rights at the hog facilities owned by Willow Creek Enterprises and to provide additional water for two new facilities.

The existing and proposed facilities are located in Sections 22, 27, and 28, of Township 10S, 26E (see attached figure). A new nursery facility and breeding and gestation facility will be constructed to the north of the current facilities, each with a new well, and will be hydraulically connected to the southern hog facilities. Ten additional acres are also being proposed to be dried from existing irrigation rights (43-13335 and 43-13337) to provide an additional 29.7 afa for stockwater/commercial use at the facilities.

Water right 43-13332 and 43-13334 currently are for stockwater/commercial use at the existing nursery facility in the SW $\frac{1}{4}$, NW $\frac{1}{4}$, and the NW $\frac{1}{4}$, SW $\frac{1}{4}$, of Section 27, Township 10S, Range 26E. However, the two wells (point of diversions) described for these water rights have not yet been drilled, and the nursery is being serviced by the wells listed for water rights 43-13336 and 43-13338 via a pipeline. Water right 43-13336 and 43-13338 currently describe their place of use being at an existing breeding and gestation facility in the NE $\frac{1}{4}$, NE $\frac{1}{4}$, and the NW $\frac{1}{4}$, NE $\frac{1}{4}$, of Section 28, Township 10S, Range 26E, and describes two point of diversions. The wells at the nursery will be constructed later as demand is required. However, in order for the water rights to reflect the actual system each of these water rights need to list all of these point of diversions and places of use. This transfer should correct the discrepancy regarding the point of diversions and places of use so that the actual system is reflected by the water rights.

However, a new breeding and gestation facility and nursery facility is also being proposed to be built in Section 22, Township 10S, Range 26E, and a new well is being proposed at each facility. The current water rights could

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possibly supply the water demand at both the existing and proposed facilities. However, in order to ensure that there would be an adequate water supply we are proposing to dry up an additional 10 acres. As seen from the attached FSA records, the small pivot in the NE and SE quarters of Section 28, Township 10S, Range 26E has historically irrigated/harvested alfalfa with the use of ground water supplied from water rights 43-13335 and 43-13337. With a consumptive irrigation requirement of 2.97 acre-feet/acre for alfalfa (Allen & Brockway, 1983 – Rupert Station) ten acres of irrigated land would have consumptively used 29.7 acre-feet annually at this property. Therefore, by drying up ten acres of allowed area supplied by water rights 43-13335 and 43-13337, 29.7 acre-feet is being proposed to be transferred for use by stock/commercial water uses at the existing and proposed hog facilities. The existing stockwater/commercial rights at the property in combination with these proposed conversions of 43-13335 and 43-13337 should be more than adequate for the water requirements at the facilities, and should enable the operation to continue to expand in the future.

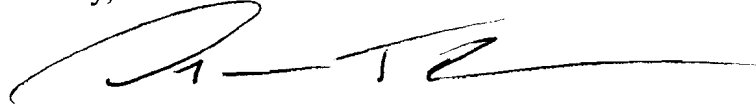
In addition, to this transfer I am inquiring of a possible administrative issue. The stockwater/commercial rights that are appurtenant to the hog facilities have all been split from the two irrigation rights that are applicable to the irrigation of the farm surrounding the facilities. Willow Creek Enterprises have dried up different corners of pivots every time that they would expand the operations at the facilities. Once this transfer is approved the operation will have six rights for stockwater/commercial uses that have been split from the original two irrigation rights. Is it possible to combine the six rights so that there are only two rights applicable to the facilities one with a priority date of 03/15/1963 and one with a priority date of 01/27/1978? At the present time it is very difficult to track all of the splits that have occurred from these rights and it would be much more efficient to integrate the rights. We do not want this inquiry to delay the processing of this transfer. Therefore, if it is not possible to combine these rights please proceed with the transfer as proposed.

I am attaching a limited power attorney for Brockway Engineering and a check for \$250.00 regarding the submission of this transfer. If you or the agent for this transaction has any questions regarding this transfer or the water rights associated with the hog facilities and the associated farm, please do not hesitate to contact our office.

Once this transfer has been received by your office, please immediately send us a receipt of submission. Therefore, Cassia County planning and zoning could then be notified that the transfer is being processed.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. T. Nelson', with a long horizontal flourish extending to the right.

Daren T. Nelson, Hydrologist

Attachments: Application for Transfer of Water Right
Purchase Agreement
Figure: Willow Creek Enterprises Expansion- Transfer
FSA Documentation
Brockway Engineering Check # 6248

cc. Reed Gibby