

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 13-7649

Priority: February 20, 2004

Maximum Diversion Rate: 1.00 CFS

Maximum Diversion Volume: 258.7 AF

It is hereby certified that:

G & H DAIRY LLC
528 WASHINGTON ST
TWIN FALLS ID 83301-5642

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 20, 2004, and has submitted Proof of Beneficial Use on May 30, 2006. An examination confirms water is diverted from:

Source : GROUND WATER

Beneficial Use

IRRIGATION

Period of Use

04/01 to 10/31

Rate of Diversion

1.00 CFS

Annual Volume

258.7 AF

Location of Point(s) of Diversion

GROUND WATER NW¼ NW¼, Sec. 11, Twp 15S, Rge 38E, B.M. FRANKLIN County

Place of Use: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	38E	11		25.0	34.2		39.5	9.2	4.6	36.0									148.5

Right Acre Limit: 73.9

Total Acres: 148.5

Conditions of Approval

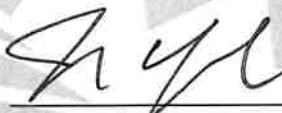
1. This right is limited to the irrigation of 73.9 acres within the place of use described above in a single irrigation season.
2. Rights 13-7629 and 13-7649 when combined shall not exceed a total diversion rate of 2.00 cfs, a total annual maximum diversion volume of 520 af at the field headgate, and the irrigation of 148.5 acres.
3. To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall maintain control of twenty shares of stock in the West Cache Irrigation Company and shall hold the shares unused. Further, the right holder shall formally abandon water right 13-2164, which bears a priority date of August 8, 1952, and authorizes the diversion of 0.76 cfs and the irrigation of 80 acres. This right (13-7649) shall be limited to a diversion rate of 0.24 cfs, an annual diversion volume of 63 acre-feet, and the irrigation of 18 acres until water right 13-2164 is formally abandoned.
4. If the stream flow of the unnamed stream described in water right 13-2164, at the original point of diversion for water right 13-2164 (SWNE, Sec. 1, T15S, R38E), is less than 0.76 cfs, then the amount of water authorized for diversion under this right shall be reduced by the amount of the shortfall. If the unnamed stream dries up entirely, then this right shall be limited to a diversion rate of 0.24 cfs, an annual diversion volume of 63 acre-feet, and the irrigation of 18 acres.

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5. If junior water rights on Deep Creek are curtailed due to a delivery call on Deep Creek or on the Bear River, and the curtailment would affect a water right with a priority date of August 8, 1952, then this right shall be limited to a diversion rate of 0.24 cfs and the irrigation of 18 acres during the curtailment period.
6. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
7. The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
9. This right does not grant any right-of-way or easement across the land of another.

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 8th day of July, 2024.



JAMES CEFALO
Eastern Regional Manager

Water Right License 13-7649 G & H Dairy LLC



2023 Aerial Imagery

- Water Right POD
- Water Right POU
- Township/Range
- Sections
- QQ

0 500 1,000 2,000 Feet





IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

July 08, 2024

G & H DAIRY LLC
528 WASHINGTON ST
TWIN FALLS ID 83301-5642

RE: License No. 13-7649

ISSUANCE OF LICENSE

Dear Water Right Holder:

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 497-3784.

Sincerely,

James Cefalo
Eastern Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on July 08, 2024, I served a true and correct copy of Water Right License No. 13-7649 by U.S. Mail, postage prepaid, to the following:

G & H DAIRY LLC
528 WASHINGTON ST
TWIN FALLS ID 83301-5642

RABO AGRIFINANCE LLC
400 COLUMBIA POINT DR STE 101
RICHLAND WA 99352

G & H DAIRY LLC
299 ADDISON AVE W
TWIN FALLS, ID 83301

ADAM MCKENZIE
MCKENZIE & MCKENZIE PA
102 N STATE ST, STE 1
PRESTON, ID 83263

Courtesy copies sent by email to:

Scott Clark
Real Estate – Meetinghouse Facilities Dept.
The Church of Jesus Christ of Latter-Day Saints
shclark@churchofjesuschrist.org

Buffi Morris
PacifiCorp
buffi.morris@pacificorp.com



Christina Henman
Administrative Asst. I

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.