

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 81836**

This is to certify that: **FED AGRIBUSINESS LLC**
568 W 1650 S
OAKLEY, ID 83346

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>
45-2381	WR/DECREED	6/5/1951	4.140 cfs	1280.0 af	320.0	3101.0	GROUND WATER

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

<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>
45-2380	WR/DECREED	6/5/1951	2.040 cfs	960.0 af	240.0	3101.0	GROUND WATER
45-2589	WR/DECREED	9/11/1959	1.100 cfs	160.0 af	40.0	3101.0	GROUND WATER
45-7201	WR/DECREED	11/18/1974	5.720 cfs	1352.0 af	338.0	3101.0	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>
45-2381	YES	YES	YES	NO	YES	YES

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>
45-2381	45-14504	0.040 cfs	7.6 af	N/A	1.0	45-2381	4.100 cfs	1268.0 af	317.0	3101.0
COMBINED TOTALS		0.040 cfs	7.6 af	N/A	1.0		N/A	N/A	N/A	N/A

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 28th day of December, 2017.


Southern Region Manager

SUPPORT DATA

Transfer No. 81836

IN FILE # 45-2381

WATER RIGHT NO. 45-2381**As Modified by Transfer No. 81836**

In accordance with the approval of Transfer No. 81836, Water Right No. 45-2381 is now described as follows:

Right Holder: FED AGRIBUSINESS LLC
568 W 1650 S
OAKLEY, ID 83346

Priority Date: 6/5/1951

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

03/15

To

to 11/15

Diversion Rate

4.100 cfs

4.100 cfs

Diversion Volume

1268.0 af

1268.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESESE	Sec 34 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	SESWSW	Sec 11 Twp 12S Rge 20E	CASSIA County
GROUND WATER	SESWSW	Sec 11 Twp 12S Rge 20E	CASSIA County
GROUND WATER	SWSWSE	Sec 12 Twp 12S Rge 20E	CASSIA County
GROUND WATER	SWSWSE	Sec 12 Twp 12S Rge 20E	CASSIA County
GROUND WATER	SESWSW	Sec 13 Twp 12S Rge 20E	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	
11S	20E	26									33.0	33.0	34.0	33.0	32.0	32.0	32.0	31.0	260.0
11S	20E	27	33.0	34.0	34.0	32.0									31.0	33.0	31.0	28.0	256.0
11S	20E	33	34.0			33.0									33.0			30.0	130.0
11S	20E	34	31.0	34.0	40.0	39.0	39.0	39.0	40.0	40.0	40.0	40.0	32.0	39.0	39.0	40.0	39.0	38.0	609.0
12S	20E	11									33.0	33.0	33.0	33.0	33.0	34.0	33.0	33.0	265.0
12S	20E	12	33.0	32.0	33.0	33.0									33.0	32.0	32.0	33.0	261.0
12S	20E	13					34.0	33.0	32.0	33.0	32.0	30.0	33.8	32.0					259.8
12S	20E	14	37.0	38.0	40.0	37.0	39.0	28.0	33.0	40.0	28.0	2.1		6.6	37.0	40.0	37.0	35.0	477.7
											L 1	L 2		L 4					
12S	20E	23	40.0	34.0	31.0	39.0	2.9								25.0	8.1			180.0
12S	20E	24						28.0	38.0			33.0	5.5						104.5
12S	21E	7									40.0	37.0	37.0	39.0	33.0	40.0	40.0	32.0	298.0

Right Acre Limit: 317.0

POU Total Acres: 3101.0

CONDITIONS OF APPROVAL

1. The point of diversion located in the SESESE, S34, T11S, R20E, and the two points of diversion located in the SESWSW, S11, T12S, R20E are limited to a combined maximum diversion rate of 4.10 cfs. These same wells are also recognized as low temperature geothermal wells and are limited to 4.10 cfs of low temperature geothermal water for irrigation.

Transfer No. 81836

WATER RIGHT NO. 45-2381

As Modified by Transfer No. 81836

CONDITIONS OF APPROVAL

2. This right is limited to the irrigation of 317 acres within the authorized place of use in a single irrigation season.
3. Rights 45-2380, 45-2381, 45-2589, and 45-7201 when combined shall not exceed a total annual maximum diversion volume of 3732 af at the field headgate, and the irrigation of 933 acres.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. 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.
6. Use of this right is combined with water from Southwest Irrigation District.
7. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
8. Use of water under this right will 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.
9. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
10. Prior to the diversion and use of water under Transfer approval 80092, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, 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. 45-14504
As Modified by Transfer No. 81836

In accordance with the approval of Transfer No. 81836, Water Right No. 45-14504 is now described as follows:

Right Holder: FED AGRIBUSINESS LLC
 568 W 1650 S
 OAKLEY, ID 83346

Priority Date: 6/5/1951

Source: GROUND WATER

BENEFICIAL USE

	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
DOMESTIC	1/1	to 12/31	0.040 cfs	1.8 af
IRRIGATION	03/15	to 11/15	0.020 cfs	4.0 af
STOCKWATER	1/1	to 12/31	0.040 cfs	1.8 af
			0.040 cfs	7.6 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENW Sec 12 Twp 12S Rge 19E CASSIA County

PLACE OF USE: DOMESTIC

			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	19E	12								X									0.0

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	19E	12								1.0									1.0

POU Total Acres: 1.0

PLACE OF USE: STOCKWATER

			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	19E	12								X									0.0

CONDITIONS OF APPROVAL

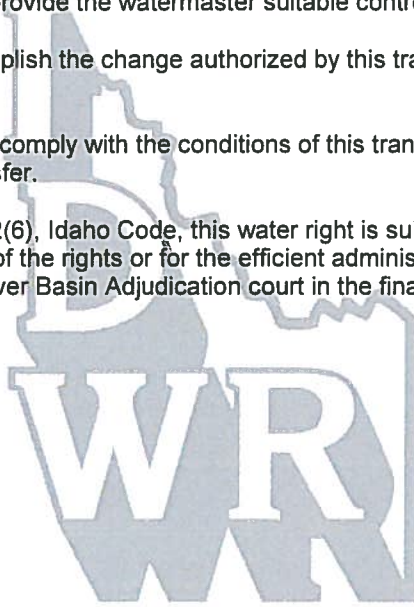
1. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.

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WATER RIGHT NO. 45-14504
As Modified by Transfer No. 81836

CONDITIONS OF APPROVAL

2. Use of water under this right will 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. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
4. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
5. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
6. Pursuant to Section 42-1412(6), Idaho Code, 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. 45-2380**As Modified by Transfer No. 81836**

In accordance with the approval of Transfer No. 81836, Water Right No. 45-2380 is now described as follows:

Right Holder: FED AGRIBUSINESS LLC
568 W 1650 S
OAKLEY, ID 83346

Priority Date: 6/5/1951

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From

03/15

to

To

11/15

Diversion Rate

2.040 cfs

2.040 cfs

Diversion Volume

960.0 af

960.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESESE	Sec 34 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	SESWSW	Sec 11 Twp 12S Rge 20E	CASSIA County
GROUND WATER	SESWSW	Sec 11 Twp 12S Rge 20E	CASSIA County
GROUND WATER	SWSWSE	Sec 12 Twp 12S Rge 20E	CASSIA County
GROUND WATER	SWSWSE	Sec 12 Twp 12S Rge 20E	CASSIA County
GROUND WATER	SESWSW	Sec 13 Twp 12S Rge 20E	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	
11S	20E	26									33.0	33.0	34.0	33.0	32.0	32.0	32.0	31.0	260.0
11S	20E	27	33.0	34.0	34.0	32.0									31.0	33.0	31.0	28.0	256.0
11S	20E	33	34.0			33.0									33.0			30.0	130.0
11S	20E	34	31.0	34.0	40.0	39.0	39.0	39.0	40.0	40.0	40.0	40.0	32.0	39.0	39.0	40.0	39.0	38.0	609.0
12S	20E	11									33.0	33.0	33.0	33.0	33.0	34.0	33.0	33.0	265.0
12S	20E	12	33.0	32.0	33.0	33.0									33.0	32.0	32.0	33.0	261.0
12S	20E	13					34.0	33.0	32.0	33.0	32.0	30.0	33.8	32.0					259.8
12S	20E	14	37.0	38.0	40.0	37.0	39.0	28.0	33.0	40.0	28.0	2.1		6.6	37.0	40.0	37.0	35.0	477.7
											L 1	L 2		L 4					
12S	20E	23	40.0	34.0	31.0	39.0	2.9								25.0	8.1			180.0
12S	20E	24						28.0	38.0			33.0	5.5						104.5
12S	21E	7									40.0	37.0	37.0	39.0	33.0	40.0	40.0	32.0	298.0

Right Acre Limit: 240.0

POU Total Acres: 3101.0

CONDITIONS OF APPROVAL

1. The point of diversion located in the SESESE, S34, T11S, R20E, and the two points of diversion located in the SESWSW, S11, T12S, R20E are limited to a combined maximum diversion rate of 4.10 cfs. These same wells are also recognized as low temperature geothermal wells and are limited to 4.10 cfs of low temperature geothermal water for irrigation.

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WATER RIGHT NO. 45-2380
As Modified by Transfer No. 81836

CONDITIONS OF APPROVAL

2. This right is limited to the irrigation of 240 acres within the authorized place of use in a single irrigation season.
3. Rights 45-2380, 45-2381, 45-2589, and 45-7201 when combined shall not exceed a total annual maximum diversion volume of 3732 af at the field headgate, and the irrigation of 933 acres.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. 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.
6. Use of this right is combined with water from Southwest Irrigation District.
7. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
8. Use of water under this right will 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.
9. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
10. Prior to the diversion and use of water under Transfer approval 80092, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 45-2589**As Modified by Transfer No. 81836**

In accordance with the approval of Transfer No. 81836, Water Right No. 45-2589 is now described as follows:

Right Holder: FED AGRIBUSINESS LLC
568 W 1650 S
OAKLEY, ID 83346

Priority Date: 9/11/1959

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From 03/15 **To** 11/15

Diversion Rate

1.100 cfs
1.100 cfs

Diversion Volume

160.0 af
160.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESESE	Sec 34 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	SESWSW	Sec 11 Twp 12S Rge 20E	CASSIA County
GROUND WATER	SESWSW	Sec 11 Twp 12S Rge 20E	CASSIA County
GROUND WATER	SWSWSE	Sec 12 Twp 12S Rge 20E	CASSIA County
GROUND WATER	SWSWSE	Sec 12 Twp 12S Rge 20E	CASSIA County
GROUND WATER	SESWSW	Sec 13 Twp 12S Rge 20E	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	
11S	20E	26									33.0	33.0	34.0	33.0	32.0	32.0	32.0	31.0	260.0
11S	20E	27	33.0	34.0	34.0	32.0									31.0	33.0	31.0	28.0	256.0
11S	20E	33	34.0			33.0									33.0			30.0	130.0
11S	20E	34	31.0	34.0	40.0	39.0	39.0	39.0	40.0	40.0	40.0	40.0	32.0	39.0	39.0	40.0	39.0	38.0	609.0
12S	20E	11									33.0	33.0	33.0	33.0	33.0	34.0	33.0	33.0	265.0
12S	20E	12	33.0	32.0	33.0	33.0									33.0	32.0	32.0	33.0	261.0
12S	20E	13					34.0	33.0	32.0	33.0	32.0	30.0	33.8	32.0					259.8
12S	20E	14	37.0	38.0	40.0	37.0	39.0	28.0	33.0	40.0	28.0	2.1		6.6	37.0	40.0	37.0	35.0	477.7
											L 1	L 2		L 4					
12S	20E	23	40.0	34.0	31.0	39.0	2.9								25.0	8.1			180.0
12S	20E	24						28.0	38.0			33.0	5.5						104.5
12S	21E	7									40.0	37.0	37.0	39.0	33.0	40.0	40.0	32.0	298.0

Right Acre Limit: 40.0

POU Total Acres: 3101.0

CONDITIONS OF APPROVAL

1. The point of diversion located in the SESESE, S34, T11S, R20E, and the two points of diversion located in the SESWSW, S11, T12S, R20E are limited to a combined maximum diversion rate of 4.10 cfs. These same wells are also recognized as low temperature geothermal wells and are limited to 4.10 cfs of low temperature geothermal water for irrigation.

Transfer No. 81836

WATER RIGHT NO. 45-2589

As Modified by Transfer No. 81836

CONDITIONS OF APPROVAL

2. This right is limited to the irrigation of 40 acres within the authorized place of use in a single irrigation season.
3. Rights 45-2380, 45-2381, 45-2589, and 45-7201 when combined shall not exceed a total annual maximum diversion volume of 3732 af at the field headgate, and the irrigation of 933 acres.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. 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.
6. Use of this right is combined with water from Southwest Irrigation District.
7. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
8. Use of water under this right will 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.
9. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
10. Prior to the diversion and use of water under Transfer approval 80092, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

WATER RIGHT NO. 45-7201**As Modified by Transfer No. 81836**

In accordance with the approval of Transfer No. 81836, Water Right No. 45-7201 is now described as follows:

Right Holder: FED AGRIBUSINESS LLC
568 W 1650 S
OAKLEY, ID 83346

Priority Date: 11/18/1974

Source: GROUND WATER

BENEFICIAL USE

IRRIGATION

From 03/15 **To** 11/15

Diversion Rate

5.720 cfs
5.720 cfs

Diversion Volume

1352.0 af
1352.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SESESE	Sec 34 Twp 11S Rge 20E	TWIN FALLS County
GROUND WATER	SESWSW	Sec 11 Twp 12S Rge 20E	CASSIA County
GROUND WATER	SESWSW	Sec 11 Twp 12S Rge 20E	CASSIA County
GROUND WATER	SWSWSE	Sec 12 Twp 12S Rge 20E	CASSIA County
GROUND WATER	SWSWSE	Sec 12 Twp 12S Rge 20E	CASSIA County
GROUND WATER	SESWSW	Sec 13 Twp 12S Rge 20E	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	
11S	20E	26									33.0	33.0	34.0	33.0	32.0	32.0	32.0	31.0	260.0
11S	20E	27	33.0	34.0	34.0	32.0									31.0	33.0	31.0	28.0	256.0
11S	20E	33	34.0			33.0									33.0			30.0	130.0
11S	20E	34	31.0	34.0	40.0	39.0	39.0	39.0	40.0	40.0	40.0	40.0	32.0	39.0	39.0	40.0	39.0	38.0	609.0
12S	20E	11									33.0	33.0	33.0	33.0	33.0	34.0	33.0	33.0	265.0
12S	20E	12	33.0	32.0	33.0	33.0									33.0	32.0	32.0	33.0	261.0
12S	20E	13					34.0	33.0	32.0	33.0	32.0	30.0	33.8	32.0					259.8
12S	20E	14	37.0	38.0	40.0	37.0	39.0	28.0	33.0	40.0	28.0	2.1		6.6	37.0	40.0	37.0	35.0	477.7
12S	20E	23	40.0	34.0	31.0	39.0	2.9				L 1	L 2		L 4	25.0	8.1			180.0
12S	20E	24						28.0	38.0			33.0	5.5						104.5
12S	21E	7									40.0	37.0	37.0	39.0	33.0	40.0	40.0	32.0	298.0

Right Acre Limit: 338.0

POU Total Acres: 3101.0

CONDITIONS OF APPROVAL

- The point of diversion located in the SESESE, S34, T11S, R20E, and the two points of diversion located in the SESWSW, S11, T12S, R20E are limited to a combined maximum diversion rate of 4.10 cfs. These same wells are also recognized as low temperature geothermal wells and are limited to 4.10 cfs of low temperature geothermal water for irrigation.

Transfer No. 81836

WATER RIGHT NO. 45-7201
As Modified by Transfer No. 81836

CONDITIONS OF APPROVAL

2. This right is limited to the irrigation of 338 acres within the authorized place of use in a single irrigation season.
3. Rights 45-2380, 45-2381, 45-2589, and 45-7201 when combined shall not exceed a total annual maximum diversion volume of 3732 af at the field headgate, and the irrigation of 933 acres.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. 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.
6. Use of this right is combined with water from Southwest Irrigation District.
7. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
8. Use of water under this right will 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.
9. Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
10. Prior to the diversion and use of water under Transfer approval 80092, the right holder shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Section 42-1412(6), Idaho Code, 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 may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

State of Idaho
Department of Water Resources
Attachment to Transfer # 81836
45-14504

This map depicts the DOMESTIC & STOCKWATER 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.



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

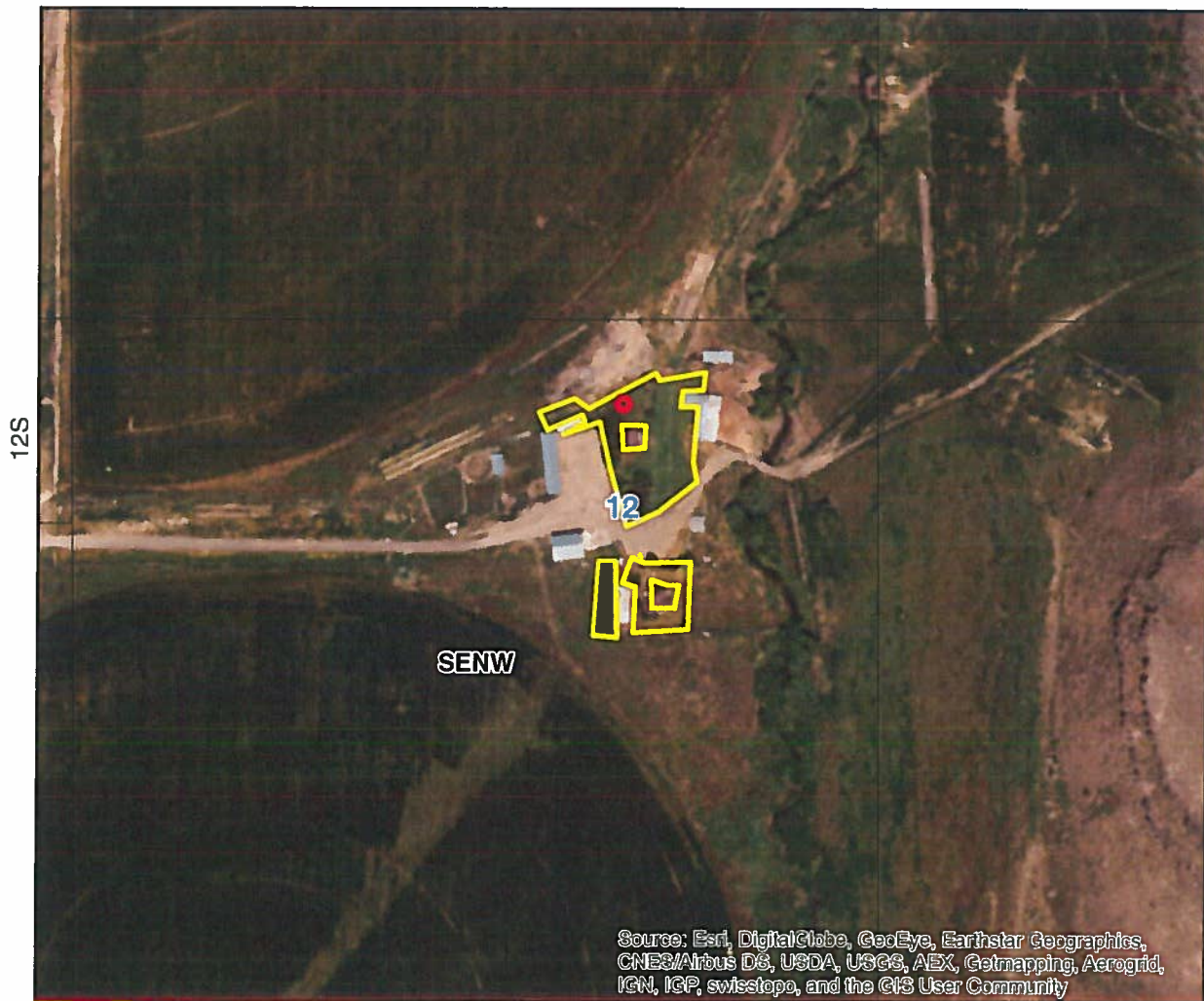
0 0.035 0.07 0.14 Miles



State of Idaho
Department of Water Resources
Attachment to Transfer # 81836
45-14504

This map depicts the IRRIGATION 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.

19E



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

0 0.035 0.07 0.14 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 29, 2017

FED AGRIBUSINESS LLC
568 W 1650 S
OAKLEY ID 83346

Re: Transfer No: 81836
Water Right No(s): 45-2380, 45-2381, 45-2589, 45-7201

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.

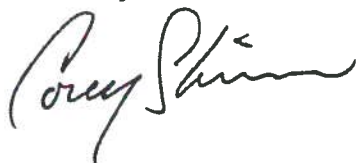
ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and 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,

A handwritten signature in black ink, appearing to read "Corey Skinner". The signature is fluid and cursive, with the first name "Corey" written in a larger, more prominent script than the last name "Skinner".

Corey Skinner
Southern Regional Manager

Enclosure

cc:

METROPOLITAN LIFE INSURANCE COMPANY
AGRICULTURAL INVESTMENTS
10801 MASTIN BLVD STE 930
OVERLAND PARK KS 66210

WATER DISTRICT 140
BRIAN HIGGS
355 W 500 S
BURLEY ID 83318

CERTIFICATE OF SERVICE

I hereby certify that on December 29, 2017 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.: 81836

Water Right No(s): 45-2380, 45-2381, 45-2589, 45-7201

**FED AGRIBUSINESS LLC
568 W 1650 S
OAKLEY ID 83346**

**METROPOLITAN LIFE INSURANCE COMPANY
AGRICULTURAL INVESTMENTS
10801 MASTIN BLVD STE 930
OVERLAND PARK KS 66210**

**WATER DISTRICT 140
BRIAN HIGGS
355 W 500 S
BURLEY ID 83318**

via e-mail



**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

TO: Transfer # 81836 File

FROM: Corey Skinner

DATE: December 28, 2017

SUBJECT: Evaluation of Sufficiency of Information Submitted

Application proposes transferring a 0.04 cfs and three acre portion of an irrigation ground water right, 45-2381 from a farm located approximately 3.25 – 9.0 miles south and 2.25 – 6.75 miles east of Murtaugh to a recently drilled existing well located approximately 6.5 miles south and 1.0 mile west of Murtaugh. The transferred portion will be used for irrigation of one acre and domestic and stock water use at the new location approximately 6.5 miles south and 1.0 mile west of Murtaugh. The change in nature of use conversion (irrigation to stock water and domestic) was based on a value of 1.8 acre-feet per acre. This was based on a precipitation deficit value for spring grain in the Burley and Oakley areas. FSA crop reports showing that oats were grown on a portion of the farm that will no longer be irrigated were provided by the applicant. Note that for the 0.04 cfs, three acre, and 12 acre-foot per year portion being transferred, the resulting transferred portion is 0.04 cfs and 7.6 acre-feet. The 7.6 acre-foot value is based on one acre of irrigation at 4.0 acre-feet per year, one acre of irrigation being converted to domestic use at 1.8 acre-feet per year, and one acre of irrigation being converted to stock water use at 1.8 acre-feet per year ($4.0 + 1.8 + 1.8 = 7.6$).

The recently drilled well that will serve as the new point of diversion for the transferred portion is considered a low temperature geothermal well, since water warmer than 85 degrees was encountered when the well was drilled. In order to use water from the new well, a water right is required. This is what is prompting the applicant to file the transfer. Three of the wells listed as points of diversion for right 45-2381 are considered low temperature geothermal wells as outlined on a condition on the right. Right 45-2381 has combined use limits with rights 45-2380, 45-2589, and 45-7201, including a combined limit on how much water can be diverted from the three low temperature geothermal wells. These three rights will be treated as associated rights so the combined use limits can be modified accordingly as a result of the transfer.

The existing and proposed points of diversion are located within Water District 140 so water master comments were solicited. The water master replied, indicating that he had “no comment on transfer 81836”.

- **Authority to File:**

The Department's database indicates that water right 37-2381, the right being transferred, is owned by the applicant, Fed Agribusiness LLC. A representative of the applicant signed the application. The new proposed place of use is owned by Tugaw Ranches LLC. A signed form from Tugaw Ranches acknowledging the transfer and that Fed Agribusiness will retain ownership of the right after the transfer is included with the application. A security interest, Metropolitan Life Insurance Company, is listed on the right being transferred. A signed statement agreeing to the transfer from Metropolitan Life Insurance Company is included with the application. Metropolitan Life Insurance Company was notified by IDWR of the application being filed and processed.

- **Water Right Validity:**

Right 45-2381 was partially decreed in the SRBA in 2005 and subject to a recently approved transfer, # 80092, in 2015. Information provided by the applicant and included in the application file indicates that oats were recently grown on the property and that a portion of the farm that will no longer be irrigated has been irrigated recently.

- **Injury to Other Water Rights:**

None anticipated or foreseen.

- **Enlargement of Use:**

None anticipated. The transfer results in a reduction in overall allowable diversion volume (12.0 acre-feet to 7.7 acre-feet)

- **Local Public Interest:**

No issues anticipated. The application was advertised to allow public review and no protests were received.

- **Beneficial Use/Conservation of Water Resources:**

Proposed uses are recognized as beneficial uses of water.

- **Effect on the Economy of the Local Area:**

None Anticipated

- **Effect of the Agricultural Base of the Area:**

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.

**** Proof of Publication ****

Twin Falls Times-News
132 Fairfield St W, Twin Falls, Idaho 83301

RUBY AUFDERHEIDE, being duly sworn, deposes and says: That she is the Principal Clerk of the Times-News, a daily newspaper printed and published at Twin Falls, 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:

2 Insertions

ID DEPARTMENT OF WATER RESOURCES
650 ADDISON AVE W, STE 500
TWIN FALLS, ID 83301

ORDER NUMBER 58706

Ruby Aufderheide
(Legals Clerk)

STATE OF IDAHO)
.SS
COUNTY OF TWIN FALLS)

On this 14 day of Dec. in the year of 2017 before me, a Notary Public, personally appeared before me Ruby Aufderheide known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Noelle Smith
Notary Public FOR Idaho
Residing at: Twin Falls, Idaho
My Commission expires: 6-13-2023

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81836**

FED AGRIBUSINESS LLC, 568 W 1650 S, OAKLEY, ID 83346; has filed Application No. 81836 for changes to the following water rights within CASSIA, TWIN FALLS County(s): Right No(s). 45-2381. The purpose of the transfer is to change a portion of the above rights as follows: Application proposes transferring a 0.04 cfs and three acre portion of an irrigation ground water right from a farm located approximately 3.25 to 9.0 miles south and 2.25 to 6.75 miles east of Murtaugh to an existing well located approximately 6.5 miles south and 1.0 mile west of Murtaugh. The transferred portion will be used for irrigation of one acre and domestic and stock water use at the new location approximately 6.5 miles south and 1.0 mile west of Murtaugh.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 82012**

RED ROCK FARMS LLC, 2038 S HWY 81, MALTA, ID 83342; has filed Application No. 82012 for changes to the following water rights within CASSIA County(s): Right No(s). 43-13543, 43-13605, 43-13774, 43-13775, 43-13783, 43-2444. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes moving a 1.73 cfs, 92.7 acre portion of a ground water right from a farm located approximately 4.5 to 8.0 miles south and 0.1 to 2.7 miles east of Malta to a farm located approximately 7.0 to 8.0 miles south and 2.8 to 3.8 miles east of Malta. The transferred water right portion will be diverted from three existing wells on the farm located approximately 7.0 to 8.0 miles south and 2.8 to 3.8 miles east of Malta. Transfer also proposes updating the legal description for one well to better describe the actual physical location of the well.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 82025**

GW FINANCE CO LLC, 22 N YALE RD, DECLO, ID 83323; has filed Application No. 82025 for changes to the following water rights within CASSIA County(s): Right No(s). 43-13070, 43-13072, 43-13792. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the currently authorized location of one of three points of diversion (POD) for three stockwater and commercial rights associated with a CAFO located approximately 13.4 to 14.3 miles east and 2.5 to 3.3 miles south of the intersection of Interstate Highways 84 and 86 east of Burley. The POD to be changed is located approximately 13.6 miles east and 3.1 miles south of the I-84/I-86 intersection, while the proposed POD location is a new well approximately 0.2 miles northeast in the adjacent quarter-quarter section. The three ground water rights allow the diversion of up to 0.63 cfs.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and/or the proposed transfers, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. 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 together with a protest fee of \$25.00 for each application on or before **December 26, 2017**. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director
PUBLISH: December 7 and 14, 2017

RECEIVED

DEC 18 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION

PUBLISHED ON: 12/07/2017, 12/14/2017

TOTAL AD COST: 189.42

FILED ON: 12/14/2017

NOELLE R. SMITH
Notary Public
State of Idaho

✓ OK DM 12/28/2017

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 58706

Publication	Times News		
Contact	ID DEPARTMENT OF WATER RESOURCES	PO Number	
Address 1	650 ADDISON AVE W, STE 500	Rate	Legal Notice
Address 2		Order Price	189.42
City St Zip	TWIN FALLS ID 83301	Amount Paid	0.00
Phone	2087363033	Amount Due	189.42
Fax			
Section	Legals	Start/End Dates	12/07/2017 - 12/14/2017
SubSection		Insertions	2
Category	50 Legal	Size	124
Ad Key	58706-1	Salesperson(s)	Ruby Aufderheide
Keywords	Transfer Nos 81836, 82012, 82025	Taken By	Ruby Aufderheide
Notes			

Ad Proof

Proof of legal notice received
from Times News 12/4/2017 (2 pages)

✓ OK DM 12/4/2017
E-mail sent to newspaper.

Customer Ad Proof

60002276 ID DEPARTMENT OF WATER RESOURCES

Order Nbr 58706

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 81836

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NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 82025

GW FINANCE CO LLC, 22 N YALE RD, DECLO, ID 83323; has filed Application No. 82025 for changes to the following water rights within CASSIA County(s): Right No(s). 43-13070, 43-13072, 43-13792. The purpose of the transfer is to change a portion of the above rights as follows: Application for transfer proposes to change the currently authorized location of one of three points of diversion (POD) for three stockwater and commercial rights associated with a CAFO located approximately 13.4 to 14.3 miles east and 2.5 to 3.3 miles south of the intersection of Interstate Highways 84 and 86 east of Burley. The POD to be changed is located approximately 13.6 miles east and 3.1 miles south of the I-84/I-86 intersection, while the proposed POD location is a new well approximately 0.2 miles northeast in the adjacent quarter-quarter section. The three ground water rights allow the diversion of up to 0.63 cfs.

For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or to see a full description of these rights and/or the proposed transfers, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. 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 together with a protest fee of \$25.00 for each application on or before December 26, 2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

PUBLISH: December 7 and 14, 2017

