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Department of Water Resources
Southern Region

Should questions arise during the processing of this application please contact:
Steve Hannula - ERO Resources Corp. (208) 373-7983

Phone (208) 436-5703

Name of applicant P. Chad and/or Susan C. Bailey, Willow Hills Dairy

Post Office address 428 S. 200 W., Rupert, Idaho 83350

A. Purpose of Transfer

- Purpose of Transfer**
1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☒ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes To provide for the continued beneficial use of a water right at a dairy.
- REQUESTED CHANGE**

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
<u>43-4037</u>	<u>5/23/1962</u>	<u>0.11/15.75</u>	<u>C/S</u>	<u>1/1 to 12/31</u>
<u>43-7126</u>	<u>5/4/1978</u>	<u>0.11/15.75</u>	<u>C/S</u>	<u>1/1 to 12/31</u>
<u>36-13645</u>	<u>12/31/1978</u>	<u>0.08/14.6</u>	<u>D/S</u>	<u>1/1 to 12/31</u>

2. Total amount of water being transferred 0.19 cubic feet per second and/or 30.35 acre-feet per annum.
3. Source of water Ground water tributary to N/A
4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use:

5. Lands irrigated or place of use:																			
Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
									C/S/D									NA	
10S	24E	18																	
																		Total acres <u>NA</u>	

PART 1

6. General Information:

- a. Description of diversion system: well, pumps, pipes and distribution system to water troughs and barn
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes XX 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 affect on the land now irrigated if the place of use is changed pursuant to this transfer: Lands will be dried up and no longer irrigated
- d. Remarks: See attached

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 _____, 20 _____

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

Current Water Right No. 43-4037

Priority Date: 05/23/1962

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

Tributary to:

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	3.30 CFS	2,153.0 AFA	
Total Diversion		3.30 CFS	2,153.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NWSWSE	10S 26E	3	CASSIA
GROUND WATER	L4 (SWNWNW)	10s 26e	2	CASSIA
GROUND WATER	NENWSW	10s 26e	2	CASSIA
GROUND WATER	SENESE	10s 26e	11	CASSIA

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	
10S 26E 1					40.0	40.0	16.0	4.0		38.0	40.0						178.0
10S 26E 2	40.0	40.0	21.0	25.0	40.0	31.0	31.0	28.0	39.0	30.0	40.0	40.0	40.0		40.0	40.0	525.0
10S 26E 3			40.0	30.0													
10S 26E 10	32.0	33.0			35.0	26.0											126.0
10S 26E 11	38.0	25.0			37.0	34.0	3.7	4.6									142.3
10S 26E 12			38.0	33.0		40.0	40.0	39.0	33.0	33.0			33.0	33.0			322.0

Total Acres: 1660.3

Conditions/Remarks:

- RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

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

Transfer No. _____

Receipt No. _____

Current Water Right No. 43-4037

3. 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.
4. USE OF THIS RIGHT WITH RIGHT NO. 43-07126 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 18.77 CFS.
5. USE OF THIS RIGHT WITH RIGHT NO. 43-07126 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1660.3 ACRES IN A SINGLE IRRIGATION SEASON.
6. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 538.3 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

PART 2

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 (43-4037)

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

1. Amount 0.09/60 for Irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft)

2. Points of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	NW	NW	2	10S	26E	CASSIA	
	NE	NW	SW	2	10S	26E	CASSIA	
	NW	SW	SE	3	10S	26E	CASSIA	
	SE	NE	NE	11	10S	26E	CASSIA	

3. Lands irrigated or place of use:

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	
10S	26E	2	15																15

Total acres 15

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

1. Amount 3.21/2093 for Irrigation purposes from 3/15 to 11/15
 (cfs/ac-ft)

2. Points of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	NW	NW	2	10S	26E	CASSIA	
	NE	NW	SW	2	10S	26E	CASSIA	
	NW	SW	SE	3	10S	26E	CASSIA	
	SE	NE	NE	11	10S	26E	CASSIA	

3. Lands irrigated or place of use:

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	
10S	26E	1					40	40	16	4		38	40						178
		2	25	40	21	25	40	31	31	28	39	30	40	40	40		40	40	510
		3			40	30				40	28	13	40	40	30	26	40	40	367
		10	32	33			35	26											126
		11	38	25			37	34	3.7	4.6									142.3
		12			38	33		40	40	39	33	33			33	33			322

Total acres 1645.3

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

Current Water Right No. 43-7126

Priority Date: 05/04/1978

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

Tributary to:

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	18.77 CFS	4,488.0 AFA	
Total Diversion			18.77 CFS	4,488.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER	L4 (SWNWNW)	10S	26E	2	CASSIA
GROUND WATER	NWSWSE	10S	26E	3	CASSIA
GROUND WATER	SENE	10S	26E	11	CASSIA
GROUND WATER	NENWSW	10S	26E	2	CASSIA

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	
10S 26E 1					40.0	40.0	16.0	4.0		38.0	40.0						178.0
					L3	L4											
10S 26E 2	40.0	40.0	21.0	25.0	40.0	31.0	31.0	28.0	39.0	30.0	40.0	40.0	40.0		40.0	40.0	525.0
	L1	L2			L3	L4											
10S 26E 3			40.0	30.0				40.0	28.0	13.0	40.0	40.0	30.0	26.0	40.0	40.0	367.0
10S 26E 10	32.0	33.0			35.0	26.0											126.0
10S 26E 11	38.0	25.0			37.0	34.0	3.7	4.6									142.3
10S 26E 12			38.0	33.0		40.0	40.0	39.0	33.0	33.0			33.0	33.0			322.0

Total Acres: 1660.3

Conditions/Remarks:

- RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

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

Transfer No. _____
Receipt No. _____

Current Water Right No. 43-7126

2. 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.
3. USE OF THIS RIGHT WITH RIGHT NO. 43-04037 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 18.77 CFS.
4. USE OF THIS RIGHT WITH RIGHT NO. 43-04037 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1660.3 ACRES IN A SINGLE IRRIGATION SEASON.
5. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1122 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

PART 2

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 (43-7126)***(If the entire right is to be changed by the applicant, omit part B and C.)*1. Amount 0.25/60 for Irrigation purposes from 3/15 to 11/15
(cfs/ac-ft)

2. Points of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	NW	NW	2	10S	26E	CASSIA	
	NE	NW	SW	2	10S	26E	CASSIA	
	NW	SW	SE	3	10S	26E	CASSIA	
	SE	NE	NE	11	10S	26E	CASSIA	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
10S	26E	2	15																15

Total acres 15**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**1. Amount 18.52/4428 for Irrigation purposes from 3/15 to 11/15 (cfs/ac-ft)

2. Points of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	NW	NW	2	10S	26E	CASSIA	
	NE	NW	SW	2	10S	26E	CASSIA	
	NW	SW	SE	3	10S	26E	CASSIA	
	SE	NE	NE	11	10S	26E	CASSIA	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
10S	26E	1					40	40	16	4		38	40						178
		2	25	40	21	25	40	31	31	28	39	30	40	40	40		40	40	510
		3			40	30				40	28	13	40	40	30	26	40	40	367
		10	32	33			35	26											126
		11	38	25			37	34	3.7	4.6									142.3
		12			38	33		40	40	39	33	33			33	33			322

Total acres 1645.3

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

Current Water Right No. 36-13645

Priority Date: 12/31/1978

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

Tributary to:

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
DOMESTIC	1/01	12/31	0.04 CFS		
STOCKWATER	1/01	12/31	0.08 CFS		
Total Diversion			0.08 CFS		

Source and Point(s) of Diversion:

GROUND WATER SWNW 10S 24E 18 MINIDOKA

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	24E	18																	

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	24E	18																	

Conditions/Remarks:

1. PARCEL NO. RP10S24E183620 STOCKWATER, 250 DAIRY CATTLE
2. THE QUANTITY OF WATER DECREEED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PART 2

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 (36-13645)***(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)

2. Points of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

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

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

2. Points of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

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

- | 1. | New Nature of Use | Amount
(cfs/ac-ft) | Hours/days/year | Period of Use |
|----|-------------------|-----------------------|-----------------|---------------------|
| | Stockwater | <u>0.08/11.7</u> | _____ | <u>1/1 to 12/31</u> |
| | Commercial | <u>0.03/4.05</u> | _____ | <u>1/1 to 12/31</u> |
2. Quantity and quality of return flows and location of discharge: The dairy is a zero discharge facility
3. Describe effects on other water uses resulting from the proposed change: See remarks

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.

Willow Hills Dairy
by P. Chubbly + Susan Bailey

(Signature of Applicant)

Subscribed and sworn before me this 6th day of August, 2007.

LUEDAN REICHERT
NOTARY PUBLIC
STATE OF IDAHO

My commission expires 11-24-06

(Notary Public)

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

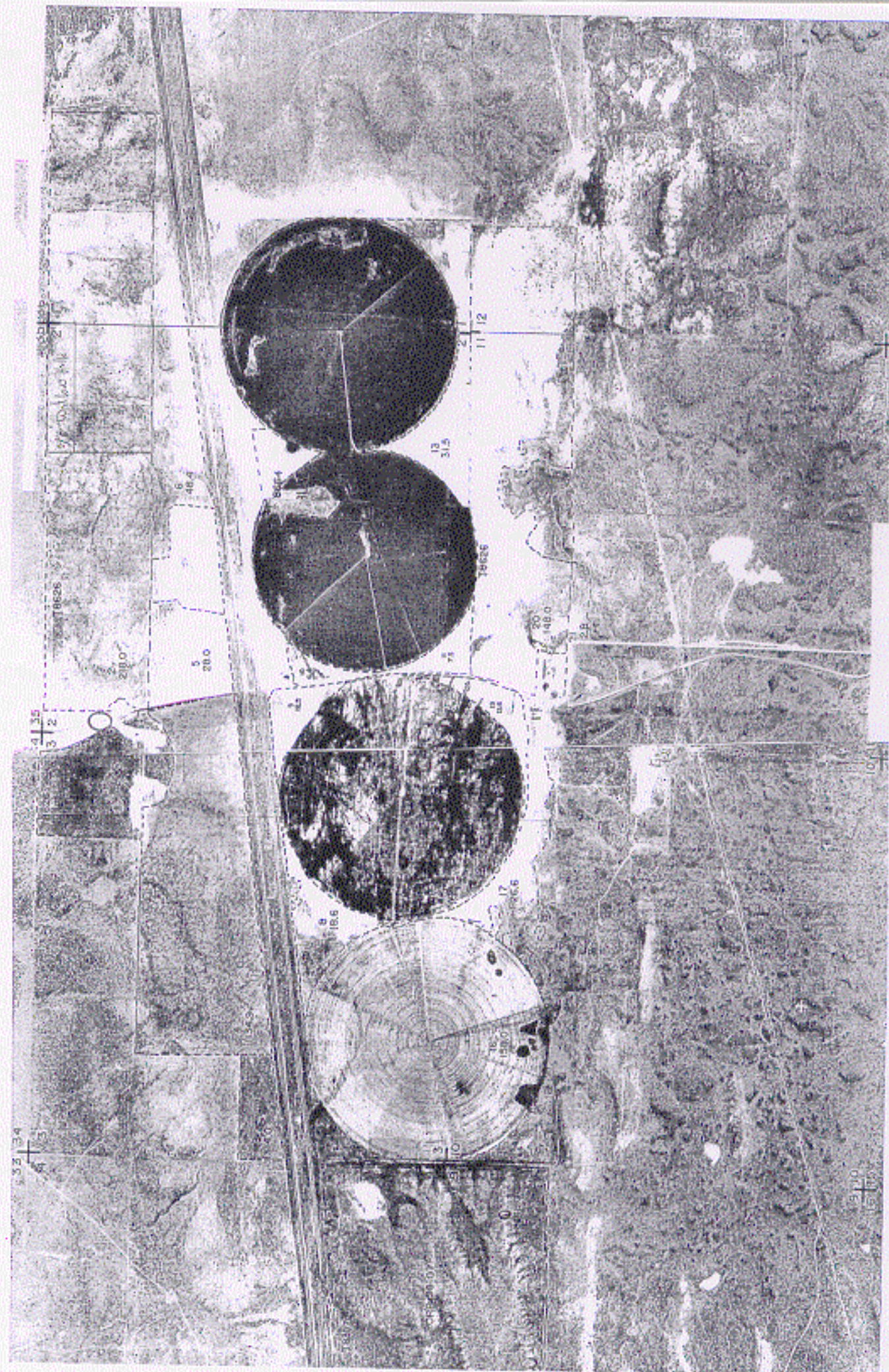
Received by J.F. Date 11-18-03 Protest filed by _____Prelim. check by J.F. Fee \$100.00 5025208Receipted by J.F. Date 9-9-02 → Original filing (withdrawn)

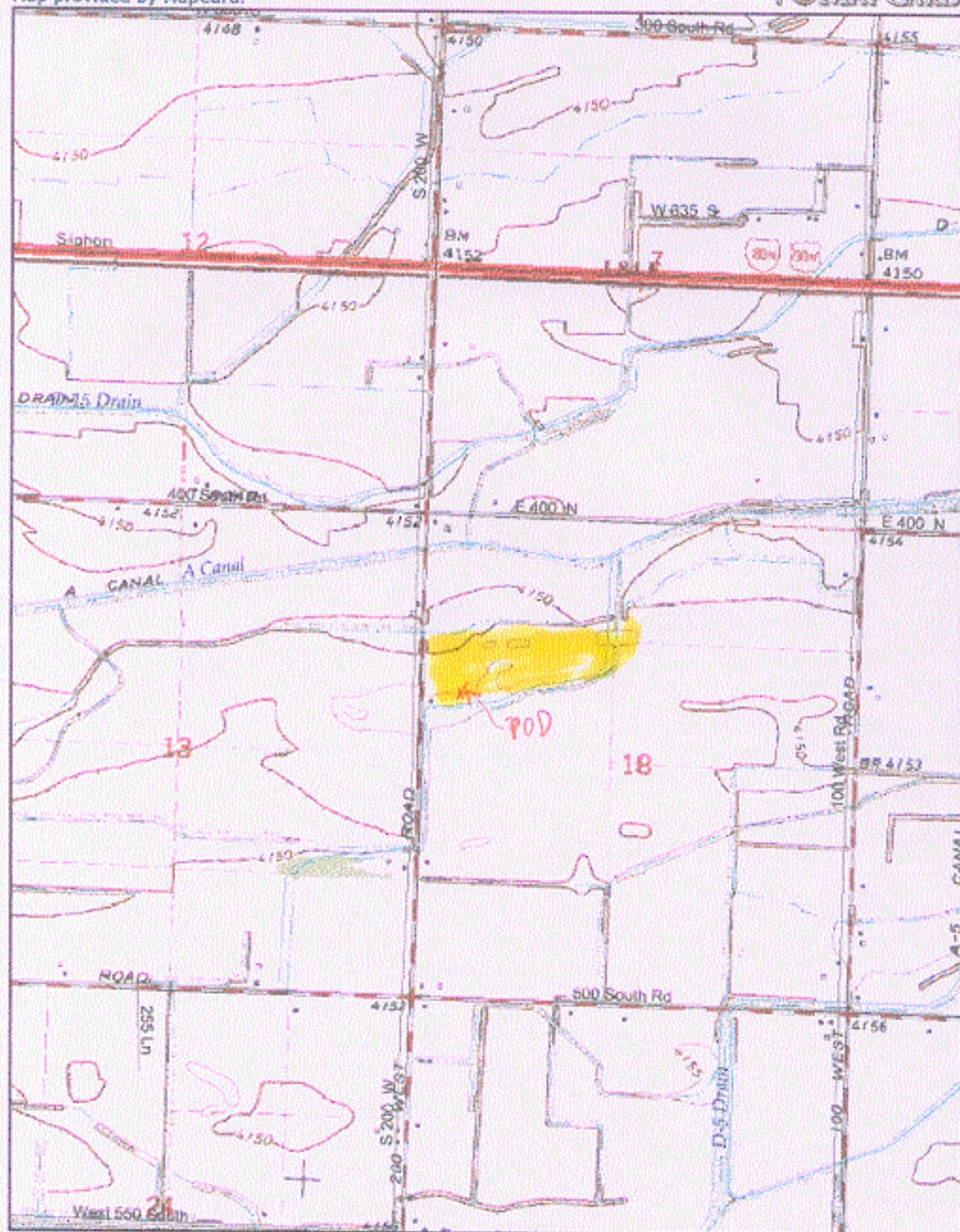
Published in _____ Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

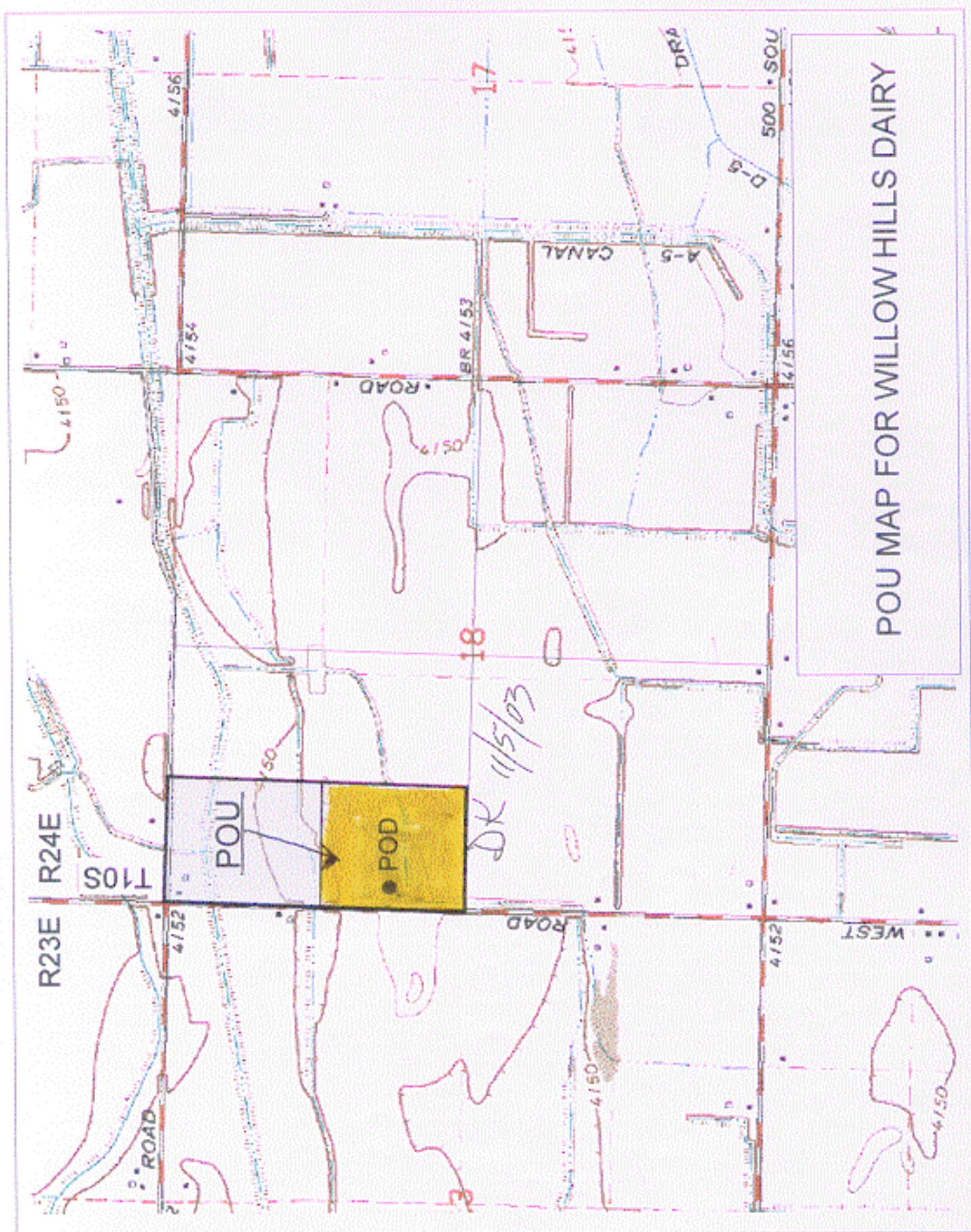
Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial
_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____





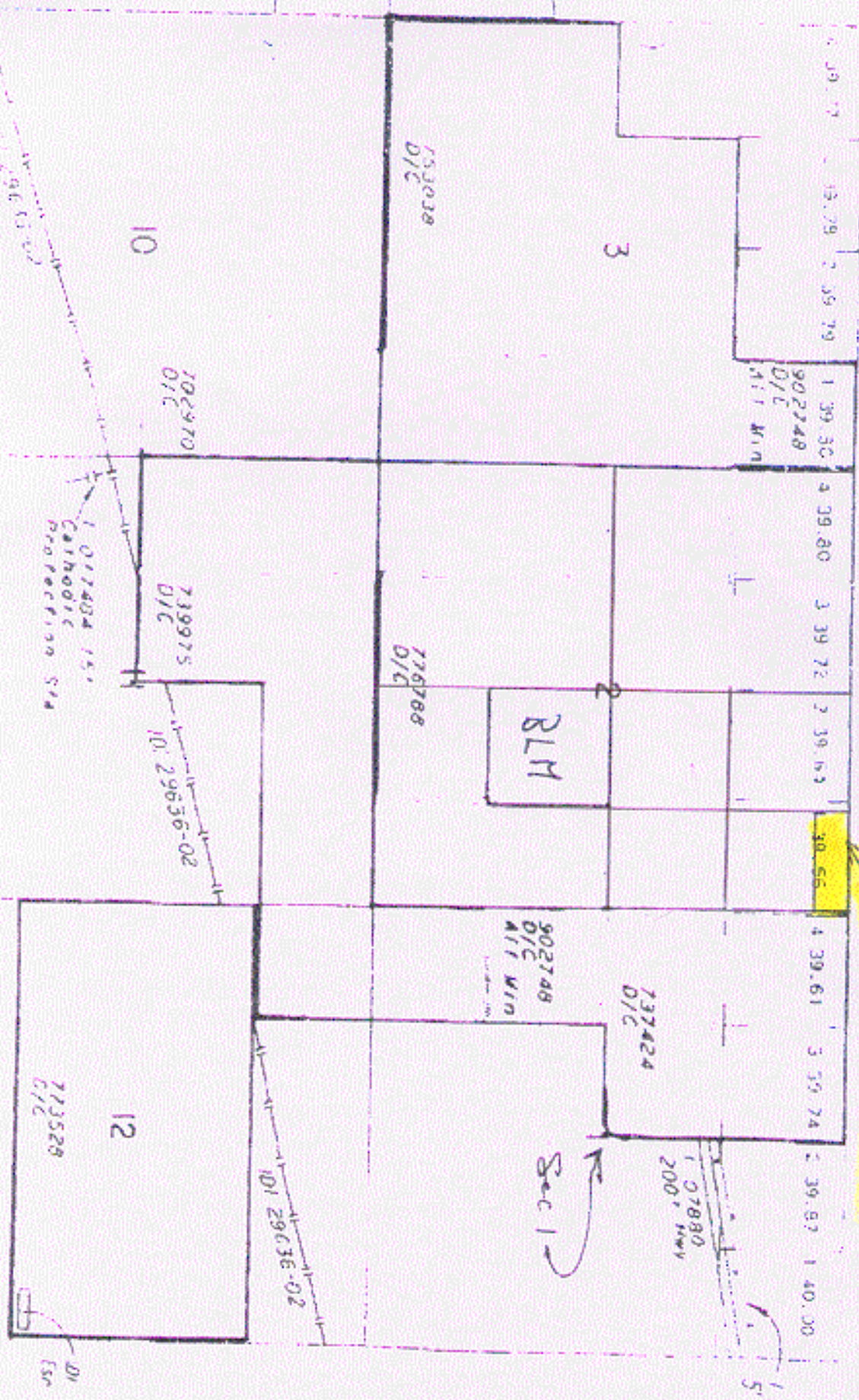
Willow Hills Dairy T10S R24E
Sec 18



POU MAP FOR WILLOW HILLS DAIRY



10 Acres - Willow Hills





Harbors - Foghorned Arch
Tides: R. 2nd, sec 2, sec 1, sec 3, sec 11, sec 12

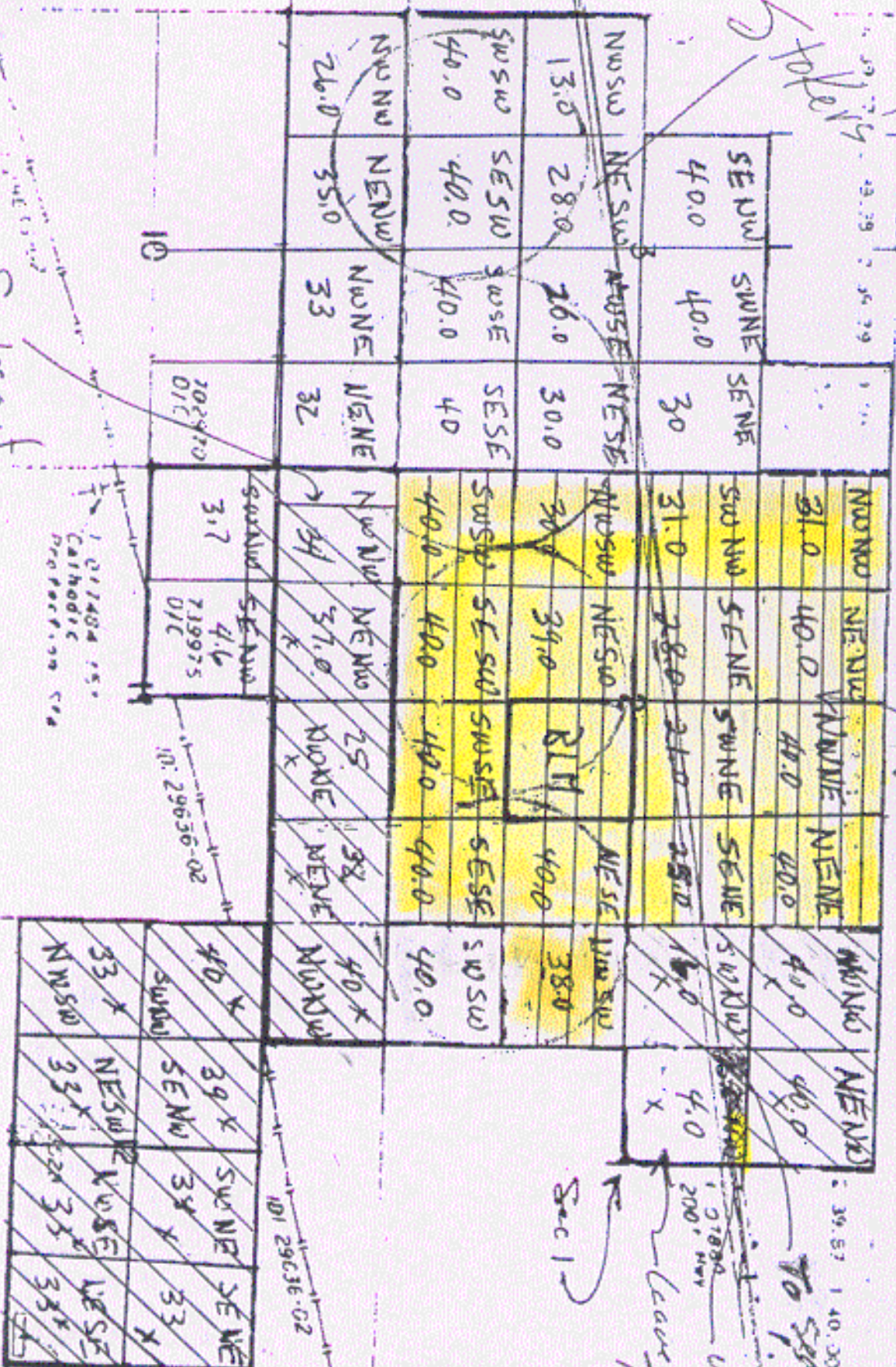
boards

140.30 2.13

clouds

Leaves 1.87 acres
70 words

Sec 1



Searches out
causes & cures

1211484 is
Catholic
Protestant

Total to Smells

Rainbow - Sagewood Ranch

Division - Proposal

Starks = All Section 12 = 322 acres

	NE NW Sec 11	=	37
	NW NE Sec 11	=	25
	NE NE Sec 11	=	38
	NW NW Sec 11	=	25
Leaves 9 acres to Starks	SW NW Sec 11	=	3.7
	SE NW Sec 11	=	4.6
	NE NW Sec 1	=	40
	NW NW Sec 1	=	40
	SW NW Sec 1	=	16
	SE NW Sec 1	=	2.13
			553.43

Leaves 1.87 in SE NW Sec 1
to Wards

Rainbow-Sage Wood

Division Proposal

Wards	All section 2	=	528 acre
	SE NW. Sec 1	=	11.87
	NW SW Sec 1	=	26.56
			553.43

Leaves 11.4 NW SW

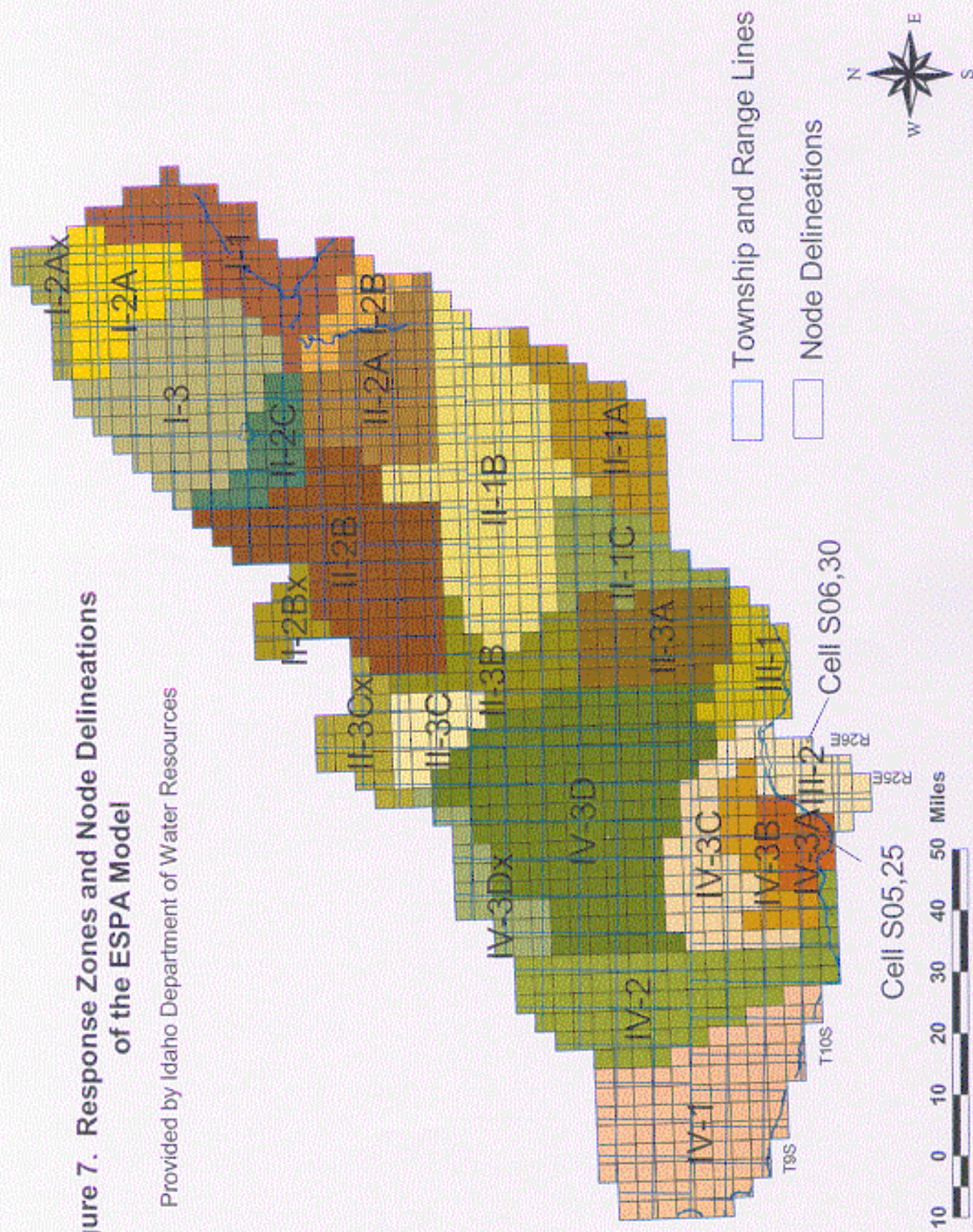
Rainbow Sagewood Division Proposal

Stokers

All Sec 3	=	367 acres
All Sec 10	=	126 acres
NW NW Sec 11	=	9
NW SW Sec 1	=	11.43
SW SW Sec 1	=	40.00
		553.43

**Figure 7. Response Zones and Node Delineations
of the ESPA Model**

Provided by Idaho Department of Water Resources



DAILY FRESH WATER REQUIREMENT FOR DAIRY FACILITY

FOR: Willow Hills Dairy
 BY: Steven Hannula
 DATE: 7/19/02

STOCKWATER VOLUME REQUIREMENT

TYPE OF ANIMAL	NUMBER	USE/DAY GAL/DAY	TOTAL GAL/DAY	TOTAL GAL/YEAR
MILKING COWS	609	36	21,315	7,779,975
DRY COWS	91	12	1,092	398,580
HEIFERS	0	12	0	0
TOTAL GALLONS			22,407	8,178,555

STOCKWATER ANNUAL VOLUME NEEDED (AFA) 25.10

COMMERCIAL VOLUME REQUIREMENT

MILKING PARLOR ESTIMATES

ITEM	GALS/OP	X'S/DAY	GALS/DAY	GALS/YEAR
BULK TANK	90	1	90	32,850
COW PREP	0.5	1,218	609	222,285
PIPELINES	110	2	220	80,300
PARLOR CLEANUP	500	2	1,000	365,000
MISCELLANEOUS EQUIP	50	2	100	36,500
TOTAL MILK PARLOR USE			2,019	736,935

MISCELLANEOUS USES				
ITEM	GALS/OP	X'S/DAY	GALS/DAY	GALS/YEAR
TOWEL WASHING	50	2	100	36,500
EMPLOYEE SHOWERS & RESTROOMS	50	20	1,000	365,000
MAINTENANCE SHOP	500	1	500	182,500
TOTAL MISCELLANEOUS USES			1,600	584,000

COMMERCIAL ANNUAL VOLUME NEEDED (AFA) 4.05

STOCK WATER VOLUME REQUIREMENT =	25.10
COMMERCIAL REQUIREMENT =	4.05
TOTAL VOLUME REQUIRED =	29.15

Remarks
Application for Transfer for
Willow Hills Dairy

Chad and/or Susan Bailey of the Willow Hills Dairy (applicant) are filing this application for transfer to provide adequate water for an existing dairy that is currently idle and waiting for the appropriate water rights to resume operation. Currently, a portion of the facility is operating as a heifer lot. An existing domestic stockwater right (36-13645) provides water for the heifer facility and will also be incorporated into the dairy facility. Water right 36-13645 provides a maximum annual volume of 14.6 afa. A portion of this water services 1 office and 2 bathrooms, which are estimated to require 1.2 afa. The remaining 13.4 afa is used for stockwater and is being fully used by the current heifer operation and historically by the dairy operation.

The resumption of the dairy operation is estimated to require a total of 29.15 afa. The resumed use will have approximately 700 total head (see dairy requirement worksheet). Stockwater needs are 25.1 afa. The existing stockwater right provides for 13.4 afa. This application for transfer supplies the remaining 11.7 afa ($25.1 - 13.4$) and the commercial needs (4.05 afa). The application for transfer seeks an additional 15.75 afa ($11.7 + 4.05 = 15.75$) to meet needs beyond the existing domestic stockwater right.

The applicants recognize that this transfer will change the nature of impacts in the East Snake Plain Aquifer (ESPA) and propose mitigation; see mitigation plan. In summary, the mitigation proposed will retire 15 acres of irrigated lands under water right nos. 43-4037 and 43-7126. The historical consumptive use (consumptive irrigation requirements) for these 15 acres is 2.97 af/ac, which provides a total of 44.6 afa. These 44.6 afa compensates the ESPA such that there is a no net increase of impacts to the Snake River resulting from the 15.75 afa being sought in this transfer. The Effects Spreadsheet model version 1.1 was used to determine the no net increase; see mitigation plan.

[illegible]

Consumptive Rate Calculation for Land Irrigated with 43-4037 and 43-7126

1994 Crop	Acres	CU (mm/yr)	CU (in/yr)	ac-ft per year
Grass	757.1	903	35.6	2243.0
Alfalfa	595.8	908	35.7	1774.9
Total	1352.9			4017.9
CU				2.97

Consumptive rate from the Allen and Brockway Report, 1983 for Rupert, Idaho

IDAHO WATER COMPANY
AGREEMENT FOR PURCHASE AND SALE OF WATER RIGHT

THIS AGREEMENT is made and entered into this 11/24/03 by and between Del Kohtz of Idaho Water Company (hereinafter "Seller") and W. How Hills Dairy Co. & Susan Bailey (hereinafter ("Buyer"). The seller, Del Kohtz discloses that he is a licensed real estate agent acting herein as principal for his own account and not representing or acting as an agent for the buyer.

TERMS AND CONDITIONS

1. The Sellers, in consideration of the terms contained herein, do hereby contract and agree to sell and convey to the Buyers and the Buyer does hereby agree to buy from the Sellers 45 acre feet/anum consumptive of Idaho Water Right 43-4037 # 43-7126 and the water appurtenant thereto, for \$ per acre foot consumptive of per acre. 15 acres
2. The total purchase price shall be \$. The entire purchase price shall be paid on the closing date described in paragraph 5 below, less 15% finders fee and down payment paid at signing. Payment of \$ paid at signing.
3. This Agreement for Purchase and Sale of said license is contingent upon and subject to approval of the application for transfer by the Department of Water Resources. If the application is not approved, this Agreement shall become null and void.
4. The closing of this transaction and delivery of the executed Assignment to Buyer and the entire purchase price for each contract to Seller shall take place at the law offices of Ling, and Robinson, 615 H Street, Rupert, Idaho, within thirty days of Buyers receipt of approval from the Department of the application for transfer.
5. The Buyers shall be given possession and use of the water right and the water appurtenant thereto, upon closing.

6. This transfer will remain in the name of Idaho Water Co. until the contract is closed and paid for by the buyer. The buyers place of use and point of diversion will be used for the transfer. When the contract is closed the change of ownership form signed by Idaho Water Co. at the signing of this contract will be turned over to the buyer. The change of ownership will be held in escrow until the closing.
7. In the event of any suit proceeding by either party against the other party, in any way arising out of this agreement, the prevailing party shall be awarded their reasonable attorney fees and costs.
8. Each party agrees to pay one-half of any costs incurred in executing this document. These costs shall not be more than \$150.00 each.
9. This agreement shall be binding upon and shall inure to the benefit of the heirs, personal representatives, administrators, successors and assigns to the parties hereto.
10. Buyer understands that if Kohtz is not at fault for the failure of his transfer due to protests or other factors beyond Kohtz' control, Kohtz shall charge an hourly fee of \$50.00 for the preparation and presentation of the application for transfer. This includes travel time and attendance of hearings on buyer's behalf. These monies will come out of the finder's fee charged at signing. If transfer is accomplished no hourly fee will be charged. If Kohtz fails to accomplish the desired transfer with this or other water rights the upfront money will be refunded. Buyer understands that attorney and consultant fees authorized by buyer in the case of protests and hearings on their water transfer are to be paid by the Buyer.
11. Del Kohtz has my permission to make needed changes to the Water transfer application that is the result of this contract to facilitate the process of transferring the water. The changes made will not materially change the amount of money buyer has to pay, or the amount of water buyer receives.
12. Kohtz (Idaho Water Company) has no control over the amount of mitigation or writedown IDWR will require of Buyers particular transfer therefore the amount Buyer pays is based on the amount of water transferred out of the original Water Right.

OTHER PROVISIONS

IN WITNESS WHEREOF the parties have caused their names to be subscribed
on the dates set forth above.

SELLERS

Robert F. Ober
Hahn Water Co.

BUYERS

P. Chubb FOR WILLOW HILLS
Sam Bailey DAIRY

Nov-26-03 11:38am From-DL EVANS SO.OVERLAND

2C86766889

T-221 P 0 /C 8-337



November 26, 2003

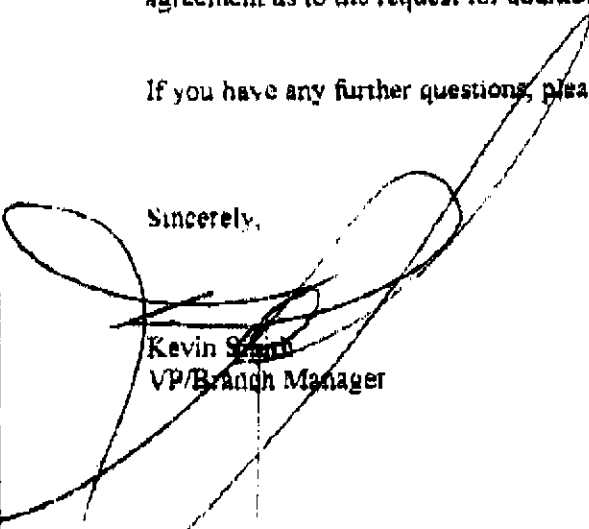
DL Evans
Idaho Soil Conservation & Water Resources

Re P Chad and Susan Bailey
Loan #1741004051

As leinholder of the property in question for the above named persons, D L Evans Bank is in agreement as to the request for additional water rights on the property

If you have any further questions, please give me a call at 208-678-6000.

Sincerely,


Kevin Smith
VP/Branch Manager

South Burley Office 2281 Overland Ave. P.O Box 1188 Burley, ID 83318
(208)678-6000 Fax (208)678-6898 Express Banking 1-888-873-9777

IDAHO WATER COMPANY
AGREEMENT FOR PURCHASE AND SALE OF WATER RIGHT

THIS AGREEMENT is made and entered into this 7/15/03 by and between Del Kohtz - of Idaho Water Company (hereinafter "Seller") and Willow Hills Darryl and Susan Bailey (hereinafter "Buyer"). The seller, Del Kohtz discloses that he is a licensed real estate agent acting herein as principal for his own account and not representing or acting as an agent for the buyer.

TERMS AND CONDITIONS

1. The Sellers, in consideration of the terms contained herein, do hereby contract and agree to sell and convey to the Buyers and the Buyer does hereby agree to buy from the Sellers 30 acre feet/annum consumptive of Idaho Water Right 43-4037 # 43-7126 and the water appurtenant thereto, for \$ per acre foot consumptive of 20 acre. 10 acres
2. The total purchase price shall be \$. The entire purchase price shall be paid on the closing date described in paragraph 5 below, less 15% finders fee and down payment paid at signing. Payment of paid at signing.
3. This Agreement for Purchase and Sale of said license is contingent upon and subject to approval of the application for transfer by the Department of Water Resources. If the application is not approved, this Agreement shall become null and void.
4. The closing of this transaction and delivery of the executed Assignment to Buyer and the entire purchase price for each contract to Seller shall take place at the law offices of Ling, and Robinson, 615 H Street, Rupert, Idaho, within thirty days of Buyers receipt of approval from the Department of the application for transfer.
5. The Buyers shall be given possession and use of the water right and the water appurtenant thereto, upon closing.

6. This transfer will remain in the name of Idaho Water Co. until the contract is closed and paid for by the buyer. The buyers place of use and point of diversion will be used for the transfer. When the contract is closed the change of ownership form signed by Idaho Water Co. at the signing of this contract will be turned over to the buyer. The change of ownership will be held in escrow until the closing.

7. In the event of any suit proceeding by either party against the other party, in any way arising out of this agreement, the prevailing party shall be awarded their reasonable attorney fees and costs.

8. Each party agrees to pay one-half of any costs incurred in executing this document. These costs shall not be more than \$150.00 each.

9. This agreement shall be binding upon and shall inure to the benefit of the heirs, personal representatives, administrators, successors and assigns to the parties hereto.

10. Buyer understands that if Kohtz is not at fault for the failure of his transfer due to protests or other factors beyond Kohtz' control, Kohtz shall charge an hourly fee of \$50.00 for the preparation and presentation of the application for transfer. This includes travel time and attendance of hearings on buyer's behalf. These monies will come out of the finder's fee charged at signing. If transfer is accomplished no hourly fee will be charged. If Kohtz fails to accomplish the desired transfer with this or other water rights the upfront money will be refunded. Buyer understands that attorney and consultant fees authorized by buyer in the case of protests and hearings on their water transfer are to be paid by the Buyer.

11. Del Kohtz has my permission to make needed changes to the Water transfer application that is the result of this contract to facilitate the process of transferring the water. The changes made will not materially change the amount of money buyer has to pay, or the amount of water buyer receives.

12. Kohtz (Idaho Water Company) has no control over the amount of mitigation or writedown IDWR will require of Buyers particular transfer therefore the amount Buyer pays is based on the amount of water transferred out of the original Water Right.

OTHER PROVISIONS

IN WITNESS WHEREOF the parties have caused their names to be subscribed
on the dates set forth above.

SELLERS

L. L. W. Co.
Del. R. Co.

BUYERS

P. L. D. Co.
Susan Bailey
Willow Hills Dairy

IDAHO WATER COMPANY

1135 Valley Road South
Eden, Idaho 83325
(208) 825-5617
Cells 410-0438 or 431-5617

OPTION AGREEMENT FOR PURCHASE AND SALE OF WATER RIGHT

THIS AGREEMENT is made and entered into this 7/11/03

by and between Dan Ward
(hereinafter "Seller") and Del Kohtz hereinafter "Buyer").

The buyer, Del Kohtz discloses that he is a licensed real estate agent acting herein as principal for his own account and not representing or acting as an agent for the buyer.

TERMS AND CONDITIONS

1. The Sellers, in consideration of the terms contained herein, do hereby contract and agree to sell and convey to the Buyers and the Buyer does hereby agree to buy from the Sellers Idaho Water Right 106 acres of 43-7126 + 43-4037 and the water appurtenant thereto, for \$ per acre. \$ The entire purchase price shall be \$.
price shall be paid on the closing dates described in paragraph 4 below.
3. This Agreement for Purchase and Sale of said license is contingent upon and subject to the IDWR finding that the Water Right is valid and transferable. If the Water Right is invalid or non-transferable, this Agreement shall become null and void
4. The Buyer desires to buy the personal property, the Water Rights, in separate tracts in order as agreed upon by both parties. Each transfer will be closed separately as they are paid for. This contract will be the standard contract and price for each transfer. The Buyers shall be given possession and use of the portion of the water right and the water appurtenant thereto, upon the closing of each transfer.

The remaining Water Rights shall remain the property of the seller until they are paid for and so forth until the entire Water Right is sold.

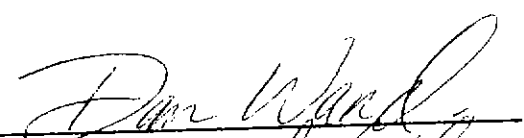
5. In the event of any suit or proceeding by either party against the other party, in any way arising out of this agreement the prevailing party shall be awarded their reasonable attorney fees and costs.

6. Option: Seller understands Buyer is transferring the water appurtenant to Sellers property to another property. Buyer shall have 365 days from the date of signing this contract to complete and close the transfers. If IDWR has not completed the transfers by the end of the option period the contract may be extended by the Buyer to complete the transfers by paying interest of 4.5 % on the unpaid balance.

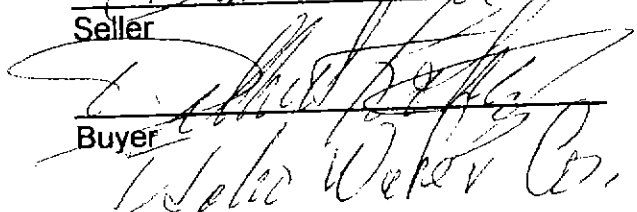
7. This agreement shall be binding upon and shall inure to the benefit of the heirs, personal representatives, administrators, successors and assigns to the parties hereto.

OTHER PROVISIONS

IN WITNESS WHEREOF have caused their names to be subscribed on the dates set forth above.



Seller



Buyer

Norman R. Bailey
Letta M. Bailey
430 south 200 west
Rupert, Idaho 83350

LAND SALE AGREEMENT
Eighteen Acres, (more or less.)

1. **Effective Date:** October 1st, 2001
2. **Amount:** 36,000.00 Dollars, to be paid in monthly enstallments of 500.00 dollars.
3. **Land description /location:**

A part of lots 1 and 2 and the East half of the Northwest Quarter of Section 18,
Township 10 south, Range 24 East Boise Meridian, Minidoka County, Idaho.

Tract 1

The true point of beginning is located South 1324.50 feet and East 1070.98 feet from the Northwest corner of Section 18; thence south 635.98 feet; thence N 36°22'01" E 55.95 feet along the Lateral Centerline; thence N 70° 26'21" E 91.90 feet; Thence N 86° 48'18" E 443.34 feet; thence N 66° 34'14" E 159.10 feet; thence N 56° 13'22" E 379.45 feet; thence leaving the lateral centerline N 0° 01' 23" E 261.14 feet along the East line of the Northwest quarter; thence West 1023.79 feet to the point of beginning. This tract contains 11.518 acres.

Tract 2

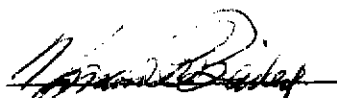
The true point of beginning is located South 2141.00 feet and East 246.10 feet from the Northwest corner of Section 18; thence N 0°59'45" 9.38 feet; thence N 88° 23'16" E 333.38 feet along the Lateral centerline; thence N 84° 12'20" E 106.68 feet; thence N 77° 47'02" E 212.43 feet; thence N 66° 57'09" E 157.88 feet; thence N 36° 22'01" E 110.99 feet; thence N 70° 26'21" E 91.90 feet; thence N 86° 48'18" E 443.34 feet; thence N 66° 34'14" E 159.10 feet; thence N 56° 13'22" E 379.45 feet; thence leaving the lateral centerline S 0° 01'

23" W 555.36 feet along the East line of the Northwest Quarter; thence West 1848.34 feet to the point of beginning. This tract contains 8.557 acres.

We, Norman R. Bailey and Letta M. Bailey, husband and wife, sell the above mentioned land,

approximately 38 acres, to P. Chad Bailey and Susan L. Davis Bailey, husband and wife:

Notarized:


Norman R. Bailey


Letta M. Bailey


P. Chad Bailey


Susan C. Davis Bailey

CASSIA, IDAHO

Form Approved - OMB No. 0560-0004

ASCS-578(02-01-91)

REPORT OF ACREAGE

PROGRAM YEAR 1994

FARM NUMBER: 1972

FARM SUMMARY

DATE: 06-23-94

Operator Name and Address ID

Original: *10*

BRUGGER CORPORATION 8458

Revision: _____

834 RAINBOW RANCH
PO BOX 5408

Cropland: 1,353.7

REDWOOD CITY, CA 94063-0408

Farmland: 1,950.0

NOTE: The following statements are made in accordance with the Privacy Act of 1974 (5 USC 552a). The Agricultural Adjustment Act of 1930, as amended, and the Agricultural Act of 1949, as amended, authorized the collection of the following data. The data will be used to determine eligibility for assistance. Furnishing the data is voluntary, however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the provisions of the Act.

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspect of this collection of information, including suggestions for reducing this burden, to the Department of Agriculture, Clearance Officer, OIRK Room 404-W, Washington, D.C. 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB No. 0560-0004), Washington, D.C. 20503. RETURN THIS COMPLETED FORM TO YOUR ASCS COUNTY OFFICE.

The following producer shares are identical for every field and crop:

Producer Name	ID	Share
BRUGGER CORPORATION	8458	1.0000

Crop	Reported	Determined	Crop	Reported	Determined	Crop	Reported	Determined
BARLEY	.0		CORN	.0		CORN	757.7	
CRUCCP	599.8		WHEAT	.0		WHEAT	.0	
WHEAT	.0							

I understand that any acreage available to be credited to program crops for payment or considered planted purposes, as credited in the following order:

WHEAT BARLEY CORN WHEAT

I understand that if eligible, F&CP credit for a zero report shall be credited to the following crops:

BARLEY CORN WHEAT WHEAT

I understand I have not requested nonparticipating program crop acreage to apply to Flex first.

OPERATOR'S CERTIFICATION: I certify to the best of my knowledge and belief that the acreage of crops and land uses listed herein are true and correct, and that all required crops and land uses have been reported for the farm as applicable. The signing of this form gives ASCS representatives authorization to enter and inspect crops and land uses on the above identified land.

Operator's Signature

Date

This program activity will be conducted on a nondiscrimination basis without regard to race, color, religion, national origin, sex, age, marital status, or disability.

RECEIVED JUN 28 1994

RECEIVED
JUN 30 1994
Cassia County ASCS

6/23/94
CCL 18

Form Approved - OHS No. 0550-0004

CASSIA, IDAHO

ASCS-578(02-01-91)

REPORT OF ACREAGE

PROGRAM YEAR 1994

FARM NUMBER: 1972

FARM SUMMARY

DATE: 06-23-94

Operator Name and Address ID

Original: 18

BRUGGER CORPORATION 8453

Revision: _____

DBA RAINBOW RANCH

Cropland: 1,353.7

PO BOX 5408

REDWOOD CITY, CA 94063-0408

Farmland: 1,950.0

NOTE: The following statements are made in accordance with the Privacy Act of 1974(5 USC 552a). The Agricultural Adjustment Act of 1938, as amended, and the Agricultural Act of 1949, as amended, authorized the collection of the following data. The data will be used to determine eligibility for assistance. Furnishing the data is voluntary, however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the provisions of the Act. Public reporting burden for this collection of information is estimated to average 45 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspect of this collection of information, including suggestions for reducing this burden, to the Department of Agriculture, Clearance Officer, OIRM Room 404-W, Washington, D.C. 20250; and to the Office of Management and Budget, Paperwork Reduction Project (0550-0004), Washington, D.C. 20503. RETURN THIS COMPLETED FORM TO YOUR ASCS COUNTY OFFICE.

The following producer shares are identical for every field and crop:

Producer Name	ID	Share
BRUGGER CORPORATION	8453	1.0000

Crop	Reported	Determined	Crop	Reported	Determined	Crop	Reported	Determined
BARLY	.0		CORN	.0		CUPAY	757.0	
CUPCF	595.8		OATS	.0		OFAY	.0	
WHEAT	.0							

I understand that any acreage available to be credited to program crops for payment or considered planted purposes, be credited in the following order:

WHEAT BARLY CORN OATS

I understand that if eligible, PACF credit for a zero report shall be credited to the following crops:

BARLY CORN OATS WHEAT

I understand I have not requested nonparticipating program crop acreage to apply to Flex first.

OPERATOR'S CERTIFICATION: I certify to the best of my knowledge and belief that the acreage of crops and land uses listed herein are true and correct, and that all required crops and land uses have been reported for the farm as applicable. The signing of this form gives ASCS representatives authorization to enter and inspect crops and land uses on the above identified land.

Operator's Signature

Date

6-23-94

This program activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, sex, age, marital status, or disability.

acres verified 8-10-94 in
\$5 no apparent resolution system

RECEIVED JUN 28 1994

RECEIVED

JUN 30 1994

Cassia County ASCS

Land Title and Escrow, Inc.

Cassia Gooding Jerome Lincoln Minidoka

JEROME
324-3357

RUPERT
436-0606

GOODING
934-8477

BURLEY
678-3524

CLOSING STATEMENT

DATE April 22, 2002

Buyer SAGEWOOD RANCH, LLC

Seller St. Florin Foundation

No. 35419

OFFICE Burley

Listing Broker Mountain West Realty

CLOSER Larry Roberts

Selling Broker Mountain West Realty and LeMoyné Realty

PRORATE DATE

See reverse side for the real LOCATION: estate legal description	BUYER: SAGEWOOD RANCH		SELLER:	
	DR.	CR.	DR.	CR.
PURCHASE PRICE:				
EARNEST MONEY PAID				
1st Deed of Trust Bal.				
Interest				
Service Chg. & Discount Fees				
Reserve Account				
Taxes				
Fire Ins.				
First Mortgage/Contract Payable				
PAID FOR SELLER:				
Loan				
Interest				
TAXES PAYABLE:				
SPECIAL ASSESSMENTS:				
TAXES PRORATED: to 4-24-02 based on 2001 taxes of \$2,194.22				
FIRE INS. NEW				
TITLE FEES				
Recordings				
Closing Fees $\frac{1}{2}$ each				
ATTORNEY FEES				
ESCROW FILING FEES				
REALTOR FEES				
CASH DUE FROM BUYER:				
CASH DUE TO SELLER:				
TOTALS:				

This statement is approved for final settlement and disbursement of funds as indicated hereon. Receipt of this statement is hereby acknowledged.

SAGEWOOD RANCH, LLC

By: D & K Properties

By: Dan Ward
Dan Ward, General Partner

By: Alliance Land & Livestock, L.L.C.

by: F. Ray Robinson
F. Ray Robinson, Member

By: Moo View Cow Palace

by: Craig Searle
Craig Searle, General Partner

TOWNSHIP 10 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 1: W $\frac{1}{2}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$, EXCEPT Tax No. 2410 described as:

Beginning at the Northeast corner of Lot 3 in said Section 1; thence West 626.1 feet; thence South 208.7 feet; thence East 626.1 feet; thence North 208.7 feet to the Point of Beginning.

ALSO EXCEPT: All that part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 1, lying South of the Interstate Highway.

Section 2: N $\frac{1}{2}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$

Section 3: Lot 1, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$

Section 10: N $\frac{1}{2}$ N $\frac{1}{2}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, EXCEPT the South 500 feet of said SE $\frac{1}{4}$ NE $\frac{1}{4}$.

Section 11:
follows: NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, EXCEPT a parcel in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ described as

Beginning at the Southwest corner of said SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Thence East 166 feet;
Thence North 500 feet;
Thence West 166 feet to the West boundary of said SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Thence South along the said West boundary 500 feet to the Point of Beginning.

Section 12: S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$, EXCEPT Tax No. 2411
described as follows:

Beginning at the Southeast corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 12;
Thence West 626.1 feet;
Thence North 208.7 feet;
Thence East 626.1 feet;
Thence South 208.7 feet to the Point of Beginning.

SAVE AND EXCEPT that part of Sections 1, 2 and 3 which were deeded to the State of Idaho for Highway right-of-way purposes in Warranty Deed recorded as Instrument No. 197545 in Book 59 of Deeds, records of Cassia County, Idaho.

8/13/02

PMO100 - PARCEL MASTER INQUIRY

09:33:36

PARCEL: RP 10S24E183620 A

F10=SW
F17=DD

BAILEY, PARLEY C

LEGAL DESCRIPTION
TAX 8 IN LOT 2 & SE4NW4
18-10-24
BAILEY MH LOCATED HERE

428-A S 200 W

CODE AREA 900 OWNER CODE
PARC TYPE LOC CODE 2
EFFDATE 3011997 EXPDATE
PREV PARCEL RP10S24E183620ARUPERT ID 83350
436 S 200 W

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
1	2002	15690	AC	11770				
10	2002	1000	AC	11000				
19	2002	1310	AC					
32	2002			80060				
TOTALS		18000		102830				

ENTER NEXT PARCEL NUMBER RP A

FKeys: F2=TX F3=Exit F5=SS F6=Nm F7=LG
F8=CT F13=TM F18=HS F20=SrcH F22=EU

8/12/02

PMO100 - PARCEL MASTER INQUIRY

10:30:50

PARCEL: RP 10S24E183620 A

F10=SW
F17=DD

BAILEY, PARLEY C

LEGAL DESCRIPTION
TAX 8 IN LOT 2 & SE4NW4
18-10-24
BAILEY MH LOCATED HERE

428-A S 200 W

CODE AREA 900 OWNER CODE
PARC TYPE LOC CODE 2
EFFDATE 3011997 EXPDATE
PREV PARCEL RP10S24E183620ARUPERT ID 83350
436 S 200 W

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
1	2002	15690	AC	11770				
10	2002	1000	AC	11000				
19	2002	1310	AC					
32	2002			80060				
TOTALS		18000		102830				

ENTER NEXT PARCEL NUMBER RP A

FKeys: F2=TX F3=Exit F5=SS F6=NM F7=LG
F8=CT F13=TM F18=HS F20=Srch F22=EU

327070



N 1/2

FIGURE 1 Net Transfer Effect
(Total Effect With Transfer - Total Effect Without Transfer)

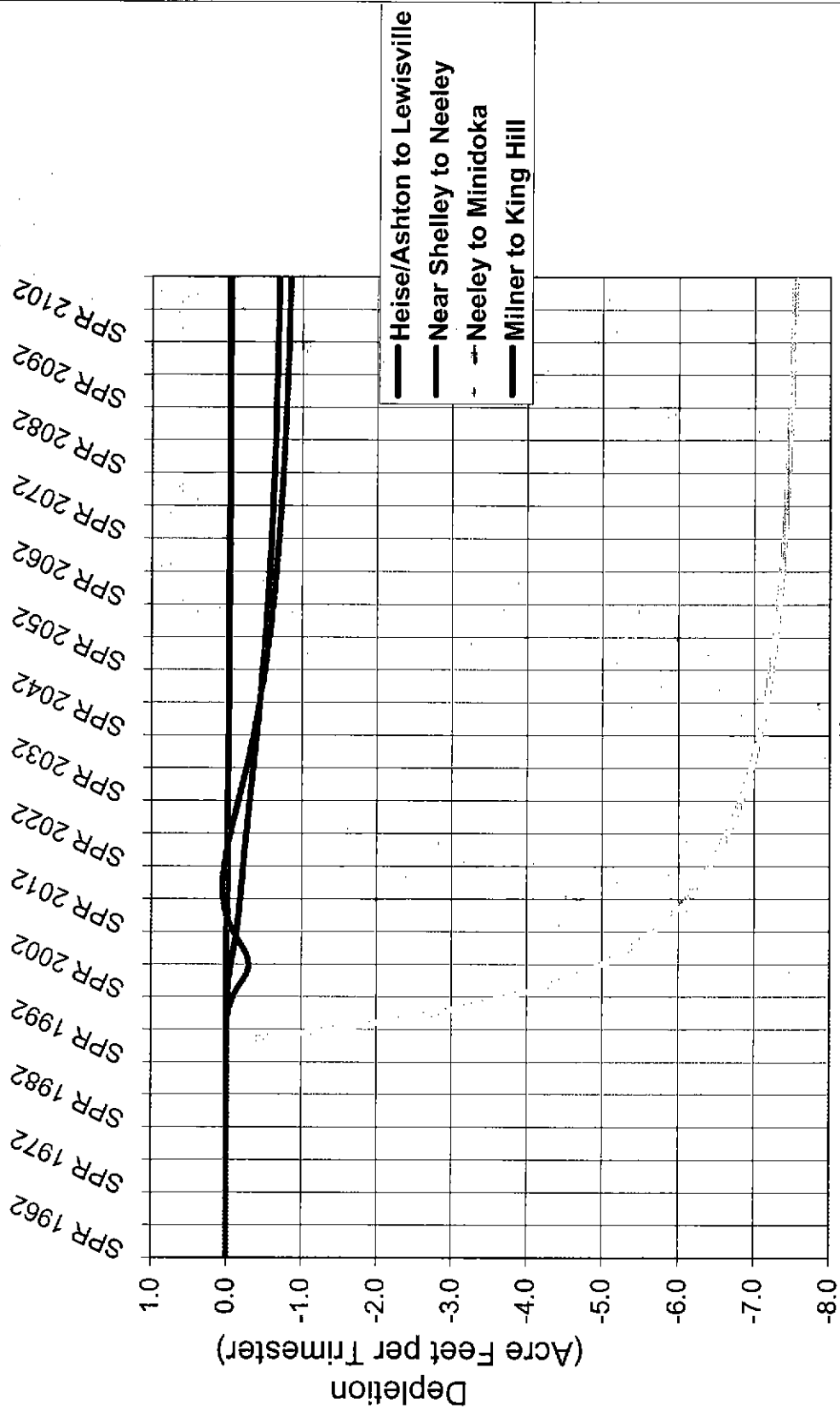


FIGURE 2 Hydrologic Response--Heise/Ashton to Lewisville

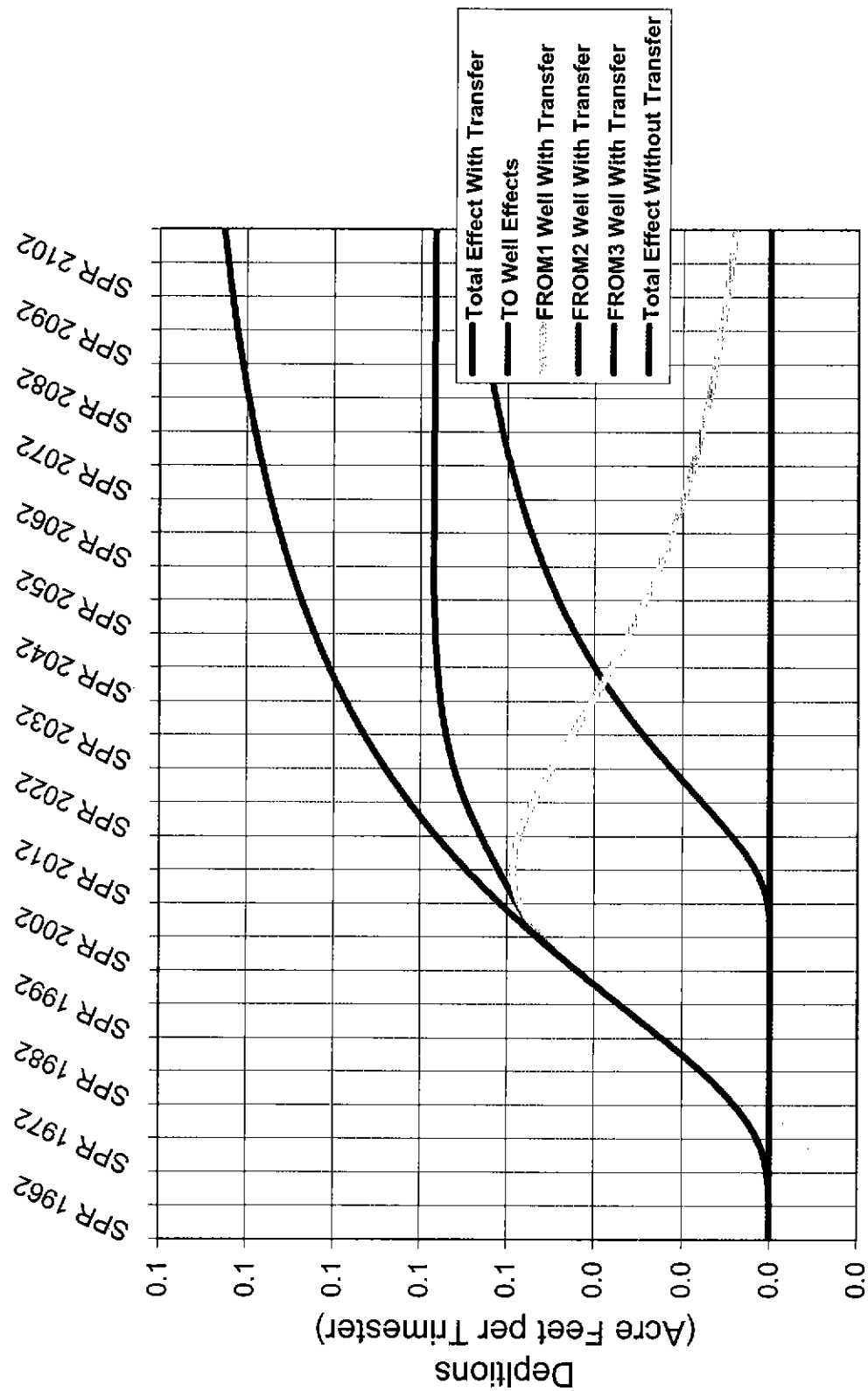


FIGURE 3 Hydrologic Response--Near Shelley to Neeley Reach

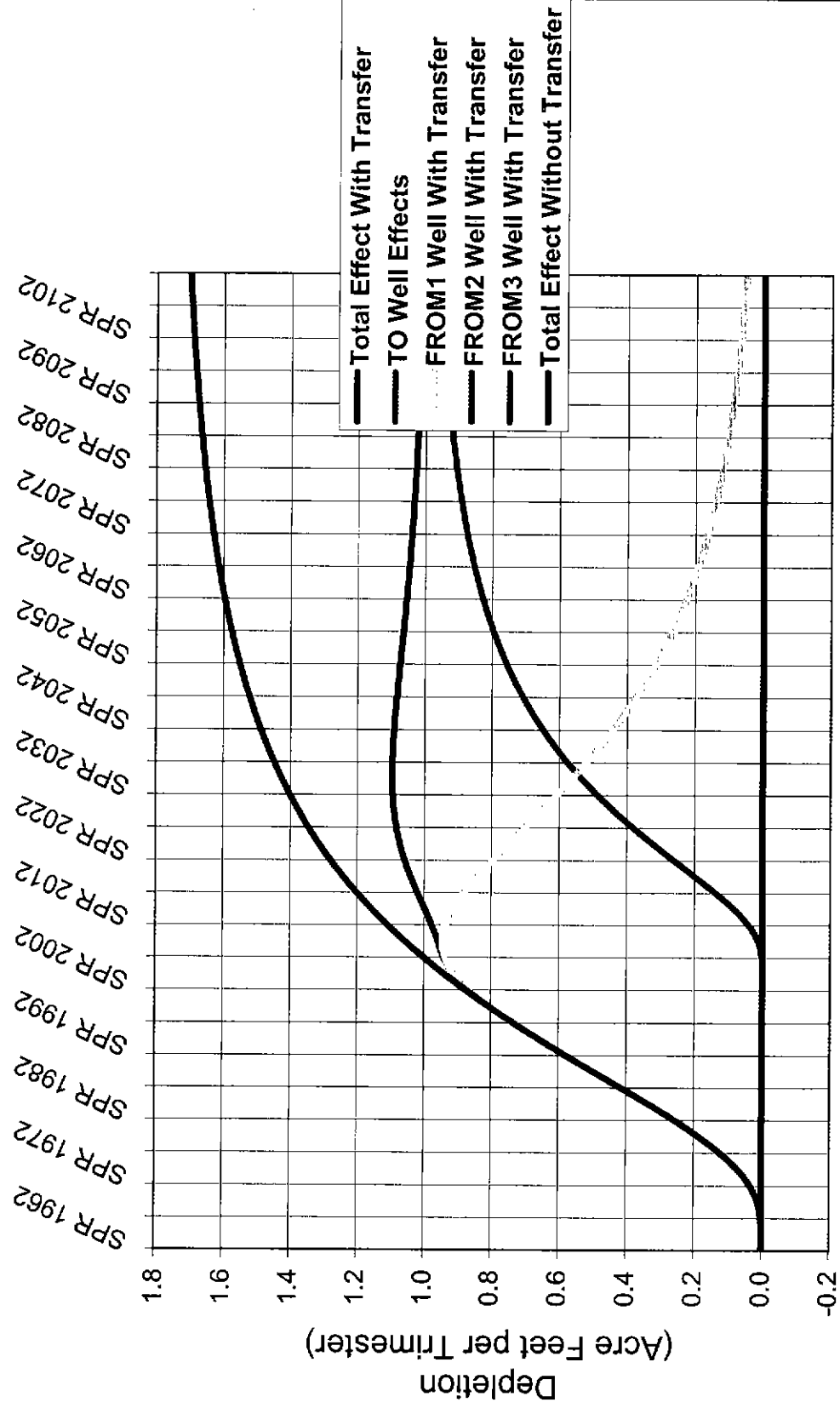


FIGURE 4 Hydrologic Response--Neeley to Minidoka Reach

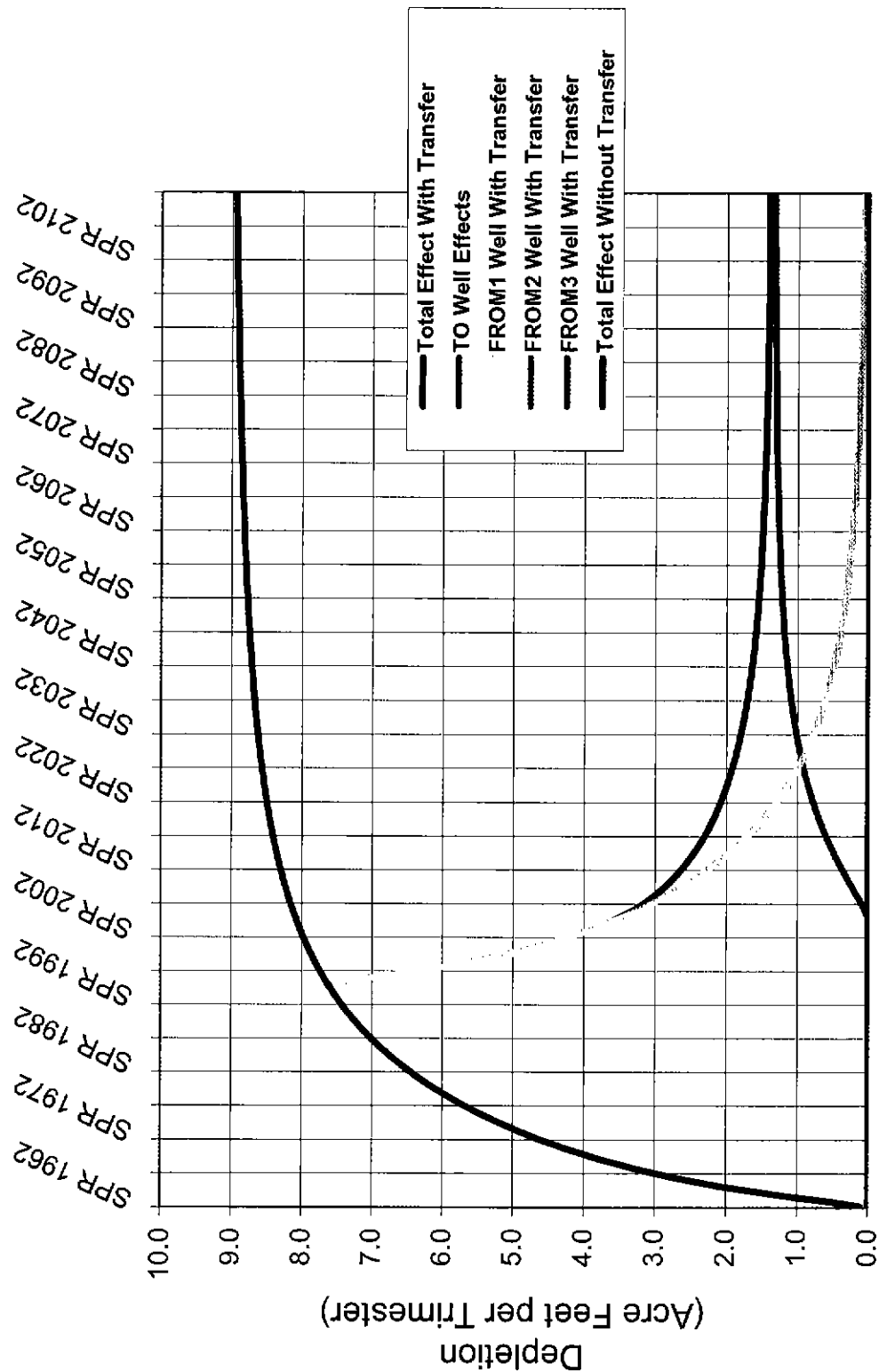
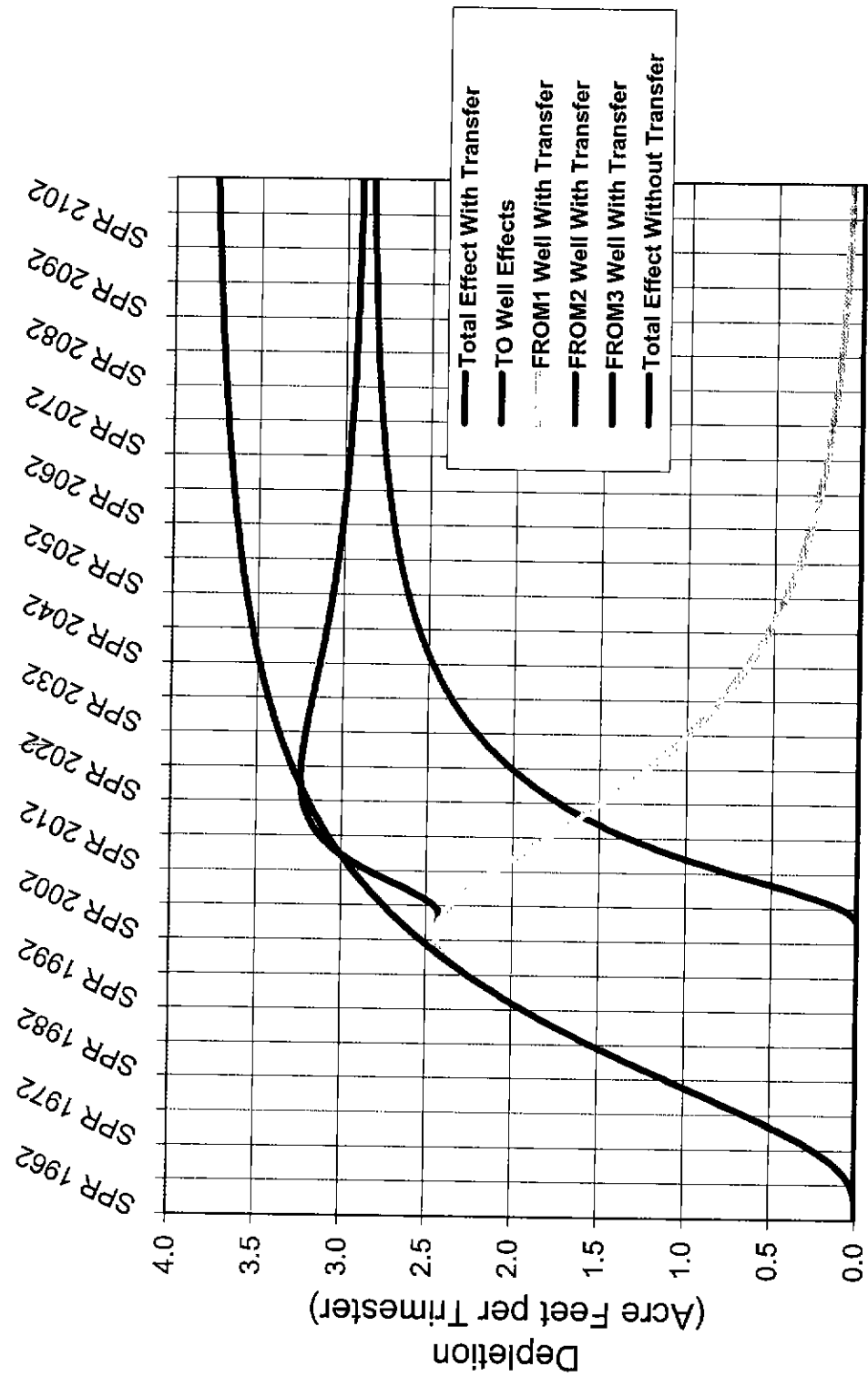


FIGURE 5 Hydrologic Response-- Milner to King Hill Reach



*Should questions arise during the processing of this application please contact:
Steve Hannula - ERO Resources Corp. (208) 373-7983*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Phone (208) 436-5703

Post Office address 428 S. 200 W., Rupert, Idaho 83350

A. Purpose of Transfer

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☒ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes To provide for the continued beneficial use of a water right at a dairy.

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 |
|-----------------|------------------|-----------------------|-------------------|---------------------|
| <u>43-4037</u> | <u>5/23/1962</u> | <u>0.113/11.7</u> | <u>Stockwater</u> | <u>1/1 to 12/31</u> |
| <u>43-7126</u> | <u>5/4/1978</u> | <u>0.113/11.7</u> | <u>Stockwater</u> | <u>1/1 to 12/31</u> |
| <u>43-4037</u> | <u>5/23/1962</u> | <u>0.113/4.05</u> | <u>Commercial</u> | <u>1/1 to 12/31</u> |
| <u>43-7126</u> | <u>5/4/1978</u> | <u>0.113/4.05</u> | <u>Commercial</u> | <u>1/1 to 12/31</u> |
2. Total amount of water being transferred 0.113 cubic feet per second and/or 15.75 acre-feet per annum.
3. Source of water: Ground water tributary to N/A
4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
10S	24E	18																	NA

Total acres NA

Water Right Report



IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

07/29/2003

WATER RIGHT NO. 43-4037

Owner Type	Name and Address
Current Owner	SAGEWOOD RANCH LLC 227 E 400 S BURLEY, ID 83318 (208)677-3935
Directors Report Owner	BRUGGER CORP 370 CONVENTION WAY PO BOX 5408 REDWOOD CITY, CA 94063 (208)364-1008
Original Owner	BROCKWAY CORP 370 CONVENTION WAY PO BOX 5408 REDWOOD CITY, CA 94063 (415)364-1758

Priority Date: 05/23/1962

Basis: Decreed

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/15	11/15	3.3 CFS	2153 AFA
Total Diversion			3.3 CFS	2153 AFA

Location of Point(s) of Diversion:

GROUND WATER	SWNWN Lt 4	Sec. 02	Township 10s	Range 26e	CASSIA County
GROUND WATER	NENWSW	Sec. 02	Township 10s	Range 26e	CASSIA County
GROUND WATER	NWSWSE	Sec. 03	Township 10S	Range 26E	CASSIA County
GROUND WATER	SENENE	Sec. 11	Township 10s	Range 26e	CASSIA County

IRRIGATION Use:
Acre Limit: 538.3

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						
10S	26E	1	3	NENW	40	4	NWNW	40		SWNW	16		SESW	4						
				NWSW	38		SWSW	40		SWNE	21		SENE	25						
				NENE	40		NWNE	40		SWNW	31		SESW	28						
		2	3		NENW	40	4	NWNW	31		SWSW	40		SESW	40					
					NESW	39		NWSW	30		SESE	40			SESW	40				
					NESE	40		SWSE	40		SESE	40			SESE	40				
		3			SWNE	40		SENE	30											
					SESW	40			SENE					30				SESW	40	
					NESW	28			NWSE					26				SWSE	40	SESE
	10				NESE	30			NWNE	33										
					NENE	32		NWNW	26											
					NENW	35		NWNE	25											
11				NENE	38		NWNW	34			SWNW	3.7		SESW	4.6					
				NENW	37		SENE	33												
				SWNE	38		SENE	33												
12				NWNW	40		SWNW	40					SESW							
				NESW	33		NWSW	33												
				NESE	33		NWSE	33												

Total Acres: 1660.3

Conditions of Approval:

- | | | |
|----|-----|---|
| 1. | C02 | RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO SECTION 42-1425, IDAHO CODE. |
| 2. | C05 | RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE. |
| 3. | 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. |

Remarks:

- | | | |
|----|---------------------------|---|
| 1. | Quantity | USE OF THIS RIGHT WITH RIGHT NO. 43-07126 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 18.77 CFS. |
| 2. | Place of Use - Irrigation | USE OF THIS RIGHT WITH RIGHT NO. 43-07126 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1660.3 ACRES IN A SINGLE IRRIGATION SEASON. |
| 3. | Place of Use - Irrigation | THIS RIGHT IS LIMITED TO THE IRRIGATION OF 538.3 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. |

Dates:

Licensed Date: Decreed Date: 07/26/2002
 Enlargement Use Priority Date: Enlargement Statute Priority Date:
 Water Supply Bank Enrollment Date Accepted: 7/20/1995
 Application Received Date: Water Supply Bank Enrollment Date Removed:
 Protest Deadline Date: Application Received Date:
 Number of Protests: 0

Other Information:

State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate per Acre:
 Generic Max Volume per Acre:
 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

PART 2

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 (43-4037)

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

1. Amount 0.061/40 for Irrigation purposes from 3/15 to 11/15
(cfs/ac-ft)

2. Points of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	NW	NW	2	10S	26E	CASSIA	
	NE	NW	SW	2	10S	26E	CASSIA	
	NW	SW	SE	3	10S	26E	CASSIA	
	SE	NE	NE	11	10S	26E	CASSIA	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
10S	26E	2	10																10

Total acres 10

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

1. Amount 3.239/2113 for Irrigation purposes from 3/15 to 11/15
(cfs/ac-ft)

2. Points of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	NW	NW	2	10S	26E	CASSIA	
	NE	NW	SW	2	10S	26E	CASSIA	
	NW	SW	SE	3	10S	26E	CASSIA	
	SE	NE	NE	11	10S	26E	CASSIA	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
10S	26E	1					40	40	16	4		38	40						178
		2	30	40	21	25	40	31	31	28	39	30	40	40	40		40	40	515
		3			40	30				40	28	13	40	40	30	26	40	40	367
		10	32	33			35	26											126
		11	38	25			37	34	3.7	4.6									142.3
		12			38	33		40	40	39	33	33			33	33			322

Total acres 1650.3



IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

07/29/2003

WATER RIGHT NO. 43-7126

Owner Type	Name and Address
Current Owner	SAGEWOOD RANCH LLC 227 E 400 S BURLEY, ID 83318 (208)677-3935
Directors Report Owner	BRUGGER CORP 370 CONVENTION WAY PO BOX 5408 REDWOOD CITY, CA 94063 (208)364-1008
Original Owner	BROCKWAY CORP 370 CONVENTION WAY PO BOX 5408 REDWOOD CITY, CA 94063 (415)364-1758

Priority Date: 05/04/1978
Basis: Decreed
Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/15	11/15	18.77 CFS	4488 AFA
Total Diversion			18.77 CFS	4488 AFA

Location of Point(s) of Diversion:

GROUND WATER	SWNW 1/4	Sec. 02	Township 10S	Range 26E	CASSIA County
GROUND WATER	NENW 1/4	Sec. 02	Township 10S	Range 26E	CASSIA County
GROUND WATER	NWSW 1/4	Sec. 03	Township 10S	Range 26E	CASSIA County
GROUND WATER	SENE 1/4	Sec. 11	Township 10S	Range 26E	CASSIA County

IRRIGATION Use:
Acre Limit: 1122

Place(s) of use:

Place of Use Legal Description: IRRIGATION CASSIA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
10S	26E	1	3	NENW	40	4	NWNW	40		SWNW	16
		2	1	NWSW	38		SWSW	40		SENE	25
			3	NENE	40	2	NWNE	40		SENE	28
				NENW	40	4	NWNW	31		SENE	40
				NESW	39		NWSW	30		SESE	40
		3		NESE	40		SWSE	40			
				SWNE	40		SENE	30			
				SENE	40						
				NESW	28		NWSW	13		SESE	40
		10		NESE	30		NWSE	26		SESE	40
				NENE	32		NWNE	33			
				NENW	35		NWNW	26			
		11		NENE	38		NWNE	25			
				NENW	37		NWNW	34		SENE	4.6
		12		SWNE	38		SENE	33			
				NWNW	40		SWNW	40		SENE	3.7
				NESW	33		NWSW	33		SENE	39
				NESE	33		NWSE	33			

Total Acres: 1660.3

Conditions of Approval:

1. C05	RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1423, IDAHO CODE.
	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.
2. C18	

Remarks:

1. Quantity	USE OF THIS RIGHT WITH RIGHT NO. 43-04037 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 18.77 CFS.
2. Place of Use - Irrigation	USE OF THIS RIGHT WITH RIGHT NO. 43-04037 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1660.3 ACRES IN A SINGLE IRRIGATION SEASON.
3. Place of Use - Irrigation	THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1122 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Dates:
Licensed Date: 07/26/2002
Decreed Date: 07/26/2002
Permit Proof Due Date:
Permit Proof Made Date:
Permit Approved Date:
Permit Moratorium Expiration Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Water Supply Bank Enrollment Date Accepted: 7/20/1995
Water Supply Bank Enrollment Date Removed:
Application Received Date:
Protest Deadline Date:
Number of Protests: 0

Other Information:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
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



PART 2

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 (43-7126)

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

1. Amount 0.16/40 for Irrigation purposes from 3/15 to 11/15
(cfs/ac-ft)

2. Points of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	NW	NW	2	10S	26E	CASSIA	
	NE	NW	SW	2	10S	26E	CASSIA	
	NW	SW	SE	3	10S	26E	CASSIA	
	SE	NE	NE	11	10S	26E	CASSIA	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
10S	26E	2	10																10

Total acres 10

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

1. Amount 18.61/4628 for Irrigation purposes from 3/15 to 11/15
(cfs/ac-ft)

2. Points of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	NW	NW	2	10S	26E	CASSIA	
	NE	NW	SW	2	10S	26E	CASSIA	
	NW	SW	SE	3	10S	26E	CASSIA	
	SE	NE	NE	11	10S	26E	CASSIA	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
10S	26E	1		2			40	40	16	4		38	40						180
		2	30	40	22	25	40	40	31	27					40	40	40	40	415
		3	40		40	38				40	3								161
		11	38	25					5	6									74
		12			38	33		40	40	39	33	33			33	33			322

Total acres 1152

Remarks
Application for Transfer for
Willow Hills Dairy

Chad and/or Susan Bailey of the Willow Hills Dairy (applicant) are filing this application for transfer to provide adequate water for an existing dairy that is currently idle and waiting for the appropriate water rights to resume operation. Currently, a portion of the facility is operating as a heifer lot. An existing domestic stockwater right (36-13645) provides water for the heifer facility and will also be incorporated into the dairy facility. Water right 36-13645 provides a maximum annual volume of 14.6 afa. A portion of this water services 1 office and 2 bathrooms, which are estimated to require 1.2 afa. The remaining 13.4 afa is used for stockwater and is being fully used by the current heifer operation and historically by the dairy operation.

The resumption of the dairy operation is estimated to require a total of 29.15 afa. The resumed use will have approximately 700 total head (see dairy requirement worksheet). Stockwater needs are 25.1 afa. The existing stockwater right provides for 13.4 afa. This application for transfer supplies the remaining 11.7 afa ($25.1 - 13.4$) and the commercial needs (4.05 afa). The application for transfer seeks a total of 15.75 afa ($11.7 + 4.05 = 15.75$).

The applicants recognize that this transfer will change the nature of impacts in the East Snake Plain Aquifer (ESPA) and propose mitigation; see mitigation plan. In summary, the mitigation proposed will retire 10 acres of irrigated lands under water right nos. 43-4037 and 43-7126. The historical consumptive use (consumptive irrigation requirements) for these 10 acres is 2.97 af/ac, which provides a total of 29.7 afa. These 29.7 afa compensates the ESPA such that there is a no net increase of impacts to the Snake River resulting from the 15.75 afa being sought in this transfer. The Effects Spreadsheet model version 1.1 was used to determine the no net increase; see mitigation plan.

PART 2

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 (43-4037)***(If the entire right is to be changed by the applicant, omit part B and C.)*1. Amount 0.06/40 for Irrigation purposes from 3/15 to 11/15
(cfs/ac-ft)

2. Points of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	NW	NW	2	10S	26E	CASSIA	
	NE	NW	SW	2	10S	26E	CASSIA	
	NW	SW	SE	3	10S	26E	CASSIA	
	SE	NE	NE	11	10S	26E	CASSIA	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
10S	26E	2	10																10

Total acres 10**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**1. Amount 3.24/2113 for Irrigation purposes from 3/15 to 11/15
(cfs/ac-ft)

2. Points of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	NW	NW	2	10S	26E	CASSIA	
	NE	NW	SW	2	10S	26E	CASSIA	
	NW	SW	SE	3	10S	26E	CASSIA	
	SE	NE	NE	11	10S	26E	CASSIA	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
10S	26E	1					40	40	16	4		38	40						178
		2	30	40	21	25	40	31	31	28	39	30	40	40	40		40	40	515
		3			40	30				40	28	13	40	40	30	26	40	40	367
		10	32	33			35	26											126
		11	38	25			37	34	3.7	4.6									142.3
		12			38	33		40	40	39	33	33			33	33			322

Total acres 1650.3

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

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

1. Amount 0.17/40 for Irrigation purposes from 3/15 to 11/15
(cfs/ac-ft)

- 2. Points of Diversion:**

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	NW	NW	2	10S	26E	CASSIA	
	NE	NW	SW	2	10S	26E	CASSIA	
	NW	SW	SE	3	10S	26E	CASSIA	
	SE	NE	NE	11	10S	26E	CASSIA	

3. Lands irrigated or place of use:

[illegible]

Total acres 10

1. Amount 18.6/4448 for Irrigation purposes from 3/15 to 11/15 (cfs/ac-ft)

- 2. Points of Diversion:**

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	NW	NW	2	10S	26E	CASSIA	
	NE	NW	SW	2	10S	26E	CASSIA	
	NW	SW	SE	3	10S	26E	CASSIA	
	SE	NE	NE	11	10S	26E	CASSIA	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
10S	26E	1					40	40	16	4		38	40						178
		2	30	40	21	25	40	31	31	28	39	30	40	40	40		40	40	515
		3			40	30				40	28	13	40	40	30	26	40	40	367
		10	32	33			35	26											126
		11	38	25			37	34	3.7	4.6									142.3
		12			38	33		40	40	39	33	33			33	33			322

Total acres 1650.3

ERO Resources Corp.
1106 N. Cole Rd., Suite C
Boise, ID 83704-8661
(208) 373-7983
Fax: 373-7985



Denver • Boise

www.eroresources.com
eroboise@eroresources.com

July 29, 2003

Mr. Jeff Peppersack
Idaho Department of Water Resources
1301 N. Orchard St
Boise, Idaho 83706

RE: Willow Hills Dairy Transfer – Mitigation Plan

Dear Mr. Peppersack

Applicants Chad and Susan Bailey of Willow Hills Dairy in Rupert, Idaho filed an Application for Transfer on September 6, 2002 at the Department of Water Resources. The intent of the transfer is to provide water to an existing dairy that is currently idle. The heifer lot is currently in operation. Once the water rights are secure, the dairy portion will be restarted.

The source of water is ground water in the East Snake Plain Aquifer (ESPA). The well supplying the dairy facility is located at the dairy in the NW Section 18, T10S, R24E in Minidoka County.

At the request of the Idaho Department of Water Resources (IDWR), this mitigation plan is being submitted to satisfy concerns about causing increased impacts to the ground water of the East Snake Plain Aquifer (ESPA).

Mitigation Proposal

The applicant is proposing to retire 10 acres of irrigation land located in NE NE Section 2 of T10S, R26E (portion of water right nos. 43-4037 and 43-7126) (FROM Well) to transfer that portion of the water right to the dairy (TO Well). Water rights 43-4037 and 43-7126 have been in the Idaho State Water Bank since July 1995 and have never been leased.

Spreadsheet Model Analysis

To evaluate the impacts of this transfer to the different reaches of the Snake River, the Eastern Snake Plain Aquifer Ground Water Transfer Spreadsheet version 1.1 (model) was used.

The POD of the FROM well is in model cell S06,30. The POD for the TO well is in model cell S5,26.

The pumping volume at the TO well is 15.9 ac-feet per year (afa) (5.3 ac-ft/trimester).

To accomplish a no net increase of impacts in the King Hill reach, the model predicts that the applicant will have to retire 10 acres of water right nos. 43-4037 and 43-7126. Crop reports provided by the Farm Service Agency (FSA) show that the crop rotation in

1994 had a consumptive rate of 2.97 ac-ft/ac (Allen Brockway, 1983, see Attachment 1). Using this consumptive rate, 10 acres of land have an annual consumptive volume of 29.7 afa. The model simulation uses the fact that the water rights (43-4037 and 43-7126) have not been leased in the 8 years while they were in the water bank.

Figure 1 shows the Net Transfer Effect as calculated by the model. Figures 2 through 5 show the hydrologic response of the individual reaches of the Snake River.

As shown in Figures 1 through 5, all four Snake River reaches will have a no net increase of impacts resulting from this transfer. The King Hill reach is predicted to receive no long-term impact and positive short-term effects. The other three reaches are predicted to experience positive responses.

Figure 6 is a location map showing relative locations of the FROM well and TO well. Figure 7 shows the model boundary of the ESPA and the cell pattern superimposed with the Township-Range lines.

STIPULATIONS

The applicant believes that this mitigation plan more than compensates water users within the ESPA.

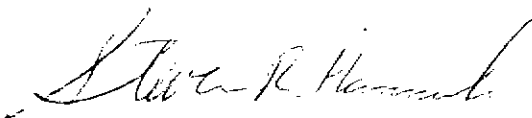
In addition, this mitigation plan provides positive effects to other reaches in the Snake River and ESPA that are not quantified in this plan. At this time, IDWR does not have a system by which these benefits can be credited to the applicant. Though this mitigation plan does not claim any reach credits, the applicant reserves the right to apply for such credits based on this transfer when such a mechanism is recognized in the future.

It is the applicant's intent that this mitigation plan will not be re-examined without mutual agreement and approval of IDWR. This mitigation plan relies on the retirement of irrigation lands to compensate for diversions at a new location. Any other form of mitigation will require approval by IDWR.

Also, I attached a closing statement as ownership information that includes a legal description of the mitigation lands.

If you have any questions, please call Steven Hannula at ERO Resources Corporation, 373-7983.

Regards,



Steven R. Hannula

FIGURE 1 Net Transfer Effect
(Total Effect With Transfer - Total Effect Without Transfer)

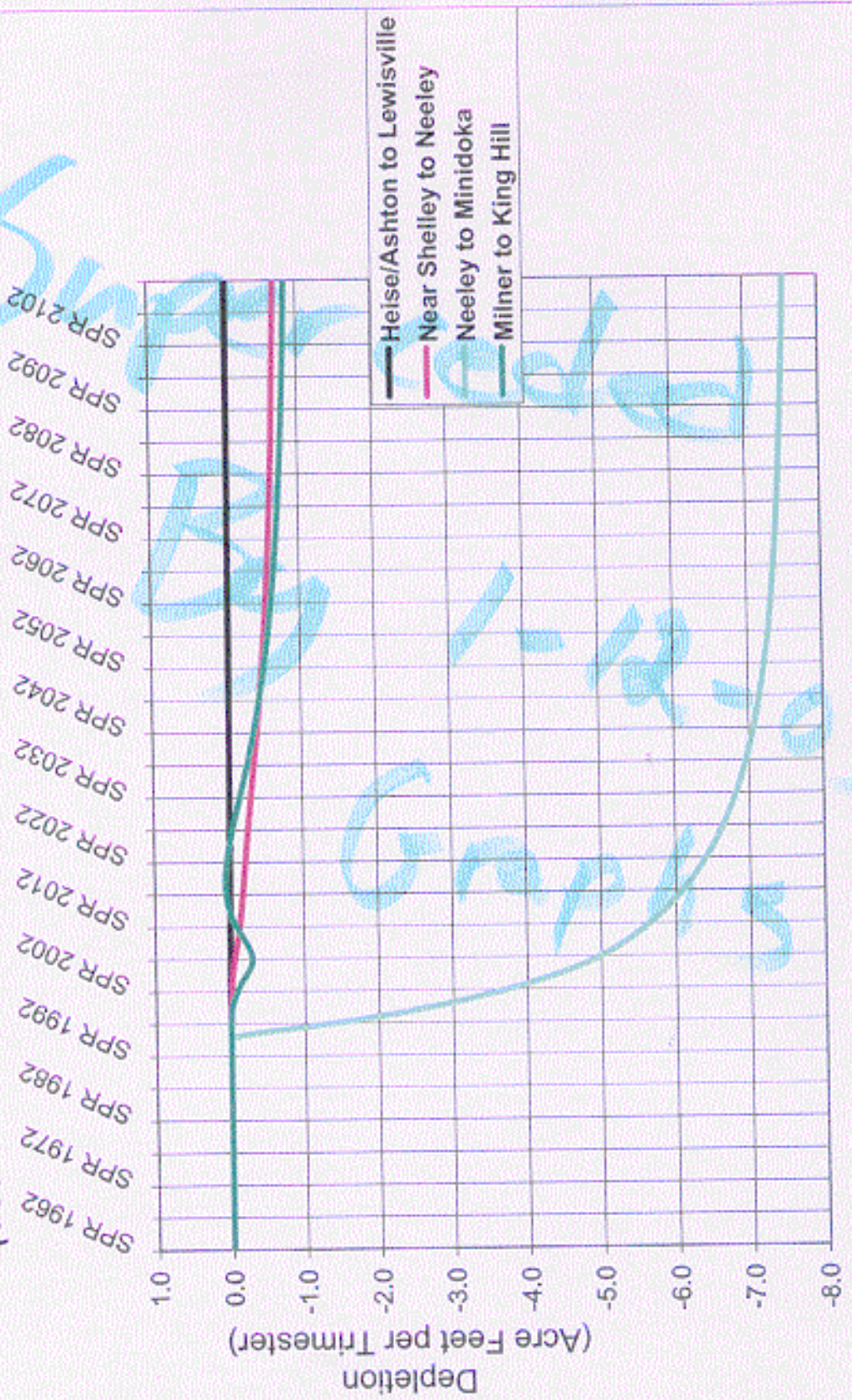


FIGURE 2 Hydrologic Response--Heise/Ashton to Lewisville

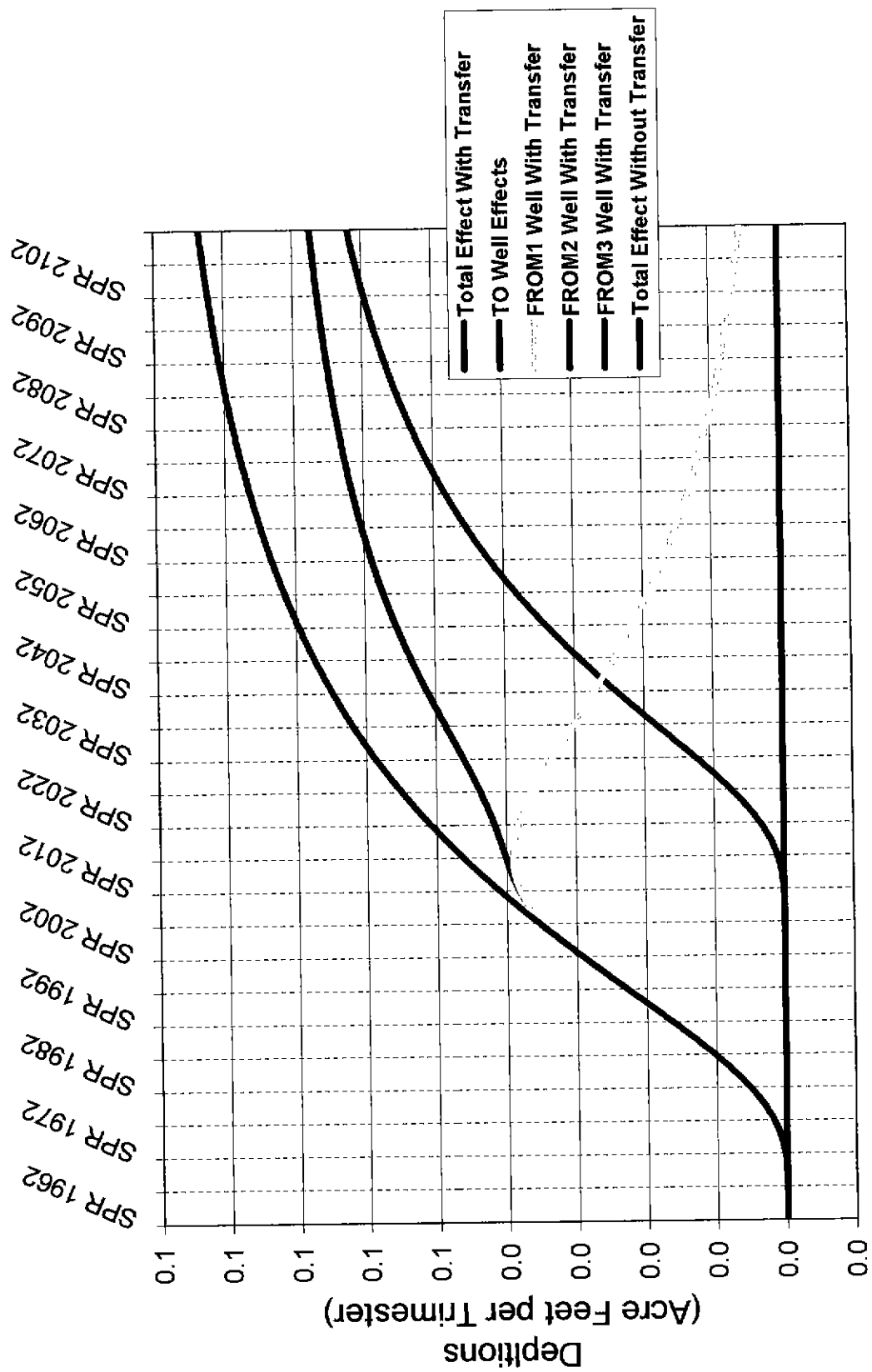


FIGURE 3 Hydrologic Response--Near Shelley to Neeley Reach

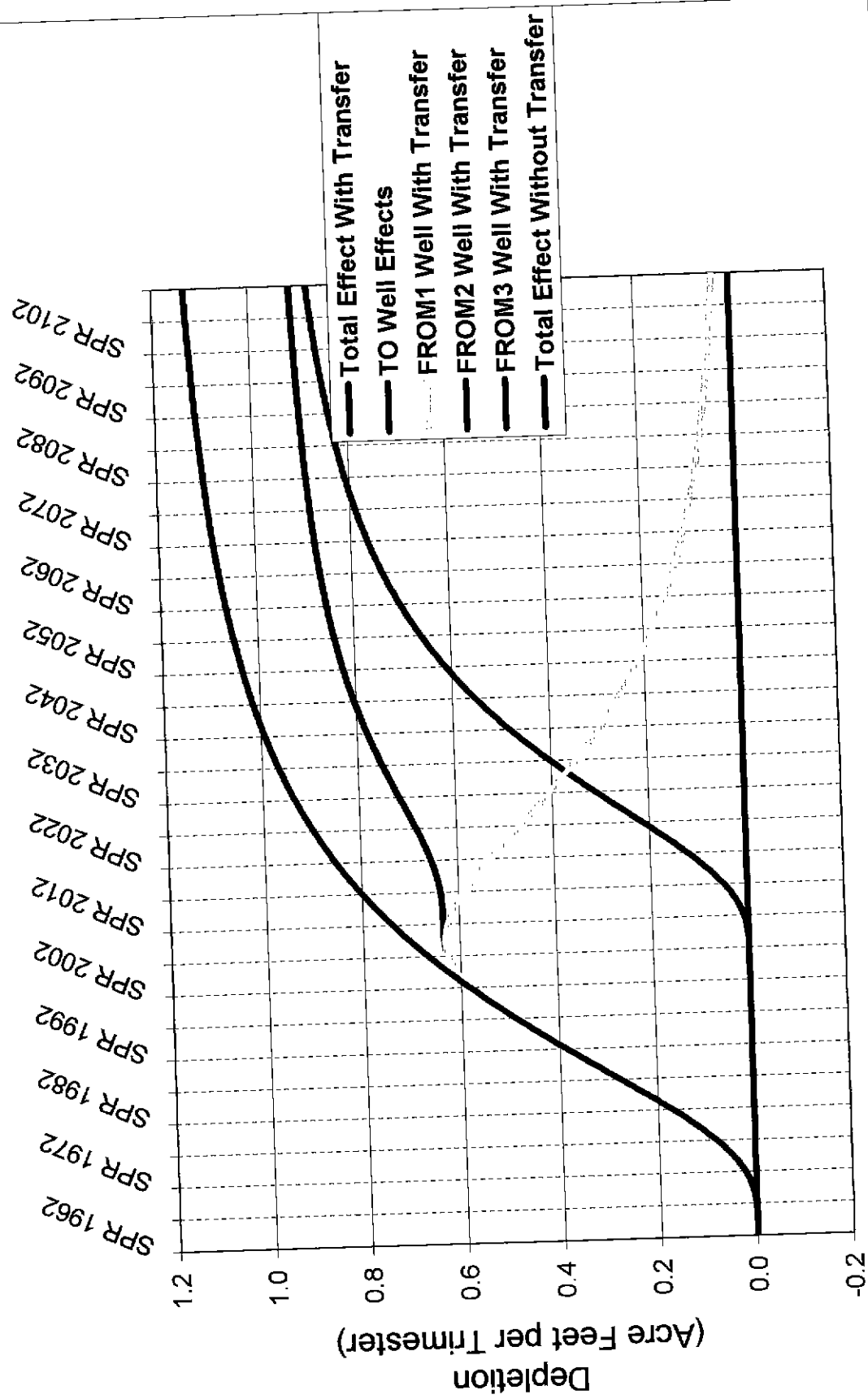


FIGURE 4 Hydrologic Response--Neeley to Minidoka Reach

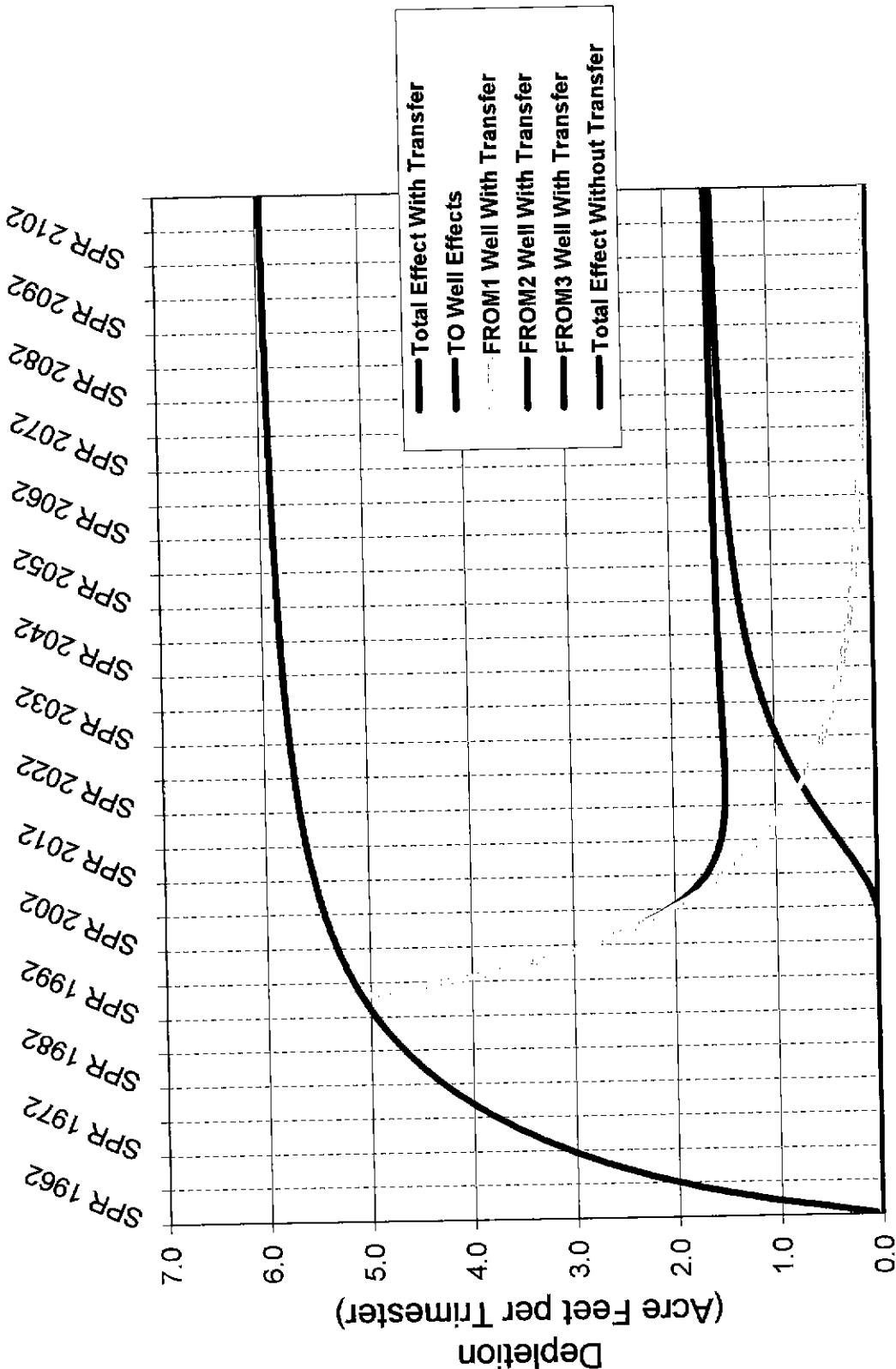
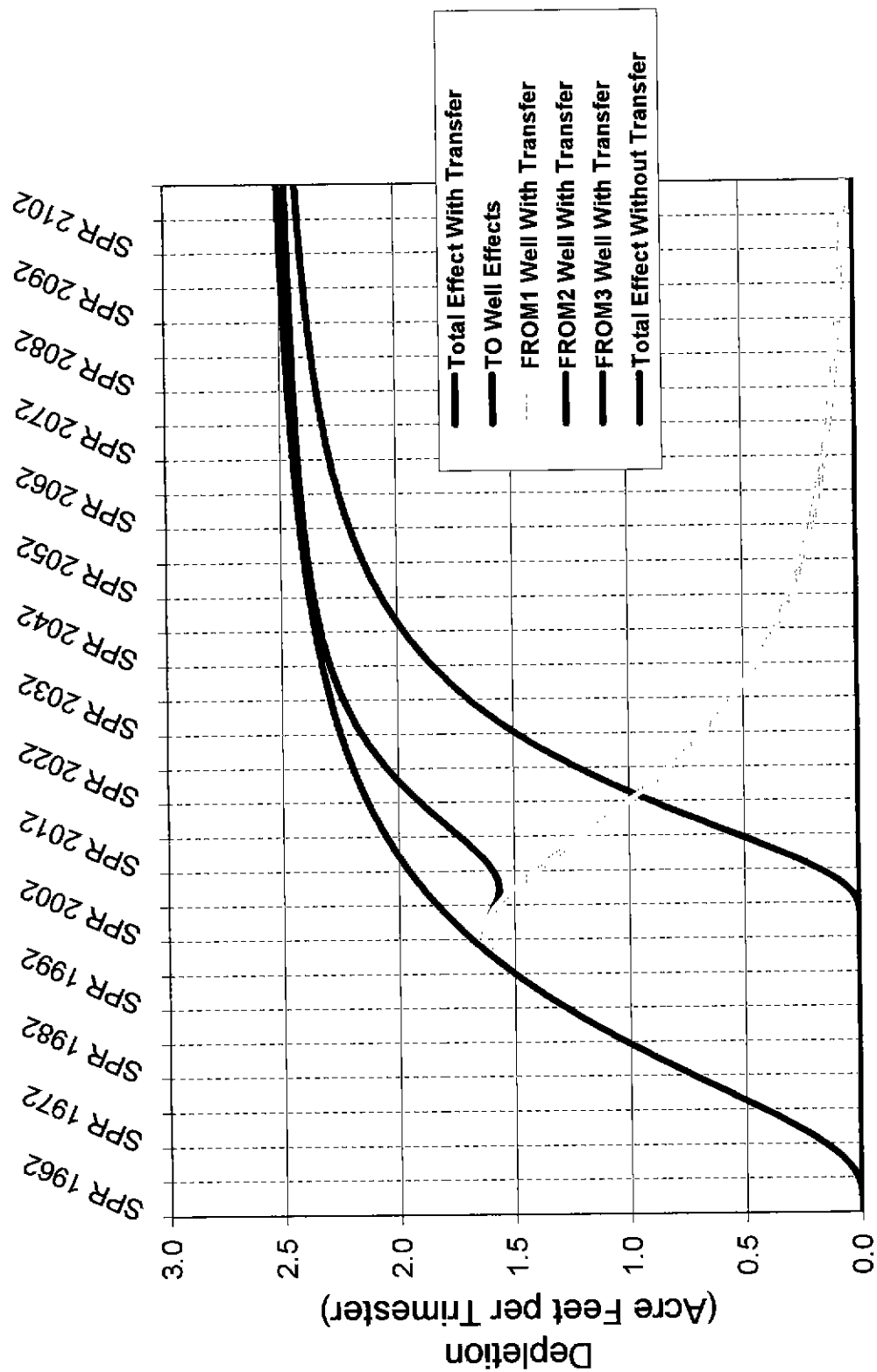


FIGURE 5 Hydrologic Response-- Milner to King Hill Reach



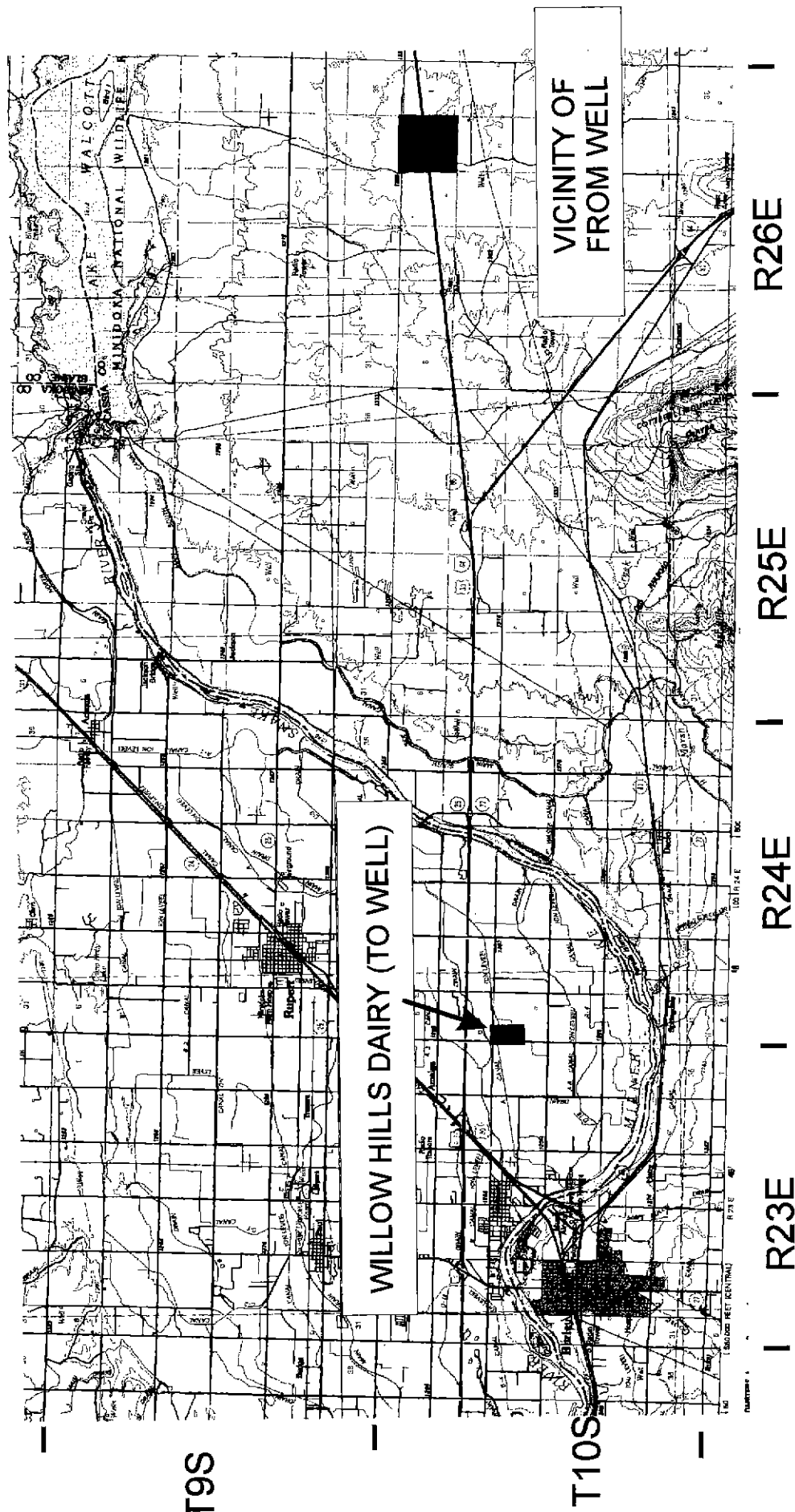


FIGURE 6
LOCATION MAP OF FROM WELL AND TO WELL
FOR WILLOW HILLS DAIRY

**Figure 7. Response Zones and Node Delineations
of the ESPA Model**

Provided by Idaho Department of Water Resources

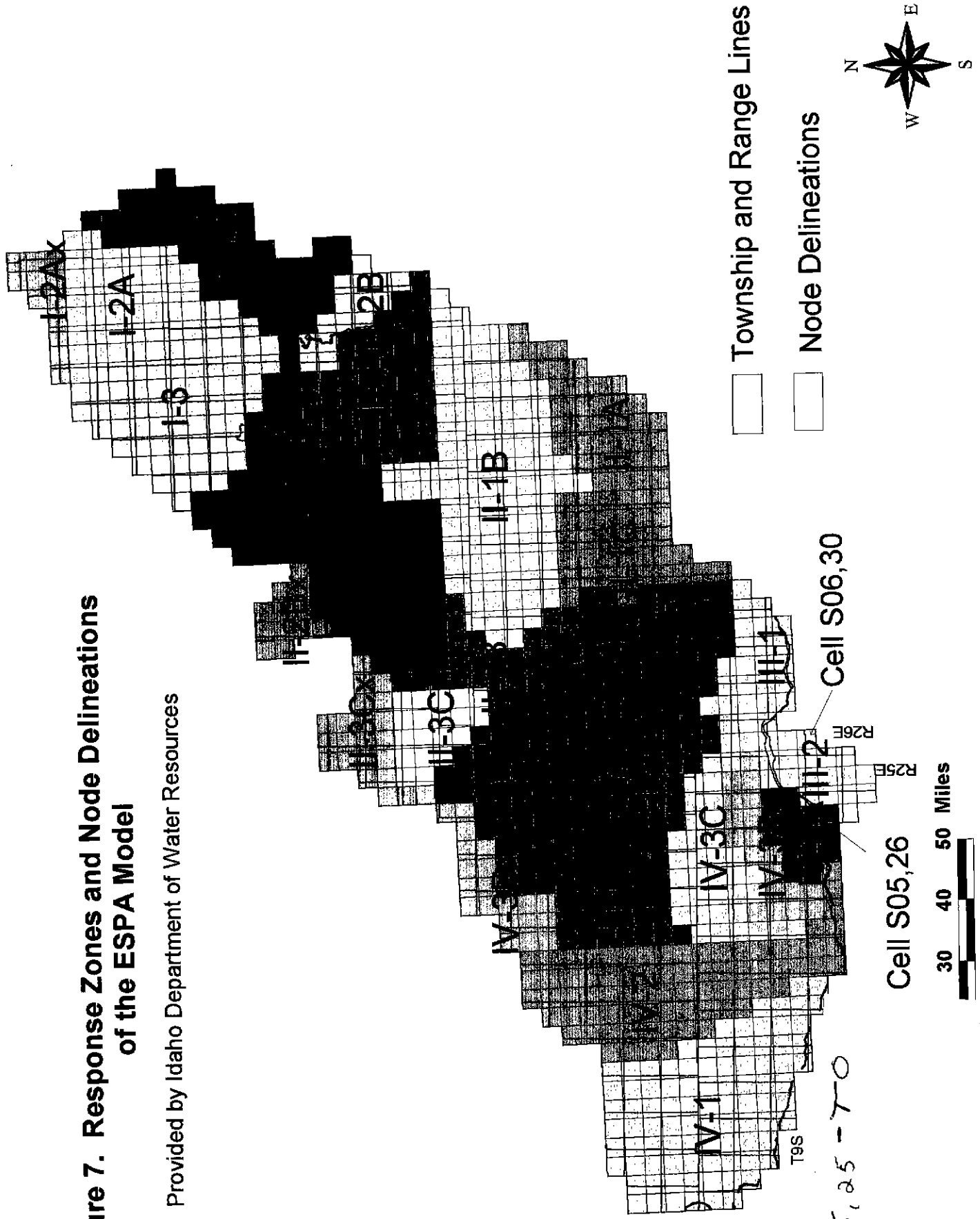


FIGURE 1 Net Transfer Effect
(Total Effect With Transfer - Total Effect Without Transfer)

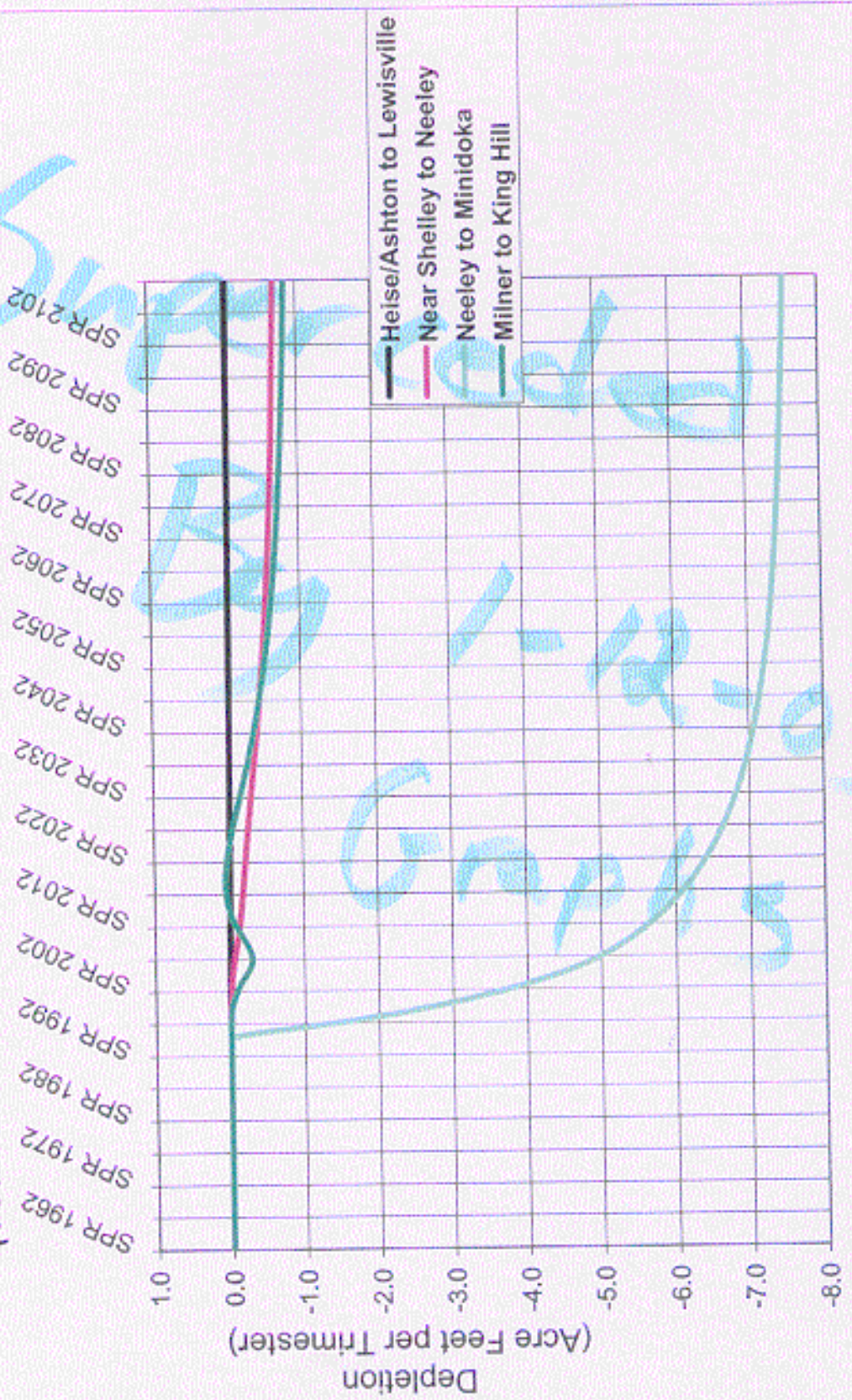


FIGURE 2 Hydrologic Response--Heise/Ashton to Lewisville



FIGURE 3 Hydrologic Response--Near Shelley to Neeley Reach

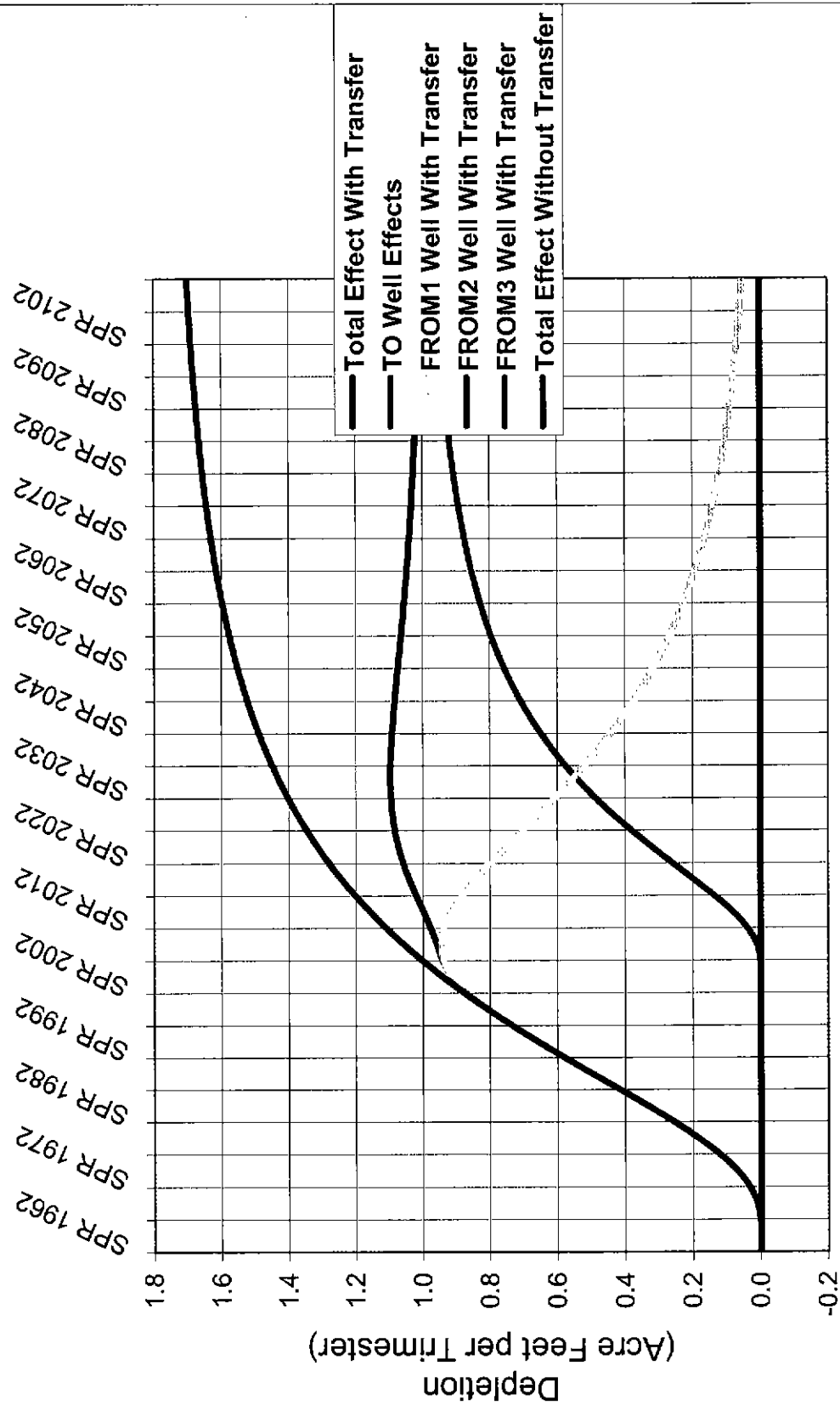


FIGURE 4 Hydrologic Response--Neeley to Minidoka Reach

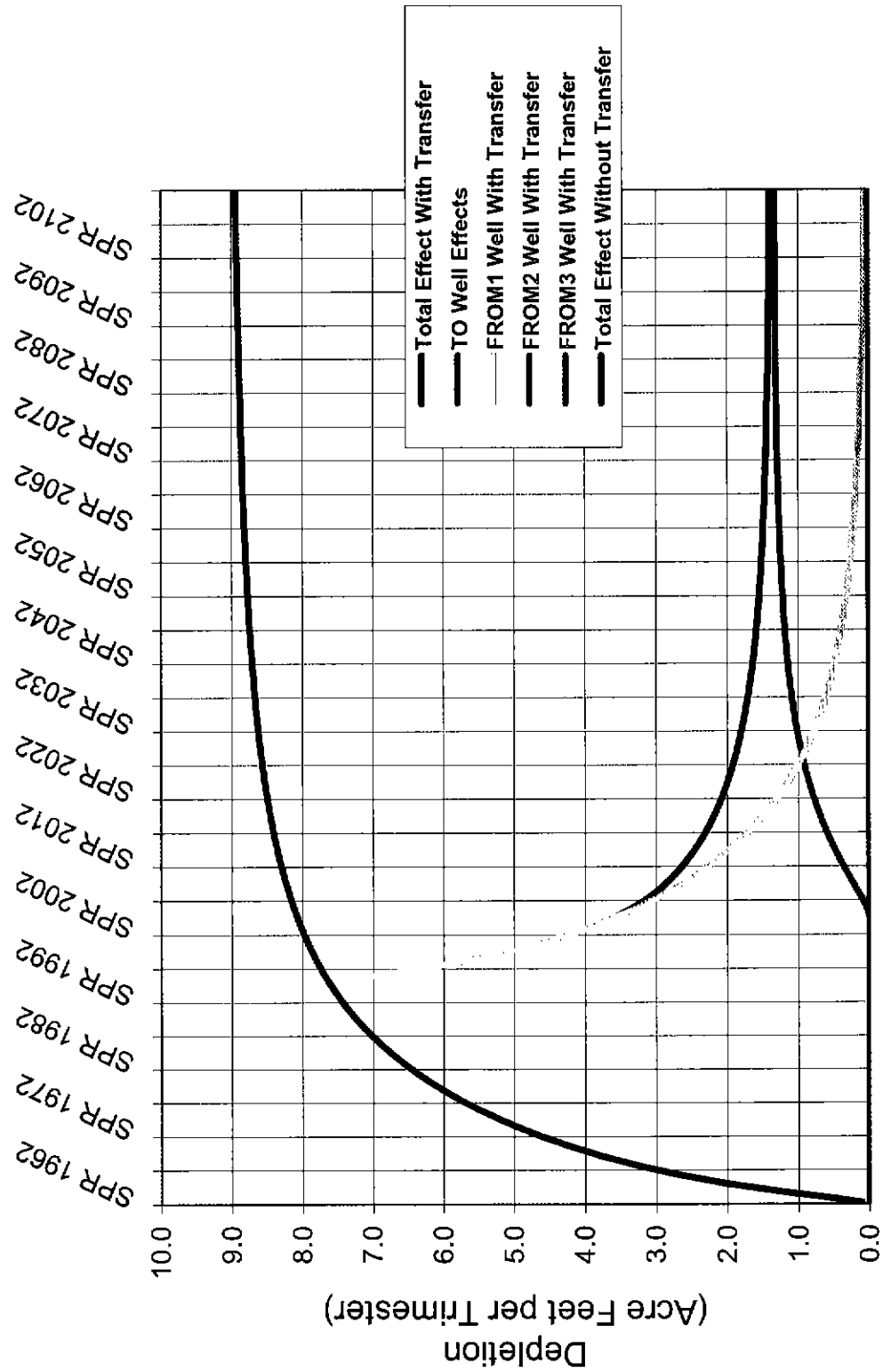


FIGURE 5 Hydrologic Response-- Milner to King Hill Reach

