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AUG 04 2025

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDEPT. OF WATER RESOURCES
SOUTHERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT

GENERAL INFORMATION AND INSTRUCTIONS

Pursuant to Section 42-222(1), *Idaho Code*, a transfer application may be filed to change the point of diversion, place of use, period of use, or nature of use of all or part of an established water right. Any person proposing to make such a change is required to file a transfer application with the Department. "Such application shall be upon forms furnished by the department and shall describe the [water right] to be changed and the changes which are proposed and shall be accompanied by the statutory filing fee." *Idaho Code* § 42-222(1).

The Department has developed this application form to assist applicants in satisfying the requirements of Section 42-222(1). This application form requests information about the applicant's authority to file (Part 1), information about the current elements of the water right(s) to be changed (Part 2), information about the proposed changes (Part 3), information about the validity of the water right(s) and the effects of the proposed changes (Part 4), and confirmation that the information provided is truthful (Part 5).

The applicant or their representative must provide a response for all applicable questions, any additional information required, and the proper filing fee before this application will be considered complete. If an application is incomplete or more information is required, the Department will notify the applicant or representative and allow time for the application to be completed. An application that remains incomplete will be returned to the applicant and the filing fee will be refunded.

An application for transfer is limited to the changes proposed for a single water distribution system. A proposal to change two or more separate water distribution systems, that will remain separate after the transfer, must be filed as separate applications. Applicants may provide additional pages to supplement their responses to the questions posed on this application form. Supplemental forms for listing additional water rights, points of diversion, or places of use can be found on the Department's website (idwr.idaho.gov). If you need assistance understanding the questions on this form, generating current water right reports, determining legal descriptions, or accessing water measurement records feel free to contact the nearest regional office of the Department.

PART 1 – CONTACT INFORMATION, OWNERSHIP RECORDS, AUTHORITY TO FILE

Name(s) of Applicant(s) Big Sky DairyMailing Address 430 E Yakima Ave, Jerome ID 83338Email* _____ Phone 208-934-9072Name of Representative (if any) Matthew ThompsonMailing Address 213 Canyon Crest Drive, Suite 100; Twin Falls ID 83301Email* mthompson@agpros.com Phone 208-731-8640

*If an email address is provided, Department staff will use email as the primary method for corresponding with the applicant and representative about the application.

A. Representative. If the representative is authorized to sign or amend the application on behalf of the applicant, attach documents confirming that authority. Label documents as Attachment 1A.

Transfer No. 89992

B. Current Owner. If the applicant is not the current owner of record for all water rights included in this application, attach documents showing that the applicant has the authority to make the proposed changes. Label documents as Attachment 1B.

C. Updating Ownership Records. Applicants needing to update the ownership records for any of the water rights included in this application must attach documents supporting the ownership change. Such documents must trace ownership of the subject water rights or the current place of use for the subject water rights from the current owner of record for the water rights to the applicant. Label documents as Attachment 1C.

D. Business Entities. If the applicant is a business entity (corporation, LLC, partnership, trust, etc.), is the entity currently registered with the Idaho Secretary of State?

☒ Yes. If this application is signed by someone other than a person listed on the most recent annual report filed with the Idaho Secretary of State, attach documents confirming the authority of the signer to sign on behalf of the business entity. Label documents as Attachment 1D.

☐ No. Attach documents confirming the authority of the signer to sign on behalf of the business entity. Label documents as Attachment 1D.

E. Approval of Irrigation Delivery Entity. Section 42-108, *Idaho Code*, states that a transfer application proposing to change water rights held by an irrigation company or district requires the consent of the irrigation entity. If this application proposes to change water rights held by an irrigation entity, attach a letter of consent from the entity (labeled as Attachment 1E) or have an authorized representative of the entity co-sign the application.

F. Encumbered Properties. If the current place of use for the water rights included in this application is subject to a lien, deed of trust, mortgage, or contract and the application proposes to change the nature of use of the water rights or to move water rights off the current place of use, attach a statement of consent for the change signed by the lien holder, trustee, mortgagor or contract holder. Label documents as Attachment 1F.

G. Legal Access. If the applicant is not the current owner of the proposed point(s) of diversion, conveyance system, or place(s) of use, provide evidence of legal access to the land or infrastructure not owned by the applicant. Label documents as Attachment 1G. For example, an applicant may provide a letter of consent from the owner of the land or conveyance system or may have the owner co-sign the application. For applications proposing to divert water on or convey water across federal land, an applicant is not required to demonstrate legal access to the federal land prior to approval. Instead, if the transfer application is approved, the applicant must obtain access authorization from the relevant federal agency prior to diverting water under the subject water rights.

PART 2 – WATER RIGHTS BEFORE PROPOSED CHANGES

A. Current Water Rights. For each water right proposed to be changed, attach a current water right report obtained from any Department office or from the Department's website (idwr.idaho.gov). Label water right reports as Attachment 2A.

B. Map of Current System. Attach a map of the current point(s) of diversion and place(s) of use for the water rights to be changed. The map should clearly depict the elements of the water rights to be changed. For example, if the application proposes to change the point of diversion for a water right, the map should display the current location of the point of diversion. For irrigation water rights, the map should also identify the location of the irrigated acres to be changed. Label map as Attachment 2B.

Transfer No. 89992

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

Current Water Right No.: 45-2394

Current Owner: BIG SKY DAIRY
 Priority Date: 10/16/1951
 Origin: Water Right
 Status: Active
 Basis: Decreed

Source**Tributary**

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	2.5 CFS	800 AF
	<u>Total Diversion</u>	2.5 CFS	800 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4SW1/4	Sec. 12,	Twp 12S,	Rge 21E B.M.
CASSIA County				
GROUND WATER	SE1/4SE1/4NE1/4	Sec. 13,	Twp 12S,	Rge 21E B.M.
CASSIA County				
GROUND WATER	SE1/4SW1/4SW1/4	Sec. 7,	Twp 12S,	Rge 22E B.M.
CASSIA County				

Place of Use**IRRIGATION Within CASSIA County**

T12S R21E S12	NESW	40.00	T12S R21E S12	NWSW	35.00
T12S R21E S12	SWSW	31.00	T12S R21E S12	SESW	32.00
T12S R21E S12	NESE	38.00	T12S R21E S12	NWSE	40.00
T12S R21E S12	SWSE	37.00	T12S R21E S12	SESE	37.00
T12S R21E S13	NENE	39.00	T12S R21E S13	NWNE	33.00
T12S R21E S13	SWNE	40.00	T12S R21E S13	SENE	37.00
T12S R21E S13	NESW	41.00	T12S R21E S13	NWSW	40.00
T12S R21E S13	SWSW	40.00	T12S R21E S13	SESW	41.00
T12S R21E S13	NWSE	40.00	T12S R21E S13	SWSE	40.00
T12S R22E S7	NESW	40.00	T12S R22E S7	NWSW	41.00
T12S R22E S7	SWSW	40.00	T12S R22E S7	SESW	39.00
T12S R22E S7	SWSE	39.00			

Total Acres: 880

89992

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Conditions of Approval:

1. 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.
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. E56 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 880 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-2394, 45-2396, 45-7258, 45-7276 & 45-7340A.
4. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 490 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-2394, 45-2396 & 45-7258.
5. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 200 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Decreed Date: 5/6/2005

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

Current Water Right No.: 45-2396

Current Owner: BIG SKY DAIRY
 Priority Date: 9/13/1951
 Origin: Water Right
 Status: Active
 Basis: Decreed

Source**Tributary**

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	3.7 CFS	1236 AF
	<u>Total Diversion</u>	3.7 CFS	1236 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4SW1/4	Sec. 7,	Twp 12S,	Rge 22E B.M.
CASSIA County				
GROUND WATER	SE1/4SE1/4NE1/4	Sec. 13,	Twp 12S,	Rge 21E B.M.
CASSIA County				
GROUND WATER	SE1/4SE1/4SW1/4	Sec. 12,	Twp 12S,	Rge 21E B.M.
CASSIA County				

Place of Use**IRRIGATION Within CASSIA County**

T12S R21E S12	NESW	40.00	T12S R21E S12	NWSW	35.00
T12S R21E S12	SWSW	31.00	T12S R21E S12	SESW	32.00
T12S R21E S12	NESE	38.00	T12S R21E S12	NWSE	40.00
T12S R21E S12	SWSE	37.00	T12S R21E S12	SESE	37.00
T12S R21E S13	NENE	39.00	T12S R21E S13	NWNE	33.00
T12S R21E S13	SWNE	40.00	T12S R21E S13	SENE	37.00
T12S R21E S13	NESW	41.00	T12S R21E S13	NWSW	40.00
T12S R21E S13	SWSW	40.00	T12S R21E S13	SESW	41.00
T12S R21E S13	NWSE	40.00	T12S R21E S13	SWSE	40.00
T12S R22E S7	NESW	40.00	T12S R22E S7	Lot 3 NWSW	41.00
T12S R22E S7	Lot 4 SWSW	40.00	T12S R22E S7	SESW	39.00
T12S R22E S7	SWSE	39.00			

Total Acres: 880

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Conditions of Approval:

1. 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.
2. E56 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 880 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-2394, 45-2396, 45-7258, 45-7276 & 45-7340A.
3. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 309 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 490 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-2394, 45-2396 & 45-7258.

Decreed Date: 5/6/2005

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

Current Water Right No.: 45-7258

Current Owner: BIG SKY DAIRY
 Priority Date: 2/2/1976
 Origin: Water Right
 Status: Active
 Basis: Decreed

Source

GROUND WATER

Tributary**Beneficial Use**

IRRIGATION

From To

03/15 to 11/15

Total Diversion**Diversion Rate**

4.49 CFS

4.49 CFS

Annual Volume

1960 AF

1960 AF

Location of Point(s) of Diversion

GROUND WATER

SE1/4SE1/4SW1/4

Sec. 12, Twp 12S, Rge 21E B.M.

CASSIA County

GROUND WATER

SE1/4SW1/4SW1/4

Sec. 7, Twp 12S, Rge 22E B.M.

CASSIA County

GROUND WATER

SE1/4SE1/4NE1/4

Sec. 13, Twp 12S, Rge 21E B.M.

CASSIA County

Place of Use**IRRIGATION Within CASSIA County**

T12S R21E S12	NESW	40.00	T12S R21E S12	NWSW	35.00
T12S R21E S12	SWSW	31.00	T12S R21E S12	SESW	32.00
T12S R21E S12	NESE	38.00	T12S R21E S12	NWSE	40.00
T12S R21E S12	SWSE	37.00	T12S R21E S12	SESE	37.00
T12S R21E S13	NENE	39.00	T12S R21E S13	NWNE	33.00
T12S R21E S13	SWNE	40.00	T12S R21E S13	SENE	37.00
T12S R21E S13	NESW	41.00	T12S R21E S13	NWSW	40.00
T12S R21E S13	SWSW	40.00	T12S R21E S13	SESW	41.00
T12S R21E S13	NWSE	40.00	T12S R21E S13	SWSE	40.00
T12S R22E S7	NESW	40.00	T12S R22E S7	NWSW	41.00
T12S R22E S7	SWSW	40.00	T12S R22E S7	SESW	39.00
T12S R22E S7	SWSE	39.00			

Total Acres: 880

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Conditions of Approval:

1. 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.
2. E56 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 490 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-2394, 45-2396 & 45-7258.
3. E62 THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 45-2394 & 45-2396 SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.
4. P31 THE REMAINDER OF THIS RIGHT, AMOUNTING TO 11 ACRES, WAS FORFEITED FOR NON-USE FROM 1978 TO 1992.
5. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 880 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-2394, 45-2396, 45-7258, 45-7276 & 45-7340A.
6. E52 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.49 CFS. COMBINED RIGHT NOS.: 45-7258, 45-7276, 45-7340A & 45-7340B.
7. E53 USE OF THIS RIGHT WITH RIGHT NOS. 45-2396 & 45-2394 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1960 AF.

Decreed Date: 5/13/2005

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

Current Water Right No.: 45-7276

Current Owner: BIG SKY DAIRY
 Priority Date: 10/13/1976
 Origin: Water Right
 Status: Active
 Basis: Decreed

Source**Tributary**

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	3 CFS	600 AF
	<u>Total Diversion</u>	3 CFS	600 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4SW1/4	Sec. 12,	Twp 12S,	Rge 21E B.M.
CASSIA County				
GROUND WATER	SE1/4SW1/4SW1/4	Sec. 7,	Twp 12S,	Rge 22E B.M.
CASSIA County				
GROUND WATER	SE1/4SE1/4NE1/4	Sec. 13,	Twp 12S,	Rge 21E B.M.
CASSIA County				

Place of Use**IRRIGATION Within CASSIA County**

T12S R21E S12	NESW	40.00	T12S R21E S12	NWSW	35.00
T12S R21E S12	SWSW	31.00	T12S R21E S12	SESW	32.00
T12S R21E S12	NESE	38.00	T12S R21E S12	NWSE	40.00
T12S R21E S12	SWSE	37.00	T12S R21E S12	SESE	37.00
T12S R21E S13	NENE	39.00	T12S R21E S13	NWNE	33.00
T12S R21E S13	SWNE	40.00	T12S R21E S13	SENE	37.00
T12S R21E S13	NESW	41.00	T12S R21E S13	NWSW	40.00
T12S R21E S13	SWSW	40.00	T12S R21E S13	SESW	41.00
T12S R21E S13	NWSE	40.00	T12S R21E S13	SWSE	40.00
T12S R22E S7	NESW	40.00	T12S R22E S7	Lot 3	NWSW
T12S R22E S7	SWSW	40.00	T12S R22E S7	SESW	39.00
T12S R22E S7	SWSE	39.00			

Total Acres: 880

89992

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Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 150 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. E56 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 880 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-2394, 45-2396, 45-7258, 45-7276 & 45-7340A.
4. 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.
5. E52 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.49 CFS. COMBINED RIGHT NOS.: 45-7258, 45-7276, 45-7340A & 45-7340B

Decreed Date: 5/13/2005

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

Current Water Right No.: 45-7340a

Current Owner: BIG SKY DAIRY
 Priority Date: 2/2/1978
 Origin: Water Right
 Status: Active
 Basis: Decreed

Source**Tributary**

GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	2.93 CFS	960 AF
	<u>Total Diversion</u>	2.93 CFS	960 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4SW1/4	Sec. 12,	Twp 12S,	Rge 21E B.M.
CASSIA County				
GROUND WATER	SE1/4SW1/4SW1/4	Sec. 7,	Twp 12S,	Rge 22E B.M.
CASSIA County				
GROUND WATER	SE1/4SE1/4NE1/4	Sec. 13,	Twp 12S,	Rge 21E B.M.
CASSIA County				

Place of Use**IRRIGATION Within CASSIA County**

T12S R21E S12	NESW	40.00	T12S R21E S12	NWSW	35.00
T12S R21E S12	SWSW	31.00	T12S R21E S12	SESW	32.00
T12S R21E S12	NESE	38.00	T12S R21E S12	NWSE	40.00
T12S R21E S12	SWSE	37.00	T12S R21E S12	SESE	37.00
T12S R21E S13	NENE	39.00	T12S R21E S13	NWNE	33.00
T12S R21E S13	SWNE	40.00	T12S R21E S13	SENE	37.00
T12S R21E S13	NESW	41.00	T12S R21E S13	NWSW	40.00
T12S R21E S13	SWSW	40.00	T12S R21E S13	SESW	41.00
T12S R21E S13	NWSE	40.00	T12S R21E S13	SWSE	40.00
T12S R22E S7	NESW	40.00	T12S R22E S7	Lot 3	NWSW
T12S R22E S7	Lot 4	SWSW	40.00	T12S R22E S7	SESW
T12S R22E S7	SWSE	39.00			

Total Acres: 880

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Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. 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.
3. E56 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 880 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-2394, 45-2396, 45-7258, 45-7276 & 45-7340A.
4. E52 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.49 CFS. COMBINED RIGHT NOS.: 45-7258, 45-7276, 45-7340A & 45-7340B.
5. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 240 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Decreed Date: 5/13/2005

C. Current Location of Irrigated Acres. If this application proposes to change the place of use or nature of use for only a portion of an irrigation water right, use the following table to identify the current location of the irrigated acres to be changed. If additional pages are required, label additional pages as Attachment 2C. If this application proposes to change or rearrange the entire place of use for irrigation water right(s), skip to Part 3.

☒ **N/A.** This application does not propose to change the place of use or nature of use of an irrigation water right or this application proposes to change the place of use or nature of use for an entire irrigation right.

Current Location of Irrigated Acres to be Changed

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

Total Irrigated Acres to be Changed: _____

PART 3 – DESCRIPTION OF PROPOSED CHANGES

A. Purpose of Transfer. Section 42-222(1), *Idaho Code*, states that transfer applications may only be filed to change the point of diversion, place of use, period of use, or nature of use of an established water right. Section 42-248(3), *Idaho Code*, authorizes water right ownership changes to be described on a transfer application. Identify the changes proposed in this application:

- | | |
|---|---|
| ☐ Change point(s) of diversion | ☐ Change place of use |
| ☒ Add point(s) of diversion | ☐ Change period of use |
| ☐ Change nature of use | ☐ Update water right ownership records |

B. Proposed Changes. Describe the proposed changes in narrative form:

Add a new point of diversion to the water rights attached. The new point of diversion is a new well for irrigation water supply. No modeling in the ESPAM model is required since the proposed well is an adjacent cell to wells used to divert these water rights.

C. Summary of Proposed Changes.

1. Water Rights. Use the following table to list all water rights, or portions thereof, that are proposed to be changed as they would appear after the proposed changes. In the Amount column, list the volume in acre-feet (af) for storage uses or the rate in cubic feet per second (cfs) for all other uses.

All or Part	Right Number	Amount (cfs/af)	Nature of Use	Period of Use	Source
☒ ☐	45-2394	2.5/800	IRRIGATION	3/15 to 11/15	GROUNDWATER
☒ ☐	45-7258	4.49/1960	IRRIGATION	3/15 to 11/15	GROUNDWATER
☒ ☐	45-2396	3.7/1236	IRRIGATION	3/15 to 11/15	GROUNDWATER
☒ ☐	45-7276	3.0/600	IRRIGATION	3/15/ to 11/15	GROUNDWATER
☒ ☐	45-7340A	2.93/960	IRRIGATION	3/15 to 11/15	GROUNDWATER
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

2. Total Amounts. Calculate the total quantity, in cfs or af, of water rights that are proposed to be changed through this application. For an application proposing to only change the place of use for irrigation rights, the total quantity of water is calculated by comparing the current place of use to the proposed place of use, summing the number of acres increased in each legal subdivision, and quantifying the proportional amount of diversion rate for the increased acres. For an application proposing to change or add points of diversion for irrigation or any other beneficial use, the total amount is the total diversion rate for the changed portion of the right.

Total Amount of Water Rights Proposed to be Changed: 13.69 cfs and/or _____ af.

3. Point(s) of Diversion. Use the following table to list all the proposed points of diversion for the water rights to be changed, including any current points of diversion that will continue to be used as part of the proposed water distribution system.

The legal description for the proposed point(s) of diversion must be to the nearest 40-acre subdivision (QQ) or U.S. Government Lot of the Public Land Survey System (PLSS). PLSS information is typically available from USGS topo maps, property deeds, tax bills or various mapping tools on the Department's website.

For points of diversion within platted subdivisions, list the lot and block number in the "Diversion Name/Number" column. An application proposing an injection into a stream and a re-diversion from that stream must list the source for the original diversion as the source for the injection and re-diversion points. If this application proposes construction of a new diversion structure (for example, a new ground water well or a new pump station on a creek), please indicate the status in the appropriate column.

Transfer No. 89992

☐ N/A. This application does not propose to add or change any points of diversion.

Proposed Points of Diversion

New?	Twp	Rge	Sec	Lot	1/4	1/4	1/4	County	Source	Diversion Name/Number
yes	12S	21E	13		sw	sw	sw	Cassia	Groundwater	new well
	12S	21E	12		SE	SE	SW	Cassia	Groundwater	Existing well
	12S	21E	13		SE	SE	NE	Cassia	Groundwater	Existing well
	12S	21E	7		SE	SW	SW	Cassia	Groundwater	Existing well

4. Place of Use. The proposed place of use must be described to the nearest 40-acre subdivision (QQ) or U.S. Government Lot of the Public Land Survey System. Government lot numbers can be noted in parenthesis below the approximate quarter-quarter location of the government lot. For water rights held by irrigation districts, municipal providers or irrigation companies, the proposed place of use may be generally described as authorized by Sections 42-202B, 42-219 and 42-222B, *Idaho Code*.

☒ N/A. This application does not propose to change the place of use.

Proposed Place of Use

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

Total Irrigated Acres: _____

5. Map of Proposed System. Attach a map showing the location of the points of diversion, reservoirs, dams, canals, ditches, pipelines and other works proposed to divert and convey water. Also show the location of the place of use, including any lands to be irrigated. The map should delineate the legal subdivisions including townships, ranges, sections, quarter-quarters and government lots. Label map as Attachment 3C.

PART 4 – ADDITIONAL INFORMATION

Section 42-222(1), *Idaho Code*, establishes the criteria used to evaluate transfer applications. An applicant bears the burden of demonstrating that the water right to be changed is a valid right, that the proposed use is a beneficial use, and that the proposed changes will not injure other water rights, will not enlarge the use of the original rights, are in the local public interest, and are consistent with the conservation of water resources within the state of Idaho. To satisfy this burden, an applicant must provide sufficient data and information for the

Transfer No. 89992

Department to evaluate the effects of the proposed change. The Department may deny an application if the applicant fails to provide sufficient data and information to determine whether the criteria from Section 42-222(1) are satisfied. In addition to the information requested in Parts 1-3 of this application, the following information must be provided for an application to be considered complete. Department staff may request additional information or clarification as the application is processed.

A. Validity of Water Rights

1. If one or more of the water rights proposed to be changed is a statutory claim, established pursuant to Section 42-248, *Idaho Code*, attach evidence supporting the priority date claimed. Label documents as Attachment 4A-1. For statutory claims, the Department may conduct a field inspection as part of the application review process to evaluate the water right elements listed on the statutory claim.

2. Has any portion of the water right(s) proposed to be changed undergone a period of five or more consecutive years of non-use?

☐ Yes. Attach a statement describing the portion of the right(s) that were not used and the length of time of the non-use. In addition, identify any exception or defense to forfeiture and provide a detailed description as to why the water rights have not been lost and forfeited for non-use. Label documents as Attachment 4A-2. Statutory exceptions or defenses to forfeiture are set forth in Section 42-223, *Idaho Code*.

☒ No.

B. Injury to Other Water Rights

1. Identify any other water right(s) diverted at the current point(s) of diversion.

water right 45-7340B is owned by USA BLM and shares one of the existing POD in section 13
The applicants currently lease that water right and associated ground and it is unaffected by this change.

2. Identify any other water right(s) diverted at the proposed point(s) of diversion.

none

3. Is the proposed point of diversion within a state water district? ☒ Yes. Water District # 140. ☐ No.

4. If already constructed and in use, are the proposed points of diversion equipped with Department-approved measuring devices? ☐ Yes. ☐ No.

5. If this application proposes to divert a surface water right from a ground water well, attach a technical analysis evaluating the hydraulic connection between the proposed ground water point of diversion and the source of water listed on the right to be changed. Label technical analysis as Attachment 4B-5.

6. If this application proposes changing the point of diversion for a ground water right in the Eastern Snake Plain Aquifer (ESPA), attach a technical analysis of the anticipated depletions to reaches of the Snake River that are hydraulically connected to the ESPA using the Department's current ground water model for the ESPA. The technical analysis must evaluate depletion impacts in a time-series format at transient and steady state time steps. To assist applicants in preparing the required technical analysis, the Department has developed a transfer tool interface for the ESPA model. The transfer tool and user instructions can be downloaded from the Department's website (idwr.idaho.gov). If the proposed and current points of diversion are in the same or adjacent model cells, no technical analysis is required, unless specifically requested by the Department. Label technical analysis as Attachment 4B-6.

Transfer No. 89992

C. Enlargement in Use

1. Identify any other water rights used at the current place of use, including the number of shares in a canal company or acres assessed by an irrigation district.

none

2. Identify any other water rights used at the proposed place of use, including the number of shares in a canal company or acres assessed by an irrigation district.

none

3. If this application proposes changing the place of use or nature of use for irrigation water rights, will the current place of use, for the portion of the right to be changed, continue to be irrigated?

☐ Yes. Identify the water right(s) to be used for the continued irrigation.

☐ No. The place of use for the portion to be changed will no longer be irrigated.

☒ N/A. The application does not propose to change the place of use for irrigation rights.

4. Unstacking Water Rights for Irrigation. If this application proposes to change the place of use for an irrigation water right that is combined with other irrigation rights at the current place of use but does not propose to change the place of use for all the stacked irrigation rights, attach evidence of the historical consumptive use occurring under all water rights at the current place of use. For irrigation rights, this should include at least five years of diversion data and/or crop data and estimates of evapotranspiration. Label the information as Attachment 4C-4. Evapotranspiration data may be available on the Department's website (<http://et-idwr.idaho.gov>)

5. If the application proposes to change the nature of use for a water right, attach evidence of the historical consumptive use occurring under the portion of the water right to be changed. For irrigation rights, this should include diversion data, crop data and estimates of evapotranspiration. Label the information as Attachment 4C-5. Evapotranspiration data may be available on the Department's website (<http://et-idwr.idaho.gov>)

6. If the application proposes to change the nature of use of a water right to municipal use for reasonably anticipated future needs, complete the form titled "Municipal Water Right Application Checklist" found on the Department's website (idwr.idaho.gov). Label the form as Attachment 4C-6.

7. To your knowledge, are any portions of the water rights proposed to be changed:

Yes No
☐ ☒

currently leased to the Water Supply Bank?

If yes, complete the form titled "Application for Transfer of Water Right Attachment WSB" found on the Department's website (idwr.idaho.gov). Label the Form as Attachment 4C-7.

☒ ☐
☐ ☒
☐ ☒

currently used in a mitigation plan limiting the use of water under the right?

subject to an agreement not to divert (CREP)?

currently enrolled in a federal set-aside program (CRP)?

Transfer No. 89992

Rev. 11/24

RECEIVED
AUG 04 2025DEPT. OF WATER RESOURCES
SOUTHERN REGION**D. Local Public Interest**

The department must consider whether the proposed changes are in the local public interest as defined in Section 42-202B(3), *Idaho Code*. Some of the local public interest factors that may be considered in conjunction with a transfer application are (1) Recreation, fish, and wildlife impacts, (2) Water quality or contamination concerns, (3) Local and state ordinances, regulations, or policies related to water use, (4) Goals, requirements and limits set forth in the State Water Plan. If you choose to provide information about local public interest factors, label the information as Attachment 4D.

E. Conservation of Water Resources

Describe the diversion works and water delivery system. This may include sizes and dimensions of pumps, pipelines, headgates, ditches, dams, impoundments and irrigation equipment.

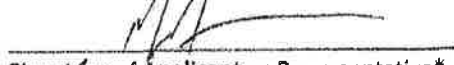
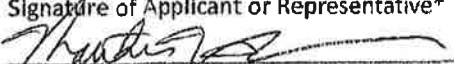
Well will have a backflow device and meter

PART 5 – FILING FEE AND SIGNATURE

A. Filing Fee. Filing fees for transfer applications are set forth in Section 42-221.O, *Idaho Code*. A table summarizing the filing fees for transfer applications is also found on the Department's website (idwr.idaho.gov). Any application proposing to change the nature of use for one or more rights requires an additional filing fee of \$250. Applications proposing to update the ownership records for water rights must also include the appropriate filing fee to update the ownership records. For any application relying on the filing fee set forth in Section 42-221.O.8, *Idaho Code*, attach a statement describing how the application qualifies under Section 42-221.O.8. Label documents as Attachment 5A.

B. Affidavit of Applicant or Representative:

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 rejection of the application or cancellation of an approval.

	Michael Bosma	6/6/2025
Signature of Applicant or Representative*	Print Name and Title, if applicable	Date
	Matthew Thompson	6/4/2025
Signature of Applicant or Representative*	Print Name and Title, if applicable	Date

*If water rights included in this application are owned by multiple people or entities, each owner must sign the application form.

FOR DEPARTMENT USE ONLY

Fee Paid: \$ <u>1,540-</u>	Receipt #: <u>5040724</u>	Date: <u>8-4-2025</u>	Received by: <u>SG</u>
Add'l Paid: \$ _____	Receipt #: _____	Date: _____	Received by: _____

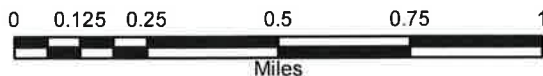
Transfer No. 89992 Page 8

State of Idaho
Department of Water Resources
Water Right
45-2394
IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



The USDA-FSA Aerial Photography Field office asks to be credited in derived products.



89992

Legend

- Point of Diversion
- Place of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters





0006034412

**STATE OF IDAHO***Office of the secretary of state, Phil McGrane***STATEMENT OF CONVERSION**

Idaho Secretary of State
PO Box 83720
Boise, ID 83720-0080
(208) 334-2301
Filing Fee: \$30.00

*For Office Use Only***-FILED-**

File #: 0006034412

Date Filed: 12/24/2024 9:55:08 AM

Statement of Conversion

Select one: Standard, Expedited or Same Day Service (see descriptions below) Same Day Service (+\$100; filing fee \$130)

Converting Entity:

Entity Name: Big Sky Dairy
The file number of this entity on the records of the Idaho Secretary of State is: 0006034232
Jurisdiction: IDAHO
Current Entity Type: General Partnership (D)
Entity Subtype

- ☒ This is a domestic entity, and this statement of conversion was approved in accordance with Idaho Code 30-22-403. The converted entity is a domestic entity, and its public organic record is as followed.
- ☒ I understand that if I convert this record in error, I am responsible to file another Statement of Conversion to set the record back to the correct entity type.

New Entity Type:

Select the entity type of the converted entity: Limited Liability Company

Entity Subtype:

Limited Liability Company Subtype Limited Liability Company

LLC Name

LLC Name VB Holdings, LLC

Effective Date of Conversion:

The conversion shall be effective when filed with the Secretary of State.

The registered agent on record is:

Our records indicate that the previously-selected Registered Agent is no longer valid. Please select a new Registered Agent.

Invalid Registered Agent No Agent Assigned or Agent Invalid

The name and street address of the new registered agent and office in Idaho is:

Registered Agent
Registered Agent
Jonica Somerset
Physical Address:
430 E. YAKIMA AVE
JEROME, ID 83338
Mailing Address:
430 E YAKIMA
JEROME, ID 83338-4928

Limited Liability Company Governors:

Name	Address
☒ Russell G. Visser	430 E. YAKIMA AVE JEROME, ID 83338
☒ Michael J. Bosma	430 E. YAKIMA AVE JEROME, ID 83338



The complete street address of the principal office is:

Principal Office Address

430 E. YAKIMA AVE
JEROME, ID 83338

Mailing Address of Entity:

Mailing Address:

430 E YAKIMA
JEROME, ID 83338-4928

The Statement of Conversion must be signed by the converting entity:

Brandon T. Berrett

12/24/2024

Sign Here

Date

Job Title:

Authorized Agent

BUR 14-0000 12/24/2024 9:00 AM RECEIVED BY OFFICE OF THE JUDICIAL SECRETARY OF STATE

Maline, Denise

From: Maline, Denise
Sent: Friday, August 15, 2025 12:04 PM
To: Jaxon Higgs
Subject: Comment Letter for Water Right Transfer 89992 (Big Sky Dairy)
Attachments: Comment letter to WD140 for 89992.docx; Transfer 89992 (Big Sky Dairy).pdf

Hi Jaxon,

Attached is an application for transfer located within WD140 currently being processed by the department. Please review the application and provide any necessary comments within 21 days.

If you have any questions regarding this information, please feel free to contact Bill Mills at our office.

Thank you in advance & have a great weekend,

Denise @ IDWR Twin Falls



Denise Maline, Administrative Assistant I

Idaho Dept. of Water Resources, Southern Region

650 Addison Ave W Ste 500

Twin Falls ID 83301-5858

(208) 293-9908

denise.maline@idwr.idaho.gov



IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

August 15, 2025

JAXON HIGGS
WATER DISTRICT 140
355 W 500 S
BURLEY ID 83318-5229

Re: Transfer No. 89992 (Big Sky Dairy)
Water Right No(s). 45-2394, 45-2396, 45-7258, 45-7276, 45-7340A

Dear Jaxon:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at:
<https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has passed. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline

Denise Maline
Administrative Assistant 1

Enclosure(s)



OFFICIAL AD PROOF

This is the proof of your ad scheduled to run in **Magic Valley Times-News** on the dates indicated below. If changes are needed, please contact us prior to deadline at help@column.us

Notice ID: yOJu04DG3EfHmpMO0yv5 | **Proof Updated: Aug. 14, 2025 at 02:35pm MDT**
Notice Name: LEGAL NOTICE - Transfer 89992 | Publisher ID: COL-NV-2678

See Proof on Next Page

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

FILER

ID DEPARTMENT OF WATER
RESOURCES Southern Region
denise.maline@idwr.idaho.gov
(208) 736-3033

FILING FOR

Magic Valley
Times-News

Columns Wide: 2

Ad
Class: Legals

08/21/2025: General Legal Notice	40.35
08/28/2025: General Legal Notice	35.31
Affidavit Fee	9.00

Total \$84.66

Confirmation of legal notice received 8-14-2025

✓ *DM*

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 89992**

BIG SKY DAIRY, 430 E YAKIMA, JEROME, ID 83338-4928 has filed Application No. 89992 for changes to the following water rights within CASSIA County(s): Right No(s). 45-2394, 45-2396, 45-7258, 45-7276, 45-7340A; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes adding a new well to be drilled as a fourth point of diversion (POD) for five irrigation ground water rights (13.69 cfs when combined for the irrigation of 880 acres). Proposed POD will be located approximately 9.0 miles north and 3.4 miles west of the center of Oakley.

For additional information concerning the property location, contact Southern Region office at (208)736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W STE 500, TWIN FALLS ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **September 8, 2025**. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director
Publish: August 21, 28, 2025
COL-NV-2678





IDAHO DEPARTMENT OF
WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, ID 83301-5858

Phone: 208-736-3033 • Fax: 208-736-3037 • Email: southerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

August 14, 2025

BIG SKY DAIRY
430 E YAKIMA
JEROME, ID 83338-4928

RE: Transfer No. 89992
Water Right No(s). 45-2394, 45-2396, 45-7258, 45-7276, 45-7340A

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the **TIMES NEWS on 8/21/2025 and 8/28/2025**. Protests to this application may be submitted for a period ending ten (10) days after the second publication. Any protest against this application must be filed with the Department of Water Resources, together with a protest fee of \$25.00 for each application, on or before **September 8, 2025**.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Denise Maline
Administrative Assistant

c: Matt Thompson, AGPROfessionals
Metropolitan Life Insurance Co, Overland Park, KS (Loan #198628, 198830, 199876)
MetLife Real Estate Lending LLC, Overland Park, KS (Loan #201687, 201757, 201758)



IDAHO DEPARTMENT OF
WATER RESOURCES

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Governor Brad Little

Director Mathew Weaver

August 14, 2025

LEGAL NOTICE DEPARTMENT

TIMES NEWS

PO BOX 548

TWIN FALLS, ID 83303-0548

Submitted online via Column.us

RE: Transfer No. 89992

Water Right No(s). 45-2394, 45-2396, 45-7258, 45-7276, 45-7340A

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before **September 8, 2025**. Your cooperation is appreciated.

Sincerely,

Denise Maline

Denise Maline

Administrative Assistant

Enclosure(s)

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 89992**

BIG SKY DAIRY, 430 E YAKIMA, JEROME, ID 83338-4928 has filed Application No. 89992 for changes to the following water rights within CASSIA County(s): Right No(s). 45-2394, 45-2396, 45-7258, 45-7276, 45-7340A; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes adding a new well to be drilled as a fourth point of diversion (POD) for five irrigation ground water rights (13.69 cfs when combined for the irrigation of 880 acres). Proposed POD will be located approximately 9.0 miles north and 3.4 miles west of the center of Oakley.

For additional information concerning the property location, contact Southern Region office at (208)736-3033. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Southern Region, 650 ADDISON AVE W STE 500, TWIN FALLS ID 83301-5858 together with a protest fee of \$25.00 for each application on or before **September 8, 2025**. The protestant must also send a copy of the protest to the applicant.

MATHEW WEAVER, Director
Published on August 21st & 28th, 2025

M E M O R A N D U M

Date: August 12, 2025
To: Transfer 89992
From: Bill Mills
Re: Transfer Proposal

Application for transfer proposes adding a new well to be drilled as a fourth point of diversion (POD) for five irrigation ground water rights (13.69 cfs when combined for the irrigation of 880 acres). Proposed POD will be located approximately 9.0 miles north and 3.4 miles west of the center of Oakley.

All PODs and the place of use (POU) are located in Water District 140 and watermaster comments will be solicited. PODs and POU are also located within the ESPA, no modeling is required as the proposed well location is in a cell adjacent to all three existing wells. PODs and the POU are also located in the West Oakley Fan Critical Ground Water Management Area.

MEMORANDUM

Date: August 12, 2025
To: Transfer 89992
From: Bill Mills
Re: Fee Evaluation

Filing fees charged for transfer application #89992 were based on the current transfer fee schedule and included \$1540.00 for the 13.69 cfs being transferred in the application (Receipt No. S040724).