State of Idaho
Department of Water Resources

Water Right License

Water Right No. 63-34924

Priority: May 21, 2020

Maximum Diversion Rate: 0.02 CFS
Maximum Diversion Volume: 7.9 AF

It is hereby certified that:

FRYSLAN DAIRY LLC 8222 DESERT DR MARSING ID 83639-8264

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 21, 2020, and has submitted Proof of Beneficial Use on January 29, 2025. An examination confirms water is diverted from:

Source : GROUND WATER
Source : GROUND WATER

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
COMMERCIAL	01/01 to 12/31	0.02 CFS	7.9 AF

Location of Point(s) of Diversion

GROUND WATER L4 (SW¼ SW¼), Sec. 30, Twp 02N, Rge 01W, B.M. CANYON County
GROUND WATER L4 (SW¼ SW¼), Sec. 30, Twp 02N, Rge 01W, B.M. CANYON County
GROUND WATER L4 (SW¼ SW¼), Sec. 30, Twp 02N, Rge 01W, B.M. CANYON County
GROUND WATER L4 (SW¼ SW¼), Sec. 30, Twp 02N, Rge 01W, B.M. CANYON County

Place of Use: COMMERCIAL

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	01W	30											X L4						

Conditions of Approval

1. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

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 24 day of July, 2025.

Parker, Cody
Water Rights Supervisor

State of Idaho
Department of Water Resources

Attachment to Water Right

63-34924

This map depicts the COMMERCIAL place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

0 0.035 0.07 0.14 Miles

Place Of Use Boundary
Point of Diversion
State Outline
Townships
PLS Sections
Quarter Quarters

N

IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082
Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little | Director Mathew Weaver

July 25, 2025

FRYSLAN DAIRY LLC
ATTN DALE VAN ES & JACKIE VAN ES
8222 DESERT DR
MARSING ID 83639-8264

RE: License No. 63-34924

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, please contact me at 208-605-4629.

Sincerely,

Susan E Hobson

Susy Hobson
for
Cody Parker
Water Rights Supervisor

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on July 25, 2025, I served a true and correct copy of Water Right License No. 63-34924 by U.S. Mail, postage prepaid, to the following:

FRYSLAN DAIRY LLC (Current Owner)
8222 DESERT DR
MARSING ID 83639-8264

JACKIE VAN ES (Interested Party)
8222 DESERT DR
MARSING ID 83639-8264

DALE VAN ES (Interested Party)
8222 DESERT DR
MARSING ID 83639-8264

RABO AGRIFINANCE LLC (Interested Party)
C/O JOE DEIBNER
5680 E FRANKLIN RD
NAMPA ID 83687-9054

Susan E. Hobson

Susy Hobson
Technical Records Specialist 1

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.