

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 89992**

This is to certify that: **BIG SKY DAIRY**
430 E YAKIMA
JEROME, ID 83338-4928

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
45-2394	WR/DECREED	10/16/1951	2.500 cfs	800.0 af	200.0	880.0	GROUND WATER
45-2396	WR/DECREED	9/13/1951	3.700 cfs	1236.0 af	309.0	880.0	GROUND WATER
45-7258	WR/DECREED	2/2/1976	4.490 cfs	1960.0 af	490.0	880.0	GROUND WATER
45-7276	WR/DECREED	10/13/1976	3.000 cfs	600.0 af	150.0	880.0	GROUND WATER
45-7340A	WR/DECREED	2/2/1978	2.930 cfs	960.0 af	240.0	880.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
45-2394	NO	NO	NO	YES	NO	NO
45-2396	NO	NO	NO	YES	NO	NO
45-7258	NO	NO	NO	YES	NO	NO
45-7276	NO	NO	NO	YES	NO	NO
45-7340A	NO	NO	NO	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
45-2394	45-2394	2.500 cfs	800.0 af	200.0	880.0	N/A	N/A	N/A	N/A	N/A
45-2396	45-2396	3.700 cfs	1236.0 af	309.0	880.0	N/A	N/A	N/A	N/A	N/A
45-7258	45-7258	4.490 cfs	1960.0 af	490.0	880.0	N/A	N/A	N/A	N/A	N/A
45-7276	45-7276	3.000 cfs	600.0 af	150.0	880.0	N/A	N/A	N/A	N/A	N/A
45-7340A	45-7340A	2.930 cfs	960.0 af	240.0	880.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		13.690 cfs	3520.0 af	880.0	880.0		N/A	N/A	N/A	N/A

SUPPORT DATA

IN FILE # 45-2394

Transfer No. 89992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 89992

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 31st day of October, 2025.



Southern Region Manager



WATER RIGHT NO. 45-2396**As Modified by Transfer No. 89992**

In accordance with the approval of Transfer No. 89992, Water Right No. 45-2396 is now described as follows:

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

Priority Date: 9/13/1951

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	3.700 cfs	1236.0 af
			3.700 cfs	1236.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESESW	Sec 12 Twp 12S Rge 21E	CASSIA County
GROUND WATER	SESENE	Sec 13 Twp 12S Rge 21E	CASSIA County
GROUND WATER	SWSWSW	Sec 13 Twp 12S Rge 21E	CASSIA County
GROUND WATER	L4 (SESWSW)	Sec 7 Twp 12S Rge 22E	CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	21E	12									40.0	35.0	31.0	32.0	38.0	40.0	37.0	37.0	290.0
12S	21E	13	39.0	33.0	40.0	37.0					41.0	40.0	40.0	41.0		40.0	40.0		391.0
12S	22E	7									40.0	41.0	40.0	39.0			39.0		199.0
											L 3	L 4							

Right Acre Limit: 309.0

POU Total Acres: 880.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 309 acres within the authorized place of use in a single irrigation season.
2. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. Rights 45-2394, 45-2396 and 45-7258 when combined shall not exceed, a total annual maximum diversion volume of 1960 af at the field headgate, and the irrigation of 490 acres.

Transfer No. 89992

WATER RIGHT NO. 45-2396
As Modified by Transfer No. 89992

CONDITIONS OF APPROVAL

5. Rights 45-2394, 45-2396, 45-7258, 45-7276 and 45-7340A when combined shall not exceed the irrigation of 880 acres.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
7. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 45-7258**As Modified by Transfer No. 89992**

In accordance with the approval of Transfer No. 89992, Water Right No. 45-7258 is now described as follows:

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

Priority Date: 2/2/1976

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	4.490 cfs	1960.0 af
			4.490 cfs	1960.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESESW	Sec 12 Twp 12S Rge 21E	CASSIA County
GROUND WATER	SESENE	Sec 13 Twp 12S Rge 21E	CASSIA County
GROUND WATER	SWSWSW	Sec 13 Twp 12S Rge 21E	CASSIA County
GROUND WATER	L4 (SESWSW)	Sec 7 Twp 12S Rge 22E	CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	21E	12									40.0	35.0	31.0	32.0	38.0	40.0	37.0	37.0	290.0
12S	21E	13	39.0	33.0	40.0	37.0					41.0	40.0	40.0	41.0		40.0	40.0		391.0
12S	22E	7									40.0	41.0	40.0	39.0			39.0		199.0
											L3	L4							

Right Acre Limit: 490.0

POU Total Acres: 880.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 490 acres within the authorized place of use in a single irrigation season.
2. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. Rights 45-2394, 45-2396 and 45-7258 when combined shall not exceed, a total annual maximum diversion volume of 1960 af at the field headgate, and the irrigation of 490 acres.

Transfer No. 89992

WATER RIGHT NO. 45-7258
As Modified by Transfer No. 89992

CONDITIONS OF APPROVAL

5. Rights 45-7258, 45-7276, 45-7340A and 45-7340B when combined shall not exceed a total diversion rate of 7.49 cfs.
6. Rights 45-2394, 45-2396, 45-7258, 45-7276 and 45-7340A when combined shall not exceed the irrigation of 880 acres.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
8. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
9. The remainder of this right, amounting to 11 acres, was forfeited for non-use from 1978 to 1992.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 45-2394**As Modified by Transfer No. 89992**

In accordance with the approval of Transfer No. 89992, Water Right No. 45-2394 is now described as follows:

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

Priority Date: 10/16/1951

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	2.500 cfs	800.0 af
			2.500 cfs	800.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESESW	Sec 12 Twp 12S Rge 21E	CASSIA County
GROUND WATER	SESENE	Sec 13 Twp 12S Rge 21E	CASSIA County
GROUND WATER	SWSWSW	Sec 13 Twp 12S Rge 21E	CASSIA County
GROUND WATER	L4 (SESWSW)	Sec 7 Twp 12S Rge 22E	CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	21E	12									40.0	35.0	31.0	32.0	38.0	40.0	37.0	37.0	290.0
12S	21E	13	39.0	33.0	40.0	37.0					41.0	40.0	40.0	41.0		40.0	40.0		391.0
12S	22E	7									40.0	41.0	40.0	39.0			39.0		199.0
												L 3	L 4						

Right Acre Limit: 200.0

POU Total Acres: 880.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 200 acres within the authorized place of use in a single irrigation season.
2. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. Rights 45-2394, 45-2396 and 45-7258 when combined shall not exceed, a total annual maximum diversion volume of 1960 af at the field headgate, and the irrigation of 490 acres.

Transfer No. 89992

WATER RIGHT NO. 45-2394
As Modified by Transfer No. 89992

CONDITIONS OF APPROVAL

5. Rights 45-2394, 45-2396, 45-7258, 45-7276 and 45-7340A when combined shall not exceed the irrigation of 880 acres.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
7. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 45-7276**As Modified by Transfer No. 89992**

In accordance with the approval of Transfer No. 89992, Water Right No. 45-7276 is now described as follows:

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

Priority Date: 10/13/1976

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	3.000 cfs	600.0 af
			3.000 cfs	600.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESESW	Sec 12 Twp 12S Rge 21E	CASSIA County
GROUND WATER	SESENE	Sec 13 Twp 12S Rge 21E	CASSIA County
GROUND WATER	SWSWSW	Sec 13 Twp 12S Rge 21E	CASSIA County
GROUND WATER	L4 (SESWSW)	Sec 7 Twp 12S Rge 22E	CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	21E	12									40.0	35.0	31.0	32.0	38.0	40.0	37.0	37.0	290.0
12S	21E	13	39.0	33.0	40.0	37.0					41.0	40.0	40.0	41.0		40.0	40.0		391.0
12S	22E	7									40.0	41.0	40.0	39.0			39.0		199.0
												L 3	L 4						

Right Acre Limit: 150.0

POU Total Acres: 880.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 150 acres within the authorized place of use in a single irrigation season.
2. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. Rights 45-7258, 45-7276, 45-7340A and 45-7340B when combined shall not exceed a total diversion rate of 7.49 cfs.

Transfer No. 89992

WATER RIGHT NO. 45-7276
As Modified by Transfer No. 89992

CONDITIONS OF APPROVAL

5. Rights 45-2394, 45-2396, 45-7258, 45-7276 and 45-7340A when combined shall not exceed the irrigation of 880 acres.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
7. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 45-7340A
As Modified by Transfer No. 89992

In accordance with the approval of Transfer No. 89992, Water Right No. 45-7340A is now described as follows:

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

Priority Date: 2/2/1978

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	03/15	to 11/15	2.930 cfs	960.0 af
			2.930 cfs	960.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESESW	Sec 12 Twp 12S Rge 21E	CASSIA County
GROUND WATER	SESENE	Sec 13 Twp 12S Rge 21E	CASSIA County
GROUND WATER	SWSWSW	Sec 13 Twp 12S Rge 21E	CASSIA County
GROUND WATER	L4 (SESWSW)	Sec 7 Twp 12S Rge 22E	CASSIA County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	21E	12									40.0	35.0	31.0	32.0	38.0	40.0	37.0	37.0	290.0
12S	21E	13	39.0	33.0	40.0	37.0					41.0	40.0	40.0	41.0		40.0	40.0		391.0
12S	22E	7									40.0	41.0	40.0	39.0			39.0		199.0
												L 3	L 4						

Right Acre Limit: 240.0

POU Total Acres: 880.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 240 acres within the authorized place of use in a single irrigation season.
2. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 140.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. Rights 45-7258, 45-7276, 45-7340A and 45-7340B when combined shall not exceed a total diversion rate of 7.49 cfs.

Transfer No. 89992

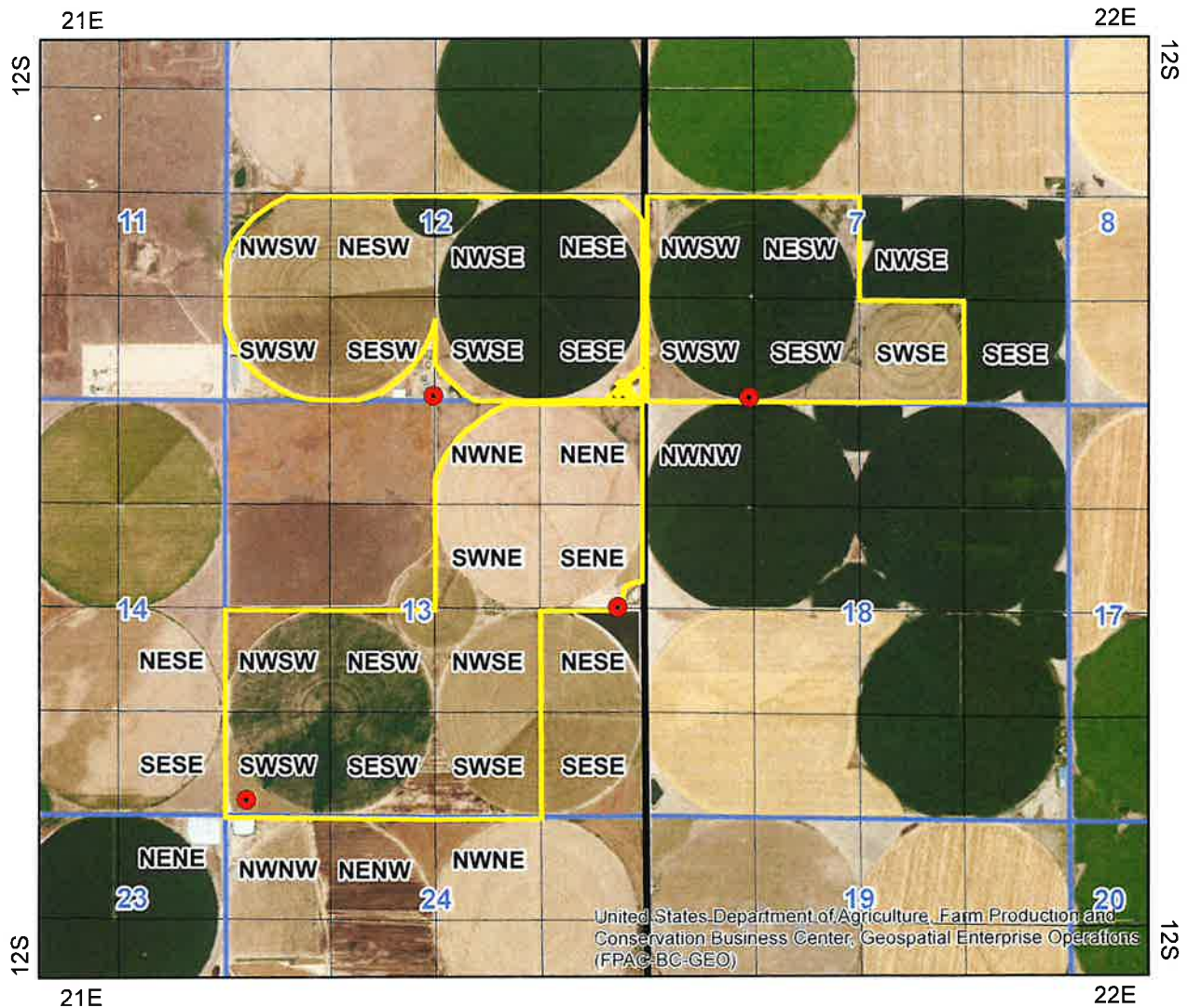
WATER RIGHT NO. 45-7340A
As Modified by Transfer No. 89992

CONDITIONS OF APPROVAL

5. Rights 45-2394, 45-2396, 45-7258, 45-7276 and 45-7340A when combined shall not exceed the irrigation of 880 acres.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
7. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

State of Idaho
Department of Water Resources
Attachment to Transfer # 89992
45-2394, 45-2396, 45-7258, 45-7276, and 45-7340A

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



0 0.275 0.55 1.1 Miles

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





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

October 7, 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

Transfer Approval Notice

Dear Water Right Holder and other Interested Persons:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) 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 by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action 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 Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

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. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 736-3033.

Sincerely,



Corey Skinner
Southern Regional Manager

Enclosure

c:

AGPROFESSIONALS
ATTN MATTHEW THOMPSON
213 CANYON CREST DR STE 100
TWIN FALLS ID 83301-3053

METLIFE REAL ESTATE LENDING LLC
C/O METLIFE INVESTMENT MANAGEMENT LLC
10801 MASTIN ST STE 700
OVERLAND PARK KS 66210-1673

METROPOLITAN LIFE INSURANCE COMPANY
AGRICULTURAL INVESTMENTS
10801 MASTIN ST STE 930
OVERLAND PARK KS 66210-1677

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

CERTIFICATE OF SERVICE

I hereby certify that on October 7, 2025 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 89992

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

BIG SKY DAIRY
430 E YAKIMA
JEROME ID 83338-4928

AGPROFESSIONALS
ATTN MATTHEW THOMPSON
213 CANYON CREST DR STE 100
TWIN FALLS ID 83301-3053

METLIFE REAL ESTATE LENDING LLC
C/O METLIFE INVESTMENT MANAGEMENT LLC
10801 MASTIN ST STE 700
OVERLAND PARK KS 66210-1673

METROPOLITAN LIFE INSURANCE COMPANY
AGRICULTURAL INVESTMENTS
10801 MASTIN ST STE 930
OVERLAND PARK KS 66210-1677

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



Denise Maline
Administrative Assistant

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.

MEMORANDUM

Date: September 15, 2025
To: Transfer 89992
From: Bill Mills
Re: Evaluation of Sufficiency Memorandum

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 were solicited and the Watermaster didn't have any issues with this transfer. PODs and POU are also located within the ESPA, no modeling was 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.

- **Authority to File:** Applicant is listed as the current owner of the water rights and the property associated with this transfer application.
- **Water Right Validity:** All water rights in the transfer application were decreed in the SRBA on or before 5/13/2005. Recent aerial imagery indicates the associated irrigation POU appears to be irrigated.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated.
- **Local Public Interest:**
No issues anticipated.

- **Beneficial Use/Conservation of Water Resources:**
Proposed use is recognized as a beneficial use of water.
- **Effect on the Economy of the Local Area:**
None Anticipated.
- **Effect on Agricultural Base of the Local Economy:**
None Anticipated.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

AFFIDAVIT OF PUBLICATION

Magic Valley Times-News
132 Fairfield ST W, Twin Falls, ID 83301
(208) 735-3253

State of Florida, County of Orange, ss:

I, Ankit Sachdeva, of lawful age, being duly sworn upon oath depose and say that I am an agent of Column Software, PBC, duly appointed and authorized agent of the Publisher of Magic Valley Times-News, a newspaper printed and published at Twin Falls on Tuesday, Thursday and Saturday, Twin Falls County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in the Times-News, in conformity with Section 60-108, Idaho Code, as amended, for:

Publication Dates:

- Aug 21, 2025
- Aug 28, 2025

Notice ID: yOJu04DG3EfHmpMO0yv5

Notice Name: LEGAL NOTICE - Transfer 89992

Publication Fee: \$84.66

Ankit Sachdeva

Agent

VERIFICATION

State of Florida
County of Orange

Signed or attested before me on this: 08/28/2025



Notary Public

Notarized remotely online using communication technology via Proof.



PAMELA BAEZ
Notary Public - State of Florida

Commission # HH 186700
Expires on October 14, 2025

RECEIVED**AUG 29 2025**

DEPT. OF WATER RESOURCES
SOUTHERN REGION

✓ DM 8/29/2025

**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

✓ *DM*

Maline, Denise

From: Jaxon Higgs <jaxon@waterwellconsultants.com>
Sent: Monday, August 18, 2025 1:17 PM
To: Maline, Denise
Subject: RE: Comment Letter for Water Right Transfer 89992 (Big Sky Dairy)

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

I don't have any issues with this transfer. Thank you!

Jaxon

From: Maline, Denise <Denise.Maline@idwr.idaho.gov>
Sent: Friday, August 15, 2025 12:04 PM
To: Jaxon Higgs <jaxon@waterwellconsultants.com>
Subject: Comment Letter for Water Right Transfer 89992 (Big Sky Dairy)

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